
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 434

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

Amendment of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000

2.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000⁽¹⁾ 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), (5) and (9)” substitute “(2) to (3D), (5) and (9) to (12)”,

(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 0.05 dm³, 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 0.05 dm³ of PCBs.

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

(a) may be held until the end of 31 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 0.05 dm³, or less”,

(d) for paragraph (9) substitute—

“(9) Paragraph (10) applies to any equipment containing PCBs—

(1) S.S.I. 2000/95, to which there are amendments not relevant to these Regulations.

- (a) which is equipment to which none of paragraphs (2) to (3D), (5) and (11) to (12) applies,
 - (b) which is not contaminated equipment, and
 - (c) which is part of other equipment which is also not contaminated equipment.
- (10) Equipment to which this paragraph applies—
- (a) may be held until that other equipment referred to in paragraph (9)(c) is taken out of use, recycled or disposed of, or until the end of 31 December 2025, whichever occurs earlier, and
 - (b) must then, where reasonably practicable, be removed and collected separately from that other equipment.
- (11) Paragraph (12) applies to any equipment containing PCBs—
- (a) which is equipment to which none of paragraphs (2) to (3D), (5) and (9) to (10) applies,
 - (b) which is relevant equipment, and
 - (c) which is part of other equipment which is also relevant equipment.
- (12) Equipment to which this paragraph applies—
- (a) may be held until that other equipment is taken out of use, recycled or disposed of, and
 - (b) must then, where reasonably practicable, be removed and collected separately from that other equipment.
- (13) In paragraph (11), “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 equipment which contains a total volume of PCBs exceeding 0.05 dm³.
- (14) For the purposes of paragraph (13)—
- (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) In regulation 5—
- (a) for paragraph (3) substitute—

“(3) Equipment in respect of which it is reasonable to assume that the fluids contain—

 - (a) between 0.05% and 0.005% by weight of PCBs, or
 - (b) between 5dm³ and 0.05dm³ of PCBs,

may be labelled as “PCBs contaminated <0.05% or <5dm³.”,
 - (b) after paragraph (3) insert—

“(4) 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 0.05 dm³, or less, of PCBs,

may be labelled as “PCBs contaminated <0.005% or <0.05 dm³.”.

- (5) Omit regulation 6(2)(b).
- (6) In regulation 10(1), for “(2), (3)” substitute “(2) to (3D)”.
- (7) For regulation 13(2)(c)(i), substitute—
 - “(ia) in a case to which regulation 4(3A) applies, as soon as possible after the end of its useful life,
 - (ib) in a case to which regulation 4(3C) applies, as soon as possible after 31 December 2025,”.