

**HTRW Center of Expertise  
Environmental Regulatory  
Fact Sheet 00-05**

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

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On February 16, 2000, the Environmental Protection Agency (EPA) proposed a rule entitled, "Deferral of Phase IV Standards for PCBs as an Underlying Hazardous Constituent in Soil", 65 Federal Register 7809. Comments are being accepted through April 3, 2000.

**SUMMARY**

EPA has found that remediation projects involving soil contaminated with RCRA toxicity characteristic metals and polychlorinated biphenyls (PCBs) are being delayed or stopped because of the requirement to treat the PCBs as an underlying hazardous constituent (UHC). This is contrary to what EPA intended when promulgating Phase IV Land Disposal Restriction (LDR) regulations. Therefore, EPA is proposing to temporarily defer the requirement to treat PCBs as an UHC in soil. Instead, EPA is proposing to only require treatment when the total halogenated organic compound (HOC) concentration, including PCBs, equals or exceeds 1000 ppm. This is due to a statutory mandate.

This deferral is narrow in scope. It pertains only to soils that exhibit the toxicity characteristic for metals and only provides relief from the PCB treatment standard. All other underlying hazardous constituents must still be attained prior to land disposal.

**DISCUSSION**

Under RCRA, LDR regulations require hazardous wastes to be treated prior to land disposal. For wastes which fail the toxicity characteristic leaching procedure (TCLP) for a RCRA metal, treatment is not only required for the metal, but also for all underlying hazardous constituents (UHC) reasonably expected to be present in the waste. UHC is defined in 40 CFR 268.2 as any constituent listed on the universal treatment standards (UTS) table in 40 CFR 268.48 except for fluoride, selenium, sulfides, vanadium, and zinc. This is a list of over 200 chemicals, including PCBs.

Because LDR treatment standards are based on Best Demonstrated Available Technology, they are relatively low concentrations. PCBs present as an underlying hazardous constituent in hazardous waste soil, must be treated to the UTS standard for non-wastewater of 10 mg/kg PCB or to the alternative treatment standard for soil of 100 mg/kg PCB or treated to 10% of the original concentration.

Regardless of which standard is selected, attainment can be expensive. It typically requires some sort of treatment. It frequently requires thermal treatment. Therefore, imposing the treatment requirement has had a counterproductive effect. It has discouraged aggressive remedial actions which would trigger LDRs. Thus, EPA believes that deferral of the PCB treatment requirement is appropriate.

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Another reason for the deferral is to provide EPA an opportunity to coordinate RCRA and the Toxic Substances Control Act (TSCA) requirements with respect to PCBs. Under existing RCRA regulation, as discussed above, treatment is required to relatively low levels of PCBs. On the other hand, existing TSCA regulations allow untreated PCB remediation wastes to be disposed in a TSCA approved chemical waste landfill or in a RCRA hazardous waste landfill. The purpose of the TSCA provision was to encourage remediation. Since the RCRA provision discourages remediation, EPA is considering temporary deferral.

Though EPA is proposing to defer the UTS treatment standard for PCBs, treatment will still be required if PCB and or PCB plus other halogenated organic compound in the soil are at or above 1000 ppm. This is because there is a statutory provision in RCRA section 3004(d)(2)(e) which prohibits land disposal of HOCs at or above 1000 ppm.

**REQUEST FOR COMMENTS**

EPA solicits comments on the proposed deferral for soil exhibiting a toxicity characteristic for metals. They are also soliciting comment on whether PCBs should continue to be considered a potential UHC for listed wastes being treated to comply with the alternative treatment standard for soil. They are not accepting comments on the requirement to treat PCBs present as an UHC in soil exhibiting the toxicity characteristic due to organics.