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REQUIREMENTS FOR ANALYSIS OF APPENDIX VIII CONSTITUENTS IN  
GROUNDWATER

SUBJECT: Requirements for Analysis of Appendix VIII  
Constituents in Groundwater

FROM: Marcia Williams, Director  
Office of Solid Waste (WH-562)

TO: Stephen R. Wassersug, Director  
Hazardous Waste Management Division (3HWO0)

Your memorandum of September 20 relating the problems associated with the analysis of Appendix VIII constituents in ground water raises a number of valid concerns. The adequacy of the current SW-846 methods for routine determinations of all constituents is being evaluated, and the rationale for requiring a complete Appendix VIII analysis in ground water is being reexamined.

As you know, the existing permit regulations (§270.14(c)(4)) require the permit applicant to identify the concentration of each Appendix VIII constituent in any plume of contamination. In response to numerous requests for selective waivers of the regulatory requirements, the Office of Enforcement and Compliance Monitoring (OECM) and OSWER issued a joint memo to the Regions (Price/Thomas, August 16, 1984). This memorandum, however, only exempted a small number (21) of the 375 Appendix VIII constituents from monitoring requirements through enforcement discretion, based on the constituents' instability in water or the lack of EPA-accepted, standardized test procedures. The Agency has also proposed to eliminate the need to test for these substances in ground water in a proposed rule (49 FR 38786, October 1, 1984).

Currently, several Agency activities are underway that should address many of the concerns outlined in your memorandum. A workgroup has been formed to examine the need for changes in the regulatory requirement for the analysis of all Appendix VIII constituents. In order to justify a regulatory amendment, the workgroup is gathering data and considering several options that may lead to a more limited set of parameters for ground-water

analysis. This work and the subsequent regulatory development process could lead to a proposed rule by late 1986, and the promulgation of a final rule a year later. For more details on the progress of the Appendix VIII workgroup, contact Bob April, Land Disposal Branch (382-4684).

In support of the workgroup effort the Agency is examining which constituents (beyond those cited in the Price/Thomas memorandum) should be dropped from the monitoring requirement because of instability in water or lack of analytical methods. Methods evaluation work is also underway to support promulgation of the analytical methods assigned to the Appendix VIII constituents in the rule proposed on October 1, 1984. Additional methods evaluation is being conducted through the Superfund program and the Ground-Water Monitoring Task Force. Any questions concerning these efforts, or other questions on the adequacy of current EPA methods, should be directed to Paul Friedman, Studies and Methods Branch (382-4796).

The current regulations are very specific in requiring that each Appendix VIII constituent be determined. Therefore, a strict reading of the regulations would not allow either of the alternatives put forward by the Army to be deemed acceptable under current EPA policy. The Agency is aware of the implementation problems involved in permit issuance that arise from the current rigid regulatory approach. Other Regions are also wrestling with the implementation questions you are facing in Region III. For assistance in resolving permit-related Appendix VIII questions, you may contact Bob Kayser of the Permit Assistance Team (382-4536).

As noted above, any regulatory changes in the Appendix VIII monitoring requirement would not become effective until the end of 1987. I realize, however, that permitting needs are more immediate. As increasing numbers of facilities are required to submit Appendix VIII analyses, the lack of a realistic policy may create a slowdown in the permitting process as well as inconsistent compliance.

Therefore, I have initiated efforts by OSW to expand the number of Appendix VIII constituents exempted from ground-water monitoring requirements beyond those listed in the proposed rule of October 1, 1984. I intend to issue some form of interim guidance early next year. In addition, I have made the completion of the tasks supporting a regulatory change a high priority.

Finally, in regard to your concern about whether the Army facility can certify compliance with applicable ground\_water monitoring requirements by November 8, I would refer you to the Federal Register notice of September 25, 1985 (50 FR 38948). That notice indicates that the applicable requirements are those in Part 265. Therefore, compliance with Part 264 or 270 requirements involving Appendix VIII should not be an issue for certification.

cc: Waste Management Division Directors, Regions I, II, and IV-X

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