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EXCAVATED CONSTRUCTION SOIL CONTAINING QUANTITIES OF  
VOLATILE ORGANIC COMPOUNDS

Mr. R. B. Morris, Jr.  
IBM  
44 South Broadway  
White Plains, NY 10601-4495

Dear Mr. Morris:

This is in response to your letter of January 7, 1985, which questions the proper management of excavated construction soil that contains detectable quantities of volatile organic compounds. RCRA regulates the characteristic wastes discussed in 40 CFR Subpart C and listed wastes designated in 40 CFR Subpart D.

To qualify as a characteristic waste, the soil could have to be ignitable (§261.21(a)(2)), or contain a liquid phase that is corrosive (§261.22), or exhibit any of the reactivity criteria (§261.23), or be above the EP toxic levels (§261.24).

In order to be a listed waste, the soil would have to contain known listed waste that are:

- 1) commercially unused §261.33(e) or (f) chemicals or off-specification species, formulations containing them as sole active ingredients, and container residues or spilled material of the above;
- 2) specific industrial waste streams specified in §261.32; or
- 3) non-specific waste streams listed in §261.31.

As you stated, in many cases, the exact source of the volatile organics cannot be determined.

Under the Comprehensive Environmental Response, Compensation, and Liability Act, hazardous substances are currently only

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those specified under the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, and RCRA listed and characteristic waste. Therefore, disposal of soil contaminated with hazardous substances must follow CEPCLA guidance also.

You should be in touch with the States because they may regulate soils that contain volatile organic compounds in a different manner. Please feel free to contact me or Alan Corson of my staff again if you have any other questions.

Cordially yours,

Eileen B. Claussen  
Division Director  
Characterization and Assessment Division

cc Patrick Aurrichio