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Alternate PCB Extraction Methods: U.S. Environmental Protection Agency Promulgates Final Rule Amending Cleanup/Disposal Regulations

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The United States Environmental Protection Agency ("EPA") published a final rule in the August 29th Federal Register finalizing what it described as an:

... expanded set of extraction and determinative methods that can be used to characterize and verify the cleanup of polychlorinated biphenyls (PCBs) waste under implementing regulations for PCB-related authority in the Federal Toxic Substances Control Act (TSCA) (also referred to as the PCB regulations).

See 88 Fed. Reg. 59662.

EPA's stated expectation is that such revisions will:

- Reduce the amount of solvent used in PCB extraction processes
- Conserve resources/reduce waste
- Result in quicker/more efficient/less costly cleanups
- Provide greater flexibility in cleanup/disposal of PCB waste
- Be equally protective of human health and the environment

The final rule also contains several other amendments to the PCB regulations including:

- Amendment of the performance-based disposal option for PCB remediation waste
- Removal of the provision allowing PCB bulk product waste to be disposed of as roadbed material
- Addition of more flexible provisions for cleanup and disposal of waste generated by spills that occur during emergency situations (referencing hurricanes or floods)
- Harmonization of the general disposal requirements for PCB remediation waste
- Other amendments to improve the implementation of the regulations/clarify ambiguity/correct technical errors

The relevant PCB regulations are found at 40 C.F.R. Part 761 and were promulgated pursuant to the authorities found in TSCA. See Section 6(e)(1) of TSCA.

PCBs are generally described as a group of man-made organic chemicals known as chlorinated hydrocarbons. They consist of carbon, hydrogen, and chlorine atoms. They were manufactured in the United States from 1929 until such production was banned in 1979 (excepting certain time-limited exemptions).

A copy of the Federal Register Notice can be downloaded [here](#).

