

<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
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
1411. The Definition of Good Housekeeping	ENCORE	NOV 24, 2020
1412. Absorbent Additions and Treatment	ENCORE	DEC 3, 2020
1413. LDR Notifications and F001-F005 Constituents of Concern	ENCORE	DEC 10, 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: LDR NOTIFICATIONS AND F001-F005 CONSTITUENTS OF CONCERN

DATE: DECEMBER 10, 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 Richard Lipinski Stuart Mortensen Dave Richards Sean Sexton Dave Shea Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Danielle Collins Jeanne Elkins Ryan Fisher Jonathan Fullmer Barry Lawrence Diane Leist Mitch Marrott Stewart McMahand Brian Mitcheltree Anthony Nagel Linda Petersen Brent Porter 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: LDR Notifications and F001-F005 Constituents of Concern

Q: The "Generator Paperwork Requirements Table" located near [40 CFR 268.7\(a\)\(4\)](#) states that "the constituents of concern for F001-F005 . . ." are required information on a land disposal restrictions (LDR) notification. Are "constituents of concern" all F001 - F005 hazardous constituents that cause the specific waste to be regulated as F001 - F005; or are they only those F001 - F005 hazardous constituents that actually exceed the applicable LDR treatment standards and therefore require treatment prior to land disposal?

A: Per an EPA memo dated October 26, 1998, ([RO 14325](#)) it states:

"As a generator you are responsible for determining whether some or all the constituents associated with each waste listed in 40 CFR 268.40 as 'regulated hazardous constituents' require treatment. If so, they are 'constituents of concern' to be included on the § 268.7 notification.

This determination may be made by testing or using knowledge of the waste on a constituent by constituent basis. Where this determination is based on testing, any of the constituents not shown to be below UTS, and not otherwise known to be below UTS, should be listed as a 'constituent of concern'.

As the generator, you will be identifying that these are the only constituents for which treatment is required and must retain on file the basis of your determination."

Therefore, only the constituents that actually exceed an applicable LDR treatment standard, i.e., require treatment, are the "constituents of concern" that must be identified on the LDR notification.

SUMMARY:

- The "Generator Paperwork Requirements Table" identifies LDR notification requirements.
- "Constituents of concern" for F001 - F005 wastes must be identified on the LDR notice.
- "Constituents of concern" include only those F001 - F005 constituents that exceed an applicable LDR treatment standard and require treatment to meet an LDR standard.

The October 26, 1998, EPA memo is 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: 12/10/2020

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: LDR Notifications and F001-F005 Constituents of Concern

Mr. David A. Swanburg, Base Civil Engineer
U.S. Air Force Reserve, 934 SPTG/CEV
760 Military Highway
Minneapolis-St. Paul LAF ARS, MN 55450-2000

October 26, 1998

Dear Mr. Swanburg:

This letter responds to your memorandum, dated August 14, 1998, in which you raised questions about the land disposal restrictions (LDR) regulations found at 40 CFR 268.7. I will answer your questions in the order they were presented in your memorandum.

1. Constituents of concern.

You request clarification of the term "constituents of concern" found in the § 268.7(a)(2) column of the Generator Paperwork Requirements Table. As you mention, the constituents of concern are those chemicals listed in the F001-F005 section of the Table of Treatment Standards at §268.40. Your question is: which of the thirty-or-so candidate constituents of concern should be included on the §268.7 notification? Several options were presented.

"Constituents of concern" as used in the Generator Paper Work Requirements Table refers to all constituents for which the waste is regulated, and may comprise both the "regulated hazardous constituents" associated with listed wastes and the "underlying hazardous constituents" of 40 CFR 268.48 when a waste also exhibits one or more 40 CFR 261.20 characteristics of hazardous waste. These are explained in more detail below.

As a generator you are responsible for determining whether some or all the constituents associated with each waste listed in 40 CFR 268.40 as "regulated hazardous constituents" require treatment (§ 268.7(a)(1)). If so, they are "constituents of concern" to be included on the § 268.7 notification. This determination may be made by testing or using knowledge of the waste on a constituent by constituent basis. Where this determination is based on testing, any of the constituents not shown to be below UTS, and not otherwise known to be below UTS, should be listed as a "constituent of concern." As the generator, you will be identifying that these are the only constituents for which treatment is required (§ 268.7(a)(2)) and must retain on file the basis of your determination (§ 268.7(a)(6)).

With respect to characteristically hazardous wastes, "underlying hazardous constituent" refers to the 40 CFR 268.48 constituents that can reasonably be expected to be present. (40 CFR 268.3(i)). For each of these constituents, the generator may use testing or knowledge to ascertain if they are present at levels above UTS. Where this determination is based on testing, any of the constituents not shown to be below UTS and not otherwise known to be below UTS should be listed as a "constituent of concern."

(Continued on next page.)

FROM: Paul W. Martin

DATE: 12/10/2020

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: LDR Notifications and F001-F005 Constituents of Concern

2. Carbon disulfide, cyclohexanone, and methanol.

You request clarification on whether carbon disulfide, cyclohexanone, and methanol are considered "constituents of concern" for a nonwastewater under any circumstances, and if so what are the circumstances? We read your question as referring to the special case of F001-F005 wastes and the entry in § 268.40 regarding these listed waste codes. For nonwastewater forms of these three constituents, if only one, two, or three of these constituents (and no other constituents) are present in the waste, they are considered "constituents of concern" and should be included on the notification. If these three constituents are present in the waste along with any other solvent constituents, they are not "constituents of concern" and should not be included on the notification.

3. Changes in treatment standards.

You request clarification on whether a new notification would be necessary if a treatment standard changes, perhaps causing the waste to be subject to the requirements for underlying hazardous constituents that it did not have prior to the regulation change.

Yes, a new notification should be prepared and submitted with the next shipment of wastes following the effective date of the changed treatment standard.

4. Changes in manifest number.

You request clarification on what manifest number should be associated with a notification that is submitted because the waste or the receiving facility changed, or because the treatment standard changed. Would the manifest number be that of the original first shipment of waste, or would be the manifest number associated with the waste under changed circumstances?

The manifest number should be the one associated with the first shipment of "changed" waste or the one sent to the "changed" treatment facility. It should not be the manifest number associated with the original first shipment because that number is superseded.

I hope you find these responses helpful. If you have further questions, contact Rhonda Minnick of my staff on 703-308-8771.

Sincerely,

James R. Berlow
Director
Hazardous Waste Minimization and
Management Division

RO 14325

FROM: Paul W. Martin

DATE: 12/10/2020

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