

<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
1266. Spent Lead-Acid Batteries and Secondary Containment	ENCORE	FEB 15, 2018
1267. Spent Lead-Acid Batteries and Accumulation Time Limits	ENCORE	FEB 23, 2018
1268. CERCLA Hazardous Substances – A Brief Definition	ENCORE	MAR 1, 2018
1269. Radioactively Contaminated Lead-Acid Batteries and Hazardous Debris	ENCORE	MAR 8, 2018
1270. RCRA Treatment and the Two-Part Definition	ENCORE	MAR 15, 2018
1271. Who Wants to be a Generator!!!	ENCORE	MAR 22, 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: WHO WANTS TO BE A GENERATOR!!!

DATE: MARCH 22, 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: Who Wants to be a Generator!!!

Q: One person owns a product storage tank and the property where the tank resides; another person owns the product material being stored; and a third person from offsite, has been contracted to remove and dispose of sludges that have formed in the bottom of this product storage tank. The sludges are determined to be a hazardous waste. Who is the generator of the hazardous waste that is generated from a product storage tank when three separate persons are involved, i.e., *WHO WANTS TO BE A GENERATOR!!!*

A: Per [WAC 173-303-040](#), [[40 CFR 260.10](#)], a generator is defined as:

"any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation."

The owner of the tank and the owner of the product are persons, by site, whose act or process produced a dangerous/hazardous waste which became subject to hazardous waste regulation. The contractor is a person whose act (sludge removal) first caused a dangerous/hazardous waste to become subject to regulation. Therefore, all three parties meet the definition of a generator.

A similar scenario is addressed in the October 30, 1980 Federal Register on page 72026. The Agency (EPA) stated:

"Because all three parties contribute to the generation of a hazardous waste and because none of the parties stands out in all cases as the predominant contributor, the Agency has concluded that the three parties should be jointly and severally liable as generators."

The Federal Register goes on to state that EPA would be satisfied, and would prefer if one of the parties assumed the duties of the generator. However, EPA reserved the right to enforce against any and all persons who would fit the definition of generator - hence the term, "joint and several".

SUMMARY:

- A generator is any person, by site, whose act or process produces dangerous/hazardous waste or whose act first causes a dangerous/hazardous waste to become regulated.
- If multiple parties contribute to the generation of dangerous/hazardous wastes, all parties are jointly and severally liable as generators.
- One party can assume the responsibilities of the generator, but all parties remain liable.

Excerpts from WAC 173-303-040, 40 CFR 260.10 and the October 30, 1980, Federal Register are attached. 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: 3/22/18

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Who Wants to be a Generator!!!

WAC 173-303-040 Definitions.

"Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

40 CFR 260.10 Definitions.

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

72026 Federal Register / Vol. 45, No. 212 / Thursday, October 30, 1980 / Rules and Regulations

"The definition of generator, depending on the particular factual situation, can include all of the parties discussed above. Both the operator of a manufacturing process unit, or a product or raw material storage tank, transport vehicle or vessel, and the owner of the product or raw material act jointly to produce the hazardous waste generated therein, and the person who removes the hazardous waste from a tank, vehicle, vessel or manufacturing process unit subjects it to regulations. All three parties are involved and EPA believes that all three (and any others who fit the definition of "generator") have the responsibilities of a generator.

Because all three parties contribute to the generation of a hazardous waste and because none of the parties stands out in all cases as the predominant contributor, the Agency has concluded that the three parties should be jointly and severally liable as generators. The Agency will, of course, be satisfied if one of the three parties assumes and performs the duties of the generator on behalf of all of the parties. In fact, the Agency prefers and encourages such action and recommends that, where two or more parties are involved, they should mutually agree to have one party perform the generator duties. Where this is done, the Agency will look to that designated party to perform the generator responsibilities. Nevertheless, EPA reserves the right to enforce against any and all persons who fit the definition of "generator" in a particular case if the requirements of Part 262 are not adequately met, providing such enforcement is equitable and in the public interest."

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