

US EPA ARCHIVE DOCUMENT



Environmental Fact Sheet

Deferral of Phase IV Standards for PCBs as an Underlying Hazardous Constituent in Soil

The U.S. Environmental Protection Agency (EPA) is proposing to temporarily defer a portion of the rule applying Land Disposal Restrictions (LDR) under the Resource Conservation and Recovery Act (RCRA). This deferral applies to soils contaminated with polychlorinated biphenyls (PCBs) as an underlying hazardous constituents (UHC), that exhibit the Toxicity Characteristic for metals. This action is needed because the existing regulation is discouraging remediation of contaminated soils, contrary to EPA's intent of promulgating alternative treatment standards for contaminated soils.

Background

The Land Disposal Restrictions (LDR) program requires that generators of hazardous wastes pretreat the waste prior to land disposal. The treatment must substantially reduce the toxicity or mobility of the hazardous waste to minimize short- and long-term threats to human health and the environment posed by the waste's disposal.

EPA promulgated the LDR Phase IV rule on May 26, 1998. This rule establishes an alternative treatment standard of 100 ppm total PCBs in soil (10 times the Universal Treatment Standard) or 90 percent reduction of total PCB concentrations, whichever is higher (40 CFR part 268.49). These standards further require that generators treat all of the underlying hazardous constituents (UHC) in contaminated soils. An UHC, for this purpose, is any hazardous constituent that might be present in the soil at levels exceeding 10 times the Universal Treatment Standard for that constituent.

In the Phase IV rule, EPA imposed this requirement for the first time on soils exhibiting the Toxicity Characteristic for metals, and on soils containing listed hazardous wastes. The requirement that PCBs be treated as an UHC in soils exhibiting the TC for metals is having an effect opposite to what EPA intended. Remediations where the remedy was to involve soil exhumation, treatment and redispersion have stopped, or has been seriously delayed.

Action

EPA is temporarily deferring the requirement that PCBs be treated as an underlying hazardous constituent in TC soils. EPA needs more time to restudy the issue of appropriate treatment standards for PCBs as an UHC. In addition, EPA needs to further examine the relationship between the LDR standards for PCBs and requirements for PCBs established in a rule recently promulgated under the Toxic Substances Control Act.

The Agency still requires generators to treat these soils to meet LDR standards for all hazardous constituents except PCBs. Generators are also required to treat PCBs if the total concentration of halogenated organic compounds in the soil equals or exceeds 1000 parts per million. See RCRA section 3004(d)(2)(E) — California list provision.

Applicability

This temporary deferral would only affect a relatively narrow class of wastes: soils exhibiting the TC for metals and containing PCBs in concentration between 100 ppm and 1000 ppm.

The Agency is not contemplating any type of deferral for other organic hazardous constituents in TC metal soils. The requirement to treat PCBs has been in place without significant issue since 1992 and is unrelated to the Phase IV rule. The scope of this deferral restricts soils exhibiting the TC for metals containing PCBs as an underlying hazardous constituent.

The requirement to treat PCBs as an UHC also can apply to soils containing a listed hazardous waste, where the generator elects to comply with the alternative soil standard of 10 times the UTS or 90 percent reduction of initial concentrations. See 40 CFR part 268.49(d).

For More Information

The *Federal Register* notice and this fact sheet are available in electronic format on the Internet at our Web site at <www.epa.gov/epaoswer/hazwaste/ldr/index.htm>. For additional information or to order paper copies of the *Federal Register* notice, call the RCRA Hotline at (800) 424-9346 (outside the Washington, D.C. area), or (703) 412-9810 in the Washington, D.C. area or TDD (800) 553-7672 (hearing impaired). Copies of documents applicable to this rule can also be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (5305), 1200 Pennsylvania Avenue N.W., Washington, DC 20460-0002.