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1254. PCB Radioactive Wastes and Exception Reporting	ENCORE	NOV 21, 2017
1255. Satellite Accumulation Requirements and Container Inspections	ENCORE	NOV 30, 2017
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1257. Fluorescent Light Ballasts and PCB Annual Reporting		DEC 14, 2017
1258. 'Twas the Night Before Christmas – The Twenty-Fifth Annual Edition		DEC 21, 2017
1259. The Purpose of Keeping Containers Closed Except When Adding or Removing Wastes	ENCORE	DEC 28, 2017
1260. Satellite Accumulation and Product Vessel Cleanouts	ENCORE	JAN 4, 2018
1261. Conservative Declaration that Material is a Hazardous Waste	ENCORE	JAN 11, 2018
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1273. “No Smoking” Signs and Tobacco-Free Facilities		APR 5, 2018
1274. Aqueous Solutions and the Characteristic of Corrosivity	ENCORE	APR 12, 2018
1275. Aqueous Solutions and the Characteristic of Ignitability	ENCORE	APR 19, 2018
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1280. Satellite Accumulation Areas and the Three-Day Time Limit for Excess Accumulation		MAY 24, 2018
1281. Satellite Accumulation of Aerosol Cans and Determining the 55-Gallon Limit	ENCORE	MAY 31, 2018
1282. Universal Waste and Basis for the One Year Accumulation Time Limit	ENCORE	JUN 7, 2018
1283. F001 Degreaser versus F002 Solvent	ENCORE	JUN 14, 2018
1284. Hazardous Waste Determinations and Phase Separation	ENCORE	JUN 20, 2018
1285. PCB Certificates of Disposal and Manifesting Between Related Facilities		JUN 28, 2018
1286. PCB Concentrations and 10,000 PPM	ENCORE	JUL 5, 2018
1287. PCB Concentrations and 1,000 PPM	ENCORE	JUL 12, 2018
1288. Satellite Accumulation Containers and the Date of Accumulation Marking		JUL 19, 2018
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1294. Universal Wastes - Recycling versus Disposal	ENCORE	AUG 30, 2018
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1298. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	SEP 27, 2018
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1300. Purpose of the ≤90-day Hazardous Waste Accumulation Conditional Exclusion	ENCORE	OCT 11, 2018
1301. Regulatory Status of Used Oil Mixed with Diesel Fuel		OCT 18, 2018
1302. Recyclable Chemicals and Zombie Destruction	ENCORE	OCT 25, 2018
1303. Empty Containers and the “Empty” Label		NOV 1, 2018
1304. Manifest Exception Report Submittal Timeframes – RCRA vs. TSCA		NOV 8, 2018
1305. Smoke Detector Disposal and the NRC	ENCORE	NOV 15, 2018
1306. Smoke Detector Disposal and Well-Meaning Waste Minimization	ENCORE	NOV 21, 2018
1307. Characteristic Ignitable, Corrosive or Reactive Debris and Macroencapsulation	ENCORE	NOV 29, 2018
1308. Disposal Requirements for Hazardous Waste Treated to LDR Standards	ENCORE	DEC 6, 2018

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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: DISPOSAL REQUIREMENTS FOR HAZARDOUS WASTE TREATED TO LDR STANDARDS

DATE: DECEMBER 6, 2018

<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 John Dent Lorna Dittmer Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Jim McGrogan Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jennie Stults Jeff Westcott Jeff Widney	Bob Bullock Bill Cox Laura Cusack Jim Leary Anthony Nagel Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg 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 Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Tom Gilmore Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: Disposal Requirements for Hazardous Waste Treated to LDR Standards

Q: A customer has one characteristic hazardous waste stream and one listed hazardous waste stream. Both streams are treated onsite to meet their applicable LDR treatment standards at [40 CFR 268.40](#). Once treated, what land disposal options are available for each waste stream?

A: Per [40 CFR 261.3\(c\)](#), “The Definition of Hazardous Waste”, a hazardous waste remains a hazardous waste unless it meets the requirements of 40 CFR 261.3(d). This regulation basically states that:

1. A characteristic hazardous waste is not a hazardous waste if it no longer exhibits a characteristic of hazardous waste. However, wastes that originally exhibited a characteristic may still be subject to LDR requirements, even if they no longer exhibit a characteristic at the time of disposal, and;
2. A listed hazardous waste is not a hazardous waste if it has been excluded from regulation per [40 CFR 260.20](#) or [260.22](#), which concern petitions to EPA and/or the State to modify, revoke or exclude wastes from regulation. Note that achievement of LDR treatment standards may or may not be a factor in the petition approval process.

Since the customer’s characteristic hazardous waste has been treated to meet 268.40 LDR treatment standards and the characteristic has been removed, this wastestream could be land disposed as nonhazardous waste in a Subtitle D (nonhazardous) or Subtitle C (hazardous) landfill. However, the customer’s listed hazardous waste, once treated to meet 268.40 LDR treatment standards, remains a listed hazardous waste and must be disposed of as hazardous waste in a Subtitle C landfill or other hazardous waste permitted unit. Only if the customer submits a petition per 40 CFR 260.20 or 260.22 and receives approval from EPA and/or the State, could the listed waste be disposed of as nonhazardous waste in a Subtitle D landfill.

Note that the Washington State regulations found at [WAC 173-303-070\(2\)\(a\)](#) are equivalent to the less ambiguous Federal Regulations found at 40 CFR 261.3(c).

SUMMARY:

- If a characteristic hazardous waste is treated to remove the characteristic, the waste is a nonhazardous waste and may still be subject to LDR treatment standards. If the waste is also treated to meet LDR treatment standards, the waste can be disposed in a nonhazardous landfill.
- If a listed hazardous waste is treated to meet 268.40 LDR treatment standards, the waste remains a hazardous waste, unless a delisting petition is granted by EPA and/or the State.

Excerpts from 40 CFR 260, 261, and WAC 173-303-070 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: 12/6/18

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Disposal Requirements for Hazardous Waste Treated to LDR Standards

40 CFR 261.3 Definition of Hazardous Waste.

- (c) Unless and until it meets the criteria of paragraph (d) of this section:
 - (1) A hazardous waste will remain a hazardous waste.

- (d) Any solid waste described in paragraph (c) of this section is not a hazardous waste if it meets the following criteria:
 - (1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C. (However, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of part 268, even if they no longer exhibit a characteristic at the point of land disposal.)
 - (2) In the case of a waste which is a listed waste under subpart D of this part, contains a waste listed under subpart D of this part or is derived from a waste listed in subpart D of this part, it also has been excluded from paragraph (c) under §260.20 and §260.22 of this chapter.

40 CFR 260.20 General.

- (a) Any person may petition the Administrator to modify or revoke any provision in parts 260 through 266, 268 and 273 of this chapter. This section sets forth general requirements which apply to all such petitions. Section 260.21 sets forth additional requirements for petitions to add a testing or analytical method to part 261, 264 or 265 of this chapter. Section 260.22 sets forth additional requirements for petitions to exclude a waste or waste-derived material at a particular facility from 261.3 of this chapter or the lists of hazardous wastes in subpart D of part 261 of this chapter. ...

40 CFR 260.22 Petitions to amend Part 261 to exclude a waste produced at a particular facility.

- (a) Any person seeking to exclude a waste at a particular generating facility from the lists in Subpart D of Part 261 may petition for a regulatory amendment under this section and §260.20. To be successful:
 - (1) The petitioner must demonstrate to the satisfaction of the Administrator that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or an acutely hazardous waste; and
 - (2) Based on a complete application, the Administrator must determine, where he has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A waste which is so excluded, however, still may be a hazardous waste by operation of Subpart C of Part 261.

FROM: Paul W. Martin

DATE: 12/6/18

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Disposal Requirements for Hazardous Waste Treated to LDR Standards

WAC 173-303-070 Designation of dangerous waste.

(2)

(a) Except as provided at WAC 173-303-070 (2)(c), once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and

(ii)

(A) It does not exhibit any of the characteristics of WAC 173-303-090; however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of WAC 173-303-140 (2)(a), even if they no longer exhibit a characteristic at the point of land disposal; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083 [*F, K, U or P*], it also has been exempted pursuant to WAC 173-303-910(3); or

(iii) If originally designated only through WAC 173-303-100, it does not meet any of the criteria of WAC 173-303-100 [*Washington State only dangerous wastes for toxicity - WT01 and WT02, or persistence - WP01, WP02, WP03*].

Such solid waste will include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation runoff. Precipitation runoff will not be considered a dangerous waste if it can be shown that the runoff has not been contaminated with the dangerous waste, or that the runoff is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the runoff does not exhibit any of the criteria or characteristics described in WAC 173-303-100.