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STATUTORY INSTRUMENTS

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**2020 No. 489**

**The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2020**

**Amendments to the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000**

2.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1), in the definition of “PCBs”, for “4(3) and (4), 5(3), 6(2) and 9(3)” substitute “4(3A), (3C) and (4), 5(3) and 9(3)”.

(3) In regulation 4—

(a) in paragraph (1), for “(2), (3)” substitute “(2) to (3D)”;

(b) for paragraph (3), substitute—

“(3A) Paragraph (3B) applies to a transformer in respect of which it is reasonable to assume that the fluids contain—

(a) 0.005% by weight, or less, of PCBs; or

(b) a total volume of 0.05dm<sup>3</sup>, or less, of PCBs.

(3B) A transformer to which this paragraph applies—

(a) may be held until the end of its useful life; and

(b) must then be decontaminated in accordance with paragraph (4)(b) to (d), or disposed of, as soon as possible.

(3C) Paragraph (3D) applies to a transformer in respect of which it is reasonable to assume that the fluids contain—

(a) more than 0.005% but no more than 0.05% by weight of PCBs; and

(b) a total volume of more than 0.05dm<sup>3</sup> of PCBs.

(3D) A transformer to which this paragraph applies—

(a) may be held until the end of 31st December 2025; and

(b) must then be decontaminated in accordance with paragraph (4)(b) to (d), or disposed of, as soon as possible.”;

(c) in paragraph (4)(a), for “less than 0.05% by weight and, if possible, to no more than 0.005% by weight” substitute “0.005% by weight, or less, or a total volume of 0.05dm<sup>3</sup>, or less”;

(d) in paragraph (9)—

(i) in paragraph (a), for “(2), (3)” substitute “(2) to (3D)”;

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<sup>(1)</sup> *S.I. 2000/1043*, amended by *S.I. 2010/1159*, *2010/1820 (W. 177)*, *2013/755 (W. 90)*; there are other amending instruments but none is relevant.

- (ii) in paragraphs (b) and (c), for “not contaminated”, in both places it occurs, substitute “relevant”;
- (e) after paragraph (9) insert—
  - “(10) In paragraph (9), “relevant equipment” means any equipment (including any capacitor or receptacle containing residual stocks) which—
    - (a) contains PCBs; or
    - (b) having contained PCBs, has not been decontaminated,
 other than one which contains a total volume of PCBs exceeding 0.05dm<sup>3</sup>.
  - (11) For the purposes of paragraph (10)—
    - (a) the PCB volume of a power capacitor shall be measured by reference to all of the separate elements of a combined set; and
    - (b) any thing of a type which may contain PCBs shall be treated as containing PCBs unless it is reasonable to assume the contrary.”.
- (4) For regulation 5(3) substitute—
  - “(3) Equipment in respect of which it is reasonable to assume that the fluids contain—
    - (a) 0.005% by weight, or less, of PCBs; or
    - (b) a total volume of 0.05dm<sup>3</sup>, or less, of PCBs,
 may be labelled as “PCBs contaminated <0.005% or <0.05dm<sup>3</sup>.”.
- (5) Omit regulation 6(2)(b).
- (6) In regulation 10, in paragraph (1), for “(2), (3)” substitute “(2) to (3D)”.
- (7) For regulation 13(2)(c)(i), substitute—
  - “(ia) in a case to which paragraph (3A) of regulation 4 applies, as soon as possible after the end of its useful life;
  - (ib) in a case to which paragraph (3C) of regulation 4 applies, as soon as possible after 31st December 2025;”.
- (8) In regulation 13A(1), in the table, for the entry relating to regulation 13(2)(c)(i) substitute—

“regulation 13(2)(c)(ia)	Yes	Yes	No	Yes
regulation 13(2)(c)(ib)	Yes	Yes	No	Yes”.

- (9) In regulation 13B(1), in the table, for the entry relating to regulation 13(2)(c)(i) substitute—

“regulation 13(2)(c)(ia)	Yes	Yes	No	Yes
regulation 13(2)(c)(ib)	Yes	Yes	No	Yes”.