

Mr. Yoomee Jee
yoomjee@hotmail.com

Dear Mr. Jee:

Thank you for your e-mail of July 10, 2002 to Administrator Whitman regarding the Environmental Protection Agency's (EPA's) follow-up activities to the 1996 "Hazardous Waste Characteristics Scoping Study." Your letter has been referred to me for reply, because the Scoping Study was done by the Office of Solid Waste.

The Scoping Study was released in November of 1996 as a broad and comprehensive review of the EPA hazardous characteristics regulatory program under the Resource Conservation and Recovery Act (RCRA). Hazardous characteristics of waste represent one of two ways we identify waste as hazardous and bring it under RCRA regulatory control (the other approach involves listing of specific wastes that the Agency identifies as hazardous). The current hazardous characteristics regulations address the following properties of waste: ignitability, corrosivity, reactivity and toxicity. The Scoping Study reviewed the effectiveness of these regulations in identifying waste that warrants regulation, and tried to identify whether other waste properties should also be used to classify waste as hazardous, or whether the current hazardous characteristics should be expanded in any way. The Agency also collected data on toxic chemical releases from landfills around the country to try to identify any additional waste constituents warranting regulation.

In conducting the Scoping Study, we sought to identify information on environmental releases of chemicals from waste management units to supplement other information in assessing program adequacy. Fewer than one percent of operating non-hazardous waste management units (from the 12 states examined) experienced chemical releases that exceeded a state or federal regulatory or guidance value (including drinking water and soil remediation targets). Thus, our current regulatory scheme ensures that most hazardous wastes are being addressed under our Subtitle C hazardous waste regulations. The Scoping Study did, however, identify a number of areas that deserve additional investigation, and the Agency has conducted follow-up studies in a number of topic areas. These include examining hazards due to waste constituent releases to the air; assessing the appropriateness of retaining silver in the TC regulation; considering possible updates to the ignitability, corrosivity, and reactivity characteristics and implementation guidance; and identifying possible supplements to the TCLP leach test for evaluating the groundwater leaching potential of non-hazardous wastes. The projects we have undertaken

require substantial time and resources to complete, and some require the Agency to fund basic scientific research in order to fully understand the problem and come up with effective solutions. This means that they cannot all be done at once; thus, the Agency has set priorities for their completion.

Regarding toxic chemicals in waste, the Agency regulates 39 such chemicals in the Toxicity Characteristic regulation (see 40 CFR 261.24). Any decision to revise the TC regulation would have to take into account a number of considerations, including updated groundwater models developed since the 1990 promulgation of the TC rule. We would also need to consider current management practices for non-hazardous wastes under state programs, and the additional protection that might be provided under RCRA Subtitle C. We might find that non-regulatory approaches would be more effective in ensuring that any potential environmental problems are dealt with in the earliest possible time frame.

If you have further questions concerning this matter, please contact Mr. Gregory Helms of my staff at 703-308-8845, or helms.greg@epa.gov. Thank you for your interest in the hazardous waste program.

Sincerely yours,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

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