

Modernizing Ignitable Liquid Determinations/RCRA: U.S. Environmental Protection Agency Proposed Rule



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) published an April 2nd Federal Register Notice proposing a rule to:

- update the regulations for the identification of ignitable hazardous waste under the Resource Conservation and Recovery Act (“RCRA”); and
- modernize the RCRA test methods that currently require the use of mercury thermometers.

See 84 Fed. Reg. 12539.

EPA states as its rationale for proposing a new flash point test method for ignitable liquids the fact that the current methods were published 40 years ago. The agency believes that newer technology is now available. This is stated to be due to scientific and technological advances. As a result, the current methods are described as outdated. This is deemed to present challenges to the regulated community. Cited as an example is the fact that the methods require mercury thermometers – which are being phased out because of the environmental health and safety concerns.

EPA has proposed to revise 40 C.F.R. 261.21 and update Method 1010A to Method 1010B to incorporate by reference ASTM Standard 8175-18 as an alternative to ASTM Standard D 93-79 and 93-80.

EPA is also proposing to revise § 261.21 and update Method 1020 B to 1020C. This is accomplished by incorporating by reference the resulting ASTM Standard D 8174-18 as an alternative to ASTM Standard D 3278-78 (Setaflash method). D 8174-18 is described as an updated version of the D 3828-16a Standard that has been modified to be more appropriate for waste testing.

EPA is also addressing in the April 2nd Federal Register:

- Revision to the Aqueous Alcohol Exclusion
- Revision to Codify Sampling Guidance for Multiphase Wastes
- Proposed Changes to the Definition of Ignitable Compressed Gas
- Proposed Revision to the Air Sampling and Stack Emissions Methods

A copy of the Federal Register Notice can be found [here](#).