

<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
1272. Who Wants to be a Generator Part 2!!!	ENCORE	MAR 29, 2018
1273. “No Smoking” Signs and Tobacco-Free Facilities		APR 5, 2018
1274. Aqueous Solutions and the Characteristic of Corrosivity	ENCORE	APR 12, 2018
1275. Aqueous Solutions and the Characteristic of Ignitability	ENCORE	APR 19, 2018
1276. PCB Bulk Product Wastes and the One-Year Disposal Requirement	ENCORE	APR 26, 2018
1277. PCB Radioactive Wastes and Exception Reporting	ENCORE	MAY 3, 2018
1278. TSCA/PCB Determinations for Fluorescent Light Ballasts via the Manufacture Date	ENCORE	MAY 10, 2018
1279. RCRA Liquids, Free Liquids, and Releasable Liquids	ENCORE	MAY 17, 2018
1280. Satellite Accumulation Areas and the Three-Day Time Limit for Excess Accumulation		MAY 24, 2018
1281. Satellite Accumulation of Aerosol Cans and Determining the 55-Gallon Limit	ENCORE	MAY 31, 2018
1282. Universal Waste and Basis for the One-Year Accumulation Time Limit	ENCORE	JUN 7, 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: UNIVERSAL WASTE AND BASIS FOR THE ONE-YEAR ACCUMULATION TIME LIMIT

DATE: JUNE 7, 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: Universal Waste and Basis for the One-Year Accumulation Time Limit

- Q:** According to [WAC 173-303-573\(22\)](#), “Accumulation time limits”, universal waste accumulation is generally limited to one year except as necessary to facilitate proper recovery, treatment, or disposal (RTD). This wording is very similar to the Land Disposal Restrictions (LDR) regulation at [40 CFR 268.50\(c\)](#) that allows a generator to exceed the one-year storage prohibition for restricted hazardous waste as necessary to facilitate proper RTD. Is this similarity in wording coincidence or intentional?
- A:** Per the [May 11, 1995, Federal Register](#) on page 25526 at “*IV.E.5. Accumulation Time Requirements*”, it basically states that as originally proposed, universal waste generators would be prohibited from accumulating universal waste for longer than one year and would be required to document that universal wastes were not accumulated for longer than this time, i.e., no relief allowed to go beyond one year of accumulation. The accumulation time limit was meant to implement a statutory prohibition that is part of the 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA. Pursuant to HSWA and the LDR provisions, storage of restricted hazardous waste is prohibited, unless the waste is being accumulated for the purpose of accumulating quantities necessary for proper RTD. This prohibition is codified at 40 CFR 268.50 and basically states that if storage exceeds one year, the generator bears the burden of proving that accumulation is solely to accumulate quantities as necessary for proper RTD.

For universal wastes, EPA originally proposed to simplify this prohibition by prohibiting accumulation for more than one year. The simplified provision was based on the assumption that the sole reason for accumulating universal for up to one year was to accumulate the quantities necessary for proper RTD.

However, in the universal waste final rule, EPA retained the proposed one-year accumulation limit, but also added a provision allowing accumulation for more than one year if such accumulation was solely for the purpose of accumulating such quantities of universal waste as necessary to facilitate proper RTD. Therefore, under the final rule, EPA assumed that any accumulation up to one year was for this purpose, but for any accumulation beyond than one year, the universal waste handler would have the burden of proving that such accumulation was solely for accumulating quantities necessary to facilitate proper RTD. EPA stated that, “This approach to implementing the statutory prohibition is taken directly from existing 40 CFR 268.50(c)” and “this provision will ensure that any universal waste accumulation will meet the statutory LDR storage prohibition”.

Therefore the similarity in wording between the universal waste and LDR requirements concerning exceeding the one-year accumulation time limits was very intentional.

SUMMARY:

- Universal waste and LDR waste have an accumulation time limit of one year.
- Universal waste and LDR waste can be accumulated beyond one year for purposes of facilitating proper RTD.
- The similarity in wording that allows accumulation beyond one year for both universal waste and LDR was intended by EPA in order to meet the HSWA statutory prohibition on storage of restricted wastes.

Excerpts from the May 11, 1995, Federal Register, WAC 173-303-573(22) and 40 CFR 268.50 are attached to the e-mail. If you have any questions, please contact me at “Paul_W_Martin@rl.gov” or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 6/7/18

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Universal Waste and Basis for the One-Year Accumulation Time Limit

Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program)

25526 Federal Register / Vol. 60, No. 91 / Thursday, May 11, 1995 / Rules and Regulations

“IV.E.5. Accumulation Time Requirements

The final accumulation time requirements for small and large quantity handlers of universal waste are found in §§ 273.15 and 273.35 of this final rule. In the proposed universal waste rule, generators and consolidation points were prohibited from accumulating universal waste for longer than one year from the date the universal waste was generated, or received from another facility. Generators and consolidation points were also required to document that universal wastes were not accumulated for longer than this time. See proposed §§ 273.11(b) and 273.21(c). This accumulation time limitation was designed to implement, for universal wastes, a statutory prohibition that is part of the 1984 Hazardous and Solid Waste Amendments to RCRA (section 3004j). Pursuant to the Land Disposal Restrictions (LDR) provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA), all hazardous wastes listed or identified in accordance with RCRA section 3001 are prohibited, on specified timetables, from land disposal. The regulations for the LDR program in 40 CFR part 268 apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities, unless they are specifically excluded from regulation in parts 261 or 268. In addition, the statutory provision prohibits the storage of restricted hazardous, unless the restricted hazardous wastes are being accumulated for the purpose of accumulating quantities necessary for proper recovery, treatment, or disposal. This prohibition is currently codified for restricted hazardous wastes in 40 CFR 268.50. For universal wastes, the Agency proposed to simplify this prohibition by simply prohibiting accumulation for more than one year. The simplified provision was based on the assumption that the sole reason for accumulating universal waste for up to one year was to accumulate the quantities necessary for proper recovery, treatment, or disposal.

In the final rule, the Agency has retained the proposed one year accumulation limit, but has added an additional provision allowing accumulation for more than one year if such accumulation is solely for accumulating such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal. See §§ 273.15(b) and 273.35(b) of the final rule. For any accumulation longer than one year, the handler must be able to prove that such accumulation is solely for accumulating quantities necessary to facilitate proper recovery, treatment, or disposal. Thus, under the final rule it is assumed that any accumulation up to one year is for this purpose, but for any accumulation beyond one year the handler bears the burden of proving that accumulation is solely for this purpose. This approach to implementing the statutory prohibition is taken directly from existing 40 CFR 268.50(c) (This approach has been held to be consistent with section 3004(j). *Hazardous Waste Treatment Council v. EPA*, 886 F.2d 355, 366–68 (D.C. Circuit Court, 1989)). The Agency believes that this provision will ensure that any universal waste accumulation will meet the statutory LDR storage prohibition. For further discussion on the LDR program regarding its applicability to universal waste, see Section IV.I. of the preamble.

The Agency’s decision to revise the accumulation prohibition is based on numerous commenters’ arguments that the one year accumulation limitation was too restrictive and would not provide enough time to accumulate sufficient quantities of waste to facilitate proper recovery, treatment, or disposal. Because universal wastes are likely generated and managed in relatively small quantities (compared with other industrial hazardous wastes), the Agency recognizes that an absolute one year accumulation limit may not be enough time for some handlers to accumulate sufficient quantities of universal waste to properly recover, treat, or dispose of the waste. The Agency believes that the revised accumulation time limit discussed above will allow additional time for accumulation when it is truly needed, while retaining the simplified approach to accumulation (as proposed) for the first year.”

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Universal Waste and Basis for the One-Year Accumulation Time Limit

WAC 173-303-573 Standards for universal waste management. [40 CFR 273.35]

(22) Accumulation time limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of (b) of this subsection are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

- (i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- (ii) Marking or labeling the individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;
- (iii) Maintaining an inventory system on site that identifies the date the universal waste being accumulated became a waste or was received;
- (iv) Maintaining an inventory system on site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
- (v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- (vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Universal Waste and Basis for the One-Year Accumulation Time Limit

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 §§262.16 and 262.17 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 with:

(A) The words “Hazardous Waste”;

(B) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of part 261 of this chapter; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s);

(C) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (*i.e.*, ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and

(D) 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.

* Note that 40 CFR 268.50 and other regulations between 40 CFR 260 and 40 CFR 270 were affected by the Generator Improvements Rule (GIR) finalized November 28, 2016. These new regulations may not be effective in all states; however, 40 CFR 268.50(c) was not affected by the GIR.

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