

<u>SUBJECT</u>		<u>DATE</u>
1320.	Treated Hazardous Waste Used as Dust Suppressant	FEB 28, 2019
1321.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE MAR 7, 2019
1322.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE MAR 14, 2019
1323.	Decharacterized Wastes, ≤90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE MAR 21, 2019
1324.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE MAR 28, 2019
1325.	PCB Decontamination Standard with No Decontamination Performed	ENCORE APR 4, 2019
1326.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required?	ENCORE APR 11, 2019
1327.	PCB Manifest Relief a.k.a., When is a PCB Manifest Not Required? – The Sequel	ENCORE APR 18, 2019
1328.	PCB Concentrations and Micrograms per Centimeters Squared (µg/cm ²)	ENCORE APR 25, 2019
1329.	Operating Record vs. Operating Log	ENCORE MAY 2, 2019
1330.	Operating Records Not Referenced in the “Operating Record” Regulations	ENCORE MAY 9, 2019
1331.	Washington State Used Oil and Mixtures with Other Materials	ENCORE MAY 16, 2019
1332.	Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE MAY 23, 2019
1333.	Printed Circuit Board Recycling – Shredded vs. Whole	ENCORE MAY 30, 2019
1334.	Universal Waste Alkaline Batteries and Self-Transportation	ENCORE JUN 6, 2019
1335.	Universal Waste Lithium Batteries and Self-Transportation	ENCORE JUN 13, 2019
1336.	RCRA Hazard Labeling – A Random Scenario	ENCORE JUN 20, 2019
1337.	Regulatory Status of Chromated, Copper, Arsenate, (CCA) Wood as Wood Mulch	ENCORE JUN 27, 2019
1338.	Unused Paraformaldehyde - U Listed Hazardous Waste or Not?	ENCORE JUL 3, 2019
1339.	The Hazardous Waste Characteristic of Reactivity (D003)	ENCORE JUL 11, 2019
1340.	Central Accumulation Areas and Signage Requirements	ENCORE 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 LDR One-Year Storage Prohibition vs., PCB One-Year Disposal Time Limit	ENCORE SEP 12, 2019

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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: RCRA LDR ONE-YEAR STORAGE PROHIBITION VS., PCB ONE-YEAR DISPOSAL TIME LIMIT

DATE: SEPTEMBER 12, 2019

CHPRC Projects	CH PRC - Env. Protection	MSA	Hanford Laboratories	Other Hanford Contractors	Other Hanford Contractors
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TWO MINUTE TRAINING

SUBJECT: RCRA LDR One-Year Storage Prohibition vs., PCB One-Year Disposal Time Limit

Q: A customer is aware that hazardous waste subject to the Land Disposal Restrictions (LDR) can be stored for more than one year assuming storage beyond one year is needed to accumulate sufficient quantities to recover, treat or dispose of the LDR waste. The customer is also aware that PCB waste must be disposed within one year of the date removed from service but can exceed one year if disposal cannot be secured. If a customer has a liquid waste that is regulated as RCRA LDR hazardous waste and as TSCA PCB waste, can the customer store the LDR/PCB waste for more than one year for purposes of accumulating sufficient quantities to recover, treat or dispose, or does the PCB one-year disposal limit take precedence?

A: Concerning the LDR hazardous waste portion of the waste, per [40 CFR 268.50\(c\)](#), it basically states that the owner/operator of a treatment, storage or disposal facility may store wastes beyond one year; however the owner/operator bears the burden of proving the storage is necessary to facilitate proper recovery, treatment, or disposal.

Concerning the PCB waste portion of the waste, per 40 CFR 268.50(f), it states:

"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."

The short answer is that an LDR/PCB waste is subject to both 40 CFR 268.50 for the LDR component of the waste, and to [40 CFR 761.65](#) for the PCB component of the waste. The customer could not use the LDR relief at 40 CFR 268.50(c) to store the PCB component of the waste beyond the one-year disposal requirement. The customer could also not use the PCB relief at 40 CFR 761.65(a)(2) to store the LDR component of the waste beyond the one year storage prohibition. Therefore, each component of the LDR/PCB waste would be independently subject to its applicable regulations for storing or disposing of the LDR/PCB waste beyond one year and neither regulation would take precedence.

SUMMARY:

- RCRA LDR waste can be stored beyond one year to accumulate sufficient quantities to recover, treat or dispose.
- PCB waste can be stored beyond one year if disposal cannot be secured and efforts to dispose are documented.
- A combination of LDR/PCB waste is subject to both 40 CFR 268.50(c) and to 40 CFR 761.65(a)(2) concerning relief for exceeding their respective one-year storage or disposal requirements.

Excerpts from 40 CFR 268.50 and 40 CFR 761.65 are attached to the e-mail. If you have any questions, contact me at [Paul W Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 9/12/19

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: RCRA LDR One-Year Storage Prohibition vs., PCB One-Year Disposal Time Limit

40 CFR §268.50 Prohibitions on storage of restricted wastes

(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.

(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.

40 CFR §761.65 Storage for disposal

This section applies to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater.

- (a) (1) *Storage limitations.* Any PCB waste shall be disposed of as required by subpart D of this part within 1-year from the date it was determined to be PCB waste and the decision was made to dispose of it. This date is the date of removal from service for disposal and the point at which the 1-year time frame for disposal begins. PCB/radioactive waste removed from service for disposal is exempt from the 1-year time limit provided that the provisions at paragraphs (a)(2)(ii) and (a)(2)(iii) of this section are followed and the waste is managed in accordance with all other applicable Federal, State, and local laws and regulations for the management of radioactive material.
- (2) *One-year extension.* Any person storing PCB waste that is subject to the 1-year time limit for storage and disposal in paragraph (a)(1) of this section may provide written notification to the EPA Regional Administrator for the Region in which the PCB waste is stored that their continuing attempts to dispose of or secure disposal for their waste within the 1-year time limit have been unsuccessful. Upon receipt of the notice by the EPA Regional Administrator, the time for disposal is automatically extended for 1 additional year (2 years total) if the following conditions are met:
- (i) The notification is received by the EPA Regional Administrator at least 30 days before the initial 1-year time limit expires and the notice identifies the storer, the types, volumes, and locations of the waste and the reasons for failure to meet the initial 1-year time limit.
 - (ii) A written record documenting all continuing attempts to secure disposal is maintained until the waste is disposed of.
 - (iii) The written record required by paragraph (a)(2)(ii) of this section is available for inspection or submission if requested by EPA.
 - (iv) Continuing attempts to secure disposal were initiated within 270 days after the time the waste was first subject to the 1-year time limit requirement, as specified in paragraph (a)(1) of this section. Failure to initiate and continue attempts to secure disposal throughout the total time the waste is in storage shall automatically disqualify the notifier from receiving an automatic extension under this section.