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LDR RULES REGARDING ALTERNATIVE TREATMENT STANDARDS FOR
LAB PACKS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOV 20 1990

Mr. William J. Ziegler
Vice President of Health,
Safety and Environmental Affairs
ThermalKEM, Inc.
454 S. Anderson Rd.
BTC 532
Rock Hill, SC 29730

Dear Mr. Ziegler:

I am writing in response to your letter, dated October 19, 1990, requesting clarification of the wording in the Third Third final rule regarding the alternative treatment standards for lab packs. The point requiring clarification is found at 40 CFR 264.316(f) and 40 CFR 265.316(f) which specifies that "persons who incinerate lab packs according to the requirements in 40 CFR 268.42(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT [Department of Transportation] specifications in 49 CFR 173.12..." You requested clarification of whether the word "drum" precludes the use of other acceptable DOT container types, such as fiber and wooden boxes.

The Agency added this provision allowing use of fiber (rather than metal) drums for overpacking lab packs based on several comments received on the Agency's proposed approach (see, for instance, comment number LD12-00110 from ThermalKEM/CyanoKEM, comment number LD12-00124 from Rollins Environmental Services, and comment number LD12-00172 from the Hazardous Waste Treatment Council). Commenters stated that lab packs destined for incineration are usually packaged in fiber packs that are DOT approved under 49 CFR 173.12. These fiber packs are utilized since the container can be incinerated without opening or emptying the container. Commenters urged EPA to accept this DOT allowance for fiber packages for lab packs, and to reference the citation to 49 CFR 173.12 instead of, or in addition to, the 40 CFR 264.316 and 265.316 citations which refer to requirements for lab packs overpacked in metal drums that were primarily designed for landfilling untreated wastes.

The DOT requirements at 49 CFR 173.12 presents criteria to be used in selecting a proper outside package. Paragraph (b) of 49 CFR 173.12 states:

The outside packaging must be a DOT specification metal or fiber drum. It may also be a polyethylene drum capable of withstanding:

1. The vibration and compression tests specified in 178.19-7(c) (1) and (2), and
2. A four foot drop test as specified in 178.224-2 (b).

The Agency found the commenters' argument about the danger posed by opening metal drums and emptying inner containers prior to incineration persuasive. The Agency agreed that if fiber drums were used, the entire lab pack unit could be incinerated. Furthermore, the Agency agreed that the DOT requirements for the structural integrity of fiber drums would assure that lab packs were transported in a safe container to incinerators. Therefore, the provision was made in 40 CFR 264.316(f) and 265.316(f) that fiber drums were acceptable, and the reference to 49 CFR 173.12 was incorporated into these sections.

As to a clarification of 49 CFR 173.12, it is the Agency's understanding that when DOT regulations specify drums, that is indeed what is meant. Thus, fiber or wooden boxes or other containers not meeting the DOT specifications in 49 CFR Parts 178 -- 199 for fiber drums may not be used as outer containers for lab packs. The DOT specifications, however, include several types of fiber drums, and any of these would be acceptable as outer containers for lab packs.

Additionally, you request clarification of the effect the performance packaging specifications proposed in HM181 will have on lab packs when they are implemented in December of 1990. Based on the Agency's understanding of the proposed specifications, they should have very little impact on the lab pack requirements. The performance-oriented packaging provisions will specify criteria for fiber drums (as well as other DOT outer containers) based on the DOT hazard classification of the materials being transported (e.g., flammable liquids). The DOT expects that such criteria will add flexibility to the requirements for outer containers inasmuch as they may be built in any design, or of various materials, so long as they meet the criteria for that particular hazard classification. As to the expected effect the performance-oriented packaging provisions will have on lab packs, the Agency foresees that the generator may be required to give additional attention to packing only wastes that fit within one DOT hazard

classification in the lab pack; however, given that all the wastes included in the Appendices to 40 CFR 268 are capable of being incinerated, the Agency expects that most of these wastes will fall within one or two of the DOT hazardous classifications (i.e., flammable liquids, flammable solids).

I hope this letter clarifies the meaning of "fiber drum" as it pertains to lab packs regulated under the land disposal restrictions. If additional information is needed about current DOT specifications for fiber drums, the DOT hazard classifications, or proposed HM181, please contact DOT directly. If additional information is needed about the alternative treatment standards for lab packs, please call Rhonda Craig of EPA's Waste Treatment Branch at (703) 308-8434.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste