

<u>SUBJECT</u>		<u>DATE</u>
1188. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario II	ENCORE	AUG 11, 2016
1189. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario III	ENCORE	AUG 18, 2016
1190. Product Spills and Waste Determinations	ENCORE	AUG 25, 2016
1191. Product Spills, Waste Determinations, and LDR	ENCORE	SEP 1, 2016
1192. Regulatory Status of Caustic Rinse Waters Contaminated with Trace Solvents	ENCORE	SEP 8, 2016
1193. Regulatory Status of Sand Blast Grit Contaminated with Trace Listed Solvents	ENCORE	SEP 15, 2016
1194. Hazardous Waste "F" Listings and Trace Contamination	ENCORE	SEP 22, 2016
1195. Hazardous Waste "F" Listings and Trace Contamination – Again!	ENCORE	SEP 29, 2016
1196. Hazardous Waste Determinations and Phase Separation		OCT 6, 2016
1197. Asbestos and DOT Relief	ENCORE	OCT 13, 2016
1198. PCB Containers and Concentration of PCBs	ENCORE	OCT 20, 2016
1199. PCB Analytical Waste Disposal Requirements	ENCORE	OCT 27, 2016
1200. PCB Analytical Waste Disposal Requirements – Water vs. Organic Liquids and Non-aqueous Inorganic Liquids		NOV 3, 2016
1201. Listed Waste Codes and Pre-RCRA Wastes	ENCORE	NOV 10, 2016

DISCLAIMER - "Two Minute Training" ("2MT") is a peer-to-peer communication, presented to share the benefit of the author's work experience with other professionals, who can independently evaluate his analysis. 2MT does not necessarily reflect the opinions, conclusions or policies of the author's past or current employers or the US Department of Energy. The author's employers do not take any responsibility for the accuracy of its conclusions. 2MT is not intended to be used as authoritative guidance or direction by any person or entity. Anyone transmitting or reproducing it is prohibited from modifying its content, this disclaimer, or other text, or republishing it independent of its original source.

TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

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

SUBJECT: LISTED WASTE CODES AND PRE-RCRA WASTES

DATE: NOVEMBER 10, 2016

<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>
Richard Austin Roni Ashley Tania Bates Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Jeanne Kisielnicki Melvin Lakes Marty Martin Jim McGrogan Stuart Mortensen Dean Nester Dave Richards Phil Sheely Connie Simiele Jennie Stults Michael Waters Jeff Westcott Jeff Widney	Ron Brunke Bill Cox Laura Cusack Lorna Dittmer Rick Engelmann Ted Hopkins Sasa Kosjerina Jim Leary Rick Oldham Anthony Nagel Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson Joel Williams	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzales Jr. Dashia Huff Mark Kamberg Edwin Lamm Candice Marple Jon McKibben Saul Martinez Jon Perry Christina Robison Lana Strickling Lou Upton	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Cliff Clark Mike Collins Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Lori Fritz 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 Marty 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 Jay Warwick Kyle Webster Ted Wooley

DISCLAIMER - "Two Minute Training" ("2MT") is a peer-to-peer communication, presented to share the benefit of the author's work experience with other professionals, who can independently evaluate his analysis. 2MT does not necessarily reflect the opinions, conclusions or policies of the author's past or current employers or the US Department of Energy. The author's employers do not take any responsibility for the accuracy of its conclusions. 2MT is not intended to be used as authoritative guidance or direction by any person or entity. Anyone transmitting or reproducing it is prohibited from modifying its content, this disclaimer, or other text, or republishing it independent of its original source.

TWO MINUTE TRAINING

SUBJECT: Listed Waste Codes and Pre-RCRA Wastes

Q: A customer discovers contaminated concrete buried on the facility's property. The contaminated concrete is placed into a roll-off for disposal off-site. An investigation reveals that the contamination on the concrete is the result of a product toluene spill that occurred in the 1960's - well before the effective date of RCRA, November 19, 1980. The waste would technically meet the definition of a U220 listed hazardous waste, however, the customer is not sure if the listings apply to wastes disposed of before the RCRA effective date. Now that the customer wants to remove the concrete for off-site disposal, is the contaminated concrete regulated as a U220 listed hazardous waste or is the concrete regulated as a hazardous waste only if it exhibits a characteristic?

A: Per the August 18, 1992, Federal Register on page 37298, EPA stated:

"Since inception of the RCRA program, hazardous waste listings [F, K, U and P] apply to the material being disposed, not when it is disposed of. A listed waste disposed of in 1970 is still that same listed waste. This does not mean that such wastes must be exhumed for proper treatment; they are subject to Subtitle C controls only when they are actively managed. EPA has interpreted 'active management' as physically disturbing accumulated wastes within a management unit..."

"Hazardous waste listings thus apply retroactively to wastes disposed in units that ceased operation prior to the effective date of the listings."

Since the U-listed waste was disposed of in a unit (buried) prior to the effective date of RCRA the contaminated concrete is subject to RCRA at the time it is actively managed, i.e., physically disturbed via cleanup on or after November 19, 1980. Therefore, once the customer begins removal of the buried concrete, active management of the waste has occurred and any currently effective hazardous waste listings apply.

SUMMARY:

- Hazardous waste listings apply to the material being disposed, not to the time of disposal.
- A listed waste disposed of prior to RCRA is still that same listed waste.
- Hazardous waste listings apply retroactively to wastes disposed prior to November 19, 1980 only if the waste is actively managed on or after November 19, 1980.

Nothing is attached to the e-mail. If you have any questions, please contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 11/10/16

FILE: 2MT\2016\111016.rtf

PG: 1

DISCLAIMER - "Two Minute Training" ("2MT") is a peer-to-peer communication, presented to share the benefit of the author's work experience with other professionals, who can independently evaluate his analysis. 2MT does not necessarily reflect the opinions, conclusions or policies of the author's past or current employers or the US Department of Energy. The author's employers do not take any responsibility for the accuracy of its conclusions. 2MT is not intended to be used as authoritative guidance or direction by any person or entity. Anyone transmitting or reproducing it is prohibited from modifying its content, this disclaimer, or other text, or republishing it independent of its original source.