Highlights

- EPA Answers Waste Disposal Questions
- ITLA Quarterly Meeting Notice
- MWRA

ITLA

The Newsletter of Independent Testing Laboratories Association
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Message from the President

By Bob Bentley

How time flies! We're more than half way through the winter doldrums, and hopefully everyone has survived the coldest weather in decades. For those who were able to attend our December quarterly meeting, we know you received a great deal of information on RCRA enforcement: specifically how it relates to labs. We heard that the information was a real revelation to some. For those who were unable to attend (or for those who did not take notes), Sue Sylvester transposed all of the questions and annotated the EPA Inspector's responses. We have appended this to this newsletter.

We are happy to announce that ITLA has a new Administrator. Judy Graves, who works with both the Pennsylvania & New York Associations of Environmental Labs has agreed to work with us. We feel that there is a synergy here which can - hopefully - benefit all of us. Please note our new address as well as our new e-mail address. We will have a toll-free number soon.

Our Annual Meeting will be on March 5th. Andy Beliveau of EPA will talk about the latest trends in PCB analysis. He will also present an update on DEP's next step into e-government (electronic submissions of data). Because these initiatives will impact us all, we will also have a panel discussion with the three players - DEP, EPA & MWRA - who will explain their plans and how they will (or won't) interact with each other. This should be a lively discussion!

Elections will soon be upon us. Although nominations have not closed, we are pleased to announce that Kevin Braga and Sue Sylvester have agreed to serve another term in the Treasurer and Secretary positions, respectively.

In other news, there are several e-government initiatives taking place with the DEP, the MWRA and the EPA. In response to requests for information on these, a preliminary overview was presented at the latest Laboratory Advisory Committee meeting with the DEP. The DEP has worked on some electronic forms for BWSC, and is now starting on the Drinking Water Program's nitrate data form. After they have perfected this, they will continue with other forms. They were supposed to start "beta testing" these in January, but it has not yet transpired. During the Advisory Committee meeting, ITLA asked

Quarterly Meeting

Wednesday, March 5, 2003 * Crowne Plaza, Worcester, MA

Feature Presentation: The Latest Trends in PCB analysis by Andy Beliveau, US EPA *See page 3 for agenda*

President's Message continued....

if the three agencies were working together on any of the changes. They indicated that they were not. We expressed strong concern that without this cooperation, we would have to come up with three entirely different formats for reporting. Unfortunately, this seemed to have fallen on only slightly receptive ears.

You will note that we are sending these newsletters by e-mail. One of the benefits of ITLA membership and e-mail is that the newsletter can go to multiple persons within your organization. So, if you are among the persons who don't routinely get the newsletter until after the meeting, we can easily add your name. We really would prefer to do as little snail mailing as possible, so let us know if your name needs to be added!

Finally, we are working on more training sessions. These include further Mass Spec training (see the schedule), beach testing bacteriology, general laboratory issues and others. If you would like to assist in putting any of these together, please contact me. Likewise, if you would like to assist in any other capacity in your organization, please let me know!

NELAC – An Update
By Bob Bentley

There is not much to report for this newsletter that has changed since our last mailing. What little we have to offer is as follows: EPA has committed to continuing with NELAC. They have moved, and Jeanne Hankins has retired. It was reported that the Deputy Administrator in charge of NELAP said at the interim meeting that PBMS **must** become part of the NELAC operating plan, but it is our understanding that he gave no further direction. Also, as in the past, State budget problems keeps implementation of NELAC a far off target for the Massachusetts Laboratory Certification Office. It remains especially disconcerting to us that Ann Marie Allen of the LCO, who is on the Board of Directors, is unable to travel to all of the meetings of the Board.

MWRA by Mike Delaney

TRAC "eSMART"
For over 10 years, MWRA has required permitted industries to electronically submit results for the industrial pre-treatment program. As of 10/1/02, labs working for TRAC (Toxic Reduction and Control) permitted industries are now using the web-based interim "eSMART" program to electronically submit lab results and chain of custody forms to MWRA. Labs access eSMART using a PIN number provided by MWRA. The program accepts either data files in a specific format, or on-line data entry. Chains of custody are scanned and submitted as PDF files. So far, over 20 labs are using eSMART. For info contact Alice Chang at 617/305-5621 Alice.Chang@mwra.state.ma.us.

Local Limits Changes
A public hearing on the proposed Local Limits changes, and other amendments to the MWRA Sewer Use Regulations will be held at the MWRA Chelsea facility at 9:30 am on 2/26/03. Comments can also be submitted electronically. A detailed discussion of the proposed changes is available at www.mwra.com/sewer/html/local_limits.htm. One significant change will be dropping the GC/FID petroleum hydrocarbons test in favor of Methods 624 & 625 for specific volatile and semi-volatile organics on the Total Toxic Organics list.

VOA "Orphan Analytes"
MWRA is responding to EPA Region 1 comments on our performance data asking for approval to add five analytes to the VOA Method 624 for industrial pretreatment program testing: carbon disulfide, styrene, vinyl acetate, m,p-xylene, and o-xylene. We refer to these analytes as "orphans" because we regulate them, but they aren't included in a 40 CFR Part 136 approved method.

At MWRA We "Love That Dirty Water"
Check us out at www.mwra.com. We have a wealth of information for both the public and for experts on our water & wastewater activities. This includes monthly updates on drinking water quality testing & many technical reports associated with the Deer Island Treatment Plant and or extensive Harbor and Outfall Monitoring program.

calendar

March 5, 2003
ITLA Annual Meeting
Crowne Plaza, Worcester, MA
08:30 a.m. - 2:30 p.m.

April 30, 2003
ITLA Executive Board Meeting
Doubletree Guest Suites
Waltham, MA
1:00-4:00 p.m.

May 7, 2003
Deadline for Newsletter submissions

May 20-21, 2003
Mass Spectral Interpretation Course
More details to follow
Location TBA

June 11, 2003
ITLA Quarterly Meeting
Holiday Inn, Marlboro, MA
8:30 a.m. - 12:00 p.m.

August 6, 2003
ITLA Executive Board Meeting
Doubletree Guest Suites
Waltham, MA
1:00-4:00 p.m.

August 13, 2003
Deadline for Newsletter submissions

September 3, 2003
ITLA Quarterly Meeting
Doubletree Guest Suites
Waltham, MA
8:30 a.m. - 12:00 p.m.

November 5, 2003
ITLA Executive Board Meeting
Doubletree Guest Suites
Waltham, MA
1:00-4:00 p.m.

November 12, 2003
Deadline for Newsletter submissions

December 3, 2003
ITLA Quarterly Meeting

ITLA Quarterly Meeting

Wednesday, 5 March 2003
Crowne Plaza, Worcester

8:45 AM **Registration**

Introductions/Announcements

9:00 AM **Committee Reports**

Secretary	Treasurer
Technical	Elections
Newsletter	By-Laws
Lab Advisory	Ethics
Regulatory	NELAC
Membership	MCP update

Elections

9:45 AM **Break**

10:00 AM **Vendor Presentation** - EZ-flash *vs.* Fast GC - Thermo-Orion and Agilent will present the benefits of their similar systems.

11:00 AM **Feature presentation**
The Latest Trends in PCB analysis. Andy Beliveau of the US EPA.

12:00 PM **Buffet Luncheon**

1:00 PM **Election Results**

1:05 PM **Ethical considerations**
Mike Delaney will again regale us with new stories of ethical and not-so ethical practices.

1:30 PM **E-government panel discussion** - representatives will be present from the Mass. DEP, the EPA and the MWRA to give their perspective on their agencies' electronic reporting systems. Time is allotted for Q&A.

2:30 PM **Adjourn**

EPA Update

By *Rich Piligian, EPA*

Q1. How does EPA determine which generators get selected for audit? Is there a master list that the EPA uses?

A1. Prioritization for audits is done at three levels: Washington DC, EPA Regions, and the State Agencies. Each of these levels may establish auditing goals and they are all considered in selecting generators. Tips and complaints are also used to help with the selection, however, most tips and complaints are handled at the state level.

Q2. A lab is defined as a "Very Small Quantity Generator" or in EPA parlance, a "Conditionally Exempt Small Quantity Generator." Is this lab subject to the same potential for inspection as a "Small Quantity Generator" or "Large Quantity Generator?"

A2. "Same" potential? No, I cannot say that a small quantity generator is subject to the same potential as a large quantity generator. However, in some states the rules are the same so the distinction may not be as clear.

Q3. If a container is being used to accumulate waste materials from an instrument, does this constitute a satellite accumulation area? If so, is any container adjacent to any instrument which generates waste considered a satellite accumulation area?

A3. Generally, yes.

Q4. If a lab's couriers transport water and soil samples of unknown concentration but generally ≤1000 ppm, are they required to have hazardous waste training? Is there a cutoff in terms of concentration that requires training?

A4. No, sample concentration does not have anything to do with training. Samples for testing are exempt, as long as they are still samples. However, transportation may be subject to DOT and OSHA regulations.

Q5. If a drum in your "waste shed" is being used to accumulate waste to the point at which it is full for disposal, is this considered a "satellite accumulation area?" What date should go on this - the interim accumulation dates or the final full date?

A5. The day that the first drop of waste goes into a drum in your waste storage area is the date that goes on the drum as the accumulation date. The length of storage rules begin to apply from this date.

Q6. A lab which does semi-volatile organic analysis runs 500 samples a month. These samples have been extracted and are now in crimp top vials which have a 2-mL capacity and usually have 1.5 mL of "unknown" and solvent. In a month's time, the maximum amount you can now have for this "waste stream" is 750 mL. In three months, you can have 2.25 L. If a lab has "Small Quantity Generator" status, is there a violation in holding these longer than 90 days?

A6. No. These extracts are considered samples for 40 days after the extraction date. When the extracts are no longer valid for analysis (generally 40 days from the extraction date) they are considered waste and begin to accumulate as waste at that time.

Q7. How does EPA view storage of samples that have already been analyzed? Some clients request samples be "kept on ice" for 3-6 months or longer.

A7. If a client has requested that samples be held, the samples are not considered waste. It would be in your best interest to have documentation of that request and a determination as to what date the samples do become waste. For other samples, your procedures should clearly indicate at what point samples become waste and how disposal is handled.

Q8. How does EPA view jars of chemicals (e.g., reagents) that may sit on a lab shelf or in a flammable cabinet for several years awaiting use?

A8. EPA will view this situation based upon your documented procedures. If it is not clear that a use will likely appear for those chemicals and it is more likely that they have been abandoned, the chemicals are determined to be waste. You need to document your plan and justify your procedure for chemical storage.

Q9. How does EPA view reagents that have expired and are being kept until there are enough to justify a lab pack?

A9. EPA will view this situation based upon your documented procedures. From the time the reagents are declared waste, the storage requirements apply.

Q10. When does a lab chemical become waste?

A10. When a chemical is known to not be needed or used again, it becomes waste. Expired chemicals are not necessarily waste, if you have a procedure for recertifying those chemicals for use. It is recommended that you periodically go through your chemicals (once every 6 months for example), make the waste determinations for unused chemicals, and appropriately dispose of unused chemicals. You routinely need to make hazardous waste determinations in your lab.

Q11. When does a lab sample become waste?

A11. Samples become waste when the generator determines the sample to be waste. Samples are exempt until such time they are no longer considered samples. This is all determined by your procedures. For example, if your procedure is to discard samples that are over 30 days old, a sample becomes a waste 30 days after it was collected.

Q12. When does a spent lab process material become waste (e.g. drain bottle on an instrument or used COD vial)? When does a lab process material become a satellite?

A12. Are you getting the picture yet? If the drain bottle on the instrument is not holding material that will be reused or re-circulated through the process again, the material is a waste.

Q13. Do satellite areas require secondary containment?

A13. Depends on the state rules. In MA, yes.

Q14. Are there any restrictions about storing virgin chemicals in the same room as waste?

A14. In MA- yes. There are no federal restrictions.

Q15. Does a calibration standard become waste automatically after its expiration date as a standard?

A15. Not necessarily. You may have a procedure for recertifying the standard for use.

Q16. Can lab samples be neutralized before disposal? Can this be done to avoid disposing of the material as a waste?

A16. Possibly, if it is allowed in state rules.

Q17. Can an analyst use a beaker to collect waste while performing a test and then dump the collected waste into a satellite container at the end of the test? Yes. Does this beaker need to be labeled? Kept closed?

A17. Possibly. This would be up to the inspector. The EPA is working on getting a consistent approach to this rule. If the container is in use, this is probably ok. If it is left alone for a day, this would not be ok.

Q18. How close can waste drums be to a wall?

A18. There is no restriction on distance from a wall. There are aisle space restrictions though.

Q19. What amount of training is needed for people who perform waste disposal?

A19. This is outlined in the Federal and State Regulations. 40CFR 265.16

Q20. Are satellite inspections required? How often?

A20. Recommended weekly.

Q21. Do all routine inspections need to be documented?

A21. You know the scoop, if it is not documented it wasn't done. YES, inspections need to be documented.

Q22. How long must inspection records be retained?

A22. 3 years.

Q23. Are PCBs special? What about individual PCB congeners in semi-volatile standards? Is there a distinction between congeners and Aroclors?

A23. Yes PCBs are special and are regulated by TOSCA.

Q24. What is a spill? When is notification required?

A24. Any release greater than a reportable quantity. Notify response center if the material leaves the facility in one form or another such that a risk is posed to human health or the environment.

Q25. What lessons were learned from the University Lab XL Project?

A25. I don't know.

Q26. Is residue on top of a waste drum a spill?

A26. Not necessarily.

Q27. What significant differences are there between the different New England states?

A27. There are many slight differences in areas such as training and container management to name a few.

Q28. Who has primacy for RCRA, EPA or the State DEP?

A28. The EPA and the State work closely. The State rules can be no less stringent than the EPA. When auditing, the EPA will default to the state rules.

Q29. Is there an appeal process for a RCRA fine?

A29. Yes.

Q30. Who gets to decide the "gray areas" and how they should be applied to labs?

A30. The EPA does.

Q31. Are there significant differences between RCRA auditors? I've heard the RCRA auditors characterized as having "unrealistic expectations"

A31. The RCRA auditors know their regulations and audit against them. That may be considered unrealistic to some generators.

Q32. Will an auditor tell you what is acceptable, or only what is wrong?

A32. You will be told what is acceptable and what is not acceptable.

Q33. Is waste minimization required?

A33. If you sign a manifest then you have already indicated that you have a program in place. Anwer is…YES.

Q34. I've heard that an environmental standards vendor in New England had a RCRA problem for an audit. Can you tell us anything?

A34. Nothing yet.

Q35. Is the checklist referred to in the Katahdin document useful to a lab?

A35. EPA does not use a checklist. Some states do and they would be useful training and self audit tools for a generator. The RCRA website has a document titled "Protocol for RCRA Audit" http://www.epa.gov/compliance/resources/policies/incentives/auditing/hazardous.pdf.

Q36. What is a "non-incident"?

A36. ???????

Q37. Would the following document be useful to a lab: "Protocol for Conducting Environmental Compliance Audits for Hazardous Waste Generators under RCRA", or "Restatement of Policies Related to Environmental Auditing"?

A37. Yes

Q38. The Katahdin consent agreement and final order says "EPA and the Respondent agree that the auditor shall exercise the same independent judgment and discipline that a certified public accounting firm would be expected to exercise in auditing a publicly held corperation." Would Arthur Anderson meet this standard?

A39. Chuckle, chuckle.

Q40. To what extent is a RCRA audit like the UN inspectors in IRAQ?

A40. Less the TV cameras and dust, probably similar.