

| <u>SUBJECT</u> | | <u>DATE</u> |
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| 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 |
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| 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 |
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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: HAZARD LABEL MARKING REQUIREMENTS FOR PERMITTED TSDFS

DATE: JUNE 24, 2021

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TWO MINUTE TRAINING

SUBJECT: Hazard Label Marking Requirements for Permitted TSDFs

Q: A Washington State (WA) treatment, storage and disposal facility (TSDF) is being visited by an out-of-state customer. The “outsider” notes that the WA TSDF has hazard labels on its permitted dangerous waste tanks and asks, “What’s up with that?” Apparently, in the visitor’s state, a TSDF hazardous waste tank is not required to be marked with an indication of the hazards of the contents. Why are the two states different in the application of hazard labels on dangerous/hazardous waste tanks?

A: The [Generator Improvements Rule](#) (GIR) was promulgated on November 28, 2016, and effective in WA on April 28, 2019. The GIR as adopted by WA, required that WA generators mark dangerous waste containers and tanks and other units with an indication of the hazards of the contents, e.g., ignitable, corrosive, reactive and/or toxic. Interim status and permitted WA TSDFs are also required to mark dangerous waste containers and tanks with hazard labels as required by [WAC 173-303-640\(5\)\(d\)\(iii\)](#) and [WAC 173-303-400\(3\)\(a\)\(iii\)](#).

Concerning the Federal requirements applicable to the outsider’s state, a review of 40 CFR 264 (permitted facilities) and 40 CFR 265 (interim status facilities) did not reveal any regulations specific to hazard labels for containers or tanks or other units. However, [40 CFR 268.50\(a\)\(2\)\(i\)](#), Land Disposal Restrictions – Prohibitions on storage of restricted wastes, states that the owner/operator of a TSDF that stores hazardous wastes in containers must mark each container with the words “Hazardous Waste”, the applicable hazardous waste codes, an indication of the hazards, and the date each period of accumulation began. Concerning hazardous waste tanks, 40 CFR 268.50(a)(2)(ii) states that 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 began. Note that the accumulation date is for purposes of tracking the one- year storage prohibition.

Therefore, a Federal TSDF must mark hazardous waste containers with hazard labels or ensure that the hazard label markings are present upon receipt from an offsite generator. A Federal TSDF does not have to mark hazardous waste tanks with hazard labels. However, a Federal TSDF would have to mark a hazardous waste tank with hazard labels, if the TSDF tank was accumulating onsite-generated hazardous wastes under the generator standards, i.e., as a central accumulation area tank.

A WA TSDF must mark dangerous waste containers and dangerous waste tanks with hazard labels whether the TSDF is managing the dangerous waste in permitted, interim status or generator containers or tanks. Prior to adoption of the Generator Improvements Rule, WA had major risk marking requirements, similar to hazard labels, that applied to generator and TSDF containers and tanks. When WA adopted the GIR, WA chose to be more stringent and applied hazard label marking requirements to permitted and interim status dangerous waste tanks.

SUMMARY:

- WA TSDFs must mark dangerous waste containers and dangerous waste tanks with applicable hazard labels.
- Federal TSDFs must mark hazardous waste containers with hazard labels but not hazardous waste tanks.
- Due to WA’s “major risk” history, WA is more stringent than the Federal rules concerning hazard labels.

Excerpts from WAC 173-303-400(3)(a)(iii), WAC 173-303-640(5)(d) and 40 CFR 268.50(a)(2) 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: 6/24/2021

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Hazard Label Marking Requirements for Permitted TSDFs

WAC 173-303-400 Interim status facility standards.

(3) Standards.

(a) Interim status standards are the standards set forth by the Environmental Protection Agency in 40 C.F.R. Part 265 Section 265.19 of Subpart B, Subparts F through R, Subpart W, Subparts AA, BB, CC (including references to 40 C.F.R. Parts 60, 61, and 63), DD, EE, and Appendix VI, which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

(iii) WAC 173-303-640 (5)(d), for tanks;

WAC 173-303-640 Tank systems.

(5) General operating requirements.

(d) All tank systems holding dangerous waste must be:

(i) Marked with labels or signs to identify the waste contained in the tank legible at a distance of at least fifty feet. For underground tank systems, labels or signs must be either placed on aboveground postings above each underground tank system or at each entrance to the active portion (area where the underground tank system is located).

(ii) Clearly marked or labeled with the words "Dangerous Waste" or "Hazardous Waste" legible at a distance of at least fifty feet, and for underground tank systems, the markings or labels must either be placed on aboveground postings above each underground tank system or at each entrance to the active portion (area where the underground tank/tank system is located).

(iii) Clearly marked or labeled with an indication of the hazards of the contents (example includes, but is not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes) legible at a distance of at least fifty feet. All hazard labels must include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the waste being stored or treated in the tank system(s) for the public, employees, emergency response personnel, and waste handlers. For underground tank systems, markings or labels of the hazards of the contents of the tank system must either be placed on above-ground postings above each underground tank system, or at each entrance to the active portion (area where the underground tank system is located).

TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Hazard Label Marking Requirements for Permitted TSDFs

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.