

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

MEMORANDUM

SUBJECT: Effective Date of Update III to SW-846

FROM: Elizabeth Cotsworth, Acting Director
Office of Solid Waste

TO: RCRA Senior Policy Advisors
Regions I-X

I am writing to you concerning the issue of the effective date of Update III to SW-846. In the preamble to the final rule (62 FR 32452), we stated that the rule would become effective immediately because of the many benefits associated with the introduction of new methods and technologies.

However, having an immediately effective date has caused a problem in the regulatory community with regard to implementation. It has come to our attention that in some cases, full implementation of the new methods may require substantial adjustments by the laboratory community. We would ask that, when you implement the RCRA program in your region, please use some discretion concerning the immediately effective date of Update III, possibly giving the affected parties (e.g., labs and lab users) six months to comply. The labs may need to purchase new equipment or make changes to their standard operating procedures (SOPS) to make the methods run for their particular application. In addition, please encourage the states in your region to also provide flexibility in the immediately effective date.

Also, please keep in mind that Update III encourages performance based flexibility. Environmental measurements need to be tailored to the particular application, and, in the RCRA program, the analyst needs to demonstrate that he can see the analytes of concern in the matrix of concern at the regulatory level of concern at an appropriate confidence limit. Labs need to have time to develop their own SOPS containing method performance statistics so they can transition into full implementation.

If you have any questions, please give me a call at 703-308-8895.

cc: Michael Shapiro
Barnes Johnson
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RCRA Branch Chiefs

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Enforcement Division Directors

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