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info 1812

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22332-2300

IN REPLY REFER TO

5090
182E
10 JUL 1990

From: Commander, Naval Facilities Engineering Command

Subj: HAZARDOUS WASTE IDENTIFICATION; TOXICITY CHARACTERISTICS FINAL RULE

Encl: (1) Toxicity Characteristic Implementation Requirements
(2) Federal Register, Vol. 55, No. 61, 29 Mar 90, pp.11797-11877

1. The EPA has issued a final rule establishing the Toxicity Characteristics (TC) criteria for identifying hazardous waste (HW). Enclosure (1) summarizes the compliance requirements and provides guidance for implementation of the TC rule and lists the toxicity constituents and their regulatory concentrations. A complete copy of the new regulations is provided in enclosure (2). This rule replaces the Extraction Procedure (EP) toxicity test with the Toxicity Characteristic Leaching Procedure (TCLP) as the primary means of identifying HW based on toxicity and establishes regulatory levels for 25 additional organic chemicals. We recommend that major claimants issue guidance on the TC rule to their activities immediately. NAVFACENGCOM Engineering Field Divisions are available to assist activities in complying with the TC rule.

2. Under the new TC regulations, a waste will be a HW if any of the chemicals listed in enclosure (2) are present at or above the regulatory limit. Navy HW generations are expected to increase significantly. The EPA estimates that this rule will triple the amount of wastes regulated as HW in the U.S. It should be particularly noted that the TCLP is a more aggressive leaching test than the EP toxicity test and wastes that were not hazardous under EP toxicity may be HW under the TCLP.

3. The compliance date for large quantity generators is 25 September 1990. Activities should begin now to identify waste streams covered under the new TC regulations, modify laboratory and HW analysis contracts, and modify Part B permits and permit applications. Costs for HW analysis and laboratory processing will increase due to the expanded list of chemicals and the increased demand for analyses by newly regulated industries. Likewise, HW disposal costs will increase due to the additional volume of HW generations and the scarcity of HW disposal facilities. Activities should budget accordingly. Special attention should also be given to identification of waste management units such as sludge land application areas and wastewater treatment units which are ponds, pits, and lagoons. Units which receive TC wastes after 24 September 1990 will be subject to regulation under RCRA and must either be permitted or closed in accordance with RCRA Subtitle C regulations. Every effort should be made to avoid regulation of these units under RCRA.

4. It is imperative that activities prepare for implementation of this new rule. Failure to comply with the new TC regulations could result in loss of activity interim or permitted status to conduct HW operations for TC wastes. Our point of contact is Gary Edwards, Code 182E, at commercial (202) 325-8532 or AV 221-8532.

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5. NAVFACENGCOM activities shall implement the TC requirements as specified in the enclosures. Point of contact for NAVFACENGCOM activities is Victor I. Crawford, Code 01P2, at commercial (202) 325-8538 or AV 221-8538.

V I Crawford

V. I. CRAWFORD
By direction

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# TOXICITY CHARACTERISTIC IMPLEMENTATION REQUIREMENTS

## COMPLIANCE

25 Sep 1990 Large quantity generators - activities that generate 1000 kg (2200 lb) or more of HW per month must comply with the new Toxicity Characteristics regulations.

29 Mar 1991 Small quantity generators - activities that generate 100 kg (220 lb) or more and less than 1000 kg (2200 lb) of HW per month must comply with the new Toxicity Characteristics regulations.

## PERMITTING

25 Sep 1990 Activities with interim status - submit amended Part A permit application in order to continue managing TC wastes in units that require a permit. Activities which do not file an amended Part A by 25 Sep 1990 will be prohibited from accepting additional TC wastes until permitted.

25 Sep 1990 Activities with Part B Permit - submit Class 1 permit modification.

25 Mar 1991 Activities with Part B Permit - submit Class 2 or Class 3 permit modification.

## DEFINITIONS

Class 1 modification - notification to EPA that the activity is handling TC waste; activity must notify the public within 90 days of submittal to EPA.

Class 2 modification - submitted for wastes which will be handled in existing treatment, storage, or disposal units and will not require additional or different management practices from those authorized in the permit; activity must notify the public; 60 day public comment period; informal meeting between activity and public within the 60 day period.

Class 3 modification - submitted for wastes which require additional or different management practices; public notification and meeting requirements are the same as for Class 2; at the end of the public comment period, EPA will issue a draft permit modification, open a public comment period of 45 days and hold a public hearing.

## ACTIVITY REQUIREMENTS

1. Determine if your waste stream meets or exceeds TC regulatory limits as provided in Table 1. TC constituent levels may be determined by user knowledge of the waste, Material Safety Data Sheets, the Hazardous Material Information System, or laboratory analysis. Waste streams which are potentially HW include:

   sandblast residue
   pentachlorophenol treated wood
   waste oils
   oily rags
   industrial and domestic sewage treatment wastewaters and sludges
   (includes wastewaters which currently meet a solvent exclusion)

2. By 29 Sep 1990 identify sludge land application areas and wastewater treatment ponds, pits, and lagoons which receive TC wastes. Either eliminate the HW discharges, cease operations, or submit a Part A Permit application for these units. Regulation of these units as HW management units should be avoided wherever possible.

3. Modify HW analysis contracts, HW analysis plans, HW management plans, and Part B Permits and permit applications as required to incorporate the new TCLP test requirements vice the old EP toxicity test.

4. Budget for increased HW analysis and disposal costs.

Craney Island
Camp Lejeune
Cherry Point
Northwest
Roosevelt Roads.
Camp Bray / Chatham Annex
Sabana Seca
ABL Cumberland &
Firefighting School

NADEP

TABLE 1. TC CONSTITUENTS AND THEIR REGULATORY LEVELS

NEWLY ADDED CONSTITUENTS

| Constituent | Regulatory Level (mg/l) | Constituent | Regulatory Level (mg/l) |
|---|---|---|---|
| benzene | 0.5 | hexachlorobenzene | 0.13 |
| carbon tetrachloride | 0.5 | hexachloro-1,3-butadiene | 0.5 |
| chlordane | 0.03 | hexachloroethane | 3.0 |
| chlorobenzene | 100.0 | methyl ethyl ketone | 200.0 |
| chloroform | 6.0 | nitrobenzene | 2.0 |
| o-cresol | 200.0 | pentachlorophenol | 100.0 |
| m-cresol | 200.0 | pyridine | 5.0 |
| p-cresol | 200.0 | tetrachloroethylene | 0.7 |
| 1,4-dichlorobenzene | 7.5 | trichlorethylene | 0.5 |
| 1,2-dichloroethane | 0.5 | 2,4,5-trichlorophenol | 400.0 |
| 1,1-dichloroethylene | 0.7 | 2,4,6-trichlorophenol | 2.0 |
| 2,4-dinitrotoluene | 0.13 | vinyl chloride | 0.2 |
| heptachlor | 0.008 | | |

EP CONSTITUENTS (BEING RETAINED AT CURRENT LEVELS)

| | | | |
|---|---|---|---|
| arsenic | 5.0 | silver | 5.0 |
| barium | 100.0 | endrin | 0.02 |
| cadmium | 1.0 | lindane | 0.4 |
| chromium | 5.0 | methoxychlor | 10.0 |
| lead | 5.0 | toxaphene | 0.5 |
| mercury | 0.2 | 2,4-D | 10.0 |
| selenium | 1.0 | 2,4,5-TP (silvex) | 1.0 |