

<u>SUBJECT</u>		<u>DATE</u>
1339. The Hazardous Waste Characteristic of Reactivity (D003)	ENCORE	JUL 11, 2019
1340. Central Accumulation Areas and Signage Requirements		JUL 18, 2019
1341. RCRA EPA Identification Numbers – Site Specifics	ENCORE	JUL 25, 2019
1342. RCRA EPA Identification Numbers – Transporters	ENCORE	AUG 1, 2019
1343. Paint Wastes and the Applicability of the F001-F005 Listings to Ingredients	ENCORE	AUG 8, 2019
1344. F Listings and Ingredients in Commercial Chemical Product Formulations	ENCORE	AUG 15, 2019
1345. PCB Containers and ≥ 50 ppm	ENCORE	AUG 22, 2019
1346. CERCLA Hazardous Substances – The Petroleum Exclusion	ENCORE	AUG 29, 2019
1347. PCB Concentration Assumptions for Use vs. PCB Disposal	ENCORE	SEP 5, 2019
1348. RCRA LR One-Year Storage Prohibition vs., PCB One-Year Disposal Time Limit		SEP 12, 2019
1349. Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978	ENCORE	SEP 19, 2019
1350. Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978 – A Follow-Up		SEP 26, 2019
1351. PCB Waste Regulation and April 18, 1978 vs. July 2, 1979		OCT 3, 2019
1352. PCB Waste Storage Limitations and the One-Year Extension	ENCORE	OCT 10, 2019
1353. PCB Waste Storage Limitations and the PCB Radioactive Waste Exemption	ENCORE	OCT 17, 2019
1354. LDR One-Year Storage Prohibition and Generator Permitted Storage	ENCORE	OCT 24, 2019
1355. LDR Notification/Certification and Generator Permitted Storage		OCT 31, 2019
1356. Disposing of PCB Ballasts with PCB Potting Material	ENCORE	NOV 7, 2019
1357. Fluorescent Light Ballasts and PCB Annual Reporting	ENCORE	NOV 14, 2019
1358. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE	NOV 21, 2019
1359. Multiple Characteristic and Listed Hazardous Waste Codes and the “in lieu of” LDR Principle	ENCORE	NOV 26, 2019
1360. Universal Waste Lamps and Prohibition on Crushing	ENCORE	DEC 5, 2019
1361. Used Oil and Weekly Inspections	ENCORE	DEC 12, 2019
1362. Used Oil and Keeping Containers Closed – Washington State vs. the Feds	ENCORE	DEC 19, 2019
1363. ‘Twas the Night Before Christmas – The Twenty-Sixth Annual Edition		DEC 24, 2019
1364. Generator Weekly Inspection Log Documentation – Federal vs. WA State	ENCORE	JAN 2, 2020
1365. PCB Reporting and Recordkeeping Relief	ENCORE	JAN 9, 2020
1366. Satellite Accumulation and Product Vessel Cleanouts	ENCORE	JAN 16, 2020
1367. TSDF Requirements When Shipping Dangerous Waste to another TSDF		JAN 23, 2020
1368. The Hazardous Waste Manifest Instructions – Where did they go?		JAN 30, 2020
1369. The Mixtures Rule – Washington State vs. The Feds	ENCORE	FEB 6, 2020
1370. Used Oil and the Rebuttable Presumption		FEB 13, 2020
1371. Used Oil, Secondary Containment and Response to Spills	ENCORE	FEB 20, 2020
1372. Used Oil Eligibility for Animal and Vegetable Oils	ENCORE	FEB 27, 2020
1373. Used Oil Eligibility for Petroleum Oils Mixed with Animal or Vegetable Oils	ENCORE	MAR 5, 2020
1374. Mercury Wet Cell Batteries - Debris or Not Debris?	ENCORE	MAR 12, 2020
1375. Hazardous Debris and Non-Radioactive Lead-Acid Batteries	ENCORE	MAR 19, 2020
1376. Radioactively Contaminated Lead-Acid Batteries and Hazardous Debris	ENCORE	MAR 26, 2020
1377. MACRO encapsulation vs. macroencapsulation	ENCORE	APR 2, 2020
1378. PCB Storage for Disposal and RCRA ≤ 90 -Day Central Accumulation Areas	ENCORE	APR 9, 2020
1379. The PCB Mark and PCB Storage for Disposal Areas	ENCORE	APR 16, 2020
1380. PCB Containers and Multiple Removed From Service Dates	ENCORE	APR 23, 2020
1381. Contingency Plan Implementation and Small Spills of Hazardous Waste		APR 29, 2020
1382. Satellite Accumulation Areas and the Three-Day Time Limit for Excess Accumulation	ENCORE	MAY 7, 2020
1383. The RCRA Definition of “Regulated Unit”		MAY 14, 2020
1384. RCRA and New Point of Generation		MAY 21, 2020
1385. The Alcohol Exclusion for Ignitable Hazardous Wastes	ENCORE	MAY 28, 2020

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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 ALCOHOL EXCLUSION FOR IGNITABLE HAZARDOUS WASTES

DATE: MAY 28, 2020

<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 Laura Cusack John Dent Lorna Dittmer Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Danielle Collins Bill Cox Jeanne Elkins Ryan Fisher Jonathan Fullmer Barry Lawrence Diane Leist Mitch Marrott Stewart McMahand Brian Mitcheltree Anthony Nagel Linda Petersen Sean Sexton Dave Shea Kat Thompson Wayne Toebe Eric Trotta Daniel Turlington Dave Watson	Brett Barnes Michael Carlson Mike Demiter Kip George Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Matt Mills Carly Nelson Michelle Oates Eric Pennala Jon Perry Christina Robison Christian Seavoy David Shaw John Skoglie Lana Strickling Greg Sullivan	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Al Farabee Tony McKarns	Bill Bachmann Dean Baker Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Mike Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Kirk Peterson	Dan Saueressig Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: The Alcohol Exclusion for Ignitable Hazardous Wastes

Q: Due to COVID-19, a customer has been telecommuting from home for over 10 weeks. As a distraction, the customer decides to have some wine and change the décor in their living room with a gallon of latex paint. As the paint dried and the wine bottled emptied, the customer pondered if a latex paint, or the seventy-two bottles of wine in the basement, would designate as a D001 ignitable hazardous waste due to alcohol content. The customer is, was, or will be... aware of some type of alcohol exclusion in the regulations. However, having now started on bottle number two, the customer is pondering – again - the original intent of the alcohol exclusion for D001 ignitable hazardous waste as found at [WAC 173-303-090\(5\)\(a\)\(i\)](#) and at [40 CFR 261.21\(a\)\(1\)](#), and to what wastestreams does it apply?

A: Per the May 19, 1980, Federal Register ([FR-1980-05-19](#)) on page 33108:

“A number of commenters argued that the 140 degree flashpoint for liquids improperly included any liquid wastes such as wine and some latex paints which exhibit low flashpoints because of their alcohol content but do not sustain combustion because of the high percentage of water present.

EPA agrees that such wastes should not be designated as hazardous, but unfortunately has no data on hand which identifies the correlation between the concentration of alcohol in such wastes and the established flashpoint of 140 degrees Fahrenheit. Accordingly, it has for the time opted to follow the Department of Transportation’s lead and exclude from its ignitable liquids category aqueous solutions containing less than 24 percent of alcohol by volume. This exclusion will remove from the ignitability characteristic liquid wastes which the Agency knows may flash but not sustain combustion.”

Therefore, the original intent of the alcohol exclusion was to exclude alcoholic beverages and some latex paints that might flash but not sustain combustion. The key parameters of the exclusion are that the materials be aqueous solutions (i.e. >50% water) and contain less than 24 percent alcohol.

Later EPA clarified in the June 1, 1990, Federal Register ([FR-1990-06-01](#)) on page 22543 that the term alcohol referred to “any alcohol or combination of alcohols”. Therefore, the exclusion is not limited to alcoholic beverages and can include any alcohol wastestreams. The customer needs to be aware that if an alcohol is used for its solvent properties and is one of the alcohols listed in F003 or F005, then those alcohol wastes must be coded as F003 or F005 as appropriate. The D001 alcohol exclusion does not negate the applicability of other characteristic or listed waste codes; or in Washington State, the applicability of state dangerous waste codes.

SUMMARY:

- The original intent of the alcohol exclusion was to exclude alcoholic beverages and some latex paints, which might flash but not sustain combustion.
- Key parameters are that the materials contain greater than 50% water and less than 24% alcohol.
- The D001 alcohol exclusion is not limited to alcoholic beverages and can include any alcohols.

A RCRA Hotline Monthly Report Question dated July 1992 ([RO 13548](#)) and excerpts from 40 CFR 261.21 and WAC 173-303-090 are attached to the e-mail. If you have any questions, contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 5/28/2020

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: The Alcohol Exclusion for Ignitable Hazardous Wastes

9443.1992(03)

RCRA/Superfund/OUST Hotline Monthly Report Question

July 1992

3. Alcohol-Content Exclusion for the Ignitability Characteristic

A generator produces a wastestream with a flash point of 54 degrees Celsius that contains the following three components: water (77 percent), alcohol (13 percent), and a non-alcoholic liquid component (10 percent). According to the "alcohol exclusion" in 40 CFR §261.21(a)(1), the characteristic of ignitability will not apply to an aqueous solution that contains less than 24 percent alcohol and which has a flash point less than 60 degrees Celsius. Does the presence of a non-alcoholic component cause the aqueous solution to be regulated as an ignitable waste (D001)?

No, the additional non-alcoholic liquid component will not cause the wastestream to be regulated as a D001 waste. Despite the presence of the non-alcoholic liquid component, the wastestream continues to qualify for the alcohol exclusion in 40 CFR §261.21(a)(1). According to the May 19, 1980, Federal Register (45 FR 33108), EPA originally intended for the alcohol exclusion to exempt alcoholic beverages and some types of latex paints, which exhibit low flash points due to the alcohol content, but do not sustain combustion because of the high water content. The alcohol exclusion in 40 CFR §261.21(a)(1), however, is not limited to those wastes mentioned in the May 19, 1980, Federal Register. It applies to all aqueous solutions containing less than 24 percent alcohol, even if additional non-alcoholic components are present. EPA clarified in the June 1, 1990, Federal Register (55 FR 22543) that the term "alcohol" in §261.21(a)(1) refers to any alcohol or combination of alcohols. The Agency notes, however, that if the alcohol is one of those alcohols specified in EPA hazardous waste codes F001-F005 and has been used for its solvent properties, the waste must be evaluated to determine if it should be classified as an F listed spent solvent waste.

The alcohol exclusion for the ignitability characteristic was adopted from the Department of Transportation's (DOT) definition of "combustible liquids" in 49 CFR §173.115(b). The alcohol exclusion in 49 CFR §173.115(b)(2)(ii) applies to aqueous solutions containing 24 percent or less alcohol by volume which contain no less than 50 percent water. Since EPA originally intended to be consistent with DOT regulations when promulgating the alcohol exclusion in §261.21(a)(1), the 50 percent water stipulation may be applied to the ignitability characteristic. Therefore, as clarified in an internal EPA memorandum, for the purpose of the ignitability characteristic in §261.21(a)(1), "aqueous" means a solution continuing at least 50 percent water by weight.

FROM: Paul W. Martin

DATE: 5/28/2020

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: The Alcohol Exclusion for Ignitable Hazardous Wastes

40 CFR §261.21 Characteristic of ignitability

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60 °C (140 °F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D 93-79 or D 93-80 (incorporated by reference, see §260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D 3278-78 (incorporated by reference, see §260.11).

WAC 173-303-090 Dangerous waste characteristics.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D93-06, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D3278-96 (2004)e1 as incorporated by reference at WAC 173-303-110 (3)(h)(v) and (vi);