

<u>SUBJECT</u>		<u>DATE</u>
1394. RCRA Empty vs. DOT Empty 30, 2020	ENCORE	JUL
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 20, 2020	ENCORE	AUG
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 24, 2020	ENCORE	SEP
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 15, 2020	ENCORE	OCT
1406. Manifest Exception Report Submittal Timeframes – RCRA vs. TSCA	ENCORE	OCT 22, 2020
1407. Characteristic Ignitable, Corrosive or Reactive Debris and Macroencapsulation	ENCORE	OCT 29, 2020
1408. RCRA Satellite Accumulation Areas and Applicability of Personnel Training		NOV 5, 2020
1409. The Hazardous Waste Generator Improvements Rule and Designation of Nonhazardous Waste		NOV 12, 2020
1410. RCRA Aisle Space Requirements and Washington State vs., EPA		NOV 19, 2020

Approved for Public Release;
Further Dissemination Unlimited

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, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: RCRA AISLE SPACE REQUIREMENTS AND WASHINGTON STATE VS., EPA

DATE: NOVEMBER 19, 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

Approved for Public Release;
Further Dissemination Unlimited

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: RCRA Aisle Space Requirements and Washington State vs., EPA

Q: At the national “Generators Boondoggle Vacation” conference, a WA State generator is discussing aisle space requirements with an EPA hazardous waste inspector. The WA State generator asked the EPA inspector how EPA enforces the minimum 30-inch spacing between rows of hazardous waste containers. The EPA inspector says, “We don’t.” What’s up with that?

A: Per [WAC 173-303-340\(3\)](#), “Aisle space”:

*“The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless **it can be demonstrated to the department** (WA Dept. of Ecology) **that aisle space is not needed for any of these purposes.**”*

This wording is almost parallel to EPA’s regulation at 40 CFR [264/265.35](#), “Required aisle space”:

“The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.”

However, Washington State has an additional aisle space requirement specific to dangerous waste containers at [WAC 173-303-630\(5\)\(c\)](#), “Management of containers” which states:

“A minimum thirty-inch aisle space separation is required between rows of containers. A row of containers must be no more than two wide and allow for unobstructed inspection of each container.”

This difference in the WA State regulations and the EPA regulations was noted in the [October 12, 1999, Federal Register](#) concerning WA State’s “Final Authorization of State Hazardous Waste Management Program Revision”. On page 55149, EPA documented where WA State is more stringent than the EPA regulations stating:

“The State program specifies at [WAC 173-303-640\(5\)](#), analog to [40 CFR 265.173](#), a minimum aisle space between containers and that a row of containers must be no wider than 2 drums”. (Note: [WAC 173-303-640\(5\)](#) is a typo and should be -630.)

Therefore, EPA could not enforce the minimum 30-inch aisle space requirement between rows of containers since the requirement does not exist in 40 CFR 260-279. WA State would enforce the requirement since it is a more stringent requirement incorporated into [WAC 173-303, Dangerous Waste Regulations](#).

One last note is that the above regulations apply to a final status unit, but the same 30-inch aisle space requirement applies to WA State generators too.

SUMMARY:

- WAC 173-303-630(5)(c) requires a minimum of 30 inches of aisle space between rows of dangerous waste containers.
- The equivalent Federal regulations at 40 CFR Part 264/265 do not have the same aisle space requirement.
- WA State aisle space requirements are therefore more stringent than the Federal regulations.

Nothing is 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: 11/19/2020

FILE: 2MT\2020\111920.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.