

<u>SUBJECT</u>		<u>DATE</u>
1188.	RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario II	ENCORE AUG 11, 2016
1189.	RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario III	ENCORE AUG 18, 2016
1190.	Product Spills and Waste Determinations	ENCORE AUG 25, 2016
1191.	Product Spills, Waste Determinations, and LDR	ENCORE SEP 1, 2016
1192.	Regulatory Status of Caustic Rinse Waters Contaminated with Trace Solvents	ENCORE SEP 8, 2016
1193.	Regulatory Status of Sand Blast Grit Contaminated with Trace Listed Solvents	ENCORE SEP 15, 2016
1194.	Hazardous Waste "F" Listings and Trace Contamination	ENCORE SEP 22, 2016
1195.	Hazardous Waste "F" Listings and Trace Contamination – Again!	ENCORE SEP 29, 2016
1196.	Hazardous Waste Determinations and Phase Separation	ENCORE OCT 6, 2016
1197.	Asbestos and DOT Relief	ENCORE OCT 13, 2016
1198.	PCB Containers and Concentration of PCBs	ENCORE OCT 20, 2016
1199.	PCB Analytical Waste Disposal Requirements	ENCORE OCT 27, 2016
1200.	PCB Analytical Waste Disposal Requirements – Water vs. Organic Liquids and Non-aqueous Inorganic Liquids	ENCORE NOV 3, 2016
1201.	Listed Waste Codes and Pre-RCRA Wastes	ENCORE NOV 10, 2016
1202.	Purpose of the ≤90-day Hazardous Waste Accumulation Exemption	ENCORE NOV 17, 2016
1203.	Used Oil Eligibility for Turkey and Ham Oils	ENCORE NOV 23, 2016
1204.	PCB Reporting and Recordkeeping Relief	ENCORE DEC 1, 2016
1205.	Defining Criteria for Household Waste Exclusion	ENCORE DEC 8, 2016
1206.	The Household Waste Exclusion and Renovation Debris	ENCORE DEC 15, 2016
1207.	'Twas the Night before Christmas – The Twenty-Fourth Annual Edition	ENCORE DEC 24, 2016
1208.	The Household Waste Exclusion and Renovation Debris – Part II	ENCORE DEC 29, 2016
1209.	Absorbent Additions and Treatment	ENCORE JAN 5, 2017
1210.	Frozen RCRA Wastewater - DOT Liquid or Solid When Manifested?	ENCORE JAN 12, 2017
1211.	DOT Marking Specifications for the "UN", "NA" and "ID" Markings	ENCORE JAN 19, 2017
1212.	Satellite Accumulation within a ≤90-day Accumulation Area	ENCORE JAN 26, 2017
1213.	Washington State-Only Dangerous Waste Markings – Accumulation vs. Pre-Transport	ENCORE FEB 2, 2017
1214.	RCRA Empty Tanker Trailers and Listed Waste Codes	ENCORE FEB 9, 2017
1215.	RCRA Empty vs. DOT Empty	ENCORE FEB 16, 2017
1216.	RCRA Empty vs. DOT Empty II	ENCORE FEB 23, 2017
1217.	Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE MAR 2, 2017
1218.	Multiple Characteristic and Listed Hazardous Waste Codes and the "in lieu of" LDR Principle	ENCORE MAR 9, 2017
1219.	LDR Storage Prohibitions and the One-Year Rule	ENCORE MAR 16, 2017
1220.	LDR Storage Prohibitions and Treated Wastes	ENCORE MAR 23, 2017

DISCLAIMER - "Two Minute Training" ("2MT") is a peer-to-peer communication, presented to share the benefit of the author's work experience with other professionals, who can independently evaluate his analysis. 2MT does not necessarily reflect the opinions, conclusions or policies of the author's past or current employers or the US Department of Energy. The author's employers do not take any responsibility for the accuracy of its conclusions. 2MT is not intended to be used as authoritative guidance or direction by any person or entity. Anyone transmitting or reproducing it is prohibited from modifying its content, this disclaimer, or other text, or republishing it independent of its original source.

TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

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

SUBJECT: LDR STORAGE PROHIBITIONS AND TREATED WASTES

DATE: MARCH 23, 2017

<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 Roni Ashley Tania Bates Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Jeanne Kisielnicki Melvin Lakes Jim McGrogan Stuart Mortensen Dean Nester Dave Richards Phil Sheely Connie Simiele Jennie Stults Jeff Westcott Jeff Widney	Ron Brunke Bob Bullock Bill Cox Laura Cusack Lorna Dittmer Ted Hopkins Sasa Kosjerina Jim Leary Rick Oldham Anthony Nagel Robert Nielson Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson Joel Williams	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzales Jr. Dashia Huff Mark Kamberg Edwin Lamm Candice Marple 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 Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Lori Fritz Tom Gilmore Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Dan Kimball Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Marty Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Mandy Pascual Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Kyle Webster Ted Wooley

DISCLAIMER - "Two Minute Training" ("2MT") is a peer-to-peer communication, presented to share the benefit of the author's work experience with other professionals, who can independently evaluate his analysis. 2MT does not necessarily reflect the opinions, conclusions or policies of the author's past or current employers or the US Department of Energy. The author's employers do not take any responsibility for the accuracy of its conclusions. 2MT is not intended to be used as authoritative guidance or direction by any person or entity. Anyone transmitting or reproducing it is prohibited from modifying its content, this disclaimer, or other text, or republishing it independent of its original source.

TWO MINUTE TRAINING

SUBJECT: LDR Storage Prohibitions and Treated Wastes

Q: A RCRA permitted treatment, storage and disposal facility (TSDF) has waste in storage that has been treated to meet all applicable land disposal restriction (LDR) treatment standards. Does the one-year LDR storage prohibitions at [40 CFR 268.50](#) continue to apply to an LDR waste that has been fully treated to meet all LDR treatment standards but has not yet been properly land disposed?

A: The November 7, 1986, Federal Register concerning the LDR storage prohibitions, states on page 40582:

"The Agency believes that a storage limit of up to one year should generally provide sufficient time for an owner/operator to accumulate sufficient quantities to facilitate proper recovery, treatment or disposal of restricted hazardous wastes while meeting the intent of Congress to prohibit long-term storage as a means of avoiding the land disposal restrictions."

As noted in the Federal Register and 40 CFR 268.50, the LDR storage prohibitions allow an owner/operator to accumulate sufficient quantities to facilitate proper recovery, treatment or disposal of LDR wastes. Hence the TSDF does not have to both treat and dispose of LDR waste in order to comply with the LDR storage prohibitions but treat or dispose. Of course disposal can only occur following proper LDR treatment. Also the Federal Register noted the intent of Congress was to prohibit long-term storage as a means of avoiding LDR. If a TSDF has treated an LDR waste to meet all LDR treatment standards, no avoidance of LDR has occurred.

Furthermore, 40 CFR 268.50(e) states [awkwardly]:

"The prohibition in paragraph (a) of this section does not apply to hazardous wastes that meet the treatment standards specified under §§268.41, 268.42, and 268.43 or the treatment standards specified under the variance in §268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in §268.32 or RCRA section 3004."

When [40 CFR 268.41](#), [40 CFR 268.42](#) and [40 CFR 268.43](#) are reviewed, these sections reference [40 CFR 268.40](#), "Applicability of treatment standards". Therefore, once an LDR waste has been treated to meet all LDR treatment standards of 40 CFR 268.40, the LDR storage prohibitions no longer apply.

SUMMARY:

- Storage of LDR wastes is prohibited unless certain conditions are being met.
- Conditions include accumulating sufficient quantities to facilitate proper recovery, treatment or disposal.
- If all LDR treatment standards have been achieved, the storage prohibitions no longer apply.

40 CFR 268.50 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: 3/23/17

FILE: 2MT\2017\032317.rtf

PG: 1

DISCLAIMER - "Two Minute Training" ("2MT") is a peer-to-peer communication, presented to share the benefit of the author's work experience with other professionals, who can independently evaluate his analysis. 2MT does not necessarily reflect the opinions, conclusions or policies of the author's past or current employers or the US Department of Energy. The author's employers do not take any responsibility for the accuracy of its conclusions. 2MT is not intended to be used as authoritative guidance or direction by any person or entity. Anyone transmitting or reproducing it is prohibited from modifying its content, this disclaimer, or other text, or republishing it independent of its original source.

TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: LDR Storage Prohibitions and Treated Wastes

40 CFR 268.50 Prohibitions on storage of restricted wastes

(a) Except as provided in this section, the storage of hazardous wastes restricted from land disposal under subpart C of this part of RCRA section 3004 is prohibited, unless the following conditions are met:

(1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in §262.34 and parts 264 and 265 of this chapter.

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(i) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

(ii) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator must comply with the operating record requirements specified in §264.73 or §265.73.

(3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

(b) An owner/operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(c) An owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under §268.5, an approved §268.6 petition, or a national capacity variance under subpart C), the prohibition in paragraph (a) of this section does not apply during the period of such exemption.

(e) The prohibition in paragraph (a) of this section does not apply to hazardous wastes that meet the treatment standards specified under §§268.41, 268.42, and 268.43 or the treatment standards specified under the variance in §268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in §268.32 or RCRA section 3004.

(f) Liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b) and must be removed from storage and treated or disposed as required by this part within one year of the date when such wastes are first placed into storage. The provisions of paragraph (c) of this section do not apply to such PCB wastes prohibited under §268.32 of this part.

(g) The prohibition and requirements in this section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to §264.554 of this chapter.

FROM: Paul W. Martin

DATE: 3/23/17

FILE: 2MT\2017\032317.rtf

PG: 2

DISCLAIMER - "Two Minute Training" ("2MT") is a peer-to-peer communication, presented to share the benefit of the author's work experience with other professionals, who can independently evaluate his analysis. 2MT does not necessarily reflect the opinions, conclusions or policies of the author's past or current employers or the US Department of Energy. The author's employers do not take any responsibility for the accuracy of its conclusions. 2MT is not intended to be used as authoritative guidance or direction by any person or entity. Anyone transmitting or reproducing it is prohibited from modifying its content, this disclaimer, or other text, or republishing it independent of its original source.