

| <u>SUBJECT</u> | | <u>DATE</u> |
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| 1056. PCB Reporting and Recordkeeping Relief | ENCORE | JAN 12, 2014 |
| 1057. Commercial Chemical Products and Unused Batteries | ENCORE | JAN 16, 2014 |
| 1058. PCB Annual Records Retention Timeframes | | JAN 31, 2014 |
| 1059. Satellite Accumulation within a ≤90-day Accumulation Area | | FEB 7, 2014 |
| 1060. PCB Certificate of Disposal Relief | ENCORE | FEB 13, 2014 |
| 1061. Used Oil and Weekly Inspections | | FEB 20, 2014 |
| 1062. Bags and RCRA Container Definition | | FEB 27, 2014 |
| 1063. Product Storage Tank Residues and Hazardous Waste Regulations | ENCORE | MAR 6, 2014 |
| 1064. Spent Lead-Acid Batteries and Accumulation Time Limits | | MAR 13, 2014 |
| 1065. Land Disposal Restrictions and Dates of Accumulation | | MAR 23, 2014 |
| 1066. Universal Waste Accumulation Time Limits and the One Year Rule | | MAR 29, 2014 |
| 1067. PCB Manifest Discrepancy Reports and Estimated Waste Weights | | APR 6, 2014 |
| 1068. PCB Wastes, Independent Transporters and Confirmation of Receipt | | APR 10, 2014 |
| 1069. Paint Wastes and The Applicability of the F001-F005 Listings to Ingredients | ENCORE | APR 20, 2014 |
| 1070. Other Paint Wastes and the Applicability of the F001-F005 Listings | ENCORE | APR 24, 2014 |
| 1071. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents | | MAY 1, 2014 |
| 1072. TSCA "No PCBs" versus "Non-PCBs" versus "Nondetectable PCBs" | ENCORE | MAY 8, 2014 |
| 1073. Purpose of Keeping a Hazardous Waste Container Closed | ENCORE | MAY 15, 2014 |
| 1074. PCB Containers and Multiple Removed From Service Dates | | MAY 22, 2014 |
| 1075. Satellite Accumulation and RCRA Personnel Training | | MAY 29, 2014 |
| 1076. Transporter Signatures on Hazardous Waste Manifest and Multiple Drivers | | JUN 5, 2014 |
| 1077. Universal Waste and Nonhazardous Batteries | | JUN 12, 2014 |
| 1078. Universal Waste and Incandescent Bulbs | | JUN 19, 2014 |
| 1079. The PCB Mark and the Fields "Also Contact" and "Tel No" | ENCORE | JUN 29, 2014 |
| 1080. Halon Fire Extinguishers - Banned or Not Banned? | ENCORE | JUL 5, 2014 |
| 1081. Cabinets as RCRA Containers | ENCORE | JUL 13, 2014 |
| 1082. LDR Storage Prohibitions and Treated Wastes | ENCORE | JUL 17, 2014 |
| 1083. LDR Treatment Standards and F001 "Chlorinated Fluorocarbons" | ENCORE | JUL 24, 2014 |
| 1084. RCRA Regulatory Status of Chlorinated Fluorocarbons Used as Refrigerants | ENCORE | JUL 31, 2014 |
| 1085. Universal Wastes, Manifesting and DOT Shipping Names | | AUG 7, 2014 |
| 1086. CERCLA Hazardous Substances – A Brief Definition | | AUG 14, 2014 |
| 1087. CERCLA Hazardous Substances – The Petroleum Exclusion | | AUG 21, 2014 |
| 1088. PCB Concentration Assumptions for Use vs. PCB Disposal | ENCORE | AUG 28, 2014 |
| 1089. Universal Waste and Basis for the One Year Accumulation Time Limit | | SEP 4, 2014 |
| 1090. Product Spills and Waste Determinations | ENCORE | SEP 11, 2014 |
| 1091. PCB Concentrations and 10,000 PPM | | SEP 18, 2014 |
| 1092. PCB Concentrations and 1,000 PPM | | SEP 25, 2014 |
| 1093. Universal Waste Alkaline Batteries and Self-Transportation | | OCT 2, 2014 |
| 1094. Universal Waste Lithium Batteries and Self-Transportation | | OCT 9, 2014 |
| 1095. Universal Waste Batteries and Closed Containers | ENCORE | OCT 16, 2014 |
| 1096. PCB Containers and Concentration of PCBs | | OCT 23, 2014 |
| 1097. Recyclable Chemicals and Zombie Destruction | | OCT 31, 2014 |
| 1098. Satellite Accumulation Requirements in Washington State | ENCORE | NOV 6, 2014 |
| 1099. Satellite Accumulation and "At or Near" | | NOV 13, 2014 |
| 1100. Regulatory Status of Chromated, Copper, Arsenate, (CCA) Wood as Wood Mulch | ENCORE | NOV 20, 2014 |
| 1101. Defining Criteria for Household Waste Exclusion | ENCORE | NOV 26, 2014 |
| 1102. The Household Waste Exclusion and Renovation Debris | | DEC 4, 2014 |
| 1103. The Household Waste Exclusion and Renovation Debris – Part II | | DEC 11, 2014 |
| 1104. PCB Ballasts and Disposal Options | ENCORE | DEC 18, 2014 |
| 1105. 'Twas the Night Before Christmas – The Twenty-Second Edition | | DEC 24, 2014 |
| 1106. Printed Circuit Board Recycling – Shredded vs. Whole | ENCORE | JAN 1, 2015 |
| 1107. Satellite Accumulation and Product Vessel Cleanouts | | JAN 8, 2015 |
| 1108. Date of Accumulation for Hazardous Waste and Receipt of Analytical Information | ENCORE | JAN 15, 2015 |
| 1109. Conservative Declarations that Material is a Hazardous Waste | | JAN 22, 2015 |
| 1110. Hazardous Waste Generator Tanks and the Date of Accumulation Marking | ENCORE | JAN 29, 2015 |
| 1111. Universal Waste, Satellite Accumulation and Centralized Collection Areas | | FEB 4, 2015 |
| 1112. The PCB Mark and PCB Storage for Disposal Areas | ENCORE | FEB 12, 2015 |
| 1113. EPA Hazardous Waste Markings - Accumulation vs. Pre-Transport | ENCORE | FEB 19, 2015 |
| 1114. Used Oil Filter Regulation – The Feds vs. Washington State | ENCORE | FEB 26, 2015 |
| 1115. Spent Lead-Acid Batteries and Secondary Containment | | MAR 5, 2015 |
| 1116. The Mixtures Rule – Washington State vs. The Feds | | MAR 12, 2015 |
| 1117. RCRA Permitted Storage and the Hazardous Waste Marking | ENCORE | MAR 19, 2015 |
| 1118. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements | ENCORE | MAR 26, 2015 |
| 1119. When is When Defined for the RCRA Phrase "When Reclaimed"? | | APR 1, 2015 |
| 1120. Who Wants to be a Generator?!! | ENCORE | APR 9, 2015 |
| 1121. Who Wants to be a Generator #2?!! | ENCORE | APR 16, 2015 |

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TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: WHO WANTS TO BE A GENERATOR #2?!!

DATE: APRIL 16, 2015

| <u>CHPRC Projects</u> | <u>CH PRC - Env. Protection</u> | <u>MSA</u> | <u>Hanford Laboratories</u> | <u>Other Hanford Contractors</u> | <u>Other Hanford Contractors</u> |
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| Richard Austin Tania Bates Ty Blackford Bob Cathel Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Jeanne Kisielnicki Melvin Lakes Jim McGrogan Stuart Mortensen Anthony Nagel Dean Nester Dave Richards Phil Sheely Connie Simiele Roni Swan Michael Waters Jeff Widney | Brett Barnes Ron Brunke Bill Cox Laura Cusack Lorna Dittmer Rick Engelmann Ted Hopkins Jim Leary Dale McKenney Jon McKibben Rick Oldham Linda Petersen Fred Ruck Jennie Seaver Ray Swenson Wayne Toebe Lee Tuott Daniel Turlington Dave Watson Joel Williams | Jerry Cammann Jeff Ehlis Garin Erickson Lori Fritz Panfilo Gonzales Jr. Dashia Huff Mark Kamberg Edwin Lamm Candice Marple Saul Martinez Jon Perry Thomas Pysto Christina Robison Don Rokkan Lana Strickling Lou Upton | (TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Cliff Clark Mike Collins Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine | Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Greta Davis Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Tom Gilmore Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Dan Kimball Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Mandy Pascual Kirk Peterson Jean Quigley | Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Kyle Webster Jeff Westcott Ted Wooley |

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TWO MINUTE TRAINING

SUBJECT: Who Wants to be a Generator #2!!!

Q: So, in last week's 2MT we learned that if there are three parties involved with a product tank (an owner of the tank, an owner of the product in the tank, and a contractor hired to clean out the accumulated sludges), then all three can meet the definition of a RCRA generator. What if the tank already held a hazardous waste instead of a product? In this scenario, one person is the owner of the tank and the dangerous/hazardous waste contained (the owner), and another person is the contractor hired to clean out the tank (the contractor). Who is the generator in this case - the owner, the contractor, or both?

A: Per WAC 173-303-040 [40 CFR 260.10], a generator is defined as:

"any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation."

In this scenario, the owner is the person, by site, whose act or process produces a dangerous/hazardous waste and also is the person whose act first causes a dangerous/hazardous waste to become subject to regulation (the material in the tank was already a hazardous waste prior to the contractor becoming involved). Therefore, the owner meets the definition of a generator.

The contractor's act of cleaning out the dangerous/hazardous waste will not be the first act that causes the dangerous/hazardous waste to be subject to regulation since the material is already a hazardous waste. Therefore, in this scenario, the contractor cannot meet the definition of a generator.

As further clarification, an EPA memo (concerning a contractor's recycling of spent solvents with a mobile recycling unit and whether or not the contractor becomes a generator) dated August 6, 1986 states:

"Since the spent solvent is presumably already a hazardous waste prior to Mr. DeCosimo coming onto the generator's site, and since the solvent is likely to have been accumulated prior to being recycled, the hazardous spent solvent would already have been subject to regulation under the accumulation provisions of Part 262 of the hazardous waste regulations. Thus, none of the actions taken by Mr. DeCosimo would appear, in the limited circumstances described in his letter, to cause him to become subject to RCRA liability as a RCRA hazardous waste generator."

As with the contractor in our scenario, since the material was already subject to regulation, the recycling contractor does not meet the definition of a generator.

SUMMARY:

- A generator is any person, by site, whose act or process produces dangerous/hazardous waste or whose act first causes a dangerous/hazardous waste to become regulated.
- An owner of a hazardous waste tank and its contents is a generator.
- A contractor who subsequently cleans out a hazardous waste tank is not a generator.

The memo is attached to the e-mail. If you have any questions, contact me at "Paul_W_Martin@rl.gov" or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 04/16/15

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Who Wants to be a Generator #2?!!

9432.1986(13)

FAXBACK 12706

AUG 6 1986

MOBILE SOLVENT RECYCLER, GENERATOR DETERMINATION FOR

Honorable Matthew J. Rinaldo
House of Representatives
Washington, D.C. 20515

Dear Mr. Rinaldo:

Thank you for your July 1, 1986, letter on behalf of your constituent Mr. Paul DeCosimo. Mr. DeCosimo requests an interpretation as to whether he would be considered a co-generator of hazardous waste as a result of recycling solvent at a generator's site using a mobile treatment technology. Based on the information provided by Mr. DeCosimo, we do not believe that he would be considered a co-generator for regulatory purposes under most circumstances.

A generator is defined in Section 260.10 of the hazardous waste regulations as, "...any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation." Since the spent solvent is presumably already a hazardous waste prior to Mr. DeCosimo coming onto the generator's site, and since the solvent is likely to have been accumulated prior to being recycled, the hazardous spent solvent would already have been subject to regulation under the accumulation provisions of Part 262 of the hazardous waste regulations. Thus, none of the actions taken by Mr. DeCosimo would appear, in the limited circumstances described in his letter, to cause him to become subject to RCRA liability as a RCRA hazardous waste generator.

Mr. DeCosimo should, of course, be aware of that if he transports a hazardous waste off of the generation site, he would be considered a hazardous waste transporter subject to regulation.

If you have any further questions, please call Bob Axelrad at (202) 382-5218.

Sincerely,

Original Document signed

J. Winston Porter
Assistant Administrator

FROM: Paul W. Martin

DATE: 04/16/15

FILE: c:\...\2MT\2015\041615.rtf

PG: 2

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