

<u>SUBJECT</u>		<u>DATE</u>
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 ²)	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		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		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 LR One-Year Storage Prohibition vs., PCB One-Year Disposal Time Limit		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		SEP 26, 2019
1351. PCB Waste Regulation and April 18, 1978 vs. July 2, 1979		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
1355. LDR Notification/Certification and Generator Permitted Storage		OCT 31, 2019
1356. Disposing of PCB Ballasts with PCB Potting Material	ENCORE	NOV 7, 2019
1357. Fluorescent Light Ballasts and PCB Annual Reporting	ENCORE	NOV 14, 2019
1358. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE	NOV 21, 2019
1359. Multiple Characteristic and Listed Hazardous Waste Codes and the “in lieu of” LDR Principle	ENCORE	NOV 26, 2019
1360. Universal Waste Lamps and Prohibition on Crushing	ENCORE	DEC 5, 2019
1361. Used Oil and Weekly Inspections	ENCORE	DEC 12, 2019
1362. Used Oil and Keeping Containers Closed – Washington State vs. the Feds	ENCORE	DEC 19, 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: USED OIL AND KEEPING CONTAINERS CLOSED – WASHINGTON STATE VS. THE FEDS

DATE: DECEMBER 19, 2019

<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>
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TWO MINUTE TRAINING

SUBJECT: Used Oil and Keeping Containers Closed – Washington State vs. the Feds

Q: A customer from Washington State is visiting a Sister Facility in another state and notes that the Sister Facility's used oil containers have open top funnels that are not kept closed. When the Washington State person pointed out the issue to the Sister facility, the Sister Facility's response was that it is OK under [40 CFR 279](#). So what is the difference in the Washington State requirements vs. the Federal 40 CFR 279 requirements for keeping a used oil container closed?

A: [WAC 173-303-515](#)(6)(a)(i), "Standards for the management of used oil", states:

"Containers must be closed at all times, except when adding or removing materials managed under this section."

However, [40 CFR 279.22](#), "Standards for the Management of Used Oil", states nothing about keeping used oil containers closed. 40 CFR 279.22(b)(1) and (2) only state that used oil containers must be in good condition and not leaking.

As further clarification, an EPA Guidance Memo dated September 1, 1997, ([RO 14118](#)) states that used oil containers and tanks do not need to comply with 40 CFR 264/265, Subparts J (tanks) and I (containers) provided the used oil is not mixed with a hazardous waste. 40 CFR 264/265 Subpart I, "Use and Management of Containers" and [40 CFR 264.173\(a\)](#)/[40 CFR 265.173\(a\)](#) is the regulatory citation stating:

"A container holding hazardous waste must always be closed during storage, except when necessary to add or remove wastes."

Since 40 CFR 279 does not include wording to keep used oil containers closed and does not reference 40 CFR 264/265 Subpart I, there appears to be no Federal requirement to keep used oil containers closed - unless your Spill Prevention, Control and Countermeasures (SPCC) Plan requires it.

Washington State, however, is more stringent than the Federal regulations and as stated in [WAC 173-303-515\(6\)\(a\)\(i\)](#), used oil containers in Washington State must be closed at all times except when adding or removing used oil.

SUMMARY:

- WAC 173-303-515(6)(a)(i) requires used oil containers to be closed.
- 40 CFR 279.22 does not require used oil containers to be closed.
- Therefore, Washington State has chosen to be more stringent than the Federal regulations concerning keeping used oil containers closed.

Excerpts from [WAC 173-303-515](#) and [40 CFR 279](#), and the EPA guidance memo dated September 1, 1997, 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: 12/19/19

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Used Oil and Keeping Containers Closed – Washington State vs. the Feds

WAC 173-303-515 Standards for the management of used oil.

(6) **Standards for used oil generators.** This subsection applies to all used oil generators and persons managing materials under this section. The standards for used oil generators of 40 C.F.R. Parts 279.20 through 279.24 are incorporated by reference except 40 C.F.R. Part 279.21. Used oil generators and persons managing materials under this subsection are subject to the federal regulations listed above and the following:

(a) Storage requirements for containers and tanks.

(i) Containers must be closed at all times, except when adding or removing materials managed under this section.

(ii) Containers and tanks must not be opened, handled, managed or stored in a manner that may cause the container or tank to leak or rupture.

40 CFR §279.22 Used oil storage

Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR part 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (40 CFR part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

(a) *Storage units.* Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under parts 264 or 265 of this chapter.

(b) *Condition of units.* Containers and aboveground tanks used to store used oil at generator facilities must be:

(1) In good condition (no severe rusting, apparent structural defects or deterioration); and

(2) Not leaking (no visible leaks).

(c) *Labels.*

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

(2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."

TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Used Oil and Keeping Containers Closed – Washington State vs. the Feds

EPA: 530-R-97-005i

NTIS: SUB9224-97-009

1. Generator Storage of Used Oil

A used oil generator storing used oil on site must comply with the used oil storage standards found in 40 CFR Section 279.22. These regulations specify that a generator can only store used oil in “tanks, containers, or units subject to regulation under Parts 264 or 265...” Does this mean that containers and tanks storing used oil must meet the hazardous waste storage requirements of Parts 264/265, Subparts I or J respectively, or only units other than containers or tanks (i.e., surface impoundments) storing used oil?

A used oil generator storing used oil in containers and tanks does not need to comply with Parts 264/265, Subparts I or J, provided the used oil has not been mixed with a hazardous waste. Tanks and containers storing used oil must meet the requirements in Section 279.22(b) and (c), which address the condition and labeling of the units, respectively. Units other than tanks and containers storing used oil, however, must be permitted or operating under interim status. For example, a used oil generator is prohibited from storing used oil in a surface impoundment unless the surface impoundment meets the general facility standards of Parts 264/265, Subparts A-H, the unit specific requirements of Parts 264/265, Subpart K, and the applicable requirements of Part 270. In addition, a state’s regulations can be more stringent than the federal regulations. Therefore, a used oil generator should inquire with the state for additional regulations that may apply to the storage of used oil.

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