9443.1995(02)

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

August 24 1995

Mr. T. L. Nebrich, Jr.
Technical Director
Waste Technology Services, Inc.
640 Park Place
Niagara Falls, NY 14301

Dear Mr. Nebrich:

Thank you for your letter of July 31, 1995 requesting a clarification of the difference between the definition for the characteristic of ignitability as it pertains to solids vs. liquids. As you are aware, there is no officially promulgated or required method for determining the ignitability of solid samples or sludges at this time. Of the two flash point methods, Method 1010, Pensky-Martens, has some utility for liquid samples with non-filterable, suspended solids. If your samples contain filterable solids, they are not amenable to the Pensky-Martens flash point test. Flash point testing is only appropriate for liquid samples. It should not be applied to solids.

The Office of Solid Waste has developed and proposed a test to determine the ignitability of solids (SW 846 Method 1030). Our procedure is based on the Department of Transportation (DOT) burn rate test listed in 49 CFR 173.124 and Appendix E. You should separate the solid/liquid phases of your samples and test each phase separately; liquids by flash point and solids by the DOT procedure.

It is the generator's responsibility to make sure their waste is not hazardous for the characteristic of ignitability as described in 40 CFR 261.21. As we do not have a promulgated method required by regulations to test for the ignitability of solids or sludges at present, we recommend you use generator knowledge of the waste when available supplemented by tests appropriate to the waste if necessary. When specified test methods are not available and generator knowledge is insufficient to make a hazardous waste determination, it is always wise to check with

your state or regional EPA office for approval of the protocol you wish to follow in making a hazardous waste determination.

There have been clarifications to our guidance on how to determine a free liquid since the 1989 letter to Mr. Travis P. Wagner on the subject. In a January 13, 1995 Federal Register Notice (60FR3089) in Section IV.C there is a paragraph on "Free Liquids and Characteristic Tests." A copy is enclosed for your convenience.

I hope that this information will be beneficial to your industry. If you have any question, please feel free to call Ollie Fordam of my staff at (202) 260-4778.

Sincerely,

Michael Shapiro, Director
Office of Solid Waste

Enclosure

Attachment

WASTE TECHNOLOGY SERVICES INC.

July 31, 1995

Mr. Michael Shipiro, Director
Office of Solid Waste Environmental Protection Agency
401 M Street, S. W.
Washington, DC 20460

Dear Mr. Shipiro:

There has been a discussion ragging in our industry (hazardous waste consulting) for the past few years regarding a D001 ignitable solid. Some of our clients (generators) want to identify their solid (non-liquid) wastes as D001 when it's only based on a flashpoint test as outlined 40 CFR 261.21(a)(1). They then want to ship the waste as a DOT Flammable Solid.

We have tried to point out that non-liquid, solid waste cannot meet the definition of a RCRA characteristic of ignitability 40 CFR 261.21 unless it is not a liquid and is capable, under standard temperature and pressure . . . [40 CFR 261.21(a)(2)]. Now with the subcategories for D001 on a LDR Notification it makes it even more difficult to identify a D001 solid as ignitable since there is no category which fits a Flammable Solid in 40 CFR 261.21(a)(1).

Could you please clarify the difference between the definition for the Characteristic of Ignitability as it pertains to solids (non-liquids) vs. liquids. Has there been any change since the 1989 to letter Mr. Travis P. Wagner (see enclosed).

If you should have any questions, please do not hesitate to call.

Very truly yours,

WASTE TECHNOLOGY SERVICES, INC.

T. L. Nebrich, Jr., CHMM

Technical Director

TLN/kjl

Enclosure