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WASTE ANALYSIS REQUIREMENTS IN INCOMING WASTE SHIPMENTS - LDR

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUN 12 1987

Suellen Pirages, Director
Institute of Chemical Waste Management
1730 Rhode Island Ave, NW
Suite 1000
Washington, D.C. 20036

Dear Suellen:

Your recent letter of May 21, 1987 concerning waste analysis requirements raised a question about the level of detail required in analyses of incoming waste shipments. This is an old problem which has surfaced again because of the original language in §260.7(c) of the land disposal restrictions rule published on November 7, 1986. I believe that your specific concerns over the testing required under the land disposal restrictions rule will be addressed by corrections in the regulations soon to be published in the Federal Register.

The correction notice for the land disposal restrictions rule modifies the language in the rule dealing with waste analysis requirements for disposal facilities receiving wastes subject to restrictions under §268. The original rule (§268.7(c)) required the owner/operator to "obtain waste analysis data through testing of the waste to determine that the wastes are in compliance with the applicable treatment standards in §268.41." As the preamble to the correction notice explains, the original rule incorrectly implied that land disposal facilities have an obligation to test each incoming shipment, even if the generator or treatment facility has provided the disposal facility with data indicating that the incoming wastes meet the treatment standards.

The corrected rule requires that testing to assure wastes are in compliance with treatment standards must be performed "according to the frequency specified in the facility's waste analysis plan as required by §264.13 or §265.13." Therefore, testing of each shipment is not necessarily required. Enclosed

you will find a copy of the correction notice as it will appear in the Federal Register.

Prior to entering into an agreement to accept hazardous wastes from a generator or treatment facility, the owner/operator of an off-site disposal facility must obtain a detailed listing of waste constituents. While the frequency of comprehensive testing will depend upon the variability of the waste stream, the Agency recommends that a detailed analysis for the waste constituents regulated under the land disposal restrictions rule be completed at least annually by the generator or treater (see 51 FR 40598, November 7, 1986). If the owner/operator of the disposal facility does not receive such information in writing, he must perform the analysis to determine whether the wastes meet the treatment standards according to the waste analysis plan.

The Agency has issued guidance that discusses the general waste analysis requirements of §264.13 (see Waste Analysis Plan Guidance Manual, September, 1984); available from GPO #055-000-00244-4). As §264.13(a)(3) states, the preacceptance analysis must be repeated if the generating process changes, or if inspection of incoming shipments reveals a discrepancy with the manifest. Off-site disposal facilities are also required under §264.13(a)(4) to inspect and, if necessary, analyze each shipment of hazardous waste to ensure that the waste matches the specifications in the manifest. When necessary, shipments are sampled and analyzed for a few key parameters, i.e., a "fingerprint" analysis.

While screening of each incoming shipment will usually be limited to relatively simple and rapid tests, such as visual inspection, tests for pH, density, weight, etc., the disposal facility has a responsibility to identify any restricted wastes that exceed treatment standards. Some flexibility is allowed under §264.13(c) as to the extent of analysis necessary for each shipment. The need for sampling and analysis depends on a variety of site-specific factors which the permit writer should consider. Such factors include: the variability of the waste; the prior history of the waste generator's performance and reliability; the impact of improperly treated waste on the waste management process; and frequency and extent of testing performed by the generator or treater. The permit writer may require further analysis by the owner/operator, for example, if shipments of a highly variable wastestream (e.g., from occasional batch processes) are sent without

sufficient analysis by the generator/treater to determine if waste constituents exceed the treatment standards.

One strategy used by some disposal facilities to verify data supplied by generators is a random sampling program for incoming waste shipments. In this program, the disposal facility takes a representative sample from a small percentage of incoming waste shipments and performs a comprehensive chemical analysis. Such a program may encourage generators and treaters to properly test and treat restricted wastes.

I believe that the corrections to the land restrictions rule and the flexibility inherent in the general waste analysis regulations in §264.13 adequately address the concerns you raised in your recent letter. I have forwarded copies of this memo and your incoming letter to the Hazardous Waste Division Directors in the Regions. Please let me know if I can be of any further help in this matter.

Sincerely,

Original Document signed

Marcia Williams, Director
Office of Solid Waste

Enclosure

cc: Regional Division Directors

bcc: Bruce Weddle
Suzanne Rudzinski
Bob Kayser
Sylvia Lowrance
Jacqueline Sales