

Chapter IV

RCRA Facility Compliance

A. INTRODUCTION.

1. The Resource Conservation and Recovery Act (RCRA) provides “cradle-to-grave” management of hazardous wastes. The key provisions of the regulations include: criteria to determine which wastes are hazardous; a system to track wastes from point of generation to point of disposal; standards for the construction and operation of treatment, storage and disposal facilities; and guidelines for developing state hazardous waste management programs.

2. The installation commander is responsible for developing and implementing a Hazardous Waste Management Plan to include the DRMO on the installation (DoD 4160.21-M, Chapter 10). This plan shall identify and implement hazardous waste management actions required by RCRA. The DRMO is responsible for providing input to the installation commander for their portion of the plan. The DRMO will comply with applicable portions of the Hazardous Waste Management Plan and ensure that internal operating procedures are consistent.

3. The Zone Manager is responsible for ensuring the DRMO operates in accordance with RCRA.

4. The DRMO Chief will ensure that inspections, safety precautions and actions, records, etc., as established in the installation's Hazardous Waste Management Plan are accomplished for hazardous property for which the DRMO has physical custody and accountability.

5. Required support or assistance that is available through the ISA at the host installation, will be provided to the DRMO upon request. When the costs warrant, reimbursement may be required.

6. DRMOs that handle hazardous waste must conduct their activities according to RCRA. As the facility manager the DRMO must ensure compliance with RCRA regulations and applicable permit requirements at that facility. The RCRA regulations define and list hazardous wastes and establish standards for generators and storage facilities.

7. The Federal regulations are minimum standards. States that have been granted primacy may have more stringent standards. DRMOs in states that have primacy will follow state regulations.

8. DRMOs having RCRA permitted storage facilities shall accept physical custody of hazardous materials and wastes from serviced activities until allowable storage capacity is reached. HW shall receive priority for storage space. HM may be stored only when there are no immediate HW storage requirements. Serviced activities should provide the greatest advance notice possible to DRMOs of forthcoming generations to allow for capacity management by the DRMOs.

9. For movement of property within DRMS, contact the DRMO for current permit status, storage capability and information concerning acceptance of off-site waste.

B. HAZARDOUS WASTE DETERMINATION

1. It is the responsibility of the generating activity to provide identification of hazardous property to the DRMO (DoD 4160.21-M, Chapter 10). This information may be determined by lab analysis or user's knowledge. When HP is turned in as a HW, it will be managed as a HW.

2. When a DRMO with generator status receives HW, the 90 day time clock is based on the accumulation start date on the HW marking.

3. When HP is turned in as a HM, fails RTDS, and meets the RCRA or state definition of

a HW, it will be managed as a HW immediately upon failing the RTDS and Return to Manufacturer.

C. GENERATOR REQUIREMENTS.

(40 CFR 262)

1. DRMOs that do not receive off-site waste or store waste for no longer than 90 days are only subject to the generator requirements of 40 CFR 262. These include:

a. Hazardous waste determination; 40 CFR 262.11 (paragraph B above).

b. Obtaining and use of an EPA ID number; 40 CFR 262.12 (paragraph E below).

c. Proper packaging, marking, and labeling of wastes before shipment; 40 CFR 262 Subpart C (see DRMS-I 6050.1, Chapter VI, paragraph E).

d. Manifesting, reports, and records 40 CFR 262 Subpart B and D (see paragraphs O, P, Q, and S below and Chapter VI, paragraph E).

e. Compliance with on-site accumulation 40 CFR 262.34.

2. In addition, a DRMO that operates only as a hazardous waste generator is subject to the following standards in 40 CFR 265:

a. **Container Management** (40 CFR 265 Subpart I). DRMOs will maintain a copy of an Inspection Log to record weekly inspections of container management areas. The log will include date/time of inspection, the signature of the inspector, and discrepancies found and corrective action taken. (See paragraph M of this chapter).

b. **Instructions on closure in the instructions are deferred.**

c. **Preparedness and Prevention** (40 CFR 265 Subpart C) (See paragraph I this chapter).

d. **Contingency Plan and Emergency Procedures** (40 CFR 265 Subpart D) (See paragraph K this chapter).

e. **Personnel Training** (40 CFR 265.16) (See paragraph J this chapter).

D. FACILITY OPERATING STANDARDS

1. DRMOs that store HW longer than 90 days or receive HW from off-site is an operator of a HW storage facility. Under RCRA, there are two categories in which storage facilities may operate; interim status and permitted. DRMOs operating under interim status must comply with the standards in 40 CFR 265. DRMOs that operate under a RCRA Part B permit are subject to the requirements of 40 CFR 264 and 270. DRMOs operating under these two categories that ship waste off-site are also subject to the generator requirements of 40 CFR 262 as outlined in paragraph C.

2. **Interim Status.** Interim status is given to facilities that were in operation as of November 19, 1980 or have been brought under regulation as a result of an amendment to RCRA Subtitle C. Interim status allows a facility to continue operation until its Part B permit is approved.

3. Permits.

a. RCRA requires that owner/operators of hazardous waste storage facilities obtain a permit from EPA or an authorized state regulatory agency. RCRA permits for conforming storage facilities are a part of installation-wide permits. These permits are issued to the installation commander as the “owner” and the DRMS Commander as the “operator” of the facility. It is the installation commander's responsibility to submit the permit application for the DRMO's facility to the regulatory agency.

b. The RCRA permit application consists of two parts; the HW Permit Application Part A, EPA 8700-23 and the Part B Application. The Part B permit application typically consists of seven major sections:

(1) Facility Description.

(2) Waste Characteristics.

- (3) Process Information.
- (4) Procedures to Prevent Hazards.
- (5) Contingency Plan.
- (6) Training Plan.
- (7) Closure Plan.

c. DRMS-LH, in coordination with the DRMOs, and the host installation, will prepare the necessary permit application for submittal to the regulator. The DRMO's role is to provide the information required, review draft applications, and to become totally familiar with the contents of the permit application. Permit applications submitted to a regulatory agency may require revisions during the regulator's review. Regulatory agencies may issue a Notice of Deficiency (NOD) on the permit application to the host installation that must be addressed. DRMOs will notify DRMS-LH when a NOD has been issued and provide them with a copy. NODs will be addressed through a coordinated effort between the DRMO, DRMS-LH and the host installation.

d. DRMOs that operate under an approved Part B permit must comply with 40 CFR 264 and any additional conditions incorporated into the permit under 40 CFR 270. Many Part B permits contain additional requirements than those specified in 40 CFR 264. DRMOs that operate under a Part B permit must comply with the terms and conditions of the permit to be in compliance with RCRA. DRMOs with RCRA permitted storage facilities shall accept physical custody of only those HW that are listed in the current RCRA permit.

e. Any change in the facility operational procedures, or type and quantity of wastes regulated under a permit will require a permit modification. A permit modification must be approved by the regulatory agency prior to implementing the change in order to remain in compliance with RCRA. DRMOs will notify DRMS-LH and the host installation when a permit modification is required. Permit modifications will be addressed through a coordinated effort between the DRMO, DRMS-LH and the host installation.

4. **Host Notification.** DRMOs will immediately notify their host installation under the following situations:

a. When a change to the RCRA permit is needed.

b. Under any circumstances that may compromise installation compliance with environmental regulations. In these cases, the DRMO will always include what action is being taken to correct the situation.

5. **Notification to DRMS-LH Concerning Permits or Modifications to Permits.** Once the DRMO has received a Part B permit or proposed modification to a permit application the DRMO will immediately inform DRMS-LH and provide each office with a copy of these documents. This requirement is especially critical for DRMO's scheduled for a conforming storage facility (CSF). DRMS-LH is the programming agent for construction of the CSF, and must review any proposed permit application conditions before the permit is issued to determine the impact on construction timeframes.

E. EPA IDENTIFICATION NUMBER.

(40 CFR 264/265.11).

Use the EPA ID number of the generating activity for shipping waste received in place at an off-site generator; use the EPA ID number of the host facility for shipping waste generated by the DRMO or the host installation.

F. WASTE ANALYSIS.

(40 CFR 264/265.13)

1. The generating activity must identify hazardous property by providing the name and the amount of hazardous contaminants as required by DoD turn-in requirements (see DoD 4160.21-M, Chapter 10).

2. For purposes of compliance, the general waste analysis requirements set forth in 40 CFR 264.13 and 265.13 are identical. These regulations require the owner and operator of a storage facility to obtain the information needed to correctly identify the waste, to manage the waste ap-

appropriately, and to establish his protocol in a written waste analysis plan. Facilities that accept off-site hazardous wastes must include the verification testing (see paragraph Y).

3. DRMOs operating under a Part B permit or interim status, and overseas DRMOs that store HW for more than 90 days will have a written waste analysis plan. DRMOs under interim status and overseas DRMOs are not required to submit this plan to EPA, but must have it on file and available to any regulatory agency. The waste analysis plan and/or permit will be filed under the "Operating Record" of the environmental files. The waste analysis plan for a permitted DRMO is incorporated into the Part B permit. The waste analysis plan must include the following items:

- a. Parameters for testing and rationale for choosing them.
- b. Test methods.
- c. Sampling methods.
- d. Frequency of analysis.
- e. Waste analysis from off-site generators.
- f. Identification procedures for land ban restricted wastes.

4. If there is a conflict between DRMS Instructions and your permit, follow the permit or permit application. Since waste analysis plans vary for each DRMO, the following three circumstances will determine which waste analysis plan should be followed:

- a. DRMOs operating under a Part B permit will follow the waste analysis plan included in the permit.
- b. DRMOs operating under interim status that have a Part B permit application prepared or submitted to a regulatory agency will follow the waste analysis plan in the permit application.
- c. DRMOs operating under interim status that do not have a Part B permit application prepared should work with DRMS-LH to develop such a plan.

5. DRMOs will submit a delivery order request (DOR) to their contracting officer to arrange for a laboratory to come and take samples and provide the DRMO with test results. DRMOs may be required to identify specific EPA test methods, as outlined in their Part B permit, to the contractor on the DOR. For example: If the permit states only EPA test method 1010 can be used to determine ignitibility, then only the permit specified test method must be used. Otherwise, the contractor will perform any tasking in accordance with 40 CFR 261, Appendices I, II and III. Once samples have been taken, the results should be provided within the timeframes outlined in the Part B permit/permit application and in the disposal contract.

6. Land Disposal Restriction (40 CFR 268). The generator must test or use knowledge of the HW to determine if it is a restricted waste. For property turned in from off-site as a HW; e.g., spent solvents, the generating activity must indicate if it is a restricted waste. For HW generated by the DRMO, use the description provided by the turn-in activity to determine if it is restricted. CONUS off-site waste that is restricted must be accompanied by a restricted waste notification form. If you determine the waste is restricted based upon user knowledge, all supporting data must be on file; e.g., DD Form 1348-1, MSDS, waste profile form (see Enclosure 1).

G. SECURITY.

(40 CFR 264/265.14)

- 1. The hazardous storage area of the DRMO must have a surrounding barrier with controlled entry that prevents the accidental entry.
- 2. Red danger signs must be posted. The legend must read **"DANGER-UNAUTHORIZED PERSONNEL KEEP OUT"** in English and any other language predominant in the area. Facilities using existing signs may continue to use these only if the legend on the existing signs clearly indicates the two warnings. The sign legend posted in a foreign language must also clearly indicate the two warnings. The signs must be legible from 25 feet. The signs must be placed on each side of the facility.

3. In addition, the number of signs must be sufficient to be seen from any approach to the active portion. 40 CFR 264/265.17 specifies that signs with the legend “**NO SMOKING**” must be conspicuously placed wherever there is a hazard from ignitable or reactive waste. The language requirements stated in paragraph G2 above apply to the “**NO SMOKING**” sign. Smoking is prohibited while ignitable or reactive waste is being handled.

H. INSPECTION.

(40 CFR 264/265.15)

1. The regulations in 40 CFR Parts 264 and 265 are essentially identical and specify criteria for determining what to inspect and how often to inspect it. DRMOs operating under a Part B permit must follow the inspection procedures in their permit.

2. Equipment and areas that must be inspected include: personal protective equipment, material handling equipment and emergency equipment, security equipment, building, container storage areas and mobile equipment. Inspections of container storage areas must be conducted at least weekly. Areas subject to spills, such as loading and unloading areas, will be inspected daily when in use.

3. Storage facility inspection results will be recorded on the Inspection Log (DRMS Form 1713). **It is very important to document in the log any problems found and when, the date and nature of corrective action, the date and time of inspection, and the name of the inspector.**

4. The DRMO is required to retain a written record of the inspection procedures and results for a minimum of 3 years.

I. PREPAREDNESS AND PREVENTION.

(40 CFR 264/265 Subpart C)

1. DRMO HW storage facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned release

of HW or HW constituents. This requirement applies to all DRMOs.

2. DRMO HP storage areas must be equipped with the following:

a. An internal communication or alarm system which can provide immediate emergency instruction (voice or signal) (OSHA requirements are at 29 CFR 1910.165).

b. A telephone, intrinsically safe hand-held two-way radio, or other communication devices capable of summoning emergency assistance and rated for the hazard IAW 29 CFR 1910.303.

c. Portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment.

d. Water at adequate volume and pressure to supply water hose streams, automatic sprinkler equipment, or water spray systems.

3. Required equipment must be tested and maintained. Some of the equipment maintenance can be performed by the host installation under the ISA. (29 CFR 1910.165 and 1910.106).

4. All personnel must have immediate access to an alarm or communication device either directly or through visual contact with another employee.

5. Adequate aisle space must be maintained to allow unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment. (Egress aisles should be at least three feet wide. Aisles must be arranged so no container is more than 12 feet from an aisle. Where storage is on racks, the main aisle space must be at least eight feet wide and at least four feet between racks. Aisle space must be sized to accommodate the MHE used by the DRMO.)

6. The DRMO, through their host, must make arrangements with local authorities to handle contingencies. Where local authorities decline to enter into such arrangements, their refusal must be documented in the operating record. These ar-

rangements are usually addressed in the host contingency plan or other emergency plan.

J. PERSONNEL TRAINING.

(40 CFR 264/265.16 and 29 CFR 1910.120/1910.1200)

1. DRMO personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them how to ensure compliance with RCRA. RCRA training must be given within 6 months of employment or assignment to the facility. OSHA requires that employees be trained before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards. In addition, the Zone Manager will ensure facility personnel receive an annual review of RCRA/OSHA training.

2. The DRMS Corporate Training Plan <http://www.drms.dla.mil/drms/internal/General/Training/training.html> (Training Tab) fulfills regulatory requirements for environmental and safety training. It contains the mandatory training courses for DRMO personnel. All new Part B permits and permit modifications shall reflect the current DRMS Corporate Training Plan.

3. Employee training records must be documented to show that employees have received all required training.

4. The Part B permit application must reflect the Corporate Training Plan as adapted to the positions/personnel at the DRMO.

5. See Paragraph U of this Chapter and Chapter X for more detailed information on training requirements and record keeping.

K. CONTINGENCY PLAN AND EMERGENCY PROCEDURES.

(40 CFR 264/265 Subpart D)

1. The DRMO must have a written contingency plan that specifies actions and procedures for fire, explosion, or any other release of HW.

a. DRMOs operating under a Part B permit the contingency plan and procedures are part of your permit and must comply with 40 CFR 264.

b. DRMOs that have a Part B application the contingency plan is included in the permit application.

c. DRMOs operating under interim status, generator status or overseas are not required to submit this plan to the regulatory agency, but must maintain a copy of the plan in their operating files.

2. The development of the contingency plan is a host installation requirement and should cover tenant activities. The DRMO must be familiar with the host installation procedures. The plan must be updated whenever there are any changes. DRMOs should review the plan periodically to ensure that it adequately addresses the DRMO's operation and is up-to-date. The plan must include:

a. Arrangements with local authorities (fire, police, hospitals), or

b. Documented refusal of local authorities to participate.

The plan must be distributed to local authorities involved in the plan. The host installation must have a designated emergency coordinator to respond to incidents at the DRMO. DRMOs operating under a Part B permit must work with the host installation to ensure that required modifications are made to their permit when changes to the contingency plan are needed.

3. Initial actions related to spill control outlined in the contingency plan must be posted at strategic locations at the DRMO.

L. CLOSURE.

(40 CFR 264/265, Subpart G)

1. The closure regulations were developed to ensure that facilities are closed in a manner that minimizes the need for future maintenance and the potential for the future escape of hazardous waste. DRMOs operating under permitted or interim

status must have a written closure plan. For a permitted facility, the written closure plan is incorporated into the Part B permit. Interim status facilities are required to have a written closure plan on-site and available for review. Interim facilities are required to submit this plan only upon request by the regulatory agency. A generator is not required to have a written closure plan but must comply with 40 CFR 265.111 and 265.114. A DRMO that is in the process of closure will have a copy of the closure plan on file and ensure they are in compliance. Closure plans and changes for DRMOs will be addressed through a coordinated effort among the DRMO, DRMS-LH and the host installation.

2. The closure plan must address how each hazardous waste unit, such as a container storage area, will be closed to meet the closure performance standard. The closure plan should include:

- a. An estimate of the maximum inventory of hazardous waste
- b. A detailed description of the steps needed to remove or decontaminate waste residues and containment system components
- c. Methods for sampling and analyzing surrounding soils to determine the extent of decontamination
- d. An estimate of the expected year of closure and a schedule for closure operations (including milestone dates)
- e. When and how the plan will be amended.

3. The day-to-day operations of a facility can have a significant impact on the ease with which closure can be implemented. Proper hazardous waste management procedures that include the diligent implementation of waste analysis plans; personnel training plans, preparedness, prevention, and contingency plans; and good house-keeping can significantly contribute toward meeting the closure performance standard.

4. Partial Closures. For most TSD facilities, either EPA or the state must be notified if a part of the active portion of a facility is going to be closed. In addition, regulatory authorities must be

notified prior to the start of complete facility closure. However, there are not similar notification requirements for the partial closure of a portion of a container storage facility. The adequacy of such partial closure activities is ultimately evaluated when the full closure plan is reviewed. As a result, it is critical for the DRMO to document the activities with DRMS-LH and the host installation during partial closure.

5. The host installation or DRMO must amend the closure plan whenever:

- a. Changes in operating plans or facility design affect the closure plan, or
- b. There is a change in the expected year of closure, or
- c. In conducting partial or final closure, unexpected events require a modification of the closure plan.

Any change to the closure plan for a DRMO operating under an approved Part B permit will require a permit modification. DRMOs operating under interim status may amend the plan at any time. If a DRMO operating under interim status has submitted their closure plan they must submit a written request to the regulatory agency for approval to modify the closure plan.

M. STORAGE/CONTAINER MANAGEMENT.

(40 CFR 264/ 265.170-177, Subpart I and 264/ 265.17, Subpart B)

1. DRMOs operating under a Part B permit must comply with the 40 CFR 264 Subpart I and any other permit condition relating to container management that may be included in their permit. DRMOs operating under interim status or as a generator only will comply with 40 CFR 265 Subpart I. The regulations governing container management are similar except that the 264 standards require a containment system while the 265 standards do not.

2. The DRMO must store hazardous waste within the following parameters:

a. Containers must be closed and in good condition during storage.

b. Waste must be compatible with the container.

c. Containers must not be handled in any manner that could cause the container to leak.

d. At a minimum, weekly inspections of container storage areas must be conducted, discrepancies and corrective actions noted.

e. No containers with ignitable or reactive waste may be within 50 feet of property line.

f. Incompatible wastes must be separated from each other by means of a dike, berm, wall, or other device.

g. Special requirements for ignitable, reactive, or incompatible waste include:

(1) Separation and protection from sources of ignition.

(2) Confinement of smoking and open flames to designated locations during handling.

(3) **“NO SMOKING”** signs posted conspicuously in areas of ignitable or reactive waste management.

(4) Management to prevent generation of heat, pressure, fire, explosion, toxic mists, or through any other means which would threaten human health or the environment.

h. Also, see DRMS-I 6050.1, Chapter III for additional information on storage of HM.

i. Hazardous waste received from off-site must comply with the packaging, marking, and labeling requirements of DoT, 49 CFR 100-177.

3. DRMOs operating under a RCRA Part B permit must have a containment system, must be an impervious structure with sufficient capacity to prevent the release of spills, leaks and accumulated precipitation to the environment.

4. In addition to the requirements of 40 CFR 264/265 Subpart I listed above, all DRMOs regardless of their RCRA status must also follow these additional storage requirements:

a. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container (40 CFR 262.34(a)(2)).

b. While being accumulated on-site, each container and tank is labeled or marked clearly with the words “Hazardous Waste” (40 CFR 262.34(a)(3)).

c. ***Date Placed in Storage.*** Land Disposal Restricted waste must be clearly marked to identify its contents and the date each period of accumulation begins placed in storage (40 CFR 268.50(a) (2)(i)).

N. HAZARDOUS WASTE LOG.

(40 CFR 264/265.73 & APPENDIX I)

1. DRMOs operating under a Part B or interim status and overseas DRMOs that store HW are required to keep an operating record at the facility. The record keeping requires certain information to be recorded as it becomes available, and maintained in the operating record until closure. (See paragraph S for a complete description of record keeping.)

2. Use DRMS Form 1712 or an automated equivalent to keep a record of all hazardous waste handled by the DRMO to meet part of the record keeping requirements. Use of an automated system should be approved by a regulator prior to use. For each receipt of waste (or generation when HM is declared to be HW), enter the following information on the log. Information is taken from the DD Form 1348-1/1A or automated format or incoming manifest and must consist of the following:

a. Turn-in Document Number and NSN/LSN.

b. Generator data.

- c. Description of the HW received which includes its common name and process from which it came.
- d. Physical description; i.e., solid, liquid, contained gas.
- e. EPA Handling Code (S01 for storage).
- f. Receipt manifest number.
- g. EPA hazardous waste code.
- h. Manifest reported weight, or volume and density in one of the units of measure in 40 CFR 264/265 Appendix I, Table 1.
- i. Dates of storage and location.
- j. The location of each HW in storage including a cross reference to the manifest (or DD Form 1348-1/1A) which accompanied the waste on turn-in.
- k. Disposition data, including disposal manifest number or requisition document and notification (i.e., LDR).

O. MANIFESTS AND MANIFEST DISCREPANCIES.

1. When waste is received from off-site, the DRMO must:
 - a. Sign and date each copy of the manifest to certify that the HW was received.
 - b. Note any significant discrepancy.
 - c. Give the transporter a copy of the manifest.
 - d. Send a copy of the manifest to the generator within 30 days.
 - e. Keep a copy on record (Environmental Disposition Records).

* A significant discrepancy in quantity is (1) 10 percent for bulk waste and (2) any discrepancy in piece count for containerized waste. A significant

discrepancy in type is an obvious difference which is discovered by inspection or waste analysis.

2. The DRMO must attempt to resolve discrepancies with the generator. If not resolved within 15 days, the DRMO must notify EPA by letter and include a description of the discrepancy, attempts to reconcile it, and a copy of the manifest.

3. When waste is shipped off-site, the manifest requirements for generators must be followed. (See Chapter IV, paragraph C1 and Chapter VI, paragraph E4.)

P. LAND DISPOSAL RESTRICTIONS.

(See Enclosure 1)

Q. EXCEPTION REPORT.

(40 CFR 262.42; Individual state requirements may be more stringent.) An exception report will be filed with the appropriate EPA Regional Administrator if the DRMO has not received a signed copy of the manifest from the designated facility within 45 days of the date the waste was accepted by the **initial** transporter. This requirement applies to all DRMOs regardless of their RCRA status (except those that are considered small quantity generators). Small quantity generators will file an exception report with the appropriate EPA Regional Administrator within 60 days of the date the waste was accepted by the **initial** transporter.

R. BIENNIAL REPORT.

(40 CFR 262.41)

1. The DRMO must provide information to the host installation on the amount of waste generated by calendar year to enable the host installation to prepare the biennial report. This report is due to the regulatory agency by March 1 for even numbered years. Some states require submission of this report annually. The following information must be included:

- a. EPA identification number, name and address of each off-site TSDf to which waste was

shipped (EPA identification number not required for overseas).

b. Name and EPA identification number of each transporter used during the reporting year for shipments to a TSDF (EPA identification number not required for overseas).

c. A description, waste code(s), DOT hazard class and quantity of each HW shipped off-site to a TSDF. List this information by EPA identification number of TSDF. Overseas DRMOs need not list waste codes or DOT hazard classes unless the DRMO retrogrades HW. Overseas DRMOs that do not retrograde will list the host country DOT equivalent hazard class.

d. Waste minimization efforts.

e. Waste minimization achievements.

f. Certification signed by authorized representative.

2. Overseas DRMOs will maintain equivalent data in paragraphs 1a through 1f above and coordinate with host installations.

S. UNMANIFESTED WASTE REPORT.

(40 CFR 264.76/265.76)

1. If a situation occurs that off-site waste is received by a DRMO without a manifest and the waste is coming from a generator who is not a conditionally exempt small quantity generator (CE-SQG), the DRMO must prepare an unmanifested waste report. The unmanifested waste report must be prepared by the DRMO and provided to the host installation for submittal to EPA within 15 days after receiving the waste. The unmanifested waste report must be submitted on EPA Form 8700-13B, and designated as an "Unmanifested Waste Report". The report must include the following information:

a. EPA identification number and address of the facility (DRMO).

b. The date the facility (DRMO) received the waste.

c. The EPA identification number, name and address of the generator and transporter, if available.

d. A description and the quantity of each unmanifested hazardous waste received.

e. The method of storage for each waste.

f. A certification signed by the owner (host) or his authorized representative.

g. A brief explanation of why the waste was unmanifested, if known.

2. Conditionally exempt small quantity generators (CE-SQG) are excluded from the manifest requirements. If a DRMO receives hazardous waste from an off-site generator that qualifies as a conditionally exempt small quantity generator, the DRMO should obtain a certification from the generator that his waste is excluded from the manifesting requirements under the CE-SQG provision of 40 CFR.

T. USED OIL REQUIREMENTS.

(40 CFR Part 279) (See Chapter XXIV).

U. RECORD KEEPING.

(40 CFR 262 Subpart D, 264/265 Subpart E)

1. General Requirements.

a. RCRA record keeping requirements are site specific. DRMOs having physical custody of and generating HW must separately maintain the appropriate records, documents and reports discussed within this chapter. For items received in place DRMOs must coordinate with the host installation to determine who will maintain records. It is the responsibility of the DRMO to make sure coordination takes place.

b. The types of records are determined by the RCRA status of the DRMO. DRMOs who generate hazardous waste must comply with all record keeping requirements of 40 CFR 262 Subpart D unless they are a small quantity generator. A DRMO that is a small quantity generator (does not accept off-site waste and generations are between 100 and 1,000 kg/mo) is subject to the requirements of 262 Subpart D except for exception

reports on manifests and biennial reports. (See 40 CFR 262.44 for specific requirements.)

c. In addition to the requirements of 40 CFR 262 Subpart D, DRMOs operating under

- interim status DRMOs will comply with 40 CFR 265 Subpart E.

- Part B permit must comply with 40 CFR 264 Subpart E and any other requirement in their Part B permit.

d. Records and documents will be filed according to DLAI 5015.1, DLA Records Management Procedures and Records Schedule. DRMOs will maintain records longer if mandated by state regulations.

e. Records and documents must be readily accessible to any regulatory agency during an inspection.

2. DRMOs will maintain the following records.

a. **Generator/Facility Environmental Disposition Records.** Develop a system to access the manifests by manifest number. Place the retained generator's copy of the manifest in the "Manifests Shipped-Suspense" file until the completed manifest is received. Remove the copy from the suspense file and place the completed manifest and manifest related attachments (e.g., notifications/demonstrations) in the "Manifests Shipped-Completed" file. The suspense copy may be discarded. In lieu of a paper "Manifests Shipped-Suspense" file, DRMOs can use the SHIP out-of-date report to track suspended manifests if properly entering BOSS PMF screens at time of removal then using the SHIP PMF return date option to clear suspended manifests.

b. **Generator/Facility Environmental Reports.**

(1) *RCRA Biennial Report.* This report must be prepared and submitted by March 1 for each even numbered year. Some states may require this report to be prepared and submitted on an annual basis.

(2) *Exception Report.* A letter must be sent to the EPA Regional Administrator within 45 days advising that the DRMO has not received a signed, completed copy of the manifest from the TSDF to which the property was sent. The letter will include any efforts taken to resolve the issue. A copy should be provided to the off-site generator.

NOTE: Individual state requirement may be more stringent.

(3) *Additional Reports.* The DRMO is responsible for submitting additional data to its host installation when the host installation must report to Federal or state regulatory agencies on HW management practices for which the DRMO is responsible. The frequency and content of such reports is dependent upon the nature of the required report. The DRMO must request that the host installation notify the DRMO, in writing, detailing the requirement for the report and the frequency of such reports; and describe in detail the information which is to be included in the report.

c. **Generator/Facility Environmental Operating Records.**

(1) Records of any test results, waste analysis, HWPS, or other determinations used to support the identification of the wastes.

(2) *Environmental Plans and Procedures.* A copy of emergency plans/procedures, Contingency Plan, Spill Prevention Control and Countermeasures Plan (SPCC), etc. under which the DRMO is covered.

(3) *Spill Records.* All documents related to an incident involving a spill of HW which involves implementation of the Contingency Plan, Spill Prevention Control and Countermeasures Plan, or any other emergency plan/procedures.

(4) *Training Records.* The following documents relating to training must be maintained in the environmental training records (40 CFR 264/265.16). Training records on current employees must be kept until closure of the facility. Training records on former employees must be

maintained for at least 3 years from the date they last worked at the DRMO.

- The job title for each position at the facility related to HW management, and the name of the employee filling each job.
- A written job description for each position. This description may be consistent in its degrees of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position.
- A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position.
- Records that document that the training or job experience required has been given to, and completed by, facility personnel.
- Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least 3 years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred with the same company.

NOTE: DRMOs do not need to keep hard copies of documents (e.g., position descriptions and the DRMS Corporate Training Plan) in the training file. However, DRMOs must be capable of accessing and printing these documents at any time.

<http://www.drms.dla.mil/drms/internal/General/Training/training.html>

(8) *Land Disposal Restrictions.* Generators must retain a copy of all notices, certifications, demonstrations, waste analysis data and any other documentation produced to support compliance with 40 CFR 268. These records must be maintained for 3 years. Overseas DRMOs will not have notifications, certifications or demonstrations for the file, but they will document in the file that land disposal restrictions have been im-

plemented; e.g., copy of disposal contract with land disposal restriction clause.

(9) *Other Records.* The DRMO may supplement this system with additional working files it may consider necessary or desirable to properly manage or administer the HM/HW mission responsibilities.

(10) *PCB Records.*

- The PCB regulations (40CFR 761.65(a) (4)(b)(2)) allow for alternate storage of PCB items and PCBs in a RCRA interim or fully permitted facility. PCBs may be stored in the facility only if PCBs are listed in the permit as being accepted for storage.
- Records will be maintained for PCB items or PCBs stored in a RCRA interim or fully permitted facility. PCB record keeping and reporting guidance is found in Chapter XVIII, paragraph K.
- Reporting requirements, spill cleanup, and decontamination procedures and record keeping requirements for managing PCB spills are found at Chapter XVIII, Enclosure 6.

(11) *Used Oil Records.* The following used oil records must be maintained by the DRMO to comply with 40 CFR 279.

- Used Oil Log.
- Certification Notice.
- Invoice.
- Waste Analysis Records: Copies of analysis or other information used to determine that used oil meets the specification for used oil fuel.

3. In addition to the 40 CFR 262 requirements, DRMOs operating under interim status or under a RCRA Part B permit must comply with the additional record keeping requirements of 40 CFR 265/264 Subpart E. DRMOs operating under a RCRA Part B must be aware that there may be additional record keeping requirements included in their permit.

a. **Facility Environmental Disposition Records:**

(1) *Manifest Received* (40 CFR 264/265.71): After receipt of waste, return a signed receipt copy of the manifest to the generator and place a copy in the file.

(2) *Manifest Discrepancies* (40 CFR 264/265.72): Copies of any record/correspondence used in solving a manifest discrepancy.

b. **Facility Environmental Reports: Unmanifested Waste Report** (40 CFR 264/265.76). If the DRMO receives unmanifested waste from anyone other than a bonafide conditionally exempt small quantity generator, any supporting documents and a copy of the unmanifested waste report will be maintained in this file.

c. **Facility Environmental Operating Records.**

(1) *Hazardous Waste Log* (DRMS Form 1712). (40 CFR 264/265.73(b)(1))

(2) *Inspection Log* (DRMS Form 1713). (40 CFR 264/265.15)

(3) *Written Waste Analysis Plan*. (40 CFR 264/265.13)

(4) *Notices* (40 CFR 264.12): A letter or document sent by a TSDF to an off-site generator which informs the generator as to what types of waste the TSDF will accept. The requirement to provide notices applies only to DRMOs regulated under 40 CFR 264; e.g. Part B permit. Since the DRMO is considered both a generator and a TSDF, two sets of notices may apply:

- Notices the DRMO sends its off-site generators should be maintained in the "Notices to Off-Site Generator" file.

- The DRMO may receive a notice from another TSDF. If this should occur, the notice must be maintained in the "Notices from TSDFs" file. Such a notice might state the types of property the TSDF can accept and the condition under which it will accept property.

(5) *Notifications/Permits*. All notification and/or permits supporting the position that the DRMO is a TSDF. This will include the Part A and/or Part B permit applications or the RCRA Part B permit.

(6) *Certification* (40 CFR 264.73(b) (9)).

- DRMOs operating under a Part B permit must have a certification which is renewed annually. This certification must state that the DRMO/host has a waste minimization program in place to reduce the volume and toxicity of hazardous wastes generated to the degree determined to be economically practicable and that the method used for storage is a practical method currently available to the DRMO/host. The method used for storage must minimize the present and future threat to human health and the environment.

- DRMOs will meet this requirement by obtaining that part of each installation's operating record that contains the waste minimization certification or by obtaining a letter from each installation certifying it has a waste minimization program in place.

V. OFFICIAL ENVIRONMENTAL REGULATORY INSPECTIONS (EPA/STATE/LOCAL).

Inspections and subsequent reports shall be managed and reported in accordance with Enclosure 2.

W. MILITARY SERVICE INSPECTIONS.

Inspections shall be managed and reported in accordance with DRMS-I 3020.1, Enclosure 4.

X. BASE CLOSINGS AND CLEAN-UP ACTIONS.

1. Base closings fall under the purview of DoD policy and procedures in the US and overseas.

2. Cleanup of past contamination from DoD hazardous waste operations is normally a host installation responsibility.

3. DRMS-LH will coordinate with legal counsel before taking final actions on cleanups or closure requirements. As a minimum the DRMS should be prepared to:

- a. Advise the host installation if a spill occurs at a DRMO.
- b. Make available, not conceal, information regarding possible contamination at a DRMO site.
- c. Cooperate with the host, in the event a DRMO closes or relocates, but the base does not, by advising the host installation in writing and reminding the host of the need for a site survey. The decision of what to do remains with the host.
- d. Cooperate with the host, if the host installation closes, by providing available information about the tenant DRMO facility as required by the host installation authorized representative.
- e. Protect sensitive information regarding spills, possible contamination, remediation actions and closures from unnecessary disclosures through the use of "For Official Use Only" (FOUO) marking or appropriate classification.

Y. VERIFICATION TESTING.

- 1. Verification testing is generally required for Part B or Interim Status hazardous waste storage facilities that accept off-site waste. The verification testing is performed in accordance with the permit application requirements.
- 2. Verify that labels and markings on the containers agree with DTID and accompanying documentation.
- 3. No verification testing is required for HM.
- 4. Verification testing is required for off-site generated HW. However, some permits may require verification testing on both on-site and off-site HW.
- 5. Selecting containers of HW to be sampled and analyzed. Sampling and analysis will be done by other than DRMO personnel (e.g., through the disposal contract).

a. Frequency of testing:

(1) For off-base generating activities transferring property to the DRMO once or more per month, perform sampling once per month.

NOTE: Sampling will be as stated in the RCRA permit covering the DRMO.

(2) For off-base generating activities transferring property to the DRMO less than once per month, perform sampling at each turn-in.

NOTE: Sampling will be as stated in the RCRA permit covering the DRMO.

b. Determining number of containers to be sampled. Use the methodology outlined in your Part B permit application to determine the number of containers to be sampled.

c. Make the containers to be sampled accessible to the person doing the sampling.

6. Processing the resulting analyses.

a. If results verify the generating activity identification, then accept the shipment.

b. If results do not verify the generating activity identification, manage the shipment in accordance with the permit application requirements.

c. Maintain the analytical results in the waste analysis record section of the facility-operating log.