

(10) Section 268.32(i)—Evaluation of a waste to determine if it is a liquid for purposes of certain land disposal prohibitions;

(11) Sections 268.40 (a), (b) and (f), 268.41(a), and 268.43(a)—Leaching procedure for evaluation of waste extract to determine compliance with Land Disposal treatment standards;

(12) Section 268.7(a)—Leaching procedure for evaluation of a waste to determine if the waste is restricted from land disposal;

(13) Sections 270.19(c)(1) (iii) and (iv), and 270.62(b)(2)(i) (C) and (D)—Analysis and approximate quantification of the hazardous constituents identified in the waste prior to conducting a trial burn in support of an application for a hazardous waste incineration permit; and

(14) Sections 270.22(a)(2)(ii)(B) and 270.66(c)(2) (i) and (ii)—Analysis conducted in support of a destruction and removal efficiency (DRE) trial burn waiver for boilers and industrial furnaces burning low risk wastes, and analysis and approximate quantitation conducted for a trial burn in support of an application for a permit to burn hazardous waste in a boiler and industrial furnace.

In other situations, this EPA publication functions as a guidance document setting forth acceptable, although not required, methods to be implemented by the user, as appropriate, in satisfying RCRA-related sampling and analysis requirements.

SW-846 is a document that changes over time as new information and data are developed. Advances in analytical instrumentation and techniques are continually reviewed by the Agency's Office of Solid Waste (OSW) and periodically incorporated into SW-846 to support changes in the regulatory program and to improve method performance. Update II represents such an incorporation.

III. Update IIA to SW-846, Third Edition

On January 4, 1994 (59 FR 458), the Agency issued a final hazardous waste listing determination for wastes generated from the use of chlorophenolic formulations in wood surface protection processes. This rule also finalized an April 27, 1993 (58 FR 25707) proposal to include Method 4010, "Screening for Pentachlorophenol by Immunoassay" in the Third Edition of SW-846. No comments were received on Method 4010 and it was incorporated by reference in 40 CFR 260.11(a) as Update IIA to the Third Edition of SW-846 in the January 4, 1994 Final Rule.

Update IIA (Method 4010) is being distributed to SW-846 subscribers as part of the Final Update II package.

IV. Overview of August 31, 1993 NPRM and Summary of Responses to Public Comments

A. Overview of Proposal

On August 31, 1993 (58 FR 46052), the Agency proposed to amend its hazardous waste testing and monitoring regulations under subtitle C of RCRA by (1) adding revised methods and chapters and new methods as Update II to SW-846 and incorporating the Third Edition as amended by Updates I and II, in 40 CFR 260.11(a) for use in complying with the requirements of subtitle C of RCRA; (2) deleting a statement in Chapter Seven that states that "Method 9095, Paint Filter Liquids Test, Chapter Six [may be used] to determine free liquid" for purposes of characteristic testing; and (3) clarifying the regulatory requirements as to the temperature for pH measurements of highly alkaline wastes during corrosivity characteristic testing.

The Agency solicited comments on each of these proposed changes. Items B through D of this section summarize the major comments that were received and the actions taken by the Agency in response to those comments.¹

B. Responses to Comments Regarding the Addition of Update II Methods and Chapters to SW-846

The Agency proposed, as part of Update II to SW-846, to revise several methods and chapters already contained in the Third Edition of SW-846 and its Update I, as incorporated by reference into 40 CFR 260.11. The revisions were proposed to improve the methods and provide additional performance information for these methods. The proposed revisions more accurately reflect SW-846 method improvements. Finally, as part of Update II, the Agency also proposed to add 33 new methods to SW-846.

The Agency received very few negative comments on the proposal to add the methods and revise certain chapters of Update II to SW-846. However, based on public comment and other reasons explained below in sections IV.B.1 and IV.B.2 of this preamble, the Agency has decided not to promulgate proposed new Methods 5100 and 5110 and the proposed revised

Method 9200A in Final Update II. The Agency is promulgating all other Proposed Update II new and revised methods and chapters as Final Update II of SW-846.

The comments received by the Agency on the addition of new methods and the revision of existing methods and chapters were technical in nature. Details on these comments and the Agency's responses may be found in the background document to this rulemaking. The Agency has incorporated several of the suggested changes into the Update II package, as described in the background document. Sections IV.B.1 through IV.B.8 of this preamble summarize the major comments and responses which the Agency believes may be of particular interest to the regulated community.

1. Non-Promulgation of Methods 5100 and 5110 in Update II

The Agency wishes to eliminate the promulgation of redundant, cross-program methods, where possible. Therefore, the Agency is not promulgating Method 5100 and 5110 in Final Update II because they are redundant and obsolete versions of the Office of Air Quality, Planning and Standards (OAQPS) Methods 25D and 25E, issued in support of analyses conducted under the Clean Air Act. There are currently no RCRA applications for which Method 5100 or 5110 are applicable. Based on the Agency's current policy of not proliferating redundant methods when appropriate methods are available from other Program Offices, and that there are no planned RCRA applications for these methods in the near future, the Agency believes that there is no need to promulgate Method 5100 or 5110 at this time. For informational purposes, Method 25D can be found in Appendix A of 40 CFR part 60; and Method 25E is currently available from the Office of Air Quality Planning and Standards (OAQPS), Mailcode MD-14, Technical Support Division, Research Triangle Park, NC 27711, (919) 541-5536.

2. Non-Promulgation of Method 9200A in Update II

The analytical procedure found in SW-846 Method 9200 (Nitrate) was recently demonstrated to be unreliable by both the Agency's Environmental Monitoring Support Laboratory in Cincinnati (EMSL-Ci) and the American Water Works Association (AWWA). The unstable nature of the analytical reagents and excessively tight temperature control requirements were contributing factors to the method's unreliability. In fact, on December 15,

¹ Other comments, together with the Agency's response thereto, have been placed in the official record for this rulemaking, "Response to Public Comments Background Document, Promulgation of the Second Update to SW-846, Third Edition". (Docket No. F-94-WT2F-FFFFF)