

<u>SUBJECT</u>		<u>DATE</u>
1253. Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE	NOV 16, 2017
1254. PCB Radioactive Wastes and Exception Reporting	ENCORE	NOV 21, 2017
1255. Satellite Accumulation Requirements and Container Inspections	ENCORE	NOV 30, 2017
1256. Disposing of PCB Ballasts with PCB Potting Material	ENCORE	DEC 7, 2017
1257. Fluorescent Light Ballasts and PCB Annual Reporting		DEC 14, 2017
1258. 'Twas the Night Before Christmas – The Twenty-Fifth Annual Edition		DEC 21, 2017
1259. The Purpose of Keeping Containers Closed Except When Adding or Removing Wastes	ENCORE	DEC 28, 2017
1260. Satellite Accumulation and Product Vessel Cleanouts	ENCORE	JAN 4, 2018
1261. Conservative Declaration that Material is a Hazardous Waste	ENCORE	JAN 11, 2018
1262. Defining Criteria for Household Waste Exclusion	ENCORE	JAN 18, 2018
1263. The Household Waste Exclusion and Renovation Debris	ENCORE	JAN 25, 2018
1264. The Household Waste Exclusion and Renovation Debris – Part II	ENCORE	FEB 1, 2018
1265. The Mixtures Rule – Washington State vs. The Feds	ENCORE	FEB 8, 2018

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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: THE MIXTURES RULE – WASHINGTON STATE VS. THE FEDS

DATE: FEBRUARY 8, 2018

<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 John Dent Lorna Dittmer Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Melvin Lakes Richard Lipinski Jim McGrogan Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jennie Stults Jeff Westcott Jeff Widney	Bob Bullock Bill Cox Laura Cusack Sasa Kosjerina Jim Leary Anthony Nagel Robert Nielson Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg 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 Tony McKarns Ellen Mattlin Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Tom Gilmore Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: The Mixtures Rule – Washington State vs. The Feds

Q: What is the basic definition of “The Mixtures Rule” and are there any differences in the mixtures rule between Washington State and the Federal regulations?

A: The mixtures rule at Washington Administrative Code (WAC) 173-303-070(2), “Designation of dangerous waste”, and at 40 CFR 261.3(a)(iv) and (g), “Definition of hazardous waste”, basically state that a mixture of a solid waste and a listed hazardous waste remains a listed hazardous waste. The primary difference between WAC 173-303-070(2) and 40 CFR 261.3(a)/(g) is that Washington State did not adopt all the language from 40 CFR 261.3(g) concerning additional mixture scenarios. According to 40 CFR 261.3(g)(1), a listed hazardous waste listed solely for one or more characteristics of ignitability, corrosivity, or reactivity (ICR) is not a hazardous waste, if the resulting mixture of waste no longer exhibits any characteristics of hazardous waste. An example would be an F003 hazardous waste such as waste acetone which is listed solely for ignitability. If the F003 hazardous waste is mixed with a solid waste and the ignitable characteristic is removed, the mixture is not a hazardous waste. [Note that the Land Disposal Restrictions (LDR) continue to apply until the LDR treatment standards are met.] However, WAC 173-303-070(2) did not adopt the “listed solely for...” language. Therefore if an F003 listed dangerous waste is mixed with a solid waste, the resulting mixture remains a Washington State listed dangerous waste even if the resultant mixture exhibits no characteristics or Washington State criteria for dangerous waste.

SUMMARY:

- The Mixtures Rule basically states that a listed hazardous waste mixed with solid waste remains a listed hazardous waste.
- In addition, a Federal listed waste listed solely for the characteristics of ignitability, corrosivity or reactivity is not a hazardous waste if mixed with a solid waste and the resulting mixture exhibits no characteristics of hazardous waste.
- However, Washington State did not adopt the above Federal language and therefore a mixture of a listed dangerous waste and a solid waste remains a Washington State dangerous waste, even if the resulting mixture exhibits no characteristics or state criteria for dangerous waste.

Excerpts from WAC 173-303-070(2) and 40 CFR 261.3(a) and (g) are 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: 2/8/18

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: The Mixtures Rule – Washington State vs. The Feds

40 CFR 261.3 Definition of hazardous waste.

(g)

(1) A hazardous waste that is listed in subpart D of this part solely because it exhibits one or more characteristics of ignitability as defined under §261.21, corrosivity as defined under §261.22, or reactivity as defined under §261.23 is not a hazardous waste, if the waste no longer exhibits any characteristic of hazardous waste identified in subpart C of this part.

[No mixing with a solid waste has occurred. PWMartin comment]

(2) The exclusion described in paragraph (g)(1) of this section also pertains to:

(i) Any mixture of a solid waste and a hazardous waste listed in subpart D of this part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under paragraph (a)(2)(iv) of this section; and

[Note: The highlighted wording is not in the WA dangerous waste regulations. WA generators cannot mix solid waste with listed hazardous waste solely listed for ignitability, corrosivity or reactivity and then manage as nonregulated wastes. PWMartin comment]

(ii) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in subpart D of this part solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under paragraph (c)(2)(i) of this section.

(3) Wastes excluded under this section are subject to part 268 of this chapter (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

WAC 173-303-070 Designation of dangerous waste.

(2)

(a) Except as provided at WAC 173-303-070 (2)(c), once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until: ...

(c)

(i) A dangerous waste that is listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits one or more characteristics of ignitability as defined under WAC 173-303-090(5), corrosivity as defined under WAC 173-303-090(6), or reactivity as defined under WAC 173-303-090(7) is not a dangerous waste, if the waste no longer exhibits any characteristic of dangerous waste identified in WAC 173-303-090 or any criteria identified in WAC 173-303-100. *[Again, no mixing with a solid waste has occurred. PWMartin comment]*

(ii) The exclusion described in (c)(i) of this subsection also pertains to:

(A) Any solid waste generated from treating, storing, or disposing of a dangerous waste listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under (a) and (b) of this section.

(B) Wastes excluded under this section are subject to 40 CFR Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a) (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

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