

Param Patel
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Dear Param:

Thank you for your e-mail of December 8, 2003, to Administrator Leavitt regarding the Environmental Protection Agency's (EPA's) follow-up activities to the 1996 "Hazardous Waste Characteristics Scoping Study."

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.

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, under our current regulatory scheme, most wastes being managed as non-hazardous do not appear to present a problem when disposed of.

The Scoping Study did, however, identify several areas that deserved additional investigation, and the Agency has conducted or is conducting follow-up studies in a number of topic areas. These include studies on possible risks as a result of releases from waste to the air; potential updates to how we measure ignitability, corrosivity, and reactivity; and refinements to

how we measure the potential of hazardous constituents to leach from waste materials. In our air study we did not identify a need for additional regulation. Other studies we have underway require substantial time and resources to complete, and some require considerable basic scientific research. This means that they cannot all be done at once; thus, the Agency has set priorities for their completion.

Thank you for raising your concerns to our attention. 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.

Sincerely yours,

Robert Springer, Director
Office of Solid Waste

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