

<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
1414. LDR Notifications and F001-F005 Constituents of Concern – Again!	ENCORE	DEC 17, 2020
1415. 'Twas the Night before Christmas – The Twenty-Seventh Edition		DEC 24, 2020
1416. LDR Notifications and F001-F005 Constituents of Concern - One Last Time!	ENCORE	DEC 31, 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 - ONE LAST TIME!

**DATE:** DECEMBER 31, 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>
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## TWO MINUTE TRAINING

**SUBJECT:** LDR Notifications and F001-F005 Constituents of Concern - One Last Time!

**Q:** A customer generates an F001-F005 hazardous waste and identifies on the land disposal restrictions (LDR) form the constituents of concern as only those F001-F005 constituents that require LDR treatment. The customer then sends the waste to a RCRA dangerous waste treatment facility that treats the waste to meet all LDR treatment standards. The treatment facility then sends the treated waste to a RCRA land disposal facility. Considering the original generator only needed to identify constituents of concern as those constituents that required treatment, does the treater need to identify any constituents of concern on the LDR certification form that will accompany the waste to the ultimate disposal facility after the constituents of concern are treated?

**A:** A search of EPA guidance memos revealed no additional constituents of concern guidance specific to treaters of hazardous waste. However, a review of [40 CFR 268.7\(b\)\(3\)\(ii\)](#), "Treatment Facility Paperwork Requirements Table" indicates at item 2:

*"The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents."*

At first glance, a treater may interpret that the constituents of concern only need identification if the constituents require further treatment to meet LDR - same guidance as a generator. And that makes sense especially if a treater has waste that does require further treatment; then those constituents of concern need to be identified so that the next treater can properly treat the waste. However, the paperwork requirements go on to state at item 6:

*"A certification is needed (see applicable section for exact wording)."*

The wording of one of the notifications at 40 CFR 268.7(b)(4) is for treated waste that meets all LDR treatment standards and is therefore eligible for land disposal. Hence, the treater of our customer's waste would include on the LDR certification, the F001-F005 constituents of concern treated to meet the applicable LDR treatment standards. Therefore, even though the original constituents of concern have been treated to meet the LDR treatment standards, the treater would notify and certify to the land disposal facility that the original F001-F005 constituents of concern have been treated and meet their respective LDR treatment standards.

### SUMMARY:

- "Constituents of concern" for F001-F005 wastes must be identified on the LDR notification.
- A generator's "constituents of concern" for F001-F005 include only those F001 - F005 constituents that exceed an applicable LDR treatment standard and require treatment to meet an LDR standard.
- A treater's "constituents of concern" for F001-F005 include only those F001 - F005 constituents that had exceeded an applicable LDR treatment standard and have been treated to meet an LDR standard.

The table at 40 CFR 268.7(b)(3)(ii) 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: 12/31/2020

FILE: 2MT\2020\123120.rtf

PG: 1

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**TWO MINUTE TRAINING – ATTACHMENT**

**SUBJECT:** LDR Notifications and F001-F005 Constituents of Concern - One Last Time!

**40 CFR 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.**

(b)(3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

(ii) The one-time notice must include these requirements:

Treatment Facility Paperwork Requirements Table

Required information	§268.7(b)
1. EPA Hazardous Waste Numbers and Manifest Number of first shipment	√
2. The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.	√
3. The notice must include the applicable wastewater/ nonwastewater category (see §§268.2(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)	√
4. Waste analysis data (when available)	√
5. For contaminated soil subject to LDRs as provided in 268.49(a), the constituents subject to treatment as described in 268.49(d) and the following statement, "this contaminated soil [does/does not] exhibit a characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by 268.49(c)".	√
6. A certification is needed (see applicable section for exact wording)	√

(4) The treatment facility must submit a one-time certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state:

*I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 40 CFR 268.40 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.*

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