

US EPA ARCHIVE DOCUMENT

### Revision Checklist 190 Summary

**Rule Title:** Deferral of Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil  
**Checklist Title:** Land Disposal Restrictions Phase IV – Deferral for PCBs in Soil  
**Reference:** 65 FR 81373-81381  
**Promulgation Date:** December 26, 2000  
**Effective Date:** December 26, 2000  
**Cluster:** RCRA Cluster XI  
**Provision Type:** HSWA  
**Linkage:** Revision Checklist 167 B  
**Optional:** Yes

**Summary:** This rule temporarily defers the requirement that polychlorinated biphenyls (PCBs) be regarded as a Constituent Subject to Treatment (CST) when present in soils that exhibit the Toxicity Characteristic for metals. This temporary deferral is in response to comments from the regulated community and gives the Agency more time to study the issue of appropriate treatment standards for metal-contaminated soils containing PCBs as CST. Only States that adopted the optional Revision Checklist 167 B will be eligible to consider adopting this rule.

**State Authorization:** This rule is placed in RCRA Cluster XI. The State modification deadline is July 1, 2002 (or July 1, 2003 if a State statutory change is necessary).

This rule was promulgated under HSWA authorities. The rule contains revisions that are considered less stringent than the existing Federal regulations. A State is not required to modify its program when EPA promulgates Federal regulations that are less stringent than the authorized State regulations. As such, optional revisions are not effective under HSWA in an authorized State until the State adopts and receives authorization for the changes. Both interim and final authorization are available. Interim authorization expires January 1, 2003.

**Attorney General Certification Guidance:** Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for land disposal restrictions.

**Program Description Guidance:** A State seeking authorization for this checklist may not need to submit a revised Program Description if the current Program Description already addresses land disposal restrictions.

**Incorporation by Reference Guidance:** There is no special guidance for States that incorporate by reference.