

<u>SUBJECT</u>		<u>DATE</u>
1394. RCRA Empty vs. DOT Empty	ENCORE	JUL 30, 2020
1395. RCRA Empty vs. DOT Empty II	ENCORE	AUG 6, 2020
1396. Empty Containers and the "Empty" Label	ENCORE	AUG 13, 2020
1397. Exceptions to Free Liquids in Landfills Prohibition	ENCORE	AUG 20, 2020
1398. Dust Suppression in Landfills with Nonhazardous Liquids	ENCORE	AUG 27, 2020
1399. Treated Hazardous Wastes Used as Dust Suppressant	ENCORE	SEP 3, 2020
1400. Regulatory Status of Used Oil Mixed with Diesel Fuel	ENCORE	SEP 10, 2020
1401. RCRA Liquids, Free Liquids, and Releasable Liquids	ENCORE	SEP 17, 2020
1402. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	SEP 24, 2020
1403. Smoke Detector Disposal and the NRC	ENCORE	OCT 1, 2020
1404. DOT Shipping of Damaged, Defective, or Recalled Lithium Batteries	ENCORE	OCT 8, 2020
1405. Conservative Declaration that Material is a Hazardous Waste	ENCORE	OCT 15, 2020
1406. Manifest Exception Report Submittal Timeframes – RCRA vs. TSCA	ENCORE	OCT 22, 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: MANIFEST EXCEPTION REPORT SUBMITTAL TIMEFRAMES – RCRA VS. TSCA

DATE: OCTOBER 22, 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 Stuart Hildreth Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Stuart Mortensen Dave Richards Dave Shea 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 Kat Thompson Wayne Toebe Daniel Turlington	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 Scott Baker Lucinda Borneman 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: Manifest Exception Report Submittal Timeframes – RCRA vs. TSCA

Q: It is a strange day at the “We Generate Waste Company” (wGw) when two manifests are not returned within the 35-day timeframe as required by [40 CFR 262.42](#) for a RCRA hazardous waste, and by [40 CFR 761.217](#) for a TSCA PCB waste. wGw contacts the transporters and receiving facilities but to no avail. Therefore, as required by both regulations, after the 45th day wGw must submit manifest Exception Reports to the State and/or EPA. What is the timeframe for submitting these reports, i.e., immediately or some other timeframe?

A: 40 CFR 262.42, “Exception reporting”, basically states that the hazardous waste generator must submit an Exception Report if a copy of the manifest is not received within 45 days of the date the waste was accepted by the initial transporter. Therefore, on day 45, the generator becomes subject to submitting an Exception Report but it is not clear if the report is due to EPA or the State on day 45 or if the generator must only begin the process and submit the report in a timely manner.

40 CFR 761.217, “Exception reporting”, basically states the same RCRA wording that the PCB waste generator must submit an Exception Report if a copy of the manifest is not received within 45 days of the date the waste was accepted by the initial transporter. However, the PCB requirement includes additional wording that the Exception Report must be “submitted to EPA no later than 45 days from the date on which the generator should have received the manifest”. Since the PCB generator should have received a copy of the PCB manifest no later than 45 days after the initial transporter accepted the PCB waste, the PCB generator then has an additional 45 days to submit the PCB Exception Report. This is semi-clarified in [June 29, 1998, Federal Register](#) on page 35422, bottom of third column, which states:

“EPA is not changing its requirement to submit exception reports under §761.215 (exception reports are now at 761.217 – PWMartin comment) due to their usefulness as an enforcement tool, but is adding a 45-day submission timeframe to §761.215(b), (c), and (d) for submission of the report to the EPA Regional Administrator.”

TSCA EPA copied the RCRA exception report wording but added wording clarifying a 45-day submission timeframe. The RCRA exception report wording could be interpreted to mean the report is due on day 45 or at the least; the generator begins the process to submit the report in a timely manner.

SUMMARY:

- Both RCRA and TSCA have manifest exception report requirements.
- Both RCRA and TSCA require contacting the transporter and receiving facility by the 35th day if a manifest copy has not been returned to the generator.
- If a copy is not received by the 45th day, RCRA’s submission timeframe of the exception report appears to be either on day 45 or sometime thereafter, but TSCA’s submission timeframe is specifically within 45 days of when the generator should have received the manifest copy.

Excerpts from 40 CFR 262.42 and 761.217 are attached to the e-mail. 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: 10/22/2020

FILE: 2MT\2020\102220.rtf

PG: 1

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Manifest Exception Report Submittal Timeframes – RCRA vs. TSCA

40 CFR §262.42 Exception reporting

(a)

(1) A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §261.31 or §261.33(e) in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §261.31 or §261.33(e) in a calendar month, must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

40 CFR 761.217 Exception reporting

(a)

(1) A generator of PCB waste, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter, shall immediately contact the transporter and/or the owner or operator of the designated facility to determine the status of the PCB waste.

(2) A generator of PCB waste subject to the manifesting requirements shall submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The exception report shall be submitted to EPA no later than 45 days from the date on which the generator should have received the manifest. The Exception Report shall include the following:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the PCB waste and the results of those efforts.