UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEBRUARY 5, 1991

Mr. Art Coleman
Technical Assistance Section
Division of Solid and Hazardous Waste Management
Ohio EPA
P.O. Box 1049
1800 WaterMark Drive
Columbus, Ohio 43226-0149

Dear Mr. Coleman:

The purpose of this letter is to clarify responses provided to you by my November 8, 1990 letter that was in response to your letter dated October 30, 1990 (copies attached).

In the second paragraph of my letter to you, I indicated that because of the need to dilute the liquid extract for organics before injecting it into a GC or GC/MS, problems will manifest with respect to detection limits being much higher than the TC regulatory levels. I indicated that in the event that this occurs, it may not be possible for the laboratory to determine conclusively that a waste is in fact a hazardous waste. I further indicated that in this situation, a generator must assume that their waste is hazardous. I want to clarify and correct this response.

The RCRA hazardous waste regulations allow a generator to use his/her knowledge of a waste or the processes that generated a waste to determine if it would be regulated as a hazardous waste. Thus it is not a requirement with respect to the above scenario that the generator must assume that his/her waste is hazardous. A generator may use his/her knowledge to determine that it is not hazardous. The point I meant to make is that if no other information is available to assist a generator to make a hazardousness determination and in light of the inconclusive TCLP results, it would generally be prudent for the generator to manage that waste as a hazardous waste.

With respect to used oil destined for recycling or for blending as fuel, there is no requirement to make a hazardous waste determination. In those cases, therefore, there is no need to run a TCLP; thus the analytical problems mentioned above would not be an issue. This is consistent with and should further the Agency's goal of encouraging recycling as opposed to disposal of used oils. If a generator is going to dispose of used oil (either in a landfill or by incineration), however, then a hazardous waste determination will have to be made and the above analytical issues may arise.

I want to apologize for any misunderstanding that may have arisen from my initial letter. If you have any further questions, please feel free to call me at (202) 475-6722.

Sincerely yours,

Gail Hansen
Health Scientist
Methods Section
(OS-331)

cc: Alec McBride
Jeanne Hankins
Hugh Davis, OWPE
Leon Lazarus, Region II

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOVEMBER 8, 1990

Art Coleman
Technical Assistance Section
Division of Solid and Hazardous Waste Management
Ohio EPA
P.O. Box 1049
1800 WaterMark Dr.
Columbus, OH 43266-0149

Dear Mr. Coleman:

I am writing in response to your letter of October 30,1990 concerning the questions you raised with Method 1311 (TCLP).

In answer to your first question, there are situations when a laboratory is asked to perform an inappropriate test. The TCLP was not intended to be applied to certain matrices, such as oils or neat solvents. In these instances, the waste usually goes through the filter and is, by definition, a liquid and its own extract. The analysis of this liquid extract for organics entails diluting it before injecting it into a GC or GC/MS. The dilution often results in detection limits being much higher than the regulatory thresholds. If this is the case, you must assume your waste is hazardous since the laboratory cannot demonstrate non-hazardousness with TCLP for these materials. We currently do not have the technology to address this issue.

In answer to your second question, a TCLP if testing for hazardousness under the Toxicity Characteristic or if assessing effectiveness under the Land Disposal Restrictions Program. These two regulations actually contain the method as an appendix and it is, therefore, part of the law. However, the extract obtained from the TCLP may be analyzed by any method as long as that method has documented QC and the method is sensitive enough to meet the regulatory limit. In other words, the lab does not have to use SW-846 methods because these methods are intended to serve only as a guidance for the regulated community. SW-846 methods that are currently in draft form (e.g.. 8250 for chlordane) may also be used to analyze the extract.

In answer to your third question, there are no plans to prepare a clarifying FR update in the near future.

I hope these answers have sufficiently addressed your concerns. If you have any further questions, please give me a call at (202) 475-6722 or write me again at the above address.

Sincerely yours,

Gail Hansen
Health Scientist
Methods Section
(OS-331)

cc: Alec McBride
Jeanne Hankins
Hugh Davis, OWPE
Leon Lazarus, Region II

FaxBack # 11579

OhioEPA
State of Ohio Environmental Protection Agency

P.O. Box 1049,1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020 Fax (614) 644-2329

October 30, 1990

Gail Hansen
U.S. Environmental Protection Agency
Office of Solid Waste
Methods Section
Washington, D.C. 20460

Dear Ms. Hansen:

I receive many inquiries on SW-846 detection limits. One caller stated that he had samples analyzed under SW-846 protocol which totaled over $75,000, only to find that many of the constituents had detections limits above regulated values. Another caller had industrial waste (baghouse residue) tested under TCLP and noted that the detection limits of the constituents were all below regulated levels except for chlordane which in eight out of nine samples was 0.045 mg/L, versus the regulated value of 0.03 mg/L. I need suggestions on the appropriate response to these inquiries, specifically:

(1) Assuming a given laboratory has followed proper protocol, If detection limits of constituents in a waste sample are in excess of but close to regulated values, is the sample considered hazardous?

(2) Using the chlordane situation (above) as an example, what analytical procedures can a laboratory use, for example clean-up and dilution, outside of procedures specified under a given method (e.g. TCLP), which are permissible by the U.S. EPA? Can Method 8250 (semi-volatiles), for example, be used to confirm or as a substitute for TCLP in analyzing chlordane?

(3) Is there an upcoming FR updating and clarifying analytical problems in the TCLP analytical section?

Your help will be appreciated in resolving the concerns outlined in this communication. If you need additional information, I may be contacted at (614) 644-2956.

Sincerely,

Art Coleman
Technical Assistance Section

FaxBack # 11579

Division of Solid and Hazardous Waste Management

ALC/pas

cc: Karl Bremer, USEPA, Region V Steve McBride, DERR
Dr. Gary Davidson, Chief, Public Health Laboratories, ODH
David E. Vanderberg, Regional Manager, Kemron Environmental Services
Gerry G. Ioannides, Chief, Environmental Services, Ohio EPA