

<u>SUBJECT</u>		<u>DATE</u>
1448.	Definitions of Inactive Portion, Active Portion and Closed Portion of a RCRA TSD	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 Onsite at a RCRA TSD	MAR 31, 2022
1482.	LDR Storage Prohibitions and the One-Year Rule	ENCORE APR 7, 2022
1483.	LDR Storage Prohibitions and Treated Hazardous Wastes	ENCORE APR 14, 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: LDR STORAGE PROHIBITIONS AND TREATED HAZARDOUS WASTES

DATE: APRIL 14, 2022

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TWO MINUTE TRAINING

SUBJECT: LDR Storage Prohibitions and Treated Hazardous Wastes

Q: A RCRA permitted treatment, storage and disposal facility (TSDF) has waste in storage that has been treated to meet all applicable land disposal restriction (LDR) treatment standards. Does the one-year LDR storage prohibitions at [40 CFR 268.50](#) continue to apply to an LDR hazardous waste that has been fully treated to meet all LDR treatment standards but has not yet been properly land disposed?

A: The [November 7, 1986, Federal Register](#) concerning the LDR storage prohibitions, states on page 40583, first column, third paragraph:

"The Agency believes that a storage limit of up to one year should generally provide sufficient time for an owner/operator to accumulate sufficient quantities to facilitate proper recovery, treatment or disposal of restricted hazardous wastes while meeting the intent of Congress to prohibit long-term storage as a means of avoiding the land disposal restrictions."

As noted in the Federal Register and 40 CFR 268.50, the LDR storage prohibitions allow an owner/operator to accumulate quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. Hence the TSDF does not have to both treat and dispose of LDR hazardous waste in order to comply with the LDR storage prohibitions but treat or dispose. Of course disposal can only occur following proper LDR treatment. Also the Federal Register noted the intent of Congress was to prohibit long-term storage as a means of avoiding LDR. If a TSDF has treated an LDR hazardous waste to meet all LDR treatment standards, no avoidance of LDR has occurred.

Furthermore, 40 CFR 268.50(e) states [*awkwardly*]:

"The prohibition in paragraph (a) of this section does not apply to hazardous wastes that meet the treatment standards specified under §§268.41, 268.42, and 268.43 or the treatment standards specified under the variance in §268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in §268.32 or RCRA section 3004."

When [40 CFR 268.41](#), [40 CFR 268.42](#) and [40 CFR 268.43](#) are reviewed, these sections reference [40 CFR 268.40](#), "Applicability of treatment standards". Therefore, once an LDR hazardous waste has been treated to meet all LDR treatment standards of 40 CFR 268.40, the LDR storage prohibitions no longer apply.

SUMMARY:

- Storage of LDR hazardous wastes is prohibited unless certain conditions are being met.
- Conditions include accumulating sufficient quantities to facilitate proper recovery, treatment or disposal.
- If all LDR treatment standards have been achieved, the storage prohibitions no longer apply.

40 CFR 268.50 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: 4/14/2022

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: LDR Storage Prohibitions and Treated Hazardous Wastes

40 CFR 268.50 Prohibitions on storage of restricted wastes

(a) Except as provided in this section, the storage of hazardous wastes restricted from land disposal under subpart C of this part of RCRA section 3004 is prohibited, unless the following conditions are met:

(1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in §§262.16 and 262.17 and parts 264 and 265 of this chapter.

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(i) Each container is clearly marked to identify its contents and with:

(A) The words "Hazardous Waste";

(B) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of part 261 of this chapter; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s);

(C) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (*i.e.*, ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and

(D) The date each period of accumulation begins.

(ii) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator must comply with the operating record requirements specified in §264.73 or §265.73.

(3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

(4) A healthcare facility accumulates such wastes in containers on site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the healthcare facility complies with the applicable requirements in §§266.502 and 266.503 of this chapter.

(5) A reverse distributor accumulates such wastes in containers on site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the reverse distributor complies with §266.510 of this chapter.

FROM: Paul W. Martin

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TWO MINUTE TRAINING -ATTACHMENT

SUBJECT: LDR Storage Prohibitions and Treated Hazardous Wastes

40 CFR 268.50 Prohibitions on storage of restricted wastes (continued)

(b) An owner/operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(c) An owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under §268.5, an approved §268.6 petition, or a national capacity variance under subpart C), the prohibition in paragraph (a) of this section does not apply during the period of such exemption.

(e) The prohibition in paragraph (a) of this section does not apply to hazardous wastes that meet the treatment standards specified under §§268.41, 268.42, and 268.43 or the treatment standards specified under the variance in §268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in §268.32 or RCRA section 3004.

(f) Liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b) and must be removed from storage and treated or disposed as required by this part within one year of the date when such wastes are first placed into storage. The provisions of paragraph (c) of this section do not apply to such PCB wastes prohibited under §268.32 of this part.

(g) The prohibition and requirements in this section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to §264.554 of this chapter.