

Practitioner's E-Reference

Issue: Regulation of Polychlorinated Bi-phenyls ("PCBs")

Summary: EPA regulates the manufacture, use, disposal and remediation of releases of PCBs pursuant to Section 6(e) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2605(e) and the regulations in 40 C.F.R. Part 761. Section 6(e) effectively banned the manufacture and distribution in commerce of PCBs in 1979, with certain limited exceptions. In addition, PCBs are subject to regulation under other statutes such as the Resource Conservation and Recovery Act ("RCRA") and the Occupational Safety and Health Act ("OSHA"). Today, PCBs are most often relevant in the contexts of: (1) handling and disposing of goods that contain PCBs; and (2) addressing the presence of PCB contamination in the environment.

Notably, EPA may not delegate its authority over PCBs under TSCA to the states, and as a result, parties may find themselves in the position of having to comply with two sets of equally applicable requirements – EPA's rules and the PCB regulations of their states.

Please contact Sean Sullivan at (919) 981-4312 if you would like to suggest additional materials for inclusion in this E-Reference.

Background on PCBs from EPA and General Regulatory Information

EPA's PCB Regulations, 40 C.F.R. Part 761 -
http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr761_08.html

Potential Health Effects from Exposure to PCBs -
<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/effects.htm>
http://www.cdc.gov/niosh/86111_45.html

EPA's Question and Answer Manual for PCBs. This document is organized as a companion to EPA's regulations -
<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/qacombed.pdf>

Requirements for Disposal of Fluorescent Light Ballasts -
<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/ballastchart.pdf>

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=21061

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATION&p_id=19530

Information regarding PCBs in Ceiling Tiles -

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATION&p_id=19503

EPA Approved PCB Waste Handlers -

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/waste.htm>

Links to Other PCB Rulemakings from EPA -

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/laws.htm>

Presence of PCBs in Caulk -

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caulk.htm>

Resources regarding Remediation of PCB Contamination

EPA's PCB Site Revitalization Guidance -

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/pcb-guid3-06.pdf>

EPA's Guidance for Sampling at Sites Contaminated with PCBs -

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/subpartmopr.pdf>

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/gridsampling.pdf>

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/sampling.pdf>

Guidance from EPA regarding Sales of Property with PCB Contamination -

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/distincom.pdf>

Shift of EPA's PCB Remediation Oversight to the Office of Solid Waste and Emergency Response –

<http://www.epa.gov/epawaste/hazard/tsd/pcbs/transfer.htm>

Miscellaneous State Resources

1. Alaska – Alaska Stat. § 46.03.299 and Alaska Admin. Code tit. 18 § 60, 62, 63.

<http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac>

<http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/stattx09?>

- Adopting federal regulations with some additional siting requirements for facilities disposing of or incinerating waste containing concentrations of PCBs at greater than 50 ppm.

2. Arkansas – Ark. Code. Ann. § 8-7-201 and Arkansas Regulation 23 § 261-8, -32.

<http://www.arkleg.state.ar.us/bureau/Publications/Arkansas%20Code/ARCodeMainDoc.pdf>

http://www.adeq.state.ar.us/regs/files/reg23_final_080526.pdf

- Certain PCB containing fluids regulated pursuant 40 C.F.R. Part 761 may be exempt from Arkansas hazardous waste regulations. Containerized liquid wastes containing concentrations of PCBs between 50 ppm and 500 ppm may be disposed of at landfills provided that the landfill is in compliance with federal regulations. Soils exhibiting the toxicity characteristic for metals and containing PCBs are prohibited from land disposal.

3. Hawaii –

<http://hawaii.gov/health/environmental/waste/hw/index.html>

- PCB containing materials are regulated under federal rules.

4. Idaho – Idaho Code Ann. § 39-4401 and Idaho Admin. Code r. 58.01.05 and 06.

<http://www.legislature.idaho.gov/idstat/Title39/T39CH44.htm>

<http://adm.idaho.gov/adminrules/rules/idapa58/58index.htm>

- PCB containing materials are regulated pursuant to federal rules.

5. Kansas – Kan. Stat. Ann. §§ 65-3480 to -3490 and Kan. Admin. Regs. §§ 28-51-1 to -5.

http://www.kdheks.gov/waste/p_pcbregsandstatutes.html

http://www.kdheks.gov/waste/regsstatutes/PCB_regs.pdf

- Wastes containing concentrations of PCBs at greater than 50 parts per million must be disposed of at particular state-regulated facilities.

6. Louisiana –

<http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=8BI0hIKLaHI%3d&tabid=96>

- PCB containing materials are regulated pursuant to federal rules.

7. Minnesota – Minn. Stat. § 116.07(subd 2b), §116.36 – 38.

<https://www.revisor.mn.gov/statutes/?topic=590621>

- Wastes containing concentrations of PCBs at greater than 50 ppm that are subject to federal regulations are also subject to state regulations. PCB waste associated with oil-filled electric equipment voluntarily disposed or retrofilled prior to the end of its service life is eligible for a waiver from annual hazardous waste fees.

8. Missouri - Mo. Code Regs. Ann. tit. 10 § 25-13.010, 25-11 and Mo. Rev. Stat. §260.296.

<http://www.moga.mo.gov/statutes/C200-299/2600000396.HTM>

<http://www.sos.mo.gov/adrules/csr/current/10csr/10c25-11.pdf>

<http://www.sos.mo.gov/adrules/csr/current/10csr/10c25-13.pdf>

- Wastes and materials containing PCBs at concentrations equal to or greater than 50 ppm are subject to state regulations. Used oil containing PCBs at concentrations between 2 ppm and 50 ppm will be treated as hazardous waste. Landfilling of PCB containing material is prohibited.

9. Montana – Mont. Code Ann. § 74-10-401 through 451, Mont. Admin. R.17.53.101 through 1402.

<http://deq.mt.gov/dir/Legal/Chapters/CH50-05.pdf>

http://data.opi.state.mt.us/bills/mca_toc/75_10_4.htm

<http://www.deq.state.mt.us/HazWaste/hazRules.mcp>

- PCB-containing materials are regulated pursuant to federal rules.

10. Nebraska –

<http://www.leg.state.nv.us/NRS/NRS-459.html#NRS459Sec485>

<http://www.leg.state.nv.us/NAC/NAC-444.html#NAC444Sec940>

- PCB-containing materials are regulated pursuant to federal rules.

11. Nevada –

<http://www.leg.state.nv.us/NAC/NAC-444.html#NAC444Sec940>

- PCB-containing materials are regulated pursuant to federal rules.

12. New Mexico –

<http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>

<http://www.nmenv.state.nm.us/hwb/stareg.html>

- PCB-containing materials are regulated pursuant to federal rules.

13. North Carolina – N.C.G.S. § 130A-294(h)

http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_130A/GS_130A-294.html

- Wastes containing concentrations of PCBs at greater than 50 parts per million may not be disposed in a hazardous waste disposal facility.

14. North Dakota –

<http://www.ndhealth.gov/WM/PolyChlorinatedBiphenyls.htm>

- PCB-containing materials are regulated pursuant to federal rules.

15. Oklahoma -

<http://www.deq.state.ok.us/mainlinks/degrules.htm>

<http://www.deq.state.ok.us/rules/205.pdf>

<http://www.lsb.state.ok.us/osStatuesTitle.html>

- PCB-containing materials are regulated pursuant to federal rules.

16. Oregon – Or. Rev. Stat. § 466.505 through 530, Or. Admin. R. § 340-110, 120.

http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/340_110.html

<http://landru.leg.state.or.us/ors/466.html>

- State-specific requirements for disposal of PCB-containing waste have been established. Specific regulations pertaining to used oil, waste oil, and liquid and solid waste containing PCBs have been established. While the rules generally mimic Federal requirements, certain additional requirements regarding facilities accepting PCB-containing waste have been implemented. Waste generators and disposal facilities must consult with both state and federal guidelines pertaining to PCB waste disposal.

17. South Dakota – S.D. Admin. R. 74:28:31:01 – 12, S.D. Codified Laws § 34A-11 and -12.

<http://denr.sd.gov/des/wm/wmp/pcb.aspx>

<http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=74:28:31>

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34A>

- PCB-containing materials are regulated pursuant to federal rules.

18. Texas – 30 Tex. Admin. Code § 335.508(5).

<http://www.tceq.state.tx.us/rules/indxpdf.html>

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=335](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=335)

<http://www.statutes.legis.state.tx.us/>

- For example, media contaminated with PCBs greater than or equal to 50 ppm of total PCBs, and wastes containing greater than or equal to 50 ppm PCBs, shall be classified as Class 1.
- Additional classifications are established in tiered format for solid, liquid and sludge materials containing higher concentrations of PCBs.

19. Utah – Utah Admin Code r. 315-315-7.

<http://www.hazardouswaste.utah.gov/Rules/Adobe/SWRules/R315-315.eff.pdf>

<http://www.hazardouswaste.utah.gov/Rules/Adobe/HazardousWasteRules/R315fullRCRARules.pdf>

http://www.le.state.ut.us/~code/TITLE19/19_06.htm

- Waste containing PCBs at concentrations of 50 ppm or higher are prohibited from disposal in a landfill, incinerator, or energy recovery facility that is regulated by rules r.315-301 through 320, with specific exceptions. Waste containing PCBs at concentrations of less than 50 ppm may be disposed at a permitted Class I, II, III, IV, V, or VI Landfill; a permitted incinerator; a permitted energy recovery facility; or a facility permitted by rule under Rule r. 315-318.

20. Washington – Wash. Rev. Code. § 70.105.105, Wash. Admin. Code § 173-303-071.

<http://www.ecy.wa.gov/programs/hwtr/demodebris/pages2/pcbmenu.html>

<http://search.leg.wa.gov/wslwac/WAC%20173%20%20TITLE/WAC%20173%20-303%20%20CHAPTER/WAC%20173%20-303%20-071.htm>

- State regulated PCB wastes can either be disposed as “Dangerous Wastes,” or they can be excluded from the state regulations if disposed pursuant to 40 C.F.R. 761. However, exclusion from the Dangerous Waste regulations is not available to all such wastes containing PCBs. Some waste codes (such as D008 for lead) will require the PCB waste to be managed under both the federal and state sets of regulations. If PCB-contaminated waste is not regulated under TSCA or the Washington Dangerous Waste rules, it is solid waste and can be disposed in solid waste facilities.

Regulation of PCBs; State Resources for States East of the Mississippi River

Connecticut

- Remediation standards for PCB; Regs., Conn. State Agencies §22a-133k-1 through §22a-133k-3:
http://74.125.95.132/search?q=cache:St_hc5GEgWUJ:www.ct.gov/dep/lib/dep/regulations/22a/22a-133k-1through3.pdf+regulations+of+connecticut+state+agencies+section+22a-133k&cd=1&hl=en&ct=clnk&gl=us

Georgia

- Transportation of Hazardous Materials Act; 46 O.C.G.A. 11:
<http://law.justia.com/georgia/codes/46/46-11.html>
- Department of Transportation Rules; Ga. Comp. R. & Regs. 672-10-1 et seq.:
http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=STATE_DEPARTMENT_OF_TRANSPORTATION_%2FTRANSPORTATION_OF_HAZARDOUS_MATERIALS%2Findex.html&d=1

Illinois

- PCB wastes regulated under TSCA; 35 IAC 721.108:
<http://www.ipcb.state.il.us/documents/dsweb/Get/Document-30294/>
- Standards for Management of Used Oil; 35 IAC 739:
<http://www.ipcb.state.il.us/documents/dsweb/Get/Document-12258/>

Indiana

- Regulation of wastes containing PCBs; 329 IAC 4.1:
<http://www.in.gov/legislative/iac/T03290/A00041.PDF>
- Regulation of PCBs; IC 13-20-15:
<http://www.in.gov/legislative/ic/code/title13/ar20/ch15.pdf>

Kentucky

- Discharge standards for toxic pollutants including PCB; 401 KAR 5:080:
<http://www.lrc.state.ky.us/kar/401/005/080.htm>
- Environmental performance standards for solid waste facilities; 401 KAR 47:030:
<http://www.lrc.state.ky.us/KAR/401/047/030.htm>

Maine

- Identification of hazardous wastes; PCB as state-listed hazardous waste; 06 096 CMR 850: <http://www.maine.gov/sos/cec/rules/06/096/096c850.doc>
- Land disposal restrictions; Code of Maine Rules, 06-096 Chapter 852:
<http://www.maine.gov/sos/cec/rules/06/096/096c852.doc>
- Licensing of transporters of hazardous waste; 06 096 CMR 853:
<http://www.maine.gov/sos/cec/rules/06/096/096c853.doc>
- Standards for hazardous waste facilities; 06-096 CMR 854:
<http://www.maine.gov/sos/cec/rules/06/096/096c854.doc>

- Licensing of hazardous waste facilities; 06-096 CMR 856:
<http://www.maine.gov/sos/cec/rules/06/096/096c856.doc>
- Hazardous waste manifest requirements; 06-096 Maine 857.6:
<http://www.maine.gov/sos/cec/rules/06/096/096c857.doc>
- PCB-impacted waste oil management; 06-096 CMR 860:
<http://www.maine.gov/sos/cec/rules/06/096/096c860.doc>

Maryland

- Best available technology for organic chemicals; COMAR 26.04.01.07-1:
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.04.01.07-1.htm>
- Requirements for burning used oil; COMAR 26.11.09.02 and 26.11.09.10:
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.11.09.02.htm>;
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.11.09.10.htm>
- Contaminated soil containing less than 50 ppm PCBs is not hazardous waste; COMAR 26.13.02.04:
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.02.04-1.htm>
- PCB containing ballasts are universal wastes; COMAR 26.13.02.07:
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.02.07-1.htm>
- Incineration of non-hazardous PCB-containing wastes; COMAR 26.13.07.22:
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.07.22.htm>
- Standards for universal waste management; COMAR 26.13.10/06:
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.10.06.htm>
- Management of PCB-containing light ballasts; COMAR 26.12.10.09; 26.12.10.16; 26.13.10.17; and 26.13.10.20:
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.10.09.htm>
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.10.16.htm>
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.10.17.htm>
<http://www.dsd.state.md.us/comar/getfile.aspx?file=26.13.10.20.htm>

Massachusetts

- Notification of certain PCB releases; reportable quantities; reportable concentrations; Massachusetts Contingency Plan; 40 Code Mass. Rules, Subparts A, C, and P:
<http://www.mass.gov/dep/cleanup/laws/mcptoc.htm>
- Numeric standards: <http://www.mass.gov/dep/cleanup/laws/standard.htm>
- Regulatory limits: <http://www.mass.gov/dep/water/drinking/standards/pcbs.htm>

Michigan

- PCB rules; Mich. Admin. Code r. 299.3301-3319:
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=29903301&Dpt=&RngHigh=29999999
- PCB Manifest Requirements and state-specific waste codes guidance:
http://www.michigan.gov/documents/deq/deq-whm-hwp-uniform-manifest-requirements_213003_7.pdf
- Natural Resources and Environmental Protection Act, Act 451 of 1994:
[http://www.legislature.mi.gov/\(S\(ip0jxr45agusyp55v3ywbraj\)\)/mileg.aspx?page=getobject&objectname=mcl-act-451-of-1994&queryid=1013717&highlight=](http://www.legislature.mi.gov/(S(ip0jxr45agusyp55v3ywbraj))/mileg.aspx?page=getobject&objectname=mcl-act-451-of-1994&queryid=1013717&highlight=)

New Jersey

- Surface Water Quality Standards; N.J.A.C. 7:9B:
<http://www.state.nj.us/dep/wms/bwqsa/swqs.htm>
- Ground Water Quality Standards; N.J.A.C. 7:9C:
<http://www.state.nj.us/dep/wms/bwqsa/gwqs.htm>
- New Jersey Environmental Rules: http://www.nj.gov/dep/rules/nj_env_law.html
- Delaware River Basin Commission: <http://www.state.nj.us/drbc/>
- DRBC Comprehensive Plan; Water Code of the Basin; Water Quality Regulations:
<http://www.state.nj.us/drbc/regula.htm>
- DRBC Resolutions; Toxics and PCB Info:
http://www.state.nj.us/drbc/toxics_info.htm

New Hampshire

- Surface Water Quality Regulations N. H. Admin. Rules, Env-Wq 1700;
<http://www.nh.gov/des/organization/commissioner/legal/rules/documents/env-wq1700.pdf>
- Water Drinking Quality Standards; N.H. Admin. Rules, Env-Ws 310
<http://www.nh.gov/des/organization/commissioner/legal/rules/documents/env-ws310-316.pdf>
- Sludge management; N.H. Admin. Rules, Env-Wq 800
<http://www.nh.gov/des/organization/commissioner/legal/rules/documents/env-wq800.pdf>

New York

- Fuel composition and use; waste fuel; 6 NYCRR 225-2:
<http://search.dec.ny.gov/cs.html?url=http%3A//www.dec.ny.gov/regs/4224.html&charset=iso-8859-1&qt=PCB&col=regs&n=5&la=en>
- Identification and listing of hazardous wastes; 6 NYCRR 371.4:
<http://search.dec.ny.gov/cs.html?url=http%3A//www.dec.ny.gov/regs/14898.html&charset=iso-8859-1&qt=PCB&col=regs&n=1&la=en>
- Hazardous waste manifest, 6 NYCRR 372:
<http://search.dec.ny.gov/cs.html?url=http%3A//www.dec.ny.gov/regs/4388.html&charset=iso-8859-1&qt=PCB&col=regs&n=8&la=en>
- Hazardous waste treatment, storage and disposal facility permitting requirements; 6 NYCRR 373-1:
<http://search.dec.ny.gov/cs.html?url=http%3A//www.dec.ny.gov/regs/14921.html&charset=iso-8859-1&qt=PCB&col=regs&n=4&la=en>
- PCB-impacted used oil management; 6 NYCRR 374-2:
<http://search.dec.ny.gov/cs.html?url=http%3A//www.dec.ny.gov/regs/4379.html&charset=iso-8859-1&qt=PCB&col=regs&n=9&la=en>
- PCB disposal; 6 NYCRR 376-4:
<http://search.dec.ny.gov/cs.html?url=http%3A//www.dec.ny.gov/regs/33699.html&charset=iso-8859-1&qt=PCB&col=regs&n=7&la=en>
- List of hazardous substances; 6 NYCRR 597
<http://search.dec.ny.gov/cs.html?url=http%3A//www.dec.ny.gov/regs/15588.html&charset=iso-8859-1&qt=PCB&col=regs&n=2&la=en>

North Carolina

- Restriction on disposal of wastes containing PCBs at greater than 50 ppm; N.C.G.S. 130A-294(h):
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter130A/GS_130A-294.html

Ohio

- Implementation of written PCB and hazardous waste prevention and detection program required for operating municipal solid waste landfills, OAC 3745-27-19(L):
<http://codes.ohio.gov/oac/3745-27-19>
- Storage and disposal of PCBs and PCB-contaminated equipment, ORC 3734.122:
<http://codes.ohio.gov/orc/3734.122>
- PCB Hazardous Waste Prevention and Detection Program Guidance:
http://www.epa.state.oh.us/portals/34/document/guidance/gd_032.pdf

Rhode Island

- Rules and Regulations for Hazardous Waste Management; Regulation # DEM OWM-HW01-07: <http://www.dem.ri.gov/pubs/regs/index.htm#WM>

Tennessee

- Identification and listing of hazardous waste; Standards for Universal Waste Management; Rule 1200-1-11: <http://www.tennessee.gov/sos/rules/1200/1200-01/1200-01-11/1200-01-11-.02.20090912.pdf>

Vermont

- Hazardous waste management regulations; identification and listing; universal waste standards; 7 Code of Vermont Rules, subchapters 2 and 9:
<http://www.anr.state.vt.us/dec/wastediv/rcra/regs.htm>

Virginia

- PCB Strategy Report: <http://www.deq.virginia.gov/fishtissue/pcbstrategy.html>

West Virginia

- Solid Waste Management Rule; W. Va. C.S.R. § 33-1-4:
<http://www.dep.wv.gov/WWE/regulations/Pages/default.aspx>

Wisconsin

- Water quality standards; Wis. Admin. Code NR 105:
<http://www.legis.state.wi.us/rsb/code/nr/nr105.pdf>
- Effluent limits; Wis. Admin. Code, NR 106,:
<http://www.legis.state.wi.us/rsb/code/nr/nr106.pdf>
- Groundwater protection standards; Wis. Admin. Code NR 144:
<http://www.legis.state.wi.us/rsb/code/nr/nr140.pdf>
- Management of PCBs; Wis. Admin. Code NR 157:
<http://www.legis.state.wi.us/rsb/code/nr/nr157.pdf>
- Hazardous air pollutants; Wis. Admin. Code NR 445:
<http://www.legis.state.wi.us/rsb/code/nr/nr445.pdf>

- Safe drinking water standards; Wis. Admin. Code NR 809:
<http://www.legis.state.wi.us/rsb/code/nr/nr809.pdf>

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