

<u>SUBJECT</u>		<u>DATE</u>
1188. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario II	ENCORE	AUG 11, 2016
1189. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario III	ENCORE	AUG 18, 2016
1190. Product Spills and Waste Determinations	ENCORE	AUG 25, 2016
1191. Product Spills, Waste Determinations, and LDR	ENCORE	SEP 1, 2016
1192. Regulatory Status of Caustic Rinse Waters Contaminated with Trace Solvents	ENCORE	SEP 8, 2016
1193. Regulatory Status of Sand Blast Grit Contaminated with Trace Listed Solvents	ENCORE	SEP 15, 2016
1194. Hazardous Waste "F" Listings and Trace Contamination	ENCORE	SEP 22, 2016
1195. Hazardous Waste "F" Listings and Trace Contamination – Again!	ENCORE	SEP 29, 2016
1196. Hazardous Waste Determinations and Phase Separation		OCT 6, 2016
1197. Asbestos and DOT Relief	ENCORE	OCT 13, 2016
1198. PCB Containers and Concentration of PCBs	ENCORE	OCT 20, 2016
1199. PCB Analytical Waste Disposal Requirements	ENCORE	OCT 27, 2016
1200. PCB Analytical Waste Disposal Requirements – Water vs. Organic Liquids and Non-aqueous Inorganic Liquids		NOV 3, 2016
1201. Listed Waste Codes and Pre-RCRA Wastes	ENCORE	NOV 10, 2016
1202. Purpose of the ≤ 90 -day Hazardous Waste Accumulation Conditional Exclusion		NOV 17, 2016

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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: PURPOSE OF THE ≤90-DAY HAZARDOUS WASTE ACCUMULATION CONDITIONAL EXCLUSION

DATE: NOVEMBER 17, 2016

<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 Roni Ashley Tania Bates Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Jeanne Kisielnicki Melvin Lakes Marty Martin Jim McGrogan Stuart Mortensen Dean Nester Dave Richards Phil Sheely Connie Simiele Jennie Stults Michael Waters Jeff Westcott Jeff Widney	Ron Brunke Bill Cox Laura Cusack Lorna Dittmer Rick Engelmann Ted Hopkins Sasa Kosjerina Jim Leary Rick Oldham Anthony Nagel Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson Joel Williams	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzales Jr. Dashia Huff Mark Kamberg Edwin Lamm Candice Marple 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 Mike Collins Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Lori Fritz Tom Gilmore Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Dan Kimball Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Marty Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Mandy Pascual Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Kyle Webster Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: Purpose of the ≤90-day Hazardous Waste Accumulation Conditional Exclusion

Q: According to [WAC 173-303-200\(1\)](#), “Accumulating dangerous waste on-site”, [[40 CFR 262.34](#)], a generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that certain requirements are met. The permit relief is conditional which means if the generator complies with the requirements, a permit does not apply. Concerning the timeframe, where did EPA come up with the ≤90-day requirement that allows dangerous/hazardous waste accumulation without a storage permit?

A: Per the [December 18, 1978, Federal Register](#) (Proposed Rule) on page 58988, EPA stated:

“An issue central in the storage standards is when storage begins. The Agency believes that it would be inappropriate to require generators to comply with Subpart D storage regulations the instant a waste is generated because they really are not storage facility operators. However, the Agency also recognizes that generators tend to accumulate considerable quantities of hazardous waste over extended periods of time. With prolonged storage, the Agency believes the generator does become a storage facility operator, with the attendant environmental risks, and should have to comply with the storage regulations.

The Agency has decided to allow generators a reasonable period of time to accumulate hazardous waste on-site (with the intent to ship off-site) within which time they will not be considered storage facility operators. Ninety days has been selected as this interim period, as EPA considers that the likelihood of discharge of waste to the environment occurring within 90 days is low.”

Therefore, EPA’s concern that prolonged storage increases the risk of a spill was mitigated by limiting generator dangerous/hazardous waste accumulation to 90 days or less. EPA believed that the risks of a spill occurring within the 90 days of accumulation was low.

SUMMARY:

- A generator can accumulate dangerous waste on-site without a permit for 90 days or less.
- Since storage could not occur instantaneously, EPA allowed a reasonable time of 90 days or less to accumulate hazardous waste on-site.
- The ≤90-day timeframe was chosen due to the low risk of a spill occurring during that time.

An excerpt from WAC 173-303-200(1) and the December 18, 1978, Federal Register are attached to the e-mail. If you have any questions, please contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 11/17/16

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Purpose of the ≤90-day Hazardous Waste Accumulation Conditional Exclusion

Federal Register, Vol. 43, No. 243 – Monday, December 18, 1978, Page 58988

STANDARDS FOR STORAGE

The storage standards proposed in §250.44 are intended to prevent the release of hazardous waste from storage areas into the environment. Section 1004(33) of RCRA defines "storage" as the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of hazardous waste. Section 1004(3) of RCRA defines "disposal" as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Because "storage" cannot constitute "disposal," the regulations for hazardous waste storage operations require that storage be conducted in such a manner that no discharge or release of any waste occurs.

An issue central in the storage standards is when storage begins. The Agency believes that it would be inappropriate to require generators to comply with Subpart D storage regulations the instant a waste is generated because they really are not storage facility operators. However, the Agency also recognizes that generators tend to accumulate considerable quantities of hazardous waste over extended periods of time. With prolonged storage, the Agency believes the generator does become a storage facility operator, with the attendant environmental risks, and should have to comply with the storage regulations.

The Agency has decided to allow generators a reasonable period of time to accumulate hazardous waste on-site (with the intent to ship off-site) within which time they will not be considered storage facility operators. Ninety days has been selected as this interim period, as EPA considers that the likelihood of discharge of waste to the environment occurring within 90 days is low. Accordingly, a storage facility is defined as any facility that stores hazardous waste, except a facility used by a generator to store his own hazardous waste on-site in DOT specification containers for less than 90 days for subsequent transport off-site.

WAC 173-303-200 Accumulating dangerous waste on-site.

(1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 or recycled or treated on-site in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

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