

<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
1417. RCRA Empty Containers and Removing as Much Waste as Possible	ENCORE	JAN 7, 2021
1418. Universal Waste, Incandescent Bulbs and Nonhazardous Bulbs	ENCORE	JAN 14, 2021
1419. Listed Waste Codes and Pre-RCRA Wastes	ENCORE	JAN 21, 2021
1420. Commercial Chemical Products and Unused Batteries	ENCORE	JAN 28, 2021
1421. Recycling of Non-Listed Commercial Chemical Products	ENCORE	FEB 4, 2021
1422. RCRA Personnel Training and Classroom Training vs. Online Training	ENCORE	FEB 11, 2021
1423. EPA Definition of "Annual" Refresher Training	ENCORE	FEB 18, 2021
1424. Satellite Accumulation of Aerosol Cans and Determining the 55-Gallon Limit	ENCORE	FEB 25, 2021
1425. PCB Wastes and RCRA Hazardous Waste Characteristics D018 through D043	ENCORE	MAR 4, 2021

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TWO MINUTE TRAINING

TO: CENTRAL PLATEAU CLEANUP COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CPCCo Environmental Protection, Hanford, WA

SUBJECT: PCB WASTES AND RCRA HAZARDOUS WASTE CHARACTERISTICS D018 THROUGH D043

DATE: MARCH 4, 2021

<u>CPCCo Projects</u>	<u>CPCCo - Env. Protection</u>	<u>HMIS</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
Richard Austin Tania Bates Rene Catlow Richard Clinton Stuart Hildreth Stephanie Johansen Sasa Kosjerina Richard Lipinski Stuart Mortensen Dave Richards Sean Sexton Dave Shea Phil Sheely Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Danielle Collins Jennifer Copeland Jeanne Elkins Ryan Fisher Jonathan Fullmer Steve Heninger Julie Johanson Barry Lawrence Diane Leist Mitch Marrott Stewart McMahand Brian Mitcheltree Anthony Nagel Chris Plager Linda Petersen Brent Porter Dale Snyder Kat Thompson Wayne Toebe Daniel Turlington Britt Wilkins	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 Skogleie 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: PCB Wastes and RCRA Hazardous Waste Characteristics D018 through D043

Q: A customer has Toxic Substance Control Act (TSCA) regulated PCB equipment waste that also fails the Toxicity Characteristic Leaching Procedure (TCLP) test for one or more of the RCRA characteristic hazardous waste codes D018 through D043. Is this a TSCA/RCRA waste or what?

A: In the [March 29, 1990, Federal Register](#), EPA decided to exempt PCB equipment wastes from RCRA regulation that also exhibits one or more of the RCRA characteristics with the hazardous waste codes D018 through D043. The basis for this decision was EPA's concern that subjecting these PCBs to the (at the time) new TCLP regulations could be disruptive to the mandatory phase out of PCBs in certain electrical transformers and capacitors. Also, EPA believed that the current PCB regulations under TSCA were adequate to protect human health and the environment.

Therefore, per [WAC 173-303-071\(3\)\(k\)](#) [[40 CFR 261.8](#)] any TSCA regulated PCB equipment waste that also exhibits one or more of the RCRA characteristic hazardous waste codes of D018 through D043 is not subject to RCRA regulations. This includes land disposal restrictions concerning universal treatment standards and underlying hazardous constituents. A PCB equipment waste with one or more of the D018 through D043 waste codes would remain subject to the appropriate TSCA requirements for marking, storage and disposal as outlined in [40 CFR Part 761](#).

If any other codes such as D001 through D017, and/or any F, K, U, or P listed hazardous waste codes were present, the PCB equipment waste material would be subject to full RCRA and TSCA regulation.

Also, note that any TSCA regulated PCB equipment waste that also designates as a Washington State-only dangerous waste, i.e., WT01, WT02, WP01-WP03, WSC2, or WPCB, is basically exempt from regulation as a dangerous waste except for certain special requirements concerning recycling and cases where the Department of Ecology perceives an imminent and substantial endangerment to health or the environment.

SUMMARY:

- PCB equipment is subject to TSCA regulation per 40 CFR 761.
- PCB equipment waste that designates as D018 through D043 is exempt from RCRA regulation per 40 CFR 261.8.
- PCB equipment waste that designates as Washington State-only dangerous waste is exempt from RCRA regulation per WAC 173-303-071(3)(k).

Excerpts from WAC 173-303-071(3)(k) and 40 CFR 261.8 are 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: 3/4/2021

FILE: 2MT\2021\030421.rtf

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: PCB Wastes and RCRA Hazardous Waste Characteristics D018 through D043

WAC 173-303-071 Excluded categories of waste.

(3) Exclusions. The following categories of waste are excluded from the requirements of [chapter 173-303 WAC](#), except for [WAC 173-303-050](#), [173-303-145](#), and [173-303-960](#), and as otherwise specified:

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB containing dielectric fluid and electric equipment containing such fluid, and any PCB wastes meeting (k)(i)(B) of this subsection, whose disposal is regulated by EPA under 40 C.F.R. Part 761 (Toxic Substances Control Act) and that are dangerous either because:

- (A) They fail the test for toxicity characteristic ([WAC 173-303-090\(8\)](#), Dangerous waste codes D018 through D043 only); or
- (B) Because they are designated only by this chapter and not designated by 40 C.F.R. Part 261, are exempt from regulation under this chapter except for [WAC 173-303-505 through 173-303-525](#), [173-303-960](#), those sections specified in subsection (3) of this section, and [40 C.F.R. Part 266](#);

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as WPCB under [WAC 173-303-9904](#) when such wastes are stored and disposed in a manner equivalent to the requirements of [40 C.F.R. Part 761 Subpart D](#) for PCB concentrations of 50 ppm or greater.

40 CFR Part 261.8 PCB wastes regulated under Toxic Substance Control Act

The disposal of PCB-containing dielectric fluid and electric equipment containing such fluid authorized for use and regulated under part 761 of this chapter and that are hazardous only because they fail the test for the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) are exempt from regulation under parts 261 through 265, and parts 268, 270, and 124 of this chapter, and the notification requirements of section 3010 of RCRA.

[55 FR 11862, Mar. 29, 1990]