

| | <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 |

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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 HAZARDOUS WASTE LISTED SOLELY FOR NON-TOXIC CHARACTERISTICS

DATE: MARCH 14, 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 Hazardous Waste Listed Solely for Non-Toxic Characteristics

Q: A customer has a wastestream that upon generation could meet the dangerous/hazardous waste listing for F003. However, at the point of generation, the potentially listed F003 waste does not exhibit the characteristic of ignitability. Since F003 is listed solely for the characteristic of ignitability, would this customer's waste be an F003 hazardous waste or a nonhazardous waste? If nonhazardous, would the Land Disposal Restrictions (LDR) still apply to this decharacterized waste?

A: Per [WAC 173-303-070\(2\)\(c\)\(i\)](#) [[40 CFR 261.3\(g\)\(1\)](#)], a dangerous waste that is listed in [WAC 173-303-081\(1\)](#) [*U and P listed*] or [WAC 173-303-082\(1\)](#) [*F and K listed*] 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](#) [*WT01, WT02, WP01 - WP03*].

Also, per an EPA memo dated October 2002 ([EPA530-R-02-005j](#)) , it states:

"A waste listed solely for the characteristic of ignitability, reactivity, and/or corrosivity is excluded from regulation as a hazardous waste once it no longer exhibits a characteristic of hazardous waste (Section 261.3(g)(1)) [[WAC 173-303-070\(2\)\(c\)\(i\)](#)] . The same rationale applies when a waste meets such a listing description, but does not exhibit a characteristic of hazardous waste at the point of generation."

Concerning applicability of LDR to the customer's waste, this memo also states:

"Additionally, the as-generated waste would not be subject to the LDR requirements in [Part 268 \(51 FR 40572, 40620](#) [page 226 of 390]; November 7, 1986). EPA has clarified that when a waste has been listed solely because it exhibits a characteristic of ignitability, corrosivity and/or reactivity and that waste does not exhibit any hazardous waste characteristic at the point of generation, then that waste is not subject to the LDR requirements ([66 FR 27266](#) , 27269; May 16, 2001). If, however, the waste exhibits a characteristic at the point of generation and subsequently becomes decharacterized, then it would be subject to the LDR requirements (Section 261.3(g)(3))."

Therefore, the customer's potentially listed F003 waste, which did not exhibit the characteristic of ignitability (or any other characteristics or WA state criteria) at the point of generation, is a nonhazardous waste and LDRs do not apply.

SUMMARY:

- A dangerous waste that is F, K, U or P listed solely because it exhibits one or more characteristics of ignitability, corrosivity, or reactivity is not a dangerous waste, if the waste no longer exhibits any characteristic of dangerous waste or any WA state criteria.
- If the waste is nonhazardous at the point of generation, LDR does not apply.
- If the waste is hazardous at the point of generation and subsequently decharacterized, LDR does apply.

WAC 173-303-070(2)(c) and the October 2002 EPA memo 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: 3/14/19

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics

WAC 173-303-070 Designation of dangerous waste.

- (2)(c)
- (i) A dangerous waste that is listed in WAC 173-303-081(1) [*U and P lists*] or 173-303-082(1) [*F and K lists*] 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 [*WT01, WT02, WP01 - WP03*].
 - (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.

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT EPA530-R-02-005j October 2002

1. Applicability of Hazardous Waste Identification Rule (HWIR) to As-Generated Wastes

A facility generates spent carbon from the treatment of wastewater containing explosives (K045). K045 waste is listed solely for the characteristic of reactivity in 40 CFR Section 261.32; however, this particular waste does not exhibit any characteristic of hazardous waste at the point of generation. Is the as-generated waste still considered a RCRA hazardous waste since it meets the listing description of K045? If so, would this waste be subject to the land disposal restrictions (LDR) requirements in Part 268? The as-generated waste would not be considered a hazardous waste even though it meets the listing description for K045. A waste listed solely for the characteristic of ignitability, reactivity, and/or corrosivity is excluded from regulation as a hazardous waste once it no longer exhibits a characteristic of hazardous waste (Section 261.3(g)(1)).

The same rationale applies when a waste meets such a listing description, but does not exhibit a characteristic of hazardous waste at the point of generation. In the Hazardous Waste Identification Rule, EPA stated that extending this exclusion to as-generated wastes that do not exhibit a characteristic of hazardous waste remains protective of human health and the environment (66 FR 27266, 27283; 5/16/01).

Additionally, the as-generated waste would not be subject to the LDR requirements in Part 268 (51 FR 40572, 40620; November 7, 1986). EPA has clarified that when a waste has been listed solely because it exhibits a characteristic of ignitability, corrosivity and/or reactivity and that waste does not exhibit any hazardous waste characteristic at the point of generation, then that waste is not subject to the LDR requirements (66 FR 27266, 27269; May 16, 2001). If, however, the waste exhibits a characteristic at the point of generation and subsequently becomes decharacterized, then it would be subject to the LDR requirements (Section 261.3(g)(3)).

RCRA Online No. 14638

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