

<u>SUBJECT</u>		<u>DATE</u>
1320.	Treated Hazardous Waste Used as Dust Suppressant	FEB 28, 2019
1321.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE MAR 7, 2019
1322.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE MAR 14, 2019
1323.	Decharacterized Wastes, ≤90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE MAR 21, 2019
1324.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE MAR 28, 2019
1325.	PCB Decontamination Standard with No Decontamination Performed	ENCORE APR 4, 2019
1326.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required?	ENCORE APR 11, 2019
1327.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required? – The Sequel	ENCORE APR 18, 2019
1328.	PCB Concentrations and Micrograms per Centimeters Squared (µg/cm ²)	ENCORE APR 25, 2019
1329.	Operating Record vs. Operating Log	ENCORE MAY 2, 2019
1330.	Operating Records Not Referenced in the “Operating Record” Regulations	ENCORE MAY 9, 2019
1331.	Washington State Used Oil and Mixtures with Other Materials	ENCORE MAY 16, 2019
1332.	Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE MAY 23, 2019
1333.	Printed Circuit Board Recycling – Shredded vs. Whole	ENCORE MAY 30, 2019
1334.	Universal Waste Alkaline Batteries and Self-Transportation	ENCORE JUN 6, 2019
1335.	Universal Waste Lithium Batteries and Self-Transportation	ENCORE JUN 13, 2019
1336.	RCRA Hazard Labeling – A Random Scenario	ENCORE JUN 20, 2019
1337.	Regulatory Status of Chromated, Copper, Arsenate, (CCA) Wood as Wood Mulch	ENCORE JUN 27, 2019
1338.	Unused Paraformaldehyde - U Listed Hazardous Waste or Not?	ENCORE JUL 3, 2019
1339.	The Hazardous Waste Characteristic of Reactivity (D003)	ENCORE JUL 11, 2019
1340.	Central Accumulation Areas and Signage Requirements	ENCORE JUL 18, 2019
1341.	RCRA EPA Identification Numbers – Site Specifics	ENCORE JUL 25, 2019
1342.	RCRA EPA Identification Numbers – Transporters	ENCORE AUG 1, 2019
1343.	Paint Wastes and the Applicability of the F001-F005 Listings to Ingredients	ENCORE AUG 8, 2019
1344.	F Listings and Ingredients in Commercial Chemical Product Formulations	ENCORE AUG 15, 2019
1345.	PCB Containers and ≥50 ppm	ENCORE AUG 22, 2019
1346.	CERCLA Hazardous Substances – The Petroleum Exclusion	ENCORE AUG 29, 2019
1347.	PCB Concentration Assumptions for Use vs. PCB Disposal	ENCORE SEP 5, 2019
1348.	RCRA LR One-Year Storage Prohibition vs., PCB One-Year Disposal Time Limit	ENCORE SEP 12, 2019
1349.	Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978	ENCORE SEP 19, 2019
1350.	Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978 – A Follow-Up	ENCORE SEP 26, 2019
1351.	PCB Waste Regulation and April 18, 1978 vs. July 2, 1979	ENCORE OCT 3, 2019
1352.	PCB Waste Storage Limitations and the One-Year Extension	ENCORE OCT 10, 2019
1353.	PCB Waste Storage Limitations and the PCB Radioactive Waste Exemption	ENCORE OCT 17, 2019
1354.	LDR One-Year Storage Prohibition and Generator Permitted Storage	ENCORE OCT 24, 2019
1355.	LDR Notification/Certification and Generator Permitted Storage	ENCORE OCT 31, 2019
1356.	Disposing of PCB Ballasts with PCB Potting Material	ENCORE NOV 7, 2019
1357.	Fluorescent Light Ballasts and PCB Annual Reporting	ENCORE NOV 14, 2019
1358.	Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE NOV 21, 2019
1359.	Multiple Characteristic and Listed Hazardous Waste Codes and the “in lieu of” LDR Principle	ENCORE NOV 26, 2019
1360.	Universal Waste Lamps and Prohibition on Crushing	ENCORE DEC 5, 2019
1361.	Used Oil and Weekly Inspections	ENCORE DEC 12, 2019
1362.	Used Oil and Keeping Containers Closed – Washington State vs. the Feds	ENCORE DEC 19, 2019
1363.	’Twas the Night Before Christmas – The Twenty-Sixth Annual Edition	ENCORE DEC 24, 2019
1364.	Generator Weekly Inspection Log Documentation – Federal vs. WA State	ENCORE JAN 2, 2020
1365.	PCB Reporting and Recordkeeping Relief	ENCORE JAN 9, 2020
1366.	Satellite Accumulation and Product Vessel Cleanouts	ENCORE JAN 16, 2020
1367.	TSDF Requirements When Shipping Dangerous Waste to another TSDF	ENCORE JAN 23, 2020
1368.	The Hazardous Waste Manifest Instructions – Where did they go?	ENCORE JAN 30, 2020

TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

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

SUBJECT: THE HAZARDOUS WASTE MANIFEST INSTRUCTIONS – WHERE DID THEY GO?

DATE: JANUARY 30, 2020

<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 Tania Bates Rene Catlow Richard Clinton Larry Cole Laura Cusack John Dent Lorna Dittmer Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Danielle Collins Bill Cox Jeanne Elkins Ryan Fisher Jonathan Fullmer Ted Hopkins Barry Lawrence Jim Leary Diane Leist Mitch Marrott Stewart McMahand Brian Mitcheltree Anthony Nagel Linda Petersen Fred Ruck Sean Sexton Dave Shea Ray Swenson Kat Thompson Wayne Toebe Eric Trotta Daniel Turlington Dave Watson	Brett Barnes Michael Carlson Mike Demiter Kip George Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Matt Mills Carly Nelson Michelle Oates Eric Pennala Jon Perry Christina Robison Christian Seavoy David Shaw John Skogle Lana Strickling Greg Sullivan	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Al Farabee Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Mike Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Kirk Peterson	Dan Saueressig Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: The Hazardous Waste Manifest Instructions – Where did they go?

Q: In last week's Two Minute Training (2MT), the new shipper in the midst of on-the-job training, resolved whom to identify as the generator in item 5 of the Uniform Hazardous Waste Manifest. The new shipper needs more information about completing the manifest and has asked a 35-year veteran of RCRA where the manifest instructions are located in 40 CFR. The RCRA veteran, without even looking at the regulations, referred the new shipper to the Appendix at 40 CFR 262. However, when the new shipper tried to find that appendix, it was nowhere to be found. What is happening!

A: A review of [40 CFR Part 262, the July 1, 2017](#), edition revealed that the "Appendix to Part 262 – Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)," was present at that time. However, a review of [40 CFR Part 262, the July 1, 2018](#), edition revealed that the appendix had been removed.

The [January 3, 2018, Federal Register](#) confirmed that EPA had removed the Appendix to Part 262. On page 445, Section N., "Removal of Part 262 Appendix From the Code of Federal Regulations", EPA stated that since the adoption of the Uniform Hazardous Waste Manifest in 1984, EPA had published the manifest instructions in a distinct appendix at the end of 40 CFR Part 262. This meant that any change to the manifest required costly and time-consuming rulemaking. This practice continued for more than 30 years, despite the fact that EPA was also subject to the Paperwork Reduction Act (PRA). The PRA required EPA to receive approval from the Office of Management and Budget (OMB) for any substantive or material changes to the manifest. The OMB also required EPA to inform and provide reasonable notice to the public of any manifest changes and to estimate the burden resulting from the changes. EPA also had to provide the public with an opportunity to comment on the changes, and an explanation of how EPA addressed those comments. Lastly, even if EPA did not change the manifest, every three years EPA had to obtain OMB approval to continue using the manifest.

Codification of the manifest in 40 CFR Part 262 served a purpose for publishing details of the manifest and their instructions. However, EPA believed that codification no longer served that purpose since the manifest and their instructions are available on the EPA internet domain at www.epa.gov/e-manifest. EPA can efficiently and effectively publish and maintain the manifest via the internet as opposed to codification. EPA also uses the internet to inform the public of any manifest changes and how the public can submit comments.

In the [July 26, 2016, proposed rule](#) on electronic manifest user fees, EPA did not propose removing the Appendix at 40 CFR Part 262. However, as the rule developed, EPA recognized changes needed to implement the "e-manifest" act requirements. These changes prompted EPA to move from the archaic process of codifying the manifest in 40 CFR Part 262, to maintaining the manifest on the EPA internet domain. The lack of a proposed rule to remove the Appendix to 40 CFR Part 262, contributed to the RCRA veteran's surprise that the appendix was no more.

SUMMARY:

- The manifest and its instructions had been in the Appendix to 40 CFR Part 262 since 1984.
- In the January 3, 2018, regulations, EPA removed the Appendix to 40 CFR 262.
- The current manifest and its instructions are now available on the EPA internet domain.

An excerpt from the January 3, 2018, Federal Register is attached to the e-mail. If you have any questions, please contact me at [Paul W. Martin@rl.gov](mailto:Paul.W.Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 01/30/20

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: The Hazardous Waste Manifest Instructions – Where did they go?

Federal Register for January 3, 2018

Hazardous Waste Management System; User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations

Page 445

N. Removal of Part 262 Appendix From the Code of Federal Regulations

Since the adoption of the Uniform Manifest in 1984, EPA has published the Uniform Manifest (EPA Form 8700-22), the Manifest Continuation Sheet (EPA Form 8700-22A), and the corresponding instructions for completing each of these forms in a distinct appendix published at the end of [40 CFR part 262](#). This means that any change to the forms required costly and time-consuming rulemaking. This practice has continued for more than 30 years, despite the fact that the Agency must also comply with the regulations implementing the Paperwork Reduction Act (PRA) at [5 CFR part 1320](#). Specifically, pursuant to the PRA, the Agency must receive approval from the Office of Management and Budget (OMB) for any substantive or material change it seeks to make to the two forms (OMB control number 2050-0039). As part of these requirements, among other things, the Agency must include as part of its request for OMB clearance, evidence that it informed and provided reasonable notice to the public of changes it seeks to make to the forms as well as an estimate of the burden resulting from the changes, provided the public with an opportunity to comment on the changes, and an explanation of how the Agency addressed those comments. In fact, even if the Agency does not seek to make any changes to the forms, it must seek approval from OMB for continued use of the forms every three years.

While the codification of these forms and their instructions in an appendix to part 262 may have been a useful means of publishing the details of the manifest forms and their use to the regulated community in the 1980's when there was no internet, EPA believes that this codification no longer serves that purpose. This conclusion follows from the impending availability of these forms and their instructions on the Agency's internet domain. Codification of these forms in part 262 is also duplicative with the management of the manifest's information collection requirements under the PRA. The manifest and continuation sheet forms displayed in the current appendix only display one sample copy of the multi-copy manifest and continuation sheet forms. These codified versions are sample displays only and cannot be used in commerce at all, and users who need a manifest must obtain them from the registered printers EPA has approved to distribute valid manifests commercially. With the implementation of e-Manifest, EPA has designated an internet domain www.epa.gov/e-Manifest where it will publish and make available to users the currently required manifest forms and instructions, serving the same purpose as the codification in the appendix in the CFR. EPA will be able to publish, make available to the public, and maintain the manifest forms and instructions much more efficiently and effectively through this means on the internet domain than by continuing to codify them in an appendix in the CFR. Moreover, the internet domain also provides a convenient location at which EPA can inform the public of any changes it seeks to make to the forms and provide the public with instructions on how they can submit comments. Any issues that the public might have concerning the paperwork compliance burdens posed by the manifest forms and their instructions can continue to be addressed in the Information Collection Request (ICR) process set out in the PRA.

EPA did not propose the removal of the manifest forms and instructions from the part 262 appendix as part of the July 26, 2016 proposed user fee rule. The proposed user fee rule was focused fundamentally on the user fee methodology and policy and several pending non-fee issues related to the use of manifests. As the final rule was being developed, EPA recognized the need to make several minor, conforming changes to the manifest forms and instructions to implement several of the new requirements under the e-Manifest Act. The development of these conforming changes to the forms and instructions accentuated for EPA the need to move away from the archaic practice of continuing to publish the forms and instruction in the CFR rather than publishing them to the public more effectively on the program's internet domain. In addition, as EPA shifts its attention in the future to integrating the manifest with the reporting of waste receipts for the RCRA biennial report, there will be many advantages to EPA and the public in having the integration of these two collections addressed through the PRA process rather than a separate rulemaking focused only on the manifest forms in the CFR appendix.

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: The Hazardous Waste Manifest Instructions – Where did they go?

The Agency is including this action in this final rule, without notice and comment, pursuant to section 553(b)(3)(A) of the Administrative Procedure Act (APA). Section 553(b)(3)(A) of the [APA exempts](#) notice and comment proceedings for "interpretive rule, general statements of policy, or rules of agency organization, procedure, or practice." The decision to publish the manifest forms and instructions though EPA's internet domain, and to address public comments on form changes and their burden through the PRA processes rather than through a separate rulemaking on the part 262 appendix, is primarily a matter of how EPA organizes its forms and their procedures and practices. Moreover, the PRA provides another adequate process by which the public can be informed of manifest form changes and provide comment on them. For emphasis, we note that no other form required for RCRA Subtitle C compliance purposes (*e.g.*, the Site ID Form, the biennial report's waste generation or waste receipt forms) are codified in the CFR. Removing the manifest forms and instructions from the part 262 appendix will enable EPA to organize, manage, and maintain the manifest forms in the same sensible and efficient manner as the other Subtitle C form requirements.

Therefore, EPA is including in this final rule two minor regulatory amendments to effectuate this action. First, EPA is amending § 262.20(a)(1) to remove the current language that specifies that generators must prepare manifests "according to the instructions included in the appendix to this part." The language in quotations above will be removed, and the language that remains will simply require the generators to prepare a manifest, and will continue to cite the EPA Forms 8700-22 and 8700-22A that identify the hazardous waste manifest and continuation sheet, as well as the OMB control number 2050-0039 by which OMB manages the information collection requirements for the manifest forms. Second, EPA is including an amendment to part 262 to remove the current manifest forms-related appendix from part 262.

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