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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 <sup>2</sup> )	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
1349.	Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978	ENCORE SEP 19, 2019
1350.	Regulatory Status of PCB Remediation Wastes Disposed Prior to April 18, 1978 – A Follow-Up	ENCORE SEP 26, 2019
1351.	PCB Waste Regulation and April 18, 1978 vs. July 2, 1979	ENCORE OCT 3, 2019
1352.	PCB Waste Storage Limitations and the One-Year Extension	ENCORE OCT 10, 2019
1353.	PCB Waste Storage Limitations and the PCB Radioactive Waste Exemption	ENCORE OCT 17, 2019
1354.	LDR One-Year Storage Prohibition and Generator Permitted Storage	ENCORE OCT 24, 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:** LDR ONE-YEAR STORAGE PROHIBITION AND GENERATOR PERMITTED STORAGE

**DATE:** OCTOBER 24, 2019

<a href="#">CHPRC Projects</a>	<a href="#">CH PRC - Env. Protection</a>	<a href="#">MSA</a>	<a href="#">Hanford Laboratories</a>	<a href="#">Other Hanford Contractors</a>	<a href="#">Other Hanford Contractors</a>
Richard Austin Tania Bates Rene Catlow Richard Clinton Larry Cole Laura Cusack John Dent Lorna Dittmer Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Bill Cox Jeanne Elkins Ryan Fischer Jonathan Fullmer Ted Hopkins Barry Lawrence Jim Leary Diane Leist Mitch Marrott Stewart McMahand Brian Mitcheltree Anthony Nagel Linda Petersen Fred Ruck Sean Sexton Dave Shea Ray Swenson Kat Thompson Wayne Toebe Eric Trotta Daniel Turlington Dave Watson	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 Skogle Lana Strickling Greg Sullivan	(TBD)  <a href="#">DOE RL, ORP, WIPP</a>  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:** LDR One-Year Storage Prohibition and Generator Permitted Storage

**Q:** A generator has accumulated land disposal restricted (LDR) hazardous waste in a container. Per [WAC 173-303-200\(7\)\(a\)\(i\)](#) [ [40 CFR 262.17\(a\)\(5\)\(i\)\(C\)](#)], a date of accumulation (July 27, 2019) was marked on the container to ensure that the container did not exceed 90 days on the generator's central accumulation area. Near the 90<sup>th</sup> day of accumulation (October 24, 2019), the generator transferred the LDR waste to an onsite RCRA permitted storage facility. Concerning the LDR storage prohibition and the 1-year burden of proof rule at [40 CFR 268.50\(b\)](#), does the generator have one year from the original generator date of accumulation, July 27, 2019, or one year from the date of receipt at the onsite permitted storage facility, October 24, 2019?

**A:** Per an EPA memo dated February 1987 ([RO 12851](#)), it states:

*"For a generator with interim status or a permit to store hazardous wastes, the one year begins on the date the waste is first placed in the tank or container."*

Therefore, the 1-year LDR "clock" began when the generator first placed the waste in the central accumulation area container on July 27, 2019. Since the generator held the waste in the central accumulation area for almost 3 months and then transferred the LDR waste to an onsite permitted storage facility, the storage facility would have only 9 months remaining on the 1-year LDR clock, i.e., July 26, 2020.

Note that if the generator transfers the waste to an offsite storage facility, the offsite storage facility would date the container with a new accumulation date as required by 40 CFR 268.50, which states:

*"Each container is clearly marked to identify its contents and with...the date each period of accumulation begins."*

The RCRA Hotline (800-424-9346) provided verbal clarification from USEPA that the subsequent offsite storage facility would have a full year from date of receipt. However, EPA stressed that if the transfer of LDR wastes was determined to be for purposes other than accumulating sufficient quantities of LDR waste for proper management, EPA could construe a violation of 40 CFR 268.50, "*Prohibitions on storage of restricted waste*".

Also, note that if the generator accumulates LDR waste in a satellite accumulation container, the 1-year LDR clock would not begin until the generator was no longer accumulating the LDR waste in a satellite container. This was confirmed in the [January 14, 1986, Federal Register](#) on page 1709 which basically stated that the Agency does not interpret the RCRA LDR storage prohibition as overriding the satellite accumulation area (SAA) rule at 40 CFR 262.15, which is equivalent to [WAC 173-303-174](#).

### SUMMARY:

- If a generator transfers LDR wastes from a central accumulation area (≤90-day area) to an onsite permitted storage facility, the 1-year LDR clock began when the waste first accumulated in the generator's container.
- If the generator transfers LDR wastes to an offsite facility, a subsequent 1-year LDR clock begins when the offsite storage facility receives the LDR wastes.
- LDR waste in an SAA is not subject to the 1-year LDR clock until the LDR waste is transferred to a central accumulation area or a permitted storage facility.

Excerpts from 40 CFR 268.50 and the February 1987, EPA memo 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:** 10/24/19

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## TWO MINUTE TRAINING – ATTACHMENT

**SUBJECT:** LDR One-Year Storage Prohibition and Generator Permitted Storage

Faxback 12851

9551.1987(05)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 87

### 4. Land Disposal Restrictions

The November 7, 1986 Federal Register (51 FR 40572), land disposal restrictions final rule, states that the storage of hazardous waste which is restricted from land disposal is prohibited unless conditions are met under §268.50.

A generator has interim status to store waste on-site. The generator wants to store his waste for up to one year to accumulate the waste as necessary to facilitate proper recovery, treatment and disposal in accordance with §268.50(b) (51 FR 40572). When does the one year begin?

Storage of restricted wastes by permitted or interim status facilities is allowed solely for the purpose of accumulating sufficient quantities to facilitate proper treatment, recovery or disposal. The one-year period acts as a bench-mark to determine which party (EPA or the storage facility) bears the burden of proof to demonstrate that storage is for the allowable reasons. For storage of one year or less, the burden is on EPA to demonstrate non-compliance. For storage more than one-year, the burden is on the facility owner or operator to demonstrate that such storage time is necessary. The owner/operator does not have to notify the agency of storage for more than one year. The burden of proof only applies in the event of an EPA inspection or for enforcement purposes.

For a generator with interim status or a permit to store hazardous wastes, the one year begins on the date the waste is first placed in the tank or container. If the generator accumulated the waste prior to the effective date of the land disposal restrictions final rule (51 FR 40572), the waste is not subject to the rule. Therefore, the generator can store his waste indefinitely since he has interim status to store a hazardous waste.

The November 7, 1986 land disposal restriction final rule (51 FR 40572) allows generators to gain interim status if compliance with the land disposal restrictions requires storage for more than 90 days.

Source: Mitch Kidwell (202) 382-4805

Research: Carla Rellergert (202) 382-3112

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**Federal Register** / Vol. 51, No. 9 / Tuesday, January 14, 1986 / Proposed Rules

**1709**

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“The Agency does not interpret the statutory restriction on the storage of prohibited wastes as overriding the satellite accumulation rule contained in 40 CFR 262.34(c). That rule allows generators to accumulate up to 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in a container, at or near the point of generation, without a permit, interim status, or compliance with the 90-day accumulation rule. The purpose of satellite accumulation is to allow the accumulation of certain quantities necessary to facilitate transportation, further treatment, or disposal and, thus, such accumulation falls under the section 3004(j) exemption.”

**FROM:** Paul W. Martin

**DATE:** 10/24/19

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## TWO MINUTE TRAINING – ATTACHMENT

**SUBJECT:** LDR One-Year Storage Prohibition and Generator Permitted Storage

### 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.

(4) ... (*Concerned healthcare facilities*)

(5) ... (*Concerned reverse distributors*)

**(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.**

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