



# Environmental Fact Sheet

## Temporary Suspension of the Toxicity Characteristic in Non-UST Petroleum-Product Cleanups Proposed

*As a step toward expediting cleanups of petroleum spills and avoiding duplicative regulation, the Environmental Protection Agency (EPA) is proposing a temporary suspension of the Toxicity Characteristic rule for non-underground storage tank (UST) petroleum-contaminated media in states with adequate petroleum clean-up programs. EPA believes that the effective use of state authorities for these environmental problems will enhance and accelerate petroleum-product cleanup operations and ensure overall environmental protection.*

### Background

On March 29, 1990 (55 FR 11798), EPA issued the Toxicity Characteristic (TC) rule, which is used to identify certain hazardous wastes that are subject to regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). This rule added 25 organic constituents, including benzene, a common constituent of petroleum, to the existing list of hazardous constituents. It was effective immediately (March 1990) in all states.

Recognizing the enormous potential impacts of regulating huge volumes of petroleum-contaminated material, the TC rule provided an exemption for petroleum-contaminated media (such as soils, ground water) that results when leaks from underground storage tanks are cleaned up. Pointing to this exemption, Maine, Maryland, Nevada, New York, and North and South Dakota petitioned the Agency to exclude petroleum-product releases from non-UST sources from the TC rule. This action proposes EPA's response to the issues raised by the states.

### Action

EPA proposes a three-year suspension of the TC to media and debris contaminated by petroleum products from non-UST sources. During this time, wastes generated from these clean-up actions would not be regulated under RCRA. The suspension would apply only to the

25 organic TC constituents, and not to the toxic metals and pesticides on the TC list of hazardous constituents.

The suspension would apply only in states that certify to EPA they have effective programs and authorities to require cleanups of petroleum releases from such sources as above-ground tanks, pipelines, or transportation spills (non-UST), as well as control over the management of those clean-up wastes. The suspension would be limited to wastes generated from federal and state supervised petroleum-release cleanups.

## **Conclusion**

Federally regulating as many as 36,000 petroleum-product spills a year as RCRA hazardous waste may overburden permitting programs, threaten existing capacity at hazardous waste management facilities, create clean-up delays, and increase cost, with little or no environmental benefit. Responding to states' concerns, EPA believes that environmental protection can be ensured through state petroleum clean-up programs while the Agency makes a more thorough assessment of the most appropriate Federal regulatory requirements for this material (such as soil and ground water).

## **Contact**

For additional information or to order a copy of the *Federal Register* notice, contact the RCRA Hotline, Monday-Friday, 8:30 a.m. to 7:30 p.m. EST. The national, toll-free number is (800) 424-9346; TDD (800) 553-7672 (hearing impaired); in Washington, D.C., the number is (703)