

**HTRW Center of Expertise  
Environmental Regulatory  
Fact Sheet 01-01**

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**Temporary Deferral of Treatment of PCBs as an Underlying Hazardous  
Constituent in Soil Exhibiting a Hazardous Characteristic for Metal**

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On December 26, 2000, the Environmental Protection Agency (EPA) published a final rule entitled, "Deferral of Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil", 65 Federal Register 81373.

**BACKGROUND**

There is a disparity between treatment requirements for PCBs under RCRA and TSCA. TSCA regulations do not restrict the level at which PCBs in soil can be disposed. Instead, TSCA requires disposal of PCB contaminated soil in either a chemical waste landfill or a hazardous waste landfill. RCRA, on the other hand, requires PCBs present as an underlying hazardous constituent (UHC) in hazardous waste to be at relatively low levels before land disposal can occur. This is because of land disposal restrictions (LDRs). LDRs require hazardous constituents in waste to either be treated by specific technologies or to be reduced to pre-established concentrations prior to land disposal. In the case of waste which exhibits a toxicity characteristic, LDRs must be attained not only for the constituent that caused the characteristic, but also for any UHC present in the waste. As a result, PCBs disposed of under RCRA are required to be treated to a significantly more stringent standard than PCBs disposed of solely under TSCA.

EPA has realized the need to better coordinate these two sets of rules. They have also recognized that specifically for metals contaminated soil, LDR treatment standards for PCBs has resulted in less effective, in situ remedial actions being preferred over more effective, exsitu remedial actions because they do not trigger LDR treatment requirements. They are therefore implementing a temporary deferral of the existing RCRA treatment requirement for PCBs as an UHC in soil which exhibits a hazardous characteristic for a RCRA metal. This deferral will provide EPA an opportunity to further evaluate the relationship between RCRA and TSCA requirements and to better coordinate the two sets of rules.

**THE DEFERRAL AND EFFECTIVE DATE**

This temporary deferral is narrow in scope. It only applies to soils exhibiting a toxicity characteristic for a RCRA metal and which contains PCBs less than 1000 ppm. These metals are arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. The deferral does not apply to larger concentrations of PCB because of a statutory mandate which prohibits land disposal of hazardous wastes containing halogenated organic compounds (which includes PCBs) at or above 1000 ppm. Treatment is still required for all UHCs other than PCB present in the soil.

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This deferral is effective immediately (as of December 26, 2000) only in states that are not authorized for the LDR program. Because this change is less stringent than previous requirements, this deferral will not be effective in authorized states unless adopted by the state, and states are not required to adopt this deferral.

Without the deferral provided by this rule, PCB in soil containing a RCRA metal has to be treated to either the Universal Treatment Standard (UTS) of 10 mg/kg or to the "alternative treatment standard for soil", where available, of 100 mg/kg PCB (10 times the UTS value). With the deferral, PCBs less than 1000 ppm in soil containing a RCRA metal can be land disposed provided LDRs have been attained for all other UHCs.