

9443.1995(03)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

September 19, 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 follow up letter of August 31, 1995 to Michael Shapiro requesting further clarification of the characteristic of the ignitability as it pertains to solids versus liquids.

40 CFR 261.21(a)(1) is only applicable to liquids as a definitive test for the characteristics of ignitability. There is no promulgated definitive test for the ignitability of solids (i.e., physically a solid with no free liquid). If a solid flashes using some modification of the flash point test, this may indicate there is a potential problem with the sample such as contamination with ignitable volatiles and further investigation may be in order. The flash point test alone is not definitive for determining the ignitability of solids, but may be used with other evidence to build a case for a waste being classified as an ignitable hazard.

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

Sincerely yours,

Gail Hansen
Chief,
Methods Section (5304)

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Attachment

WASTE TECHNOLOGY SERVICES, INC.

August 31, 1995

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

Dear Mr. Shipiro:

As a follow up to my July 31, 1995 letter and your response (enclosed) regarding the characteristic of ignitability as it pertains to solids vs. liquids, I would like to request a further clarification.

Is it possible or correct to identify a solid waste (i.e. physically a solid with no free liquid) as RCRA D001 (characteristic of ignitability) according to 40CFR 261.21(a)(1). I realize that you could have a RCRA D001 non-liquid as defined in 40CFR 261.21(a)(2) or (4). However, since there are only flash points for liquids, could you have a solid waste characterized as a RCRA D001 based solely on a flash point?

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

Very truly yours,

WASTE TECHNOLOGY SERVICES

T.L. Nebrich, Jr., CHMM
Technical Director

TLN/kjl

Enclosure

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