

<u>SUBJECT</u>		<u>DATE</u>
1056. PCB Reporting and Recordkeeping Relief	ENCORE	JAN 12, 2014
1057. Commercial Chemical Products and Unused Batteries	ENCORE	JAN 16, 2014
1058. PCB Annual Records Retention Timeframes		JAN 31, 2014
1059. Satellite Accumulation within a ≤90-day Accumulation Area		FEB 7, 2014
1060. PCB Certificate of Disposal Relief	ENCORE	FEB 13, 2014
1061. Used Oil and Weekly Inspections		FEB 20, 2014
1062. Bags and RCRA Container Definition		FEB 27, 2014
1063. Product Storage Tank Residues and Hazardous Waste Regulations	ENCORE	MAR 6, 2014
1064. Spent Lead-Acid Batteries and Accumulation Time Limits		MAR 13, 2014
1065. Land Disposal Restrictions and Dates of Accumulation		MAR 23, 2014
1066. Universal Waste Accumulation Time Limits and the One Year Rule		MAR 29, 2014
1067. PCB Manifest Discrepancy Reports and Estimated Waste Weights		APR 6, 2014
1068. PCB Wastes, Independent Transporters and Confirmation of Receipt		APR 10, 2014
1069. Paint Wastes and The Applicability of the F001-F005 Listings to Ingredients	ENCORE	APR 20, 2014
1070. Other Paint Wastes and the Applicability of the F001-F005 Listings	ENCORE	APR 24, 2014
1071. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents		MAY 1, 2014
1072. TSCA "No PCBs" versus "Non-PCBs" versus "Nondetectable PCBs"	ENCORE	MAY 8, 2014
1073. Purpose of Keeping a Hazardous Waste Container Closed	ENCORE	MAY 15, 2014
1074. PCB Containers and Multiple Removed From Service Dates		MAY 22, 2014
1075. Satellite Accumulation and RCRA Personnel Training		MAY 29, 2014
1076. Transporter Signatures on Hazardous Waste Manifest and Multiple Drivers		JUN 5, 2014
1077. Universal Waste and Nonhazardous Batteries		JUN 12, 2014
1078. Universal Waste and Incandescent Bulbs		JUN 19, 2014
1079. The PCB Mark and the Fields "Also Contact" and "Tel No"	ENCORE	JUN 29, 2014
1080. Halon Fire Extinguishers - Banned or Not Banned?	ENCORE	JUL 5, 2014
1081. Cabinets as RCRA Containers	ENCORE	JUL 13, 2014
1082. LDR Storage Prohibitions and Treated Wastes	ENCORE	JUL 17, 2014
1083. LDR Treatment Standards and F001 "Chlorinated Fluorocarbons"	ENCORE	JUL 24, 2014
1084. RCRA Regulatory Status of Chlorinated Fluorocarbons Used as Refrigerants	ENCORE	JUL 31, 2014
1085. Universal Wastes, Manifesting and DOT Shipping Names		AUG 7, 2014
1086. CERCLA Hazardous Substances – A Brief Definition		AUG 14, 2014
1087. CERCLA Hazardous Substances – The Petroleum Exclusion		AUG 21, 2014
1088. PCB Concentration Assumptions for Use vs. PCB Disposal	ENCORE	AUG 28, 2014
1089. Universal Waste and Basis for the One Year Accumulation Time Limit		SEP 4, 2014
1090. Product Spills and Waste Determinations	ENCORE	SEP 11, 2014

**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, Senior Environmental Compliance Officer  
CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** PRODUCT SPILLS AND WASTE DETERMINATIONS

**DATE:** SEPTEMBER 11, 2014

<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 Ty Blackford Bob Cathel Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Tom Gilmore Stuart Hildreth Mike Jennings Stephanie Johansen Dan Kimball Jeanne Kisielnicki Melvin Lakes Jim McGrogan Stuart Mortensen Dean Nester Dave Richards Phil Sheely Connie Simiele Roni Swan Michael Waters Jeff Westcott Jeff Widney	Brett Barnes Ron Brunke Bill Cox Lorna Dittmer Rick Engelmann Jim Leary Dale McKenney Rick Oldham Linda Petersen Fred Ruck Jennie Seaver Wayne Toebe Lee Tuott Daniel Turlington Dave Watson Joel Williams	Jerry Cammann Jeff Ehlis Garin Erickson Lori Fritz Panfilo Gonzales Jr. Darlene Hagel Dashia Huff Mark Kamberg Edwin Lamm Candice Marple Saul Martinez Matt Mills Anthony Nagel Jennifer Ollero Jon Perry Thomas Pysto Phillip Rogers Don Rokkan Lana Strickling Lou Upton Christina Zerby	Alan Campbell Grant McCalmant  <u>DOE RL, ORP, WIPP</u>  Mary Beth Burandt Cliff Clark Mike Collins Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Greta Davis Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Judith Nielsen Mandy Pascual Kirk Peterson Jean Quigley Mark Rollison Dan Saueressig Merrie Schilperoort Joelle Stamm	Glen Triner Greg Varljen Julie Waddoups 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:** Product Spills and Waste Determinations

**Q:** A customer spills some product diesel fuel onto soil. The diesel fuel contaminated soil is thoroughly remediated and placed in a 55-gallon container. At what point is this spilled material of product diesel considered a waste and subject to hazardous waste and dangerous waste determinations?

**A:** Per an EPA RCRA Hotline "Questions and Answers" memo dated May 1985, it basically states that if product material in contaminated soil can be recycled, the spill residues are not solid wastes and are therefore not subject to RCRA. However, the generator bears the burden of proving that legitimate recycling will take place. The May 1985 memo specifically states:

*"... contaminated soils and other cleanup residues generally are solid wastes because of the difficulty associated with recycling wastes contained in environmental media", i.e. soils and waters.*

The May 1985 memo also states:

*"In the absence of strong, objective indicators of recycling or intent to recycle a spill residue, 'the materials are solid wastes immediately upon being spilled because they have been abandoned' (54 FR 48494; November 22, 1989)".*

The diesel fuel spilled onto soil is not a solid waste, if the customer can legitimately recycle the spilled product. If the diesel fuel cannot be recycled, the diesel fuel is a solid waste immediately upon being spilled onto the soil because it has been abandoned. Once the diesel contaminated soil is determined to be a solid waste, the customer must determine if the material is a hazardous or dangerous waste. This customer's diesel contaminated soil does not meet an F, K, U or P hazardous waste code listing and does not exhibit any characteristics, and specifically does not exhibit the D001 ignitability characteristic since the diesel/soil mixture does not meet the criteria for D001 ignitable hazardous waste at WAC 173-303-090(5) [40 CFR 261.21]. Also this customer's diesel contaminated soil does not meet any Washington State Dangerous Waste criteria. Therefore this diesel contaminated soil is not regulated as a hazardous or dangerous waste.

### SUMMARY:

- A product spilled onto soil could be recycled and therefore may not be a solid waste.
- EPA has stated that contaminated soils are generally solid wastes due to recycling difficulties.
- EPA has also stated that generators bear the burden of proving intent to legitimately recycle.
- If not recycled, materials are solid waste immediately upon being spilled due to abandonment.

The May 1985 EPA RCRA Hotline "Questions and Answers" memo and excerpts from WAC 173-303-090(5) 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:** 9/11/14

**FILE:** c:\...\2MT\2014\091114.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:** Product Spills and Waste Determinations

Faxback 13743

9441.1995(20)

Hotline Questions and Answers

May 1995

### 1. Solid Waste Determination for Spilled Commercial Chemical Products

According to 40 CFR §261.2, Table 1, hazardous commercial chemical products, when recycled, are exempt from RCRA because they are not solid wastes. If a manufacturer spills a commercial chemical product into the soil and intends to reclaim the spill residue, is the spill residue exempt from RCRA standards?

The intent to recycle a commercial chemical product spill residue does not exempt the material from RCRA jurisdiction. In fact, EPA has stated that contaminated soils and other cleanup residues generally are solid wastes because of the difficulty associated with recycling wastes contained within environmental media (54 FR 48494; November 22, 1989). Sometimes, however, a spill residue can be returned to a process or otherwise put to use, and thus remain exempt from RCRA standards.

In order to demonstrate that a spill residue is not a solid waste, the generator has the burden of proving that legitimate recycling will take place. The Agency has adopted objective considerations to evaluate a generator's claim that a spilled product will be legitimately recycled. The length of time the spill residue has existed is one such consideration. In order to prove that legitimate recycling will occur, a generator may also show that recycling has already begun, the material is valuable, the material can feasibly be recycled and/or the company has recycled such material in the past (55 FR 22671; June 1, 1990).

In the absence of strong, objective indicators of recycling or intent to recycle a spill residue, "the materials are solid wastes immediately upon being spilled because they have been abandoned" (54 FR 48494; November 22, 1989), and must be managed in accordance with all applicable RCRA standards.

**FROM:** Paul W. Martin

**DATE:** 9/11/14

**FILE:** c:\...\2MT\2014\091114.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.

## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** Product Spills and Waste Determinations

**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);

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas....

(iv) It is an oxidizer. An oxidizer for the purpose of this subsection is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter (see Note 4).

(b) A solid waste that exhibits the characteristic of ignitability must be designated DW, and assigned the dangerous waste number of D001.

### **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).

(2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

(3) It is an ignitable compressed gas. ....

(4) It is an oxidizer. An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter (see Note 4).

(b) A solid waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.

**FROM:** Paul W. Martin

**DATE:** 9/11/14

**FILE:** c:\...\2MT\2014\091114.rtf

**PG:** 3

**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.