

<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
1283. F001 Degreaser versus F002 Solvent	ENCORE	JUN 14, 2018
1284. Hazardous Waste Determinations and Phase Separation	ENCORE	JUN 20, 2018
1285. PCB Certificates of Disposal and Manifesting Between Related Facilities		JUN 28, 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: PCB CERTIFICATES OF DISPOSAL AND MANIFESTING BETWEEN RELATED FACILITIES

DATE: JUNE 28, 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: PCB Certificates of Disposal and Manifesting Between Related Facilities

Q: A customer wants to ship PCB waste containers from her local subsidiary to the parent headquarters' PCB disposal facility in another state. Since the PCB waste containers are being shipped off the customer's site, must the customer use a manifest ([EPA Form 8700-22](#)) and must the customer receive a certificate of disposal (CD)?

A: Per [40 CFR 761.207](#), "The manifest -- general requirements", a generator who transports PCB wastes for commercial off-site storage or off-site disposal shall prepare a manifest, EPA Form 8700-22.

Since the PCB waste is being shipped between locations owned by the same company, i.e., related facilities, commercial off-site storage or off-site disposal is not occurring. Commercial storage or disposal involves PCB waste generated by others. Per 40 CFR 761.3 and the definition of "Commercial storer of PCB waste", "Storage of one company's PCB waste by a related company is not considered commercial storage". Therefore, a manifest is not required.

This interpretation is confirmed in the [December 21, 1989, Federal Register](#) on page 52728, which states:

"A manifest need not accompany the shipment via transport vehicle of PCB wastes to a storage or disposal facility owned or operated by the end user of PCBs and PCB Items, because these generators have not yet relinquished control over the PCB waste."

Note: Even though a manifest is not required, a DOT shipping paper of some kind may still be required if the PCB waste meets the definition of a hazardous material e.g. contains a reportable quantity (RQ) of PCBs in a single package.

Concerning the certificate of disposal, per [40 CFR 761.218](#), "Certificate of disposal", it states:

"For each shipment of manifested PCB waste that the owner or operator of a disposal facility accepts by signing the manifest, the owner or operator of the disposal facility shall prepare a Certificate of Disposal for the PCBs and PCB Items disposed of at the facility,..."

Since the customer is shipping PCB waste to a related company and commercial storage or disposal is not involved, a manifest is not required. Since a manifest is not required, a CD is not required.

As analogous support, the [June 2014 USEPA PCB Q & A Manual](#) includes a scenario on page 116 concerning a generator that ships drained PCB-Contaminated Electrical Equipment (known to contain ≥ 50 and < 500 ppm PCBs) to a scrap metal recovery oven. The generator asks if a manifest and CD are required for the disposal of this type of PCB waste. EPA's answer:

"No. Drained PCB-Contaminated Articles, including drained PCB Contaminated Electrical Equipment, are not subject to manifesting requirements. (See §761.60(b)(6)(ii)(C).) A disposal facility need not issue a certificate of disposal for waste that is not required to be manifested to it." Emphasis added.

SUMMARY:

- A manifest is required for PCB waste if the waste is transported to a commercial storer or disposer.
- A certificate of disposal (CD) is required for PCB wastes manifested to a commercial disposer.
- If PCB waste is shipped between related companies, a manifest is not required and therefore, a CD is not required.

Excerpts from 40 CFR 761 and the December 21, 1989, 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: 6/28/18

FILE: 2MT\2018\062818.rtf

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: PCB Certificates of Disposal and Manifesting Between Related Facilities

40 CFR 761.207 **The manifest—general requirements.**

A generator who transports, or offers for transport PCB waste for commercial off-site storage or off-site disposal, and commercial storage or disposal facility who offers for transport a rejected load of PCB waste, must prepare a manifest on EPA Form 8700-22, and, if necessary, a continuation sheet, according to the instructions included in the appendix of 40 CFR Part 262.

40 CFR 761.3 **Definitions**

Commercial storer of PCB waste means the owner or operator of each facility that is subject to the PCB storage unit standards of § 761.65(b)(1) or (c)(7) or meets the alternate storage criteria of § 761.65(b)(2), and who engages in storage activities involving either PCB waste generated by others or that was removed while servicing the equipment owned by others and brokered for disposal. The receipt of a fee or any other form of compensation for storage services is not necessary to qualify as a commercial storer of PCB waste. A generator who only stores its own waste is subject to the storage requirements of § 761.65, but is not required to obtain approval as a commercial storer. If a facility's storage of PCB waste generated by others at no time exceeds a total of 500 gallons of liquid and/or non-liquid material containing PCBs at regulated levels, the owner or operator is a commercial storer but is not required to seek EPA approval as a commercial storer of PCB waste. Storage of one company's PCB waste by a related company is not considered commercial storage. A "related company" includes, but is not limited to: a parent company and its subsidiaries; sibling companies owned by the same parent company; companies owned by a common holding company; members of electric cooperatives; entities within the same Executive agency as defined at 5 U.S.C. 105; and a company having a joint ownership interest in a facility from which PCB waste is generated (such as a jointly owned electric power generating station) where the PCB waste is stored by one of the co-owners of the facility. A "related company" does not include another voluntary member of the same trade association. Change in ownership or title of a generator's facility, where the generator is storing PCB waste, does not make the new owner of the facility a commercial storer of PCB waste.

Generator of PCB waste means any person whose act or process produces PCBs that are regulated for disposal under subpart D of this part, or whose act first causes PCBs or PCB Items to become subject to the disposal requirements of subpart D of this part, or who has physical control over the PCBs when a decision is made that the use of the PCBs has been terminated and therefore is subject to the disposal requirements of subpart D of this part. Unless another provision of this part specifically requires a site-specific meaning, "generator of PCB waste" includes all of the sites of PCB waste generation owned or operated by the person who generates PCB waste.

52728 **Federal Register / Vol. 54, No. 244 / Thursday, December 21, 1989 / Rules and Regulations**

This rule requires the manifest to be prepared by the generator at that time when the PCB waste is first introduced into commerce in a manner that will cause the waste to leave the generator's control. This latter condition will generally be triggered when the generator turns its PCB waste over to a transporter for delivery to an off-site storage or disposal facility. The condition will also be satisfied when the PCB waste is placed on the generator's own transport vehicle for shipment to a commercial off-site storage or disposal facility, since the PCB waste is then being introduced into commerce in a manner that will cause the generator to lose control of the waste. A manifest need not accompany the shipment via transport vehicle of PCB wastes to a storage or disposal facility owned or operated by the end user of PCBs and PCB Items, because these generators have not yet relinquished control over the PCB waste. This exception applies to both transport via the generator's vehicles and transport by an independent transporter, since, in the latter case, the transporter is presumed to be acting pursuant to the generator's instructions. Apart from the exception for shipments between the end user's own facilities, EPA construes the provision regarding when PCB waste leaves the generator's control strictly, so that the manifest requirements will have the broadest possible scope.

EPA emphasizes that this rule applies only to the Federal manifesting requirements for the transport of PCB wastes that are regulated for disposal under TSCA. No provision or exception contained in this rule is construed to alter or limit the applicability of any requirement in existing DOT regulations pertaining to the transport of hazardous materials, including PCBs"

40 CFR 761.218(a)

For each shipment of manifested PCB waste that the owner or operator of a disposal facility accepts by signing the manifest, the owner or operator of the disposal facility shall prepare a Certificate of Disposal for the PCBs and PCB Items disposed of at the facility, which shall include:...

FROM: Paul W. Martin

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