

	<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

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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: DECHARACTERIZED RCRA WASTE - MANIFESTING AND LDR REPORTING

DATE: MARCH 7, 2019

<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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TWO MINUTE TRAINING

SUBJECT: Decharacterized RCRA Waste - Manifesting and LDR Reporting

- Q:** A customer has a semi-liquid "F" listed dangerous/hazardous waste that also exhibits heavy metal hazardous waste characteristics for D004 - D011. Absorbent is added to the dangerous waste to eliminate free liquids and in the process, all of the dangerous characteristics are diluted to below regulatory levels. The customer is now ready to ship the absorbed dangerous waste offsite. Which dangerous waste codes will be required on the dangerous waste manifest and which dangerous waste codes will be required on the land disposal restriction (LDR) form?
- A:** Per the derived from rule at [WAC 173-303-070\(2\)](#) [[40 CFR 261.3\(c\)](#)], 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 the waste no longer exhibits a characteristic of dangerous waste, or if listed, the waste has been exempted. The regulation also states that if a waste exhibited a characteristic at the point of generation, the waste may still be subject to LDR, even if the waste no longer exhibits a characteristic at the point of land disposal. The customer's addition of absorbent removed the characteristics, but the LDR treatment standards have not been achieved.

Concerning the manifest, the customer's absorbed waste was generated from the treatment of dangerous waste, i.e., the addition of absorbent to remove free liquids. Per the derived from rule, the "F" listings will continue to apply to the absorbed waste. However, the absorbed waste no longer exhibited a characteristic. Therefore, the characteristic codes will no longer apply to the absorbed waste in terms of manifesting. This means that the "F" listed codes will be included in item 13, "Waste Codes", of the dangerous waste manifest, and the characteristic codes will not be included since the waste no longer exhibits the characteristic codes.

Concerning the LDR notification, LDR requirements applied when the customer first generated the waste and determined the waste to be a hazardous/dangerous waste. Even though the D004-D011 characteristic waste codes will not be included on the manifest, the characteristic codes must be included on the LDR notification form. Per the [May 26, 1998, Federal Register](#) on page 28618, first column, it states:

"...the D.C. Circuit held that land disposal prohibitions attach at the point that a hazardous waste is generated and continue to apply until threats posed by land disposal of the waste are minimized." "... the court held that (in the case of characteristic hazardous waste) elimination of the property that caused EPA to identify a waste as hazardous in the first instance does not automatically eliminate the duty to achieve compliance with LDRs."

Also, [40 CFR 268.3](#) prohibits impermissible dilution as a substitute for adequate LDR treatment. Therefore, the "F" listed and D004-D011 characteristic codes must be included on the LDR notification.

SUMMARY:

- Waste codes required on the manifest are those waste codes applicable at the time of transport.
- Waste codes required on the LDR notification are those codes applicable at the initial point of generation and that have not yet been adequately treated prior to land disposal, i.e., not the result of impermissible dilution.
- Waste codes on the LDR notification may include more codes than those on the manifest.

Excerpts from WAC 173-303-070 and 40 CFR 268.3 are attached to the e-mail. If you have any questions, contact me at [Paul W. Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 3/7/19

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Decharacterized RCRA Waste - Manifesting and LDR Reporting

WAC 173-303-070 Designation of dangerous waste.

- (2) 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:
- (i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and
 - (ii)
 - (A) It does not exhibit any of the characteristics of WAC 173-303-090; however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of WAC 173-303-140 (2)(a), [LDR] even if they no longer exhibit a characteristic at the point of land disposal; and
 - (B) If it was a listed waste under WAC 173-303-080 through 173-303-083, it also has been exempted pursuant to WAC 173-303-910 (3);

40 CFR 268.3 Dilution prohibited as a substitute for treatment.

- (a) Except as provided in paragraph (b) of this section, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with subpart D of this part, to circumvent the effective date of a prohibition in subpart C of this part, to otherwise avoid a prohibition in subpart C of this part, or to circumvent a land disposal prohibition imposed by RCRA section 3004.
- (b) Dilution of wastes that are hazardous only because they exhibit a characteristic in treatment systems which include land-based units which treat wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of the Clean Water Act (CWA), or which treat wastes in a CWA-equivalent treatment system, or which treat wastes for the purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this section unless a method other than DEACT has been specified in §268.40 as the treatment standard, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

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