

9442.1991(04)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

March 25, 1991

Mr. Richard S. Leonard
Quality Assurance Director
National Environmental Testing, Inc.
Woodland Falls Corporate Park
220 Lake Drive East
Suite 301
Cherry Hill, NJ 08002

Dear Mr. Leonard:

The purpose of this letter is to clarify some of the discussion in my letter of August 14, 1990 to you (copy enclosed) which was sent in response to your letter of August 1, 1990. Specifically, I would like to revise the response to question number 4. The original question and the revised response are as follows:

Question 4: Our clients complain that when we dilute a sample (e.g. oil or solvent matrix) to obtain results that meet quality control requirements, that the data so obtained are "useless" because of the high reporting limit. How do we generate analytical data for compliance decisions when dilution must be performed?

Answer: First I want to clarify that, at least with respect to used oil that is destined either for recycling or to be blended as fuel, there is no need on the part of the generator to run a TCLP since these wastes are eligible for the used oil exemption (see 40 CFR 261.6(a) (2) (iii) and (a) (3) (iii) . In the case of oily waste that is to be disposed or solvent wastes, it is required that generators determine if their waste is hazardous using either knowledge of their waste and/or the process that generated it or

by testing. If they choose to test, then they must use Method 1311 (TCLP). The Agency is aware that running the TCLP on matrices involving oily wastes and organic liquid wastes may result in labs being unable to determine conclusively that the waste is or is not hazardous. In those cases, the generator must use his/her knowledge to make this determination. Where no additional information or knowledge is available, it would probably be prudent for the generator to manage those wastes as hazardous wastes. Please note that in the case of liquid organic wastes, it is possible that these wastes may already be hazardous by virtue of a hazardous waste listing (e.g., spent solvents, hazardous wastes codes F001 -FO05), in which case the hazardous waste determination with respect to the TC becomes much less critical (e.g., You would be determining if additional wastes codes applied to the waste instead of making the critical hazardous waste determination). I would also add that the Agency is aware of analytical problems associated with oily and organic liquid wastes and is investigating ways to solve them.

I would like to apologize for any misunderstanding or confusion which may have resulted from my earlier response, and I hope this revised response addresses your concerns. If you have any additional questions related to this or other TC/TCLP issues, please feel free to call Steve Cochran at (202) 382-4770.

Sincerely yours,

Original Document signed

Alec McBride, Chief,
Technical Assessment Branch