



Modernizing Ignitable Liquids Determinations Rules Fact Sheet

The U.S. Environmental Protection Agency determined revisions were needed to update the Resource Conservation and Recovery Act ignitability characteristic (D001). EPA made final the new Modernizing Ignitable Liquids Determinations rule on July 7, 2020, and the Oregon Department of Environmental Quality Commission finalized it on Nov. 17, 2021, with two state-specific amendments that apply to the alcohol-content exclusion.



Who is affected?

The Ignitable Liquids Determinations rule provides analytical laboratories with additional test methods and equipment choices. Additionally, hazardous waste generators in Oregon claiming the alcohol-content exclusion are now subject to the two new state-only amendments.

Key Benefits



Additional analytical methods – Two new test methods are available for determining liquid ignitability. Generators can choose the appropriate method.



Reduced mercury use – Updated SW-846 test methods to allow non-mercury-containing thermometers requirement.



U.S. Department of Transportation Language – Cross references with updated ignitability definition language in DOT rules.



Alcohol-content exclusion – The term aqueous is defined as at least 50% water. The exclusion applies to ethanol only; no other ignitable constituents are permitted.

What changed?

The rule establishes the following updates:

- Provides two additional test methods in SW-846 for determining the flashpoint of a liquid.
- Approves the use of non-mercury-containing thermometers for specific SW-846 test methods.
- Updates cross-references to federal U.S. Department of Transportation regulations pertaining to D001.
- Codifies existing federal guidance specific to the alcohol-content exclusion, whereby the word aqueous is now defined as "at least 50 percent water by weight."

DEQ adopted two state-only amendments specific to the alcohol-content exclusion:

1. Applies to ethyl alcohol only.
2. Ethyl alcohol is the only ignitable constituent allowed in the waste claiming the exclusion.

	Before the Updated Rule	The Updated Rule
Ignitability test methods	<ul style="list-style-type: none"> Mandated mercury-containing thermometers and outdated equipment. 	<ul style="list-style-type: none"> Allows non-mercury-containing thermometers and safer, more modern equipment.
Mercury-containing thermometers	<ul style="list-style-type: none"> Mercury-containing thermometers mandated for certain SW-846 methods. 	<ul style="list-style-type: none"> Alternatives to mercury-containing thermometers are now allowed.
DOT cross-referencing	<ul style="list-style-type: none"> Out of date EPA references to U.S. DOT ignitability definition language. 	<ul style="list-style-type: none"> EPA language is now consistent with U.S. DOT cross references.
Alcohol-content exclusion	<ul style="list-style-type: none"> Aqueous not defined. Applies to any alcohol. Allowed non-alcoholic/non-listed ignitable constituents. 	<ul style="list-style-type: none"> Aqueous defined as at least 50% water. Applies to ethanol only. No other ignitable constituents permitted.

Why was the rule changed?

In addition, these changes reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products.

This rule made final the existing guidance to define aqueous as 50 percent water by weight. EPA did not finalize other guidance proposed for codification. Rather, it explained in the preamble how existing guidance for the sampling of multiple phase wastes applies, to provide clarity and more certainty for the regulated community.

Where to find more information?

Complete regulations for modernizing ignitable liquids determinations are in 40 Code of Federal Regulations 260 and 40 CFR 261.21. The federal rule adopted by reference are in Oregon Administrative Rule 340-100-0002, and the Oregon state-only amendments are in OAR 340-100-0010(2)(w). You will also find information on the EPA's Modernizing Ignitable Liquids Determinations webpage.

Have questions?

DEQ has made it easy for you to get your questions answered. To learn more and request free, non-regulatory technical assistance, please visit oregon.gov/deq/Hazards-and-Cleanup.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.