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Environmental Notes - November 2016

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ENVIRONMENTAL NOTES

November 2016



EPA ELECTS NOT TO PUBLICIZE CHANGES TO SW-846 GUIDANCE

BY: ETHAN R. WARE

EPA has revised its procedures for making certain changes to its "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as SW-846. The test method and its compendium of guidance documents provide over 200 analytical methods for sampling and analysis of waste and other matrices. Most methods are intended as guidance, but others are required in the RCRA regulations for compliance purposes. Periodically, EPA amends or adds analytical protocols to SW-846 based on public comments or professional developments, and historically the changes have been published in the Federal Register for public review and comment.

The process for updating or publishing analytical methods that are required in the RCRA regulations has not changed. EPA will still publish notice of the same in the Federal Register. However, the process for adding non-regulatory methods and guidance to SW-846 has changed substantially. Now, only those interested parties who sign up for the SW-846 mailing list at <https://www.epa.gov/hw-sw846/forms/contact-us-about-hazardous-waste-test-methods> will receive notice of these changes.

Effective immediately, EPA will use the following multi-step process in deciding whether to adopt non-regulatory methods and guidance.

Step No. 1: Post new methods on the "Validated Methods" Web page after internal review by EPA working groups;

Step No. 2: Notify the "SW-846 Analytical

Community" (including those on the SW-846 mailing list) of a 30 day comment period;

Step No. 3: Post the new/revised Method on the "Validated Methods" Web page at <https://www.epa.gov/hw-sw846/validated-test-methods-recommended-waste-testing>;

Step No. 4: Email notification of the new/revised Method to those on the SW-846 mailing list.

EPA refers to this change as a "streamlined" process that will allow the agency to respond more efficiently to emerging contaminants and scientific advancements. However, critics complain it is another effort to minimize public participation by the regulated community.

81 Fed. Reg. 66272 (Sept. 27, 2016).

EPA PLAYS DEFENSE IN MINE DISASTER

BY: KEITH "KIP" MCALISTER, JR.

EPA finds itself in unfamiliar territory as the agency defends its involvement in a multi-state environmental disaster. In 2015, a contractor acting under EPA's supervision used an excavator to dig away tons of rock and debris that blocked a portal in a gold mine in southwestern Colorado. Doing so accidentally destroyed the plug holding water trapped inside the mine. More than three million gallons of acidic wastewater and tailings, including heavy metals such as cadmium, lead, copper, mercury, and zinc, spilled out of the mine into the Animas River, turning the water bright orange for miles. The release caused contamination of drinking water in three states, required communities to import

Related People

- Jessica J.O. King ? 803.567.4602 ? jjking@williamsmullen.com
- Channing J. Martin ? 804.420.6422 ? cmartin@williamsmullen.com

- Ryan W. Trail ? 803.567.4605 ? Rtrail@williamsmullen.com
- Ethan R. Ware ? 803.567.4610 ? eware@williamsmullen.com

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