

<u>SUBJECT</u>		<u>DATE</u>
1448.	Definitions of Inactive Portion, Active Portion and Closed Portion of a RCRA TSDF	AUG 12, 2021
1449.	Dangerous Waste Designations and Dangerous Waste Code Determinations	AUG 19, 2021
1450.	Method Detection Limits and Hazardous Waste Determinations	ENCORE AUG 26, 2021
1451.	Method Detection Limits and Hazardous Waste Determinations II	ENCORE SEP 2, 2021
1452.	Totals Analysis vs. TCLP and Dividing by 20	ENCORE SEP 9, 2021
1453.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE SEP 16, 2021
1454.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE SEP 23, 2021
1455.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE SEP 30, 2021
1456.	The "Derived from Rule", the "Mixtures Rule", and the "Contained-In Policy"	ENCORE OCT 7, 2021
1457.	Hazardous Debris and Options to Exclude as a Dangerous Waste	OCT 14, 2021
1458.	Regulatory Status of Characteristic Baghouse Dust Destined for Reclamation	OCT 21, 2021
1459.	RCRA Point of Generation and Baghouse Dust Collection Systems	OCT 28, 2021
1460.	Pumps Containing Liquid Hazardous Wastes and Liquids in Landfill Prohibition	ENCORE NOV 4, 2021
1461.	Pumps Containing Liquid Hazardous Waste and Land Disposal Restrictions	ENCORE NOV 11, 2021
1462.	Pumps Containing Liquid Hazardous Wastes and RCRA Empty Containers	NOV 18, 2021
1463.	Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE NOV 23, 2021
1464.	LDR Notifications/Certifications and Generator Permitted Treatment, Storage, or Disposal Facility	ENCORE DEC 2, 2021
1465.	Multiple Characteristic and Listed Hazardous Waste Codes and the "in lieu of" LDR Principle	ENCORE DEC 9, 2021
1466.	Universal Wastes - Recycling versus Disposal	ENCORE DEC 16, 2021
1467.	'Twas the Night Before Christmas – The Twenty-Eighth Edition	DEC 24, 2021
1468.	Spent Lead Acid Batteries vs., Universal Wastes	ENCORE DEC 30, 2021
1469.	Hazardous Debris and Radioactively Contaminated Cadmium Batteries	ENCORE JAN 6, 2022
1470.	Hazardous Debris and Radioactively Contaminated Lead-Acid Batteries	ENCORE JAN 13, 2022
1471.	Mercury Wet Cell Batteries - Debris or Not Debris	ENCORE JAN 20, 2022
1472.	Hazardous Debris and Non-Radioactive Lead Acid Batteries	ENCORE JAN 27, 2022
1473.	Hazardous Debris and LDR High/Low Mercury Subcategories	ENCORE FEB 3, 2022
1474.	Central Accumulation Areas and the ≤90-day Time Frame	ENCORE FEB 10, 2022
1475.	Central Accumulation Areas with Satellite Accumulation	FEB 17, 2022
1476.	Definition of RCRA Empty Tank	ENCORE FEB 24, 2022
1477.	RCRA Empty Acutely Hazardous Waste Containers	ENCORE MAR 3, 2022
1478.	The RCRA Definition of Acute Hazardous Waste	MAR 10, 2022
1479.	Regulatory Status of Liquids and Solids Separated from D001 High TOC Wastes	ENCORE MAR 17, 2022
1480.	Generator Accumulation at a Permitted Storage Facility	MAR 24, 2022
1481.	Generator Accumulation and Maximum Inventory of Dangerous Waste at a RCRA Facility	MAR 31, 2022

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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: GENERATOR ACCUMULATION AND MAXIMUM INVENTORY OF DANGEROUS WASTE AT A RCRA FACILITY

DATE: MARCH 31, 2022

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TWO MINUTE TRAINING

SUBJECT: Generator Accumulation and Maximum Inventory of Dangerous Waste at a RCRA Facility

Q: A RCRA facility has permitted tanks storing dangerous waste. The maximum capacity of the permitted tank farm is 50,000 gallons. The RCRA facility also has a 10,000-gallon tank managed under the generator standards and is exempt from permitting, i.e., the dangerous waste is managed within 90 days or less. According to [WAC 173-303-200\(4\)\(b\)](#) [[40 CFR 262.17\(a\)\(2\)](#)] the generator tank is also exempt from having a closure plan, a closure cost estimate, and financial assurance. Concerning the RCRA Facility, when determining the appropriate amount of financial assurance on April 1st, must the RCRA facility consider the maximum quantity only of the RCRA permitted tank farm (50,000 gallons), or must the RCRA facility also include the maximum quantity of the generator tank (10,000 gallons) for a total of 60,000 gallons?

A: According to [WAC 173-303-200\(4\)\(b\)](#) the generator tank is exempt from having a closure plan, a closure cost estimate, and financial assurance. However, according to [WAC 173-303-610\(3\)\(a\)\(iii\)](#) [[40 CFR 264/265.112\(b\)\(3\)](#)] and [WAC 173-303-620\(3\)\(a\)\(i\)](#) [[40 CFR 264/265.142\(a\)\(1\)](#)], a RCRA facility must maintain financial assurance for closure based on the maximum inventory ever onsite over the active life of the facility, i.e., when the extent and manner of its operation would make closure the most expensive. This wording implies that a RCRA facility would have to include the maximum inventory of both the permitted tanks and the generator tank since those wastes are onsite and would contribute to making closure the most expensive.

As clarified and confirmed in a RCRA, Superfund & EPCRA Hotline Monthly Report ([RO 14449](#)) dated May 2000:

“Facility owners and operators are required to include wastes that are treated or accumulated in ninety-day generator units in estimations of the maximum inventory of hazardous wastes ever on site over the active life of the facility for purposes of the closure plan. EPA promulgated requirements for more detailed closure plans in response to concerns that poorly detailed plans were accompanied by inadequate cost estimates. The purpose of increased detail in the closure plan is to ensure that a third party could conduct closure in accordance with the plan if the owner and operator fails to do so, as well as to ensure accurate cost estimates for closure ([51 FR 16426; May 2, 1986](#)). Consequently, EPA intended for the maximum inventory of wastes on site during the active life of the facility to include hazardous wastes accumulated in generator accumulation units as well as permitted units.”

Therefore, a RCRA facility, permitted or under interim status, with capacity to manage generator accumulated dangerous wastes, would have to consider all dangerous wastes ever onsite that contribute to making closure the most expensive. This assures that if the owner/operator of the facility was not able to close their facility, a third party could be hired to complete closure.

SUMMARY:

- A dangerous waste generator is exempt from having a closure plan, a closure cost estimate, and financial assurance.
- A RCRA facility is not exempt from having a closure plan, a closure cost estimate, and financial assurance.
- A RCRA facility with generator accumulated dangerous wastes, must consider the total amount of waste ever onsite, when determining a closure cost estimate and the financial assurance.

The EPA Hotline Report dated May 2000 and excerpts from WAC 173-303-200, -610, and -620 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: 3/31/2022

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Generator Accumulation and Maximum Inventory of Dangerous Waste at a RCRA Facility

EPA530-R-00-003e

PB2000-104 952

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT

May 2000

2. Contents of Closure Plan

Sections 264.112(b) and 265.112(b) of the RCRA regulations require the owner and operator of a treatment, storage, and disposal facility (TSDF) to complete a written closure plan that identifies steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include an estimate of the maximum inventory of hazardous wastes ever on site over the active life of the facility and a detailed description of the methods that would be employed during partial closures and final closure (Sections 264/265.112(b)(3)). Is the owner and operator required to address wastes that are treated or accumulated in ninety-day generator accumulation units in the closure plan as part of the maximum inventory?

Facility owners and operators are required to include wastes that are treated or accumulated in ninety-day generator units in estimations of the maximum inventory of hazardous wastes ever on site over the active life of the facility for purposes of the closure plan. EPA promulgated requirements for more detailed closure plans in response to concerns that poorly detailed plans were accompanied by inadequate cost estimates. The purpose of increased detail in the closure plan is to ensure that a third party could conduct closure in accordance with the plan if the owner and operator fails to do so, as well as to ensure accurate cost estimates for closure (51 FR 16426; May 2, 1986). Consequently, EPA intended for the maximum inventory of wastes on site during the active life of the facility to include hazardous wastes accumulated in generator accumulation units as well as permitted units.

Faxback 14449

TWO MINUTE TRAINING -ATTACHMENT

SUBJECT: Generator Accumulation and Maximum Inventory of Dangerous Waste at a RCRA Facility

WAC 173-303-200 Conditions for exemption for a large quantity generator that accumulates dangerous waste.

Large quantity generators, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on site without a permit or interim status, and without complying with the requirements of WAC 173-303-600 provided that all of the following conditions for exemption listed in this section are met.

(4) Accumulation of dangerous waste in tanks. The generator must comply with:

(a) Applicable air emission standards of 40 C.F.R. Part 265, Subparts AA, BB, and CC incorporated by reference in WAC 173-303-400 (3)(a); and

(b) Tank standards of WAC 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). (Note: A generator, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility of their tank system to satisfy the requirement of this section.) Such a generator is exempt from the requirements of WAC 173-303-620 and 173-303-610, except for WAC 173-303-610(2) and (5).

WAC 173-303-610 Closure and post-closure.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the dangerous waste at partial or final closure are required by WAC 173-303-650(6) and 173-303-660(9) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(8), 173-303-645, 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680(2), and 40 C.F.R. 264.1102 (incorporated by reference at WAC 173-303-695). A copy of the approved plan and all revisions to the plan must be furnished to the department upon request, including request by mail until final closure is completed and certified in accordance with subsection (6) of this section. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include at least:

(i) A description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section;

(ii) A description of how final closure of the facility will be conducted in accordance with subsection (2) of this section. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility;

(iii) An estimate of the maximum inventory of dangerous wastes ever on-site over the active life of the facility. (Any change in this estimate is a Class 1 modification with prior approval under WAC 173-303-830(4));

TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Generator Accumulation and Maximum Inventory of Dangerous Waste at a RCRA Facility

WAC 173-303-620 Financial requirements.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610 (2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680 (2) through (4) and 173-303-695. The closure cost estimate:

(i) Must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610 (3)(a));

(ii) Must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. On a case-by-case basis, the department may determine that a party that shares common ownership, a common parent corporation, or other higher-tier corporate ownership, may not qualify as a third party. (See definition of parent corporation in subsection (2)(d) of this section.) The owner or operator may use costs for on-site disposal if the guarantor can demonstrate that on-site disposal capacity will exist at all times over the life of the facility;

(iii) May not incorporate any salvage value that may be realized with the sale of dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure;

Except that, off-site recyclers subject to WAC 173-303-120 (3) or (4), or off-site used oil processors subject to WAC 173-303-515(9) may exclude the estimated value for certain types of recyclable materials from the estimated cost of closing a recycling unit. This exclusion may include dangerous wastes or used oil held in tanks or containers that are dedicated solely to the management of recyclable materials that will require only incidental processing prior to producing a product that may be sold to the general public. Incidental processing may include simple screening or filtering to remove minor amounts of foreign material or removal of less than five percent water by volume;

(iv) May not incorporate a zero cost for dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), that might have economic value; and

(v) May not be reduced for "net present value," "present discounted value," or other adjustments.