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Mr. Kevin J. Walter  
Bureau of Technical Services  
Division of Environmental Enforcement  
Department of Environmental Conservation  
State of New York  
50 Wolf Road  
Albany, New York 12233-0001

Dear Mr. Walter:

I am writing in response to your recent letter requesting clarification of the definition of the characteristics of ignitability for hazardous wastes.

Your understanding that the words "it is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume" were intended to exclude alcoholic beverages, such as wine, and non-liquid materials is correct. However, while the Agency's intent was that this exemption apply to potable beverages only, because the term "alcohol" was used instead of "ethanol," all aqueous wastes which are ignitable only because they contain alcohols (here using the term alcohol to mean any chemical containing the hydroxyl [-OH] functional group) are excluded from regulation.

While the Agency completes the process of officially adopting a method for identifying "free liquids," for use in the land disposal regulations, it is our current practice to employ Method 9095 (see "Test Methods for Evaluating Solid Waste, SW-946") for such purposes. Any material passing through the paint filter is deemed to be a liquid.

With respect to what constitutes an "aqueous solution," such a solution is one in which water is the primary component. This means that water constitutes at least 50 percent by weight of the sample. Although, we have not officially approved any test methods for determining a waste's water content, any competent laboratory should be able to make such a determination using standard techniques (e.g., Karl Fisher titration, GC).

We share your concern over the ambiguities in the current ignitability definition and have a program underway to correct the characteristic's shortcomings. Specifically, changes are under development to replace the alcoholic solution exclusion

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with a generic exclusion for those wastes which, while possessing a flash point below 60°C, neither continue to burn nor, if they do burn, release enough energy to cause a major fire. In addition, steps are being taken to expand the ignitability characteristic to include wastes which are physical solids. Both of these changes will involve proposal and promulgation of specific definitional test methods and thresholds.

I hope this information clears up any questions you may have about the ignitability characteristic. If you have any further questions concerning any of the hazardous waste characteristics, please contact David Friedman, of my staff, at 202-382-4770.

Sincerely yours,

Original Document signed

John H. Skinner  
Director  
Office of Solid Waste

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Hotline