

<u>SUBJECT</u>		<u>DATE</u>
1056. Hazardous Waste Tanks and the Less than 90-Day Accumulation Time Limit	ENCORE	APR 23, 2015
1057. Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE	APR 30, 2015
1058. Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE	MAY 7, 2015
1059. Decharacterized Wastes, <90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE	MAY 14, 2015
1060. Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE	MAY 21, 2015
1061. Hazardous Debris Macroencapsulation and Size Reduction	ENCORE	MAY 28, 2015
1062. Universal Waste Lamps and Prohibition on Crushing		JUN 4, 2015
1063. F003 Listed Hazardous Waste and the 10% Rule	ENCORE	JUN 11, 2015
1064. F001 - F005 Listed Hazardous Waste and the 10% Rule	ENCORE	JUN 18, 2015
1065. Macroencapsulation of Hazardous Debris and Presence of Free Liquids	ENCORE	JUN 25, 2015
1066. DOT Shipping of Damaged, Defective or Recalled Lithium Batteries		JUL 1, 2015
1067. Used Oil Eligibility for Animal and Vegetable Oils	ENCORE	JUL 9, 2015
1068. Used Oil Eligibility for Petroleum Oils Mixed with Animal or Vegetable Oils		JUL 16, 2015
1069. Conditioned Exclusion for Listed Hazardous Waste Debris Treated via Extraction/Destruction	ENCORE	JUL 23, 2015
1070. Conditioned Exclusion for Characteristic Debris Treated via Immobilization		JUL 30, 2015
1071. RCRA Personnel Training and Classroom Training vs. Online Training		AUG 6, 2015
1072. PCB Decontamination Standards with No Decontamination Performed		AUG 13, 2015
1073. PCB Manifest Exceptions a.k.a. When is a PCB Manifest Not Required	ENCORE	AUG 19, 2015
1074. PCB Manifest Relief a.k.a. When is a PCB Manifest Not Required – The Sequel		AUG 27, 2015
1075. Hazardous Debris and Radioactively Contaminated Cadmium Batteries	ENCORE	SEP 3, 2015
1076. Hazardous Debris and Radioactively Contaminated Lead Acid Batteries	ENCORE	SEP 10, 2015
1077. Mercury Wet Cell Batteries - Debris or Not Debris	ENCORE	SEP 17, 2015
1078. Hazardous Debris and Non-Radioactive Lead Acid Batteries		SEP 24, 2015
1079. Unused Paraformaldehyde - U Listed Hazardous Waste or Not?	ENCORE	OCT 1, 2015
1080. CAS Numbers and the Hazardous Waste "U" and "P" Listings	ENCORE	OCT 8, 2015
1081. Universal Waste One Year Accumulation and Multiple Handlers	ENCORE	OCT 15, 2015
1082. LDR Notifications and F001-F005 Constituents of Concern	ENCORE	OCT 29, 2015
1083. LDR Notifications and F001-F005 Constituents of Concern – Again	ENCORE	NOV 5, 2015
1084. LDR Notifications and F001-F005 Constituents of Concern - One Last Time	ENCORE	NOV 12, 2015
1085. DOT and Terminal Protection of Alkaline Batteries	ENCORE	NOV 19, 2015
1086. Used Oil and Keeping Containers Closed – WAC 173-303-515 vs. 40 CFR 279		NOV 25, 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: USED OIL AND KEEPING CONTAINERS CLOSED – WAC 173-303-515 VS. 40 CFR 279

DATE: NOVEMBER 25, 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>
Richard Austin Roni Ashley Tania Bates 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 Jennie Stults Michael Waters Jeff Widney	Brett Barnes Mitch Boyd Ron Brunke Bill Cox Laura Cusack Lorna Dittmer Rick Engelmann Ted Hopkins Sasa Kosjerina Jim Leary Dale McKenney Jon McKibben Rick Oldham Linda Petersen Fred Ruck 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 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 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 Jay Warwick Kyle Webster Jeff Westcott Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: Used Oil and Keeping Containers Closed – WAC 173-303-515 vs. 40 CFR 279

Q: A customer from Washington State is visiting a Sister Facility in another state and notes that the Sister Facility's used oil containers have open top funnels that are not kept closed. When the Washington State person pointed out the issue to the Sister facility, the Sister Facility's response was that it is OK under 40 CFR 279. So what is the difference in the Washington State requirements vs. the Federal 40 CFR 279 requirements for keeping a used oil container closed?

A: [WAC 173-303-515](#)(6)(a)(i), "Standards for the management of used oil", states:

"Containers must be closed at all times, except when adding or removing materials managed under this section."

However, [40 CFR 279.22](#), "Standards for the Management of Used Oil", states nothing about keeping used oil containers closed. 40 CFR 279.22(b)(1) and (2) only state that used oil containers must be in good condition and not leaking.

As further clarification, an [EPA Guidance Memo dated September 1, 1997](#), stated that used oil containers and tanks do not need to comply with 40 CFR 264/265, Subparts J (tanks) and I (containers) provided the used oil is not mixed with a hazardous waste. [40 CFR 264/265 Subpart I](#), "Use and Management of Containers" and [40 CFR 264/265.173\(a\)](#) is the regulatory citation stating:

"A container holding hazardous waste must always be closed during storage, except when necessary to add or remove wastes."

Since 40 CFR 279 does not include wording to keep used oil containers closed and does not reference 40 CFR 264/265 Subpart I, there appears to be no Federal requirement to keep used oil containers closed - unless your Spill Prevention, Control and Countermeasures (SPCC) Plan requires it.

Washington State, however, is more stringent than the Federal regulations and as stated in WAC 173-303-515(6)(a)(i), used oil containers in Washington State must be closed at all times except when adding or removing used oil.

SUMMARY:

- WAC 173-303-515(6)(a)(i) requires used oil containers to be closed.
- 40 CFR 279.22 does not require used oil containers to be closed.
- Therefore, Washington State has chosen to be more stringent than the Federal regulations concerning keeping used oil containers closed.

Excerpts from WAC 173-303-515 and 40 CFR 279, and the EPA guidance memo dated September 1, 1997, 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: 11/25/15

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Used Oil and Keeping Containers Closed – WAC 173-303-515 vs. 40 CFR 279

WAC 173-303-515 Standards for the management of used oil.

(6) **Standards for used oil generators.** This subsection applies to all used oil generators and persons managing materials under this section. The standards for used oil generators of 40 C.F.R. Parts 279.20 through 279.24 are incorporated by reference except 40 C.F.R. Part 279.21. Used oil generators and persons managing materials under this subsection are subject to the federal regulations listed above and the following:

(a) Storage requirements for containers and tanks.

(i) Containers must be closed at all times, except when adding or removing materials managed under this section.

(ii) Containers and tanks must not be opened, handled, managed or stored in a manner that may cause the container or tank to leak or rupture.

40 CFR §279.22 Used oil storage

Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures ([40 CFR part 112](#)) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank ([40 CFR part 280](#)) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

(a) *Storage units.* Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under parts 264 or 265 of this chapter.

(b) *Condition of units.* Containers and aboveground tanks used to store used oil at generator facilities must be:

(1) In good condition (no severe rusting, apparent structural defects or deterioration); and

(2) Not leaking (no visible leaks).

(c) *Labels.*

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

(2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words “Used Oil.”

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993; [63 FR 24969](#), May 6, 1998]

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Used Oil and Keeping Containers Closed – WAC 173-303-515 vs. 40 CFR 279

EPA: 530-R-97-005i

NTIS: SUB9224-97-009

1. Generator Storage of Used Oil

A used oil generator storing used oil on site must comply with the used oil storage standards found in 40 CFR Section 279.22. These regulations specify that a generator can only store used oil in “tanks, containers, or units subject to regulation under Parts 264 or 265...” Does this mean that containers and tanks storing used oil must meet the hazardous waste storage requirements of Parts 264/265, Subparts I or J respectively, or only units other than containers or tanks (i.e., surface impoundments) storing used oil?

A used oil generator storing used oil in containers and tanks does not need to comply with Parts 264/265, Subparts I or J, provided the used oil has not been mixed with a hazardous waste. Tanks and containers storing used oil must meet the requirements in Section 279.22(b) and (c), which address the condition and labeling of the units, respectively. Units other than tanks and containers storing used oil, however, must be permitted or operating under interim status. For example, a used oil generator is prohibited from storing used oil in a surface impoundment unless the surface impoundment meets the general facility standards of Parts 264/265, Subparts A-H, the unit specific requirements of Parts 264/265, Subpart K, and the applicable requirements of Part 270. In addition, a state’s regulations can be more stringent than the federal regulations. Therefore, a used oil generator should inquire with the state for additional regulations that may apply to the storage of used oil.

FROM: Paul W. Martin

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