

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

9443.1997(02)

Mr. T.L. Nebrich, Jr.
Waste Technology Services, Inc.
640 Park Place
Niagara Falls, New York 14301

Dear Mr. Nebrich:

I am responding to your March 5, 1997 letter to Mr. Michael Shapiro where you seek clarification as to how ignitable solids, which you believe include solvent contaminated rags or shop towels, fit into the D001 characteristic of ignitability found in 40 CFR 261.21 (a)(1) or (a)(2).

A solvent-contaminated rag can be a hazardous waste if it exhibits a hazardous waste characteristic. EPA recommends that the state program or EPA regional office implementing the RCRA program make such a determination on a site-specific basis.

With respect to ignitable solids that could be characteristically hazardous, the Agency currently does not have a specific test method for hazardous waste handlers; i.e., generators, transporters and treatment, storage and disposal facilities, to use in determining whether an ignitable solid is characteristically ignitable (D001). Instead, handlers are advised to use their best engineering judgement in determining whether an ignitable solid material is characteristically hazardous, and therefore subject to RCRA regulation. Unfortunately, the information you provided in your letter is insufficient for us to determine whether you have a material that should be regulated as a hazardous waste. Two additional pieces of information may help you in this determination.

In May of 1995, the EPA proposed Test Method 1030 for ignitable solids as part of SW-846. (See attachment.) This test method is based on the test procedure adopted by the Department of Transportation from the United Nations regulations for international transportation of dangerous goods and is contained in Appendix E to Part 173 of 49 CFR. The EPA expects to promulgate this test method in May 1997. However, we have yet to determine if and when we will modify 40 CFR 261.21 (a)(2) to specifically include Test Method 1030 for ignitable solids. In the meantime, I would recommend that you evaluate your site-specific circumstances and determine whether this method can assist you in determining whether you placed on the rag, the type of rag used, and the number of rags used daily in the workplace, and how these rags are stored.

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I also would point out that it is quite possible to have solvent-contaminated rags with no free liquids that are still capable of failing the tests found under 40 CFR 261.21 (a)(1) or (a)(2). In the first instance, this can occur when numerous solvent-contaminated rags are placed in a container, and through the force of gravity, cause solvent to percolate from the rags on top of the container to the bottom creating free liquids. These free liquids, in turn, would have to pass the tests cited under 40 CFR 261.21 (a)(1). In the second instance, this can occur when ignitable solvent-contaminated rags are placed in an environment with oxygen present, "causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard." (See 40 CFR 261.21 (a)(2)).

A few states have identified situations where fires occurred in trucks transporting solvent-contaminated rags that were stored in an original non-saturated condition. We also are aware of industry practices involving the application of large amounts of solvents on wipers that would probably be considered saturated, but still not have any free liquids. Facilities may want to be diligent in checking the bottom of containers storing these spent solvent-contaminated rags both because that determines if the test for ignitable liquids is relevant (40 CFR 261.21 (a)(1)) and because many state policies distinguish between containers with free liquids and those without -- particularly with respect to reusable shop towels.

Many States also have addressed the solvent-contaminated rag issue. You should consult your State regulatory agency because their policies may assist you in making a determination of how these materials should be managed.

If you have any further questions, please contact Jim O'Leary of my staff at (703) 308-8827.

Sincerely yours,

David Bussard, Director
Hazardous Waste Identification Division

WTS
WASTE TECHNOLOGY SERVICES INC.

March 5, 1997

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

Dear Mr. Shapiro:

At the risk of beating the proverbial dead horse, I would like get an additional clarification of my D001 flammable solids question which I have proposed in the past (see attached letter). However, this time I would like to be specific. The question again revolves around the definition of D001 ignitable solids (non-liquid) and how it may fit into the D001 definition in 40 CFR 261.21 (a)(1) or (a)(2).

The material in question would be rags and/or miscellaneous debris which contains solvents. Whether these solvents are spent (i.e., F003, F005), I think is irrelevant (??). The rags and/or debris are not saturate and there is no free liquid (solvents). There may be a flash point to the rags but, again, I assume that is irrelevant also since there has to liquid to have a flash point relevant to the definition of D001 ignitability. These rags would not meet the criteria in 40 CFR 261.21 (a)(2) (i.e., . . . friction spontaneous chemical changes, etc.).

Therefore, under this scenario, would this type of material meet the D001 ignitable criteria for designation as EPA Waste Number D001? Also do you think there is any chance of these rags meeting the criteria in 40 CFR 261.21 (a)(2) (i.e., . . . friction spontaneous chemical changes, etc.)?

If you have any further questions, please do not hesitate to contact me.

Very truly yours,
WASTE TECHNOLOGY SERVICES,
INC.

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

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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 oh 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

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