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MONTHLY HOTLINE REPORT

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1. PCB Wastes as Hazardous Wastes

Polychlorinated biphenyls (PCBs) are organic chemicals often used as coolants and lubricants in transformers, capacitors, and other electrical equipment. Generally, the management of these substances is regulated under the Toxic Substances Control Act (TSCA), according to regulations found at 40 CFR Parts 700-799. Are PCB wastes subject to RCRA Subtitle C regulation as well?

Subtitle C regulations apply to PCB wastes only if they are RCRA hazardous wastes. Wastes are hazardous under RCRA if they are listed on one of four hazardous waste lists or if they exhibit a characteristic of hazardous waste. Discarded, unused PCBs are not listed as commercial chemical product hazardous wastes on the P- or U-lists found in 40 CFR 261.33. PCB waste streams are likewise not specifically among the process and industry-specific hazardous wastes found in the F- and K-lists in 261.31 and 261.32. It is possible that PCBs will be present as incidental contaminants in wastes that are themselves listed as hazardous. For example, solvents are often used to remove PCBs from transformers. These solvents, when spent, could be F001 through F005 listed solvents. In this case, the entire waste stream, including the PCBs, would be regulated as listed hazardous wastes.

Wastes are also regulated under RCRA when they exhibit one or more of four characteristics of hazardous wastes: ignitability, corrosivity, reactivity, or toxicity (261.21-261.24). Typically, fluids and materials regulated as PCBs under TSCA would not exhibit these characteristics. However, in a rare case, a PCB waste could exhibit ignitability, corrosivity, or reactivity, and thus be subject to Subtitle C regulation.

PCBs are not among the 39 different elements and compounds which can cause a waste to exhibit the toxicity characteristic (TC) under 261.24, but any waste containing PCBs could potentially exhibit the TC for another contaminant, e.g., chlorinated benzenes. To deal with this possibility and avoid dual TSCA/RCRA regulation, certain PCB-containing wastes that exhibit the toxicity characteristic are explicitly exempted from RCRA requirements. Section 261.8 exempts from RCRA Subtitle C regulation PCB-containing dielectric fluid and the electric equipment which holds such fluid if they satisfy two criteria. First, these PCB wastes must be regulated under the TSCA standards of Part 761. Second, only

the PCB wastes which exhibit the TC for an organic constituent (waste codes D018-43) may qualify for the exemption.

If a PCB-containing waste exhibits a RCRA characteristic or matches a listing description, and does not qualify for the 261.8 exemption, that waste is subject to all applicable Subtitle C regulations. These include manifesting, treatment, storage, disposal, and record keeping requirements.

Some PCB-containing hazardous wastes may also be subject to the RCRA land disposal restrictions. For example, PCB wastes that may be subject to LDR include liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50ppm (RCRA 3004(d)(2)(D)), or hazardous wastes containing halogenated organic compounds in total concentrations greater than or equal to 1,000 mg/kg (RCRA 3004(d)(2)(E)).