US Army Corps of Engineers

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HTRW CX Regulatory Fact Sheet FY 03 - 01

Title: Waste Management System; Testing and Monitoring Activities; Proposed Rule; Methods Innovation Rule		**Date:** Oct 30, 2002
SARS RIN#: 2050-AE41	**Action Type:** Proposed Rule	**Cite:** 67 FR 66251

Executive Summary: This proposal does not intend to impose any additional requirements. Primarily it seeks to increase flexibility in selection of analytical methods by proposing to remove certain existing requirements which mandate use of "Test Methods for Evaluations Solid Waste, Physical/Chemical Methods," also known as "SW-846", for analyzing wastes. It also announces availability and requests comments on a new guidance document entitled "RCRA Waste Sampling Draft Technical Guidance" and formally proposes revisions to SW-846 as Update IIIB.

In addition, it proposes:

(1) To withdraw guidelines from SW-846 regarding analysis for the reactivity characteristic;
(2) To clarify within 40 CFR 261.22 regarding the corrosivity characteristic, that Method 1110 in SW-846 is the standardized version of the National Association of Corrosion Engineers Standard TM-01-69;
(3) To refer to updated ASTM standards in 40 CFR 261.21 for the purpose of determining ignitability;
(4) To modify 40 CFR 260.11(a)(11) to incorporate by reference Update IIIB of SW-846;
(5) To allow hazardous waste facilities to use Method 25A, in addition to the existing requirement to use Method 18, to conduct analyses in support of air emission standards for process vents and/or equipment leaks;
(6) To remove portions of hazardous waste combustion regulations within 40 CFR 63.1208(b)(8) which require demonstration that feedstream analytes are not present at levels above the 80% upper confidence limit above the mean.

Army/DoD Impact: No negative impacts are anticipated. This rule provides added flexibility in selecting analytical methods.

Full Text Document Location: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-26441-filed.pdf

Previous Comments: N/A

Key Elements of the Proposed Rule:

Removal of SW-846 Requirements

Except for "method-defined parameters" where the SW-846 method is the only means capable of measuring a particular property, EPA proposes to modify

regulations to allow other “appropriate methods” in addition to SW-846 for analyzing waste.

Examples of method-defined parameters for which SW-846 methods continue to be required are:

- Method 1311, the Toxicity Characteristic Leaching Procedure, used for extracting waste prior to analyzing for toxicity characteristics;
- Method 9040, pH Electrometric Measurement, used for determining whether waste exhibits a corrosivity characteristic based on pH; and
- Method 9095, the Paint Filter Test, used for determining whether a RCRA waste contains free liquids.

Areas where EPA takes an “appropriate methods” approach and proposes to modify regulations to allow use of other analytical methods in addition to those in SW-846 are as follows:

- 40 CFR 260.22(d)(1)(i) - This relates to analysis in support of delisting petitions.
- 40 CFR 261, Appendix IX – This relates to specific treatment, storage, and disposal facilities (TSDFs) and conditionally delisted waste.
- 40 CFR 261.35(b)(2)(iii)(A) and (B) – This pertains to polychlorinated dibenzodioxins and polychlorinated dibenzofurans analysis for the purpose of demonstrating waste does not meet the listing definition for F032.
- 40 CFR 261.38(c)(7) - This relates to demonstrating whether a waste meets comparable/syngas fuel specifications.
- 40 CFR 264.1034(d)(1)(iii), 264.1063(d)(2), 265.1034(d)(1)(iii), and 265.1063(d)(2) - These relate to process vents and/or equipment leaks at TSDFs.
- 40 CFR 265.1084(a)(3)(iii) and (b)(3)(iii) – This relates volatile organic compound (VOC) emission controls and methods for determining VOC concentrations.
- 40 CFR 265.1084(a)(3)(ii)(C), (b)(3)(ii)(C), and (c)(3)(i) – These VOC sampling related sections will be modified to clarify sampling in accordance with SW-846 is acceptable, but not required.
- 40 CFR 266.100(d)(1)(ii) and (g)(2) and 266.102(b)(1) - This relates to analyzing feedstocks burned by smelting, melting, and refining furnaces.
- 40 CFR 266.106(a) – This relates to testing of metals emitted from boilers and industrial furnaces (BIFs).
- 40 CFR 266.112(b)(1) and (b)(2)(i) – This relates to testing of residues from BIFs for the purpose of demonstrating a hazardous waste exclusion.
- 40 CFR 266, Appendix IX, Sections 1.0, 3.0, 10.3, and 10.6 – These relate to testing for compliance with BIF regulations.
- 40 CFR 270.19(c)(1)(iii) and (iv); 40 CFR 270.22(a)(2)(ii)(B); 270.62(b)(2)(i)(C) and 270.66(c)(2)(i) and (ii) – These relates to analysis conducted in support of permit applications for BIFs and incinerators.
- 40 CFR 260.11 (a)(11) – This will remove incorporation by reference of all SW-846 methods except where required for analyses of method-defined parameters.

Withdrawal of the Reactivity Method Guidelines from SW-846

In 1985, EPA issued interim guidance for the reactivity characteristic criteria described as "cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment." The guidance specified reactive cyanide and sulfide limits of 250 mg/kg and 500 mg/kg respectively. These threshold levels and related draft test methods were then included in Chapter 7 of SW-846. However, EPA subsequently withdrew the guidance via a memo issued on April 21, 1998. Consistent with that action, EPA is now proposing to withdraw related information from SW-846. This is necessary even though the original guidance was non-binding, because certain conditional delistings within Appendix IX of 40 CFR 261 specifically refer to SW-846.

Clarification of Methods Regarding Corrosivity and Ignitability

Revisions to the testing requirement for corrosivity are non-substantive. Currently, it is not clear which test method is the standardized version so EPA proposes to modify 40 CFR 261.22(a)(2) to clarify that Method 1110 is the standardized version of the method for determining corrosivity.

EPA also proposes changes regarding the ignitability characteristic in 40 CFR 261.21(a)(1). The existing regulation requires use of ASTM Standard D 93-79 or D 93-80 or ASTM Standard D3278-78. EPA proposes to update the regulation to reflect more current ASTM standards. They propose to change 261.21(a)(1) so that use of "ASTM Standard D93-79 or ASTM Standard D 93-80" would be replaced by use of "ASTM Standard D 93-99c" and ASTM D3278-78 would be replaced by ASTM 3278-96. Neither of these are substantive changes. However, EPA also requests comment on whether to use ASTM Standard 93-00, which would be a substantive change because of potential losses of volatiles due to sample collection headspaces.

Availability of New Guidance Document

EPA announces availability and requests comments on a document entitled, "RCRA Waste Sampling Draft Technical Guidance". This document is guidance, and thus does not impose any regulatory requirement. Among other items, it contains information on developing a sampling plan to determine if a solid waste exhibits any characteristic of hazardous waste, is prohibited from land disposal, and meets numeric treatment standards. When finalized, it will update and replace the original sampling guidance version of Chapter Nine in SW-846 when the Fourth Edition of SW-846 is published.