

Testing and Monitoring Activities Methods Innovation Rule

Final Rule
70 FR 34538-34592
June 14, 2005

What is this Federal Register About?
This is a final rule.

On October 30, 2002 (67 FR 66251-66301), the Environmental Protection Agency (EPA) proposed to amend the testing and monitoring requirements under the hazardous and nonhazardous solid waste regulations, and a testing requirement under the Clean Air Act (CAA) in the National Emission Standards for Hazardous Air Pollutants (NESHAP) for hazardous waste combustors. EPA is finalizing those regulatory revisions at this time.

This rule does not add any additional requirements to the regulations. Instead, this rule removes unnecessary required uses of specific SW-846 methods. Other reliable methods can now be used by the regulated community for compliance with the affected regulations. However, some regulations will still require use of a specific SW-846 method when that method is for determination of a RCRA-required method-defined parameter. The preamble to the rule discusses and clarifies what the U.S. EPA believes should be considered during the selection of other appropriate methods.

The rule revisions include:

1. Reforming RCRA-related testing and monitoring by restricting requirements to use SW-846 to only those situations where the method is the only one capable of measuring the property (i.e., it is used to measure a method-defined parameter). This will allow more flexibility in RCRA-related sampling and analysis by removing unnecessary required uses of SW-846.
2. Withdrawing the cyanide and sulfide reactivity guidance from sections 7.3.3 and 7.3.4 of SW-846 Chapter Seven and withdrawing required uses of reactive cyanide and sulfide methods and threshold levels from conditional delistings.
3. Amending the regulations for the ignitability and corrosivity hazardous waste characteristics. As part of this, U.S. EPA is clarifying in Sec. 261.22(a)(2) that SW-846 Method 1110A, "Corrosivity Toward Steel," is the "standardized" (as described in Sec. 261.22(a)(2)) SW-846 method that is required to be used to determine the characteristic of corrosivity for steel. U.S. EPA is also removing the unnecessary reference to equivalency petitions in the ignitability characteristic at Sec. 261.21(a)(1). However, regarding the methods required for the determination of flash point under the characteristic of ignitability, U.S. EPA decided not to replace the standard test methods ASTM D 3278-78 and D 93-79 with the latest versions of those methods.
4. Incorporating by reference Update IIIB to SW-846, which includes the revised Chapter Seven, and eleven revised methods, including method revisions to remove a requirement to use the SW-846 Chapter Nine, "Sampling Plan."
5. Adding Method 25A as an analytical option to analyses conducted in support of air emission standards for process vents and/or equipment leaks at treatment, storage, and disposal facilities.
6. Removing a requirement to demonstrate that feedstream analytes are not present at levels above the 80% upper confidence limit above the mean for sources subject

to NESHAP: Final Standards for Hazardous Waste Combustors.

7. Removing from the regulations unnecessary references to SW-846, which do not affect the intent of the RCRA regulation.

What does this mean to the regulated community?

The purpose for the revisions is to make it easier and more cost effective to comply with the RCRA regulations by allowing more flexibility in method selection and use. The use of an appropriate method other than the SW-846 method will be an option for the regulated community not a requirement. This option should allow more flexibility when conducting hazardous waste related sampling and analysis.

What does this mean to DHWM and/or Ohio EPA?

This action may impose additional burden on DHWM. This is because we may need to evaluate the alternative methods regulated entities plan to use/or used to ensure their scientific soundness.

When will these rule revisions be effective in Ohio?

The rule revisions are either equivalent to or less stringent than the existing provisions in the hazardous waste rules which they would amend. Therefore, States are not required to adopt and seek authorization for this rulemaking. The revisions will be effective in Ohio when they are adopted by Ohio EPA.

When does Ohio EPA anticipate these rules will be adopted?

This has yet to be determined.

Federal Register Link

<http://www.epa.gov/fedrgstr/EPAFR-CONTENTS/2005/June/Day-14/contents.htm>

Federal Guidance Document

<http://www.epa.gov/epaoswer/hazwaste/test/mir-fs.htm>