COMMANDER, NAVY REGION SOUTHWEST

WASTE MANAGEMENT PLAN
SAN DIEGO METRO AREA

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
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25 January 2007

From: Environmental Program Director
To: Distribution

Subj: WASTE MANAGEMENT PLAN - SAN DIEGO METRO AREA

Ref: (a) OPNAVINST 5090.1B, Environmental and Natural Resources Program Manual

Encl: (1) Waste Management Plan - San Diego Metro Area

1. Pursuant to reference (a) and Federal, state, and local laws and regulations, Navy commands are required to implement programs to properly manage hazardous and other types of wastes.

2. Enclosure (1) is provided as a living document to establish policy, procedures, control, and responsibilities for the proper management of these wastes and to promote the protection of the environment while supporting operational readiness.

3. Please disseminate to all appropriate personnel in your cognizance.

PETER KENNEDY

Distribution:
CO, NAVAL BASE CORONADO
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CHANGES AND UPDATES TO
CNRSW WASTE MANAGEMENT PLAN

Change Date	Changes/Notes
(1) June 24, 2005	Complete revision of original document. All sections affected.
(2) July 11, 2005	Page 57: HW Guidance for Fluorescent and HID Lighting Waste. Green-tipped light bulbs are no longer considered non-hazardous. As of 2/9/04, they must be managed as hazardous or universal waste. Pages 68 and 71: HW Guidance for Aerosol Container Mgmt and Pesticide Mgmt. To better reflect the regulations and make the text consistent, text was changed to indicate that all aerosol containers that contain/contained pesticides, regardless of whether they are empty or not, shall be managed as hazardous waste, unless it can be proven they do/did not contain extremely or acutely listed waste.
(3) July 13, 2005	Added Section 20: Waste Tires.
(4) July 14, 2005	Added Section 21: Chemical, Biological & Radiological (CBR) Filters.
(5) August 2006	Minor wording changes to all sections to update with regulatory developments. Part I Section 3.4 subsections .1, .2, and .3 - minor additions on interpretations. Part I Section 3.7(d) - added discussion on annual certification of Business Plans. Part I Section 3.10 subsections b, c, and d - minor corrections and added reference to Appendix with phone numbers. Part I Section 5.2 - minor language improvements and stressing safety during spills. Part I Section 5.3 - minor correction to inspect extinguishers every 30 days, not monthly. Part I Section 5.7 - explained Part B permitted facility. Part I Section 7.2 - revised to include co-generated waste. Part I Appendix 6 - updated contacts. Part I Appendix 9 - added CNRSW Letter to DTSC on Naval Vessels and EPA ID Numbers. Part III Section 16.6 - included >90 day storage if storage area is below 32 degrees F.
(6) January 2007	Minor wording changes to all sections to improve readability and to update with regulatory developments. Part I Section 3.11 & associated appendices - added discussion of hazardous waste generation categories, policy letter, and contractor manifesting procedures. Part IV Section 22 - added Used Cooking Oil guidance. Part IV Section 23 - added Used Copier / Toner Cartridges guidance.
(7) March 2007	Part III extracted as stand-alone document: Medical Waste Management Plan. Part IV (Other Wastes) renamed as Part III of HWMP.
(8) July 2007	Part I Appendix 6 – updated contacts, TWW marine camel photos and profile for ammo boxes, batten boards.
(9) March 2008	Part III Other Wastes – Section 13, Used Tires and Appendices BB and CC. Updated text to reflect that tire manifest and trip log were combined into one document called CA Comprehensive Trip Log and Receipts (Form 203), along with Unregistered Hauler and Comprehensive Trip Log Substitution (Form 204). Part I Appendix – 6 updated contacts.

(10) August 2009	Part I, Page I-iii – added reference links to new HW Guidance documents for Ship-to-Shore Offload Procedures and EPA ID Numbers & Manifest Signature Authority. Part I, Page I9 – removed repeated bullet line item in Section 3.3(3). Part I, HW Guidance for Used Absorbents – lists were consolidated and text was added to clarify labeling, material segregation, and free liquids requirements. Part I, HW Guidance for Spent Dry Cell Batteries – entirely changed/updated to better reflect packaging and transportation requirements. Part I, HW Guidance for Cathode Ray Tubes – minor formatting changes. Part I, HW Guidance for Automotive Type Spent Lead-Acid Batteries – minor wording changes for clarity. Part I, HW Guidance for Expired Chemicals & Materials – added sections regarding chemical segregation and FISC/DRMO review requirements. Part I, HW Guidance for Asbestos-Containing Materials – added section describing wetting and double-bagging of friable asbestos. Part I, HW Guidance for Treated Wood Disposal – rewritten and reorganized to better reflect regulatory guidelines and treated wood types. Part I, HW Guidance for Mercury-Containing Wastes – added section on dental traps and improved section on dental amalgam scraps. Part I, HW Guidance for Discarded Consumer and Industrial Devices – replaced web link to updated DTSC-approved CAR list location. Part I, HW Guidance for Ship-to-Shore Offload Procedures – new HW Guidance document. Part I, HW Guidance for EPA ID Numbers & Manifest Signature Authority - new HW Guidance document. Part I, Appendix 6 – updated CNRSW Points of Contact list. Part I, Appendix 10 – updated hazardous substance fee rates chart. Part II, Section 10.1 – provided clarifications on types of treated wood wastes and provided reference to DTSC fact sheet. Part II, Appendix D – added photo of pressure-treated wood. Part IV – New section describing Medical Waste Management procedures.
(11) October 2009	Part I, HW Guidance for PCBs in Caulk – new HW Guidance document. Part I, HW Guidance for PCB Management – updated to include information regarding PCBs in caulk. Part I, HW Guidance for Construction Debris Containing Lead-Based Paint – updated to include information regarding PCBs in caulk. Part I, Page I-iii – added reference link to new HW Guidance document for PCBs in Caulk.
(12) November 2009	Part III Other Wastes – Section 14, Chemical, Biological & Radiological (CBR) Filters – the metal silver added to text discussion of CBR filters. Part I, HW Guidance for Contaminated Containers – added details regarding pesticide container rinsing and links to HW Guidance for Pesticide Container Management. Part I, HW Guidance for Pesticide Container Management – added clarification regarding management of empty pesticide containers. Part I, HW Guidance for Low Level Radioactive Wastes – updated LLRW internal contacts and clarification regarding tritium exit signs. Part I, HW Guidance Addendum for Paints and Painted Debris – added clarification regarding the rinsing of water-based paint equipment that does not contain fungicides or algaecides. Part I, HW Guidance for Discarded Industrial Devices – added clarification regarding Certified Appliance Recyclers (CAR) and the Sustainable Solid Waste (SSW) Program. Part I, HW Guidance for Automotive Type Lead Acid Batteries – added clarification regarding manifesting and acceptable container types.

(13) March 2010	Minor changes made to all sections of Part IV to improve readability. Part IV, Appendices – Added Appendix B: Flowchart to Determine Disposal Method of Medical Related Products and Supplies, and Appendix C: Navy and Marine Corps Public Health Center Pharmaceutical Waste Management Guidelines. Part IV, Introduction – removed language in paragraph (3) referencing CNRSW and COMPACFLT. Part IV, Introduction – removed language in paragraph (3) addressing specific small quantity generators that dispose of their waste in conjunction with afloat commands. Part IV, Administration, Section 1.1(c) – removed sentence referring to using manifests for future reference. Part IV, Medical Waste Overview, Section 3.1(b) – added section "b" regarding medical waste that meets hazardous waste criteria. Part IV, Medical Solid Waste, Section 3.2(a) – changed examples of medical waste from a paragraph to a list format. Part IV, Medical Solid Waste, Section 3.2(b) – clarified requirements to discard medical products as medical solid waste. Part IV, Medical Solid Waste, Section 3.2(c) – added section "c" regarding disposal of medical products that meet hazardous waste criteria. Part IV, Medical Solid Waste, Section 3.2(e) – clarified that waste must be characterized as non-hazardous before it is disposed into a municipal Class III Landfill. Also added sentence identifying Miramar Landfill as the class III landfill used in San Diego County. Part IV, Biohazardous Waste, Section 3.3(c)(2) – Added sentence listing regulated body fluids. Part IV, Waste Pharmaceuticals, Section 3.5(c) – expanded section "c" from three to four categories of waste pharmaceuticals and added examples. Removed link to Navy Environmental Health Center Pharmaceutical Waste Management Guidelines and added these guidelines as Appendix C. Note: NEHC is now the Navy and Marine Corps Public Health Center (NMCPHC). Part IV, Waste Pharmaceuticals, Section 3.5(e) – added section "e" regarding the EPA's current proposal to add pharmaceutical waste to the Universal Waste Rule. Part IV, Accumulation and Storage, Section 3.6(d) – Added section "d" addressing accumulation time limit for medical waste stored below 32 degrees Fahrenheit. Part IV, Waste Turn-in (Disposal), Section 3.10(c) – removed last sentence stating that shore activities, tenants, or commands desiring medical waste disposal service through the medical waste contract must follow the procedures to be added as a customer.
(14) July 2010	Part I, HW Guidance for Electronic Waste – new HW Guidance document. Part I, HW Guidance for Ozone Depleting Substances (Halons/Freon/CFCs) – new HW Guidance document. Part I, HW Guidance for Pharmaceutical and Personal Care Products – new HW Guidance document. Part I, HW Guidance: Is it Treated Wood Waste? – new HW Guidance document. Part I, HW Guidance for Treated Wood Disposal – Expanded and identification of treated wood waste separated into new HW Guidance document titled "Is it Treated Wood Waste?" Part I, HW Guidance for Low Level Radioactive Wastes (LLRW) – updated contact information. Part I, HW Guidance for Spent Dry Cell Batteries – added updated information reflecting DOT guidance removing requirement to protect spent non-rechargeable dry cell batteries <9V and rechargeable dry cell batteries <9V from short-circuiting during transport. Part I, Section 3.6, added instruction regarding hazardous waste manifest correction letters. Appendix 8, Contractor Manifesting Procedure – Appendix replaced with revised version dated 10 May 2010 and designated as Appendix 8-A.

	Appendix 8-B – new Appendix detailing CNRSW policy regarding hazardous waste manifest error correction letters and generator mailing addresses. Part II, Section 10.1, Treated Woods – Information added regarding varying soft/hard wood constituent absorbencies, utility pole exemption, and specific landfills. Updated Table of Contents to reflect document changes/additions. Hazardous Waste Guidance documents: re-ordered for ease in locating.
(15) June 2012	Part I, HW Guidance for Pharmaceutical and Personal Care Products – Nicotine gum and lozenges added as special management products.
(18) April 2013	Part I, HW Guidance for Leather Waste – new HW Guidance document. Part I, HW Guidance for Trauma Waste– new HW Guidance document. Part I, HW Guidance for Flares and Pyrotechnics– new HW Guidance document.

PART I

HAZARDOUS WASTE MANAGEMENT

PART I

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HAZARDOUS WASTE GUIDANCE DOCUMENTS

EPA ID Numbers & Manifest Signature Authority

Hazardous Waste & Special Waste Manifesting

Dumpster & Landfill Restricted Items

Ship-To-Shore Offload Procedures

Used Oil Management

Drained Used Oil Filters

Oily Rags & Debris

Used Absorbents

Automotive Type Spent Lead-Acid Batteries

Spent Dry Cell Batteries

Asbestos Containing Materials (ACM)

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PCB Management

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Contaminated Containers

Pharmaceutical and Personal Care Product Management

Trauma Scene Waste Management

Waste Leather Product Management

Flares and Pyrotechnic Perchlorate Materials

INTRODUCTION

Commander Navy Region Southwest (CNRSW) Environmental Program's goal is to be recognized for its leadership and excellence in environmental protection, pollution prevention and compliance while effectively executing fleet support functions and shore based operations for national defense. The CNRSW Environmental Program mission is committed to providing environmental support and technical guidance that maximizes the operational flexibility for command operations in a manner that emphasizes the protection of the environment and compliance with hazardous waste laws.

To accomplish this mission and obtain our goal, the CNRSW Hazardous Waste Program Office provides a personal commitment, resource management, and technical knowledge in order to strive for environmental excellence for the protection of the environment, and provide maximum support to shore based and afloat communities.

Environmental laws and regulations have increased exponentially in recent years. General hazardous waste management requirements are specified in federal, state and local laws and regulations. For example, Title 40, Code of Federal Regulations (CFR), Title 22, California Code of Regulations (CCR), California Health and Safety Code (HSC) and San Diego County Code of Regulatory Ordinances. Because sovereign immunity has been waived for hazardous waste requirements, Commands located on CNRSW are required to comply with these standards. Military installations are routinely inspected for compliance with these requirements by the California Environmental Protection Agency (Cal-EPA) Department of Toxic Substance Control (DTSC), the San Diego County, Department of Environmental Health (DEH), and on occasion, by the U.S. Environmental Protection Agency (U.S. EPA). Each regulatory agency has their specific jurisdiction regarding hazardous waste compliance. In addition, these agencies, through enforcement actions are authorized to issue Notices of Violation (NOV) for issues of non-compliance. If violations occur, fees or fines can by levied against the overall Navy, the specific effected command, or the individual responsible for causing the violation.

Normally, state and local regulatory agencies have more stringent environmental requirements and policies than those established by federal law. To identify and comply with these more stringent requirements, specialized knowledge and expertise are required. CNRSW Hazardous Waste Program Office through the information provided within this Hazardous Waste Management Plan (HWMP) will help your command identify and understand your responsibilities for compliance with hazardous waste requirements.

Compliance with environmental requirements is mandated by the Federal Facilities Compliance Act, signed into law in 1992 by then President Bush. Additionally, operational guidelines are established within OPNAVINST 5090 (series), along with other DoD and DoN Policies. Therefore, compliance with these requirements is mandatory, not only by directive, but also as a good environmental steward in the role of leadership.

SECTION 1 - HAZARDOUS WASTE MANAGEMENT PLAN ADMINISTRATION

1.1 Purpose

a. To provide CNRSW commands and activities military and civilian personnel with an environmental reference document to support overall hazardous waste management by defining your responsibilities "as generators of hazardous waste" relating to hazardous materials/waste accumulation, storage, record keeping, training and disposal issues. Additionally, this document will establish an effective waste management program for hazardous waste compliance for all areas under the cognizance of the Admiral.

b. The requirements specified within part I of this plan only reflect the provisions for non-explosive hazardous waste. **Explosive hazardous waste requirements are identified in the Commander Navy Region Southwest, Explosive Hazardous Waste Management Plan**, or established installation plans and policies.

1.2 Command Responsibilities

a. Commands whose operations or processes generate hazardous waste and or maintain less than 90-day hazardous waste accumulation areas or operate satellite accumulation areas must comply with all federal, state and local hazardous waste laws and regulations.

b. Become familiar with any environmental permits and their provisions that may apply to their operations or processes, and recognize the responsibilities of a hazardous waste generator relating to the "*cradle to grave*" hazardous waste disposal requirements.

c. Appoint in writing, personnel that are designated as the command or shop hazardous waste coordinator, who will be responsible for handling of hazardous waste for that area. These may be collateral duty positions, but their tasking must be prioritized to allow them to serve as a point of contact in matters regarding hazardous waste and related environmental issues.

d. Ensure all command personnel assigned to hazardous waste operations complete a program of classroom instruction or on-the-job training as identified in Section 3-5 within 6 months after being assigned their duties. This training must also include an annual refresher, which addresses the specific duties and responsibilities being performed by the individual.

e. Maintain at each generator location, records for hazardous waste turn-in, waste profile sheets, laboratory analysis, copies of manifests or any other information relating to hazardous waste determination or disposal.

f. Maintain at each generator location, copies of environmental training records, designation letters and waste handler certificates for personnel currently and previously involved in

hazardous waste operations. These records shall also include annual Hazardous Material Business Plan (HMBP) training and any other documented hazardous waste training.

g. Coordinate with the CNRSW Environmental Program and the Navy On-Scene Coordinator (NOSC) immediately after a spill to provide all necessary clean-up, disposal and /or reporting information to ensure proper compliance with applicable hazardous waste laws and regulations.

1.3 CNRSW Environmental Program Responsibilities

Shall research, develop and disseminate hazardous waste instructions and guidance, serve as the primary point of contact to regulatory agencies, and provide oversight for the overall management of hazardous waste. This includes, but is not limited to:

a. Advise commands on changing environmental laws, regulations or other requirements that will effect or potentially adversely impact command specific hazardous waste operations or processes.

b. Request funding from higher echelon commands for containerized hazardous waste disposal, storage area permits, hazardous waste analysis and hazardous waste generation fees.

c. Submit documentation for hazardous waste accumulation area permits and Hazardous Materials Business Plans, including plan or site map modifications or site closures to the DEH.

d. Develop and disseminate appropriate guidance and instructions on the proper management, storage and handling of hazardous waste.

e. Act as liaison to address CNRSW specific questions or concerns on hazardous waste management issues, CNRSW policy or guidance, Unified Facility Permits, Tiered Permitting or other issues relating hazardous waste operations.

f. Coordinate submittal information for required environmental reports or data calls such as: EPCRA, P2ADS and biennial reports to the appropriate regulatory agencies or naval activities.

g. Conduct oversight inspections for host and tenant commands relating to specific areas of environmental compliance under applicable hazardous waste standards.

1.4 Contractor Operated Hazardous Waste Facilities

a. The Naval Facilities Engineering Command Southwest (NAVFAC-SW) is the primary contracting organization responsible for the proper operation, transportation, storage and disposal of hazardous waste via the permitted hazardous waste facilities at CNRSW Metro installations. These operations have been outsourced under Navy contract to various public waste management companies. This includes the operation of RCRA permitted

hazardous waste storage facilities, an accredited analytical laboratory, and several bilge and oily waste treatment systems (BOWTS).

b. To the maximum extent feasible, all hazardous wastes or substances should be disposed of through the NAVFAC-SW operated hazardous waste facilities in accordance with their waste acceptance requirements. Hazardous waste turn-in procedures are provided in Section 3.10.

c. Any customer services issues that arise associated with analysis/transportation/storage/ treatment/disposal of hazardous waste should be addressed directly to the appropriate NAVFAC-SW Subject Matter Experts (SME). See Appendix 6 for contacts and phone numbers.

SECTION 2 - REGULATORY AUTHORITY & REQUIREMENTS

2.1 Overview

CNRSW military and civilian personnel must be aware of the environmental laws and regulations which pertain to their specific process or operation which generate, store, treat or dispose of hazardous wastes. These requirements have been established and mandated by federal, state or local law and are not discretionary. Cited below are the environmental laws and requirements that outline the major components of overall hazardous waste management program.

2.2 Resource Conservation and Recovery Act (RCRA)

A 1976 amendment to the first federal solid waste legislation, the Solid Waste Disposal Act of 1965. In RCRA, Congress established initial directives and guidelines for U.S. EPA to regulate and manage solid waste, including hazardous waste. RCRA established a regulatory system to track hazardous substances from the time of generation to final disposal. The law requires safe and secure procedures to be used in treating, transporting, storing and disposing of hazardous waste. RCRA also addresses "cradle to grave" hazardous waste management, establishes the duties and responsibilities of hazardous waste generators regarding the storage, treatment and disposal of hazardous waste, and authorizes the EPA to issue corrective actions clean-up orders for hazardous waste releases.

2.3 Comprehensive Environmental Response, Compensation & Liability Act (CERCLA)

Federal law authorizes U.S. EPA to manage and respond directly to releases of hazardous substances that may endanger public health or the environment. Imposes strict liability for environmental clean-up on persons whose actions caused the release, and requires immediate reporting to the National Response Center on hazardous substances or chemical releases exceeding the Reportable Quantity (RQ) limitations. The Superfund Amendments and Reauthorization Act (SARA) were enacted in 1986 to amend the provisions of CERCLA. SARA Title III, is the Emergency Planning and Community Right-to-Know Act of 1986 or (EPCRA). **EPCRA** requires each state to have an emergency response plans, and any company that produces, uses or stores more than certain amounts of listed chemicals must meet emergency planning requirements, including release reporting. EPCRA also focuses on hazards associated with toxic chemical usage and release data, and includes notifications of listed chemical usage to federal, state and local regulatory agencies.

2.4 Federal Facilities Compliance Act (FFCA)

Enacted by presidential proclamation in 1992 this law expands the enforcement authority of Federal, State and local regulators with respect to hazardous waste management and other relevant areas of environmental compliance at federal facilities. Requires the payment of fees for service, assessed in connection with hazardous waste regulatory inspection programs, or

for the amount of hazardous waste generated at the facility. Waives government sovereign immunity, allowing regulatory agencies to issue fines and penalties for violations on issues of non-compliance.

2.5 Code of Federal Regulations (CFR)

Title 40, CFR is formed from the requirements of RCRA, CERCLA, TSCA and several other specific environmental legislation. 40 CFR is overseen and enforced throughout the U.S. and its territories by the U.S. EPA, and by most state and local regulatory agencies. From these regulations, come the management standards applicable for hazardous waste, spill notification and required reporting, including exclusion and exemptions from hazardous waste management requirements.

2.6 California Health and Safety Code (HSC)

As with RCRA being federal law, the Health and Safety Code is state law. Within the aspects of state law, or statute, each state, has the ability to meet or exceed the standards specified by federal law. California has far more stringent environmental requirements than the federal regulations. In addition, under the HSC an entire classification of hazardous waste exists. These state specific hazardous waste classifications are known as Non-RCRA, meaning the waste or series of wastes are not addressed or enforced under the previsions of RCRA, but are hazardous waste none the less within California, and must be managed accordingly.

2.7 California Code of Regulations (CCR)

Title 22, CCR is the state equivalent of 40 CFR, but only specifically addresses hazardous waste management, and some aspects of hazardous materials that are improperly labeled or stored. Again, Title 22 is far more stringent than the federal counterpart, to the point, if compliance is achieved under Title 22, most, if not all of the federal regulations governing hazardous waste management will also be achieved. Title 22 also addresses California specific waste determination testing, storage and inspection requirements, presumed wastes, and waste management requirements.

2.8 Local Environmental Requirements

San Diego County, Department of Environmental (DEH) acts as the Certified Unified Program Agent (CUPA) under authorization from Cal-EPA to implement state environmental requirements. Under these aspects city/county ordinances were enacted to manage hazardous waste/materials, medical waste, underground tanks, etc. In some cases these ordinances exceed state requirements or require special requirements such as the Unified Facility Permits for hazardous waste accumulation areas.

SECTION 3 - HAZARDOUS WASTE MANAGEMENT

3.1 Hazardous Waste Determination

a. Once a hazardous material, substance or residue is discarded, abandoned, or is no longer usable for its intended purpose, it becomes classified as a waste. The waste classification is contingent on the properties of the material and any associated hazard obtained during the process or usage. Hazardous waste is any hazardous material, substance or residue, which is spent, off-specification, expired, retrograde or non-recyclable or due to the concentration, toxicity, physical or chemical characteristics meets or exceeds the threshold limitation levels identified in environmental regulations, or any waste substance that may cause or significantly contribute to death, serious irreversible illness or pose a substantial present or potential hazard to human health or the environment.

b. Hazardous wastes are identified and classified under several different and distinct sets of waste streams, and waste management requirements. The Federal hazardous waste classification system uses specific listing (F, K, P, and U) and characteristic testing to determine if a waste is **RCRA** hazardous waste. California has additional listing and testing criteria that captures more wastes. These are identified as **Non-RCRA** hazardous wastes. All hazardous waste generators in California must comply with both RCRA and Non–RCRA hazardous waste requirements. This waste classification is important based on the disposal process and waste acceptance criteria of the receiving facility. Furthermore, several wastes may be managed as Universal Wastes (UW) and some non-hazardous wastes must be managed under the requirements of Special Waste (SW), as identified in Part II of the HWMP. Based on waste determinations, all wastes must be classified into one of these categories, or be managed as non-hazardous solid waste (trash) under the requirements of RCRA Subtitle D.

3.2 Hazardous Waste Analysis

a. The *generator* must determine either by laboratory analysis or user (generator) knowledge that the waste or expired substance or material is to be managed as a hazardous or non-hazardous waste. The EPA publication, SW-846, entitled, Test Methods for Evaluating Solid Waste Physical/Chemical Methods provides test procedures and guidance for making waste determinations. Based on volume and variability, a minimum of *four* representative samples of the waste substance or waste must be analyzed to determine with statistical significance, if the specific waste can be classified and non-hazardous. In addition to the SW-846 testing methods, waste analysis specific to California standards include the Total Threshold Limit Concentration (TTLC), and Solubility Threshold Limit Concentration (STLC), and a 96-hour acute bioassay. After performing the hazardous waste determination and characterizations, summarized in a “profile”, the generator must properly treat, store, recycle or dispose of the waste in accordance with all applicable environmental laws and regulations.

b. Applying user knowledge for waste determination is adequate if the suspected waste is to be managed and disposed of as hazardous waste. However, for a waste to be managed as non-hazardous, the application of this type of waste determination, or management practice must have a scientific or analytical backing, or other means of being quantifiable. Waste determination and classification without foundation, or another form of defensible position or other clinical data is subject to extreme scrutiny from regulatory agencies. In cases where waste classification and management is questionable, the regulatory agency can, and will, sample the suspected waste for analysis.

3.3 Hazardous Waste Characteristics

a. A waste becomes classified as a RCRA or non-RCRA hazardous waste when the characteristic or hazardous property of the waste meets or exceeds the regulatory limits set for ignitability (flash-point), corrosivity (pH), reactivity or toxicity (heavy metals or bioaccumlative substances).

b. Hazardous wastes are identified, classified, and segregated by characteristics or hazardous class. Although most wastes have only a single characteristic, some wastes exhibit multiple hazards, such as being both ignitable and reactive or toxic and corrosive.

c. It is important to know what the waste characteristic or hazards are when handling, selecting containers, placing the waste into storage, or selecting a location for your accumulation area. The following standards apply to both RCRA and non-RCRA hazardous wastes, except when specified otherwise.

(1) Ignitability: (D001) When a wastes, substance, residue or spent material exhibit any of the below characteristics, it becomes classified as ignitable hazardous waste.

- Is a liquid (other than an aqueous solution containing less than 24% alcohol by volume) and has a flash point of less than or equal to 140 degrees Fahrenheit.
- Is non-liquid and is capable under standard temperature and pressure to cause fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;
- Is an ignitable compressed gas as defined in 49 CFR (Department of Transportation)
- Is classified as an oxidizer, as defined in 49 CFR (Department of Transportation).

(2) Corrosivity: (D002) When a waste, substance, residue or spent material exhibits any of the below characteristics, it becomes classified as corrosive hazardous waste.

- Is an aqueous substance and has a pH of less than 2 or greater than 12.5.
- Is liquid that corrodes steel at a rate greater than ¼ inch per year.
- Is a solid that when mixed with equal parts of water, produces a solution with a pH

of less than 2 or greater than 12.5.

- Is not a liquid and when mixed with equal parts of water, produces a solution that corrodes steel at a rate greater than ¼ inch per year.

(3) Reactivity: (D003) When a waste, substance, residue or spent material exhibits any of the below characteristics, it becomes classified as a reactive hazardous waste.

- Is normally unstable and readily undergoes violent change without detonating;
- Reacts violently with water;
- forms potentially explosive mixtures with water;
- Forms potentially explosive mixtures when mixed with water.
- When mixed with water produces toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;
- Is capable of detonation or explosive reaction when subjected to an ignition source, in heated confinement or under standard (normal) temperature and pressure.
- The substance or waste is a forbidden explosive, a Class A explosive or a Class B explosive as defined by the Department of Transportation 49 CFR.

(4) Toxicity: (D004-D043) When a waste, substance, residue or spent material exhibits any of the below characteristics, it becomes classified as a toxic hazardous waste.

- Meets or exceeds, by laboratory analysis, the standards for specific compounds known to be persistent and bioaccumulative. These compounds are specific heavy metals, organic compounds and pesticides. The federal analytical testing for these compounds is known as the Toxicity Characteristic Leachate Procedure (TCLP). In California testing is performed to compare results to the Total Threshold Limit Concentration (TTLC) and the Soluble Limit Threshold Concentration (STLC).
- Meets or exceeds, the lethal dose (LD) or lethal concentration (LC) standards under acute oral, acute dermal, acute inhalation, or acute aquatic toxicity testing.
- Contains any of the sixteen known human carcinogens in a single or combined concentration, equal to or greater than 0.001% by weight or 10 parts per million (ppm).
- Contains substances as shown by experience or testing, to pose a hazard to human health or the environment when released, discarded or disposed of (such as Freon).

(5) Mixture Rule and Derived-From Rule and Dilution: The “Mixture Rule” requires that mixtures of solid waste and federally-listed hazardous waste, must be regulated as hazardous

waste. The resulting mixture becomes classified as hazardous waste for the highest waste characteristics classification of which the mixture previously contained, even if the resulting mixture falls below hazardous testing. Wastes generated from the treatment, storage, or disposal of hazardous waste is referred to as "Derived-From" hazardous waste. These types of wastes include spill residues, sludges, and ash from incinerators. The Mixture and Derived-From rules do not apply if the listed waste was listed solely for failing the characteristics of ignitability, corrosivity or reactivity. Regardless, mixing or diluting wastes may also fall under the criteria as hazardous waste treatment, and are subject to treatment standards, which are expanded upon in Section 3. 8.

3.4 Hazardous Waste Accumulation Areas

Hazardous Waste or Excluded Recyclable Materials may be accumulated at the generator location for up to *90 days* or *1 year* at an authorized satellite accumulation area.

3.4.1 Storage & Segregation

Each 90-day accumulation area should, at the minimum, be constructed or utilize the following waste management practices.

a. Impervious Base: The foundation of the waste accumulation areas should be impervious to spills or leaking waste, constructed of concrete, plastic or metal and be compatible with the waste being stored, with all cracks or gaps repaired or sealed.

b. Containment Capacity: A containment system should be incorporated and designed to have the capability of containing the contents of the largest container of liquid waste plus 10% to prevent the release of hazardous waste into the environment.

c. Drains: Storm or floor drains adjacent to, or drainage valves located within the accumulation area, should be covered, closed or sealed to avoid any possible release of waste, or contaminated rain water, into the storm drains, sewer system or surrounding environment. Also, identify where these drains will discharge in the event there is a release.

d. Aisle Space: Adequate aisle space (2-3 feet minimum) shall be maintained between rows of pallets or containers to allow for inspections, container identification, spill clean up or emergency response personnel.

e. Inspections: Personnel managing a 90-day waste accumulation area must conduct and document inspections of their facility at least *weekly*. Any hazardous waste storage tanks under their control must have documented *daily* inspection records identifying the tank and piping conditions, secondary containment or leaking substances. Leaking tanks or piping or containers must be repaired, replaced or over-packed immediately upon discovery.

- "*Weekly Inspection*" is an inspection that is conducted at some point within every calendar week or about every 5-7 days. The weekly accumulation area inspection form in Appendix 2 shall be used to conduct weekly inspections

- "*Daily Inspection*" means each operating day. An operating day is any day that personnel are in the work place conducting operations, or actually doing work, regardless if hazardous waste is being generated. The daily tank inspection form in Appendix 3 shall be used to conduct daily inspections

f. Waste Segregation: Do not place ignitable, oxidizers, and corrosive wastes on the same tank pallet or storage bay without a separation device. These wastes must be separated to avoid chemical or physical reactions if they become mixed. If possible separate waste by hazard class (wastes that pose the same type of hazard). Ignitable and reactive wastes must be stored at least 50 feet from the base property line. In general, incompatibles should be physically segregated from each other during storage and marked with appropriate warning signs. Check with Occupational, Safety and Health (OSH) Departments for other applicable workplace safety practices for incompatible chemical storage.

g. Security: Waste storage areas must be controlled, with limited access to unauthorized personnel. Warning signs should be posted identifying that location as a hazardous waste accumulation area.

h. Housekeeping: Spills, leaking containers/tanks, piping systems or puddles on top of drums must be contained and cleaned-up immediately. All trash, absorbent materials or other debris must be collected and disposed of properly.

3.4.2 Containers & Storage Tanks

a. Labels: Hazardous wastes labels must be placed on containers or tanks as soon as the first drop of hazardous waste is placed inside. An example of a completed hazardous waste label is provided in Appendix 9-A. Ensure each section of the label is properly and completely filled out with a water-resistant marker with the information indicated below.

- Generator name & address
- The word "Hazardous Waste"
- Hazardous properties (ignitable, corrosive, toxic...)
- Composition (oil &water, paint debris, solvent contaminated rags...)
- Physical state (liquid, solid, gas..)
- Accumulation start date

b. Storage Time: Monitor the accumulation start date. Hazardous waste in containers or tanks *must not exceed the 90-day storage limit* unless they meet the requirements of a satellite accumulation area.

c. Markings/Stenciling: Ensure all piping associated with hazardous waste storage tanks or piping systems associated with waste transfer operations are properly identified.

d. Closed Containers: All containers or tanks must be *closed* unless waste is being added or removed. Ensure the containers have proper fitting and tightly secured lids, rings or bungs. Screw type funnels may be left attached if they have a one way check or ball valves or another type of securing cover to prevent spillage if the container tips over.

e. Protect Against Accidental Ignition (Bonding/Grounding): In addition to eliminating obvious sources of ignition, to protect against electrostatic discharge (ESD) as an ignition source, storage areas that contain ignitable wastes (paints, solvents or fuels) must have these containers or tanks grounded during storage with bonding equipment available and used during liquid transfer operations. Bonding is the process of connecting two or more conductive objects with a conducting wire (i.e. copper), that equalizes the potential charge between them. Note that bonding does not eliminate the static charge. Grounding is connecting one or more conductive objects directly to the earth using ground rods, cold water copper pipes, or building steel. Unlike bonding, grounding drains the static charges away as quickly as they are produced. Consult with your federal fire representatives to ensure all bonding and grounding procedures meet the fire code.

f. Empty Containers: Containers that held acutely or extremely hazardous material (P or U listed), regardless of size, must always be disposed of as hazardous waste. Used empty containers greater than *5 gallons* must be marked or labeled "empty" along with the date that the container became empty and managed (dispose or recycle) within one year of that date. Used empty containers less than 5 gallons may be placed in scrap metal or plastic bins. For more details, refer to (Contaminated Container Guidance)

g. Waste Bulking/Consolidation: Bulking is defined as the process of consolidating various quantities of the same type of waste by placing them into a single, larger container. During such operations, ensure that waste being consolidated or transferred is compatible with the container the waste will be consolidated or transferred into. Allow 2-3 inches for liquid expansion when temperatures rise and clean up any spills or puddles remaining on the top or sides of containers.

h. Compatibility: Ensure the waste that is placed into the containers will not react or cause damage to the container. Avoid placing corrosives into metal containers or using containers which previously contained an unknown substance.

i. Damaged Containers: Use only containers that are structurally sound, in good condition and for substances for which the container was intended, preferably containers that meet DOT performance-based standards. Avoid using old, rusted or damaged containers. Waste in these types of containers must be repackaged. All containers holding hazardous waste must be managed in a manner to prevent leakage or spillage with secure fitting cap, lids or bungs and that is compatible with the type of waste that it is holding.

j. Containment Sumps: Sumps, and catch basins that contain or store hazardous waste are required to be managed as hazardous waste storage tanks, except if these containment devices are managed in accordance with the "emergency containment systems" requirements. Such devices systems must remain clean, empty and dry free of trash or other substances. Any accumulated rainwater, spilled or released hazardous waste, materials or substances must be removed in an expeditious manner, typically within 24 hours.

k. Tank Certifications: All hazardous waste tank systems that accumulate, treat, or store hazardous waste must have an engineering assessment certification from an independent third party professional engineer registered in California. This assessment can be valid no longer than 5 years, upon which time a new assessment must be performed. The only exception are above ground used oil or waste antifreeze tank systems meeting specific criteria with a written request sent to the Certified Unified Program Agency (CUPA). The Federal Fire Department inspects the installation, usage and design and the CNRSW-HQ Environmental Office submits the appropriate forms to the CUPA for concurrence. An approved request is good for three years and the approval letter must be readily available for presentation during inspections.

3.4.3 Satellite Accumulation Areas

Satellite accumulation areas must be managed under the same requirements of 90-day sites with the exception of weekly inspections. In addition, *ALL* of the following apply:

a. Hazardous waste must be accumulated in containers only, with volumes not exceeding *55 gallons* of a hazardous waste or *1 quart* of acute or extremely hazardous waste, per waste stream. On February 11, 1987, EPA clarified that normally only one RCRA waste shall be accumulated at each satellite area. However, DTSC allows a location to have one or more Non-RCRA waste streams in the same satellite area.

b. The waste must be stored at the initial accumulation point, which must be at or near the area where the waste was generated.

- Initial accumulation point: waste cannot be stored at any other location prior to being stored in the satellite area. However, temporary storage may be allowed if the storage is necessary to that waste generation process, and if that waste is placed into the satellite accumulation storage area prior to the end of the work shift by the person that generated the waste.

- At or near: the process generating the waste and the satellite accumulation area must be in the same or adjacent room or work area.

c. The initial accumulation point must be under the control of the operator of the process generating the waste.

- Operator of the process: the “hands-on” operator of the machinery or process that generates the hazardous waste, not the overall operator of the generator site or facility as a whole.
- Under the control: containers must be stored in the line of sight of the operator of the process generating the waste or in a locked room or compartment to which the operator can control the access.

d. The initial accumulation start date must be clearly visible on the hazardous waste label for each container used to stored waste in the satellite area.

- Initial start date: the date that the first amount of hazardous waste was placed into the container.

e. Wastes shall not be accumulated at the satellite area for any longer than 1 year or until the maximum volume limitation (55 gallons or 1 quart) has been reached. However, the 1-year time period must not be exceeded.

f. After reaching the applicable storage volume or time limitation (55 gallons, 1 quart, or 1 year) the container must be marked with the date that the limitation was reached.

- There will be 2 dates on the container or label, the initial start date (when the waste was first placed into the container) and the end date (when the time or volume limit was reached).

g. Within 3 days after reaching the applicable volume, the waste container must be transferred or relocated to a 90-day hazardous waste storage area, or to an onsite or offsite RCRA-permitted storage facility. The total storage time limitation from initial accumulation start date to the disposal of hazardous waste from the generator location (entire installation) shall not exceed *1 year*, regardless of the volume in the container.

- If the container is transferred to a 90-day storage area before the 1-year time period expires, the container must be re-labeled, so the accumulation start date is the date the container reached its specified volume in the satellite storage area (the second date indicated on the container or label).

h. All containers holding hazardous waste must be in good condition and not leaking, with no excess rust or damage that would potentially compromise the containers’ integrity.

i. All containers shall remain closed, except when waste is being added or removed and have secure fitting caps, lids, bungs or rings to avoid spillage if the container was tipped over.

- Screw in type funnels may be used in place of caps or bungs if the funnel is equipped with a one-way check valve.

j. To avoid any physical or chemical reactions the container used to accumulate waste must be compatible with the waste that it will be containing.

3.5 Hazardous Waste Coordinator Training

a. Coordinators and Handlers: All personnel that handle or manage hazardous waste are required to successfully complete either formal classroom training or a *supervised* on-the-job training program, (Appendix 4) coordinated and overseen by qualified hazardous waste personnel within 6 months of being assigned their tasks or assignments. This is to be followed by an annual refresher program.

b. Business Plan: Documented training for Hazardous Materials Business Plans is required for any newly assigned personnel and reviewed by all shop personnel annually. This review is to update personnel on emergency procedures, spill response and notification requirements, along with any waste or material storage locations that may have changed and information on materials that are used in the shop area. The CNRSW also submits an annual certification to the CUPA on all Business Plans within their area of responsibility.

c. Shop Specific: Along with the coordinator / handler training, personnel that handle or manage hazardous waste shall have shop specific training, outlining any specific waste-streams processes, permit requirements, record keeping, or other hazardous waste issues.

d. Designation Letters: Environmental coordinators and waste handlers are required to have designation letters outlining their job title for their position. This includes a written job description for their duties and responsibilities in managing hazardous waste at their location. The designation letter is prepared by the individual's supervisor or chain of command. Appendix 1 is an example designation letter provided by CNRSW Environmental staff.

3.6 Record Keeping Requirements

The following information must be available for review and maintained at the generator location for a minimum of 3 years.

a. Disposal Receipts: Waste turn-in forms, copies from manifests, bills of lading, receipts from recycled oils or other substances, Safety Kleen change outs, lead acid battery turn-ins or other items turned in or disposed of as a hazardous waste, universal waste or excluded recyclable material. CNRSW policy on when manifest error correction letters are to be prepared is provided in Appendix 8-B. This policy also gives specific instructions regarding generator mailing addresses.

- Waste Analysis: Lab analysis, waste profile sheets, test results or other documentation regarding the waste sent for treatment, storage or disposal.

- Training Records: Current and previous personnel (from the date they departed) who handle or manage waste must have copies of their environmental training

records, letters of designation, job descriptions, diplomas, training certificates or any other environmental training documents.

- Inspections: Daily inspection records for hazardous waste storage tanks and ancillary piping.

- Hazardous waste accumulation area inspection records shall be maintained at the generator location for *1 year*.

3.7 Permits & Hazardous Material Business Plans

a. Permits: A copy of the CUPA "Unified Facility Permit" or other type of permit issued by an authorized agency shall be current, readily available and posted in a conspicuous location.

b. Business Plans: Hazardous Material Business Plans are required at any location that generates hazardous waste or stores hazardous materials at any time through the year in quantities greater than or equal to 500 pounds of solid, 55 gallons a of liquid or 200 cubic feet of compressed gas. Business Plans identify material and/or waste storage locations, emergency points of contact, emergency and safety procedures, site maps and other information to assist emergency personnel in the event of a spill or release. A copy of the Hazardous Material Business Plan must be maintained at the generator location and must be updated within 30 days whenever there is a change to:

- The emergency contact person or phone numbers.

- A significant increase or decrease (50%) in the amount of hazardous material or waste that is used or stored.

- The physical relocation of waste or material storage areas.

- Installation of waste or material storage tanks

- Any other pertinent information relating to hazardous waste or materials management.

c. Documented training must be conducted annually or whenever newly assigned personnel arrive at the shop, work center, or generator location.

d. After initial submittal, annual certification is required regardless of changes. A certification form is sent to the CUPA by the installation Environmental Office for all Business Plans under their area of responsibility.

3.8 Hazardous Waste Treatment

a. Treatment is defined as any method, process or technique that is designed to change the physical or chemical composition, remove or reduce the toxic or hazardous effects, properties or characteristics of a hazardous waste.

b. Hazardous waste may be treated at the generator location in lieu of or in conjunction with disposal. Environmental regulations require generators that treat hazardous wastes at their location to apply for permits that relate to the type, the amount, and toxicity of the waste being treated.

c. Treatment permits are categorized in a process known as Tiered Permitting. Each tier has a very specific permit application, specific requirements, notifications, record keeping requirements, and operating procedures, in additional to those of hazardous waste generators. Refer all questions and provide notification prior to conducting any new treatment process to the installation Environmental Office for additional information regarding hazardous waste treatment and permitting requirements.

3.9 Hazardous Waste Recycling

a. Generators may classify and manage some of their hazardous wastes as Excluded Recyclable Material (ERM). Recyclable material is defined as a hazardous waste that is capable of being recycled, including residues, spent materials, contaminated materials, retrograde materials, and specific byproducts. The recycling exclusions or exemptions are conditional, and in general apply to on-site recycling; at unpermitted facilities and for non-RCRA hazardous waste.

b. ERM are subject to all regulations that apply to hazardous waste generators, including *90-day* storage limits, and shall not be excluded from the classification as a waste and be used or reused as specified below.

- The material is used or re-used in an industrial process to make a product not being reclaimed, or is used or reused as a safe and effective substitute for commercial products if the material is not being reclaimed or returned to the original process from which the material was generated, without first being reclaimed.

- The material is recycled and used at the same facility that generated the material.

- The material is recycled within the accumulation time of 90 days from when the material was first generated.

- The tank or container used to accumulate the recyclable material shall be labeled, and marked in accordance with the applicable hazardous waste generator requirements. Except that the container or tank must be labeled or clearly marked with the words "*Excluded Recyclable Material*" instead of "Hazardous Waste". A sample Excluded Recyclable Material label is provided in Appendix 9-B.

c. Generators that recycle more than 100 kilograms per month (35 gallons) of recyclable material shall every two years provide in writing the following information to the local authorizing agency on a official agency form. This does not apply to generators who recycle anti-freeze or solvents since CNRSW requested and the CUPA agreed to this exemption.

- The name, site address, mailing address, and telephone number of the owner or operator of any facility that recycles the generator's material.
- The name and address of the generator of the recyclable material.

d. Regardless of paragraphs (a) or (b) all of the following recyclable materials are hazardous waste and subject to full hazardous waste regulations even if the recycling involves use, reuse or return to the original process.

- Materials used in a manner constituting disposal or used to produce products that are applied to the land including, but not limited to fertilizers, herbicides, soil amendments or agricultural minerals.
- Used or spent etchants, stripping or plating solutions that are transported to an offsite facility operated by a person other than the generator.
- Used oil - (See Guidance for Used Oil Management)
- Materials accumulated speculatively – Means a material or waste that is accumulated with the intent of recycling, however less than 75% of the waste onsite at the beginning of the calendar year is actually recycled by the end of the calendar year.

e. Any person who manages hazardous waste as a recyclable material shall maintain adequate records to demonstrate that there is a known market or disposition for the material and that any exemptions or exclusions are met.

f. Refer all questions and provide notification prior to conducting any new recycling processes to the installation Environmental Office for additional information regarding hazardous waste recycling and reporting requirements. A biennial report must be submitted to the CUPA for the ERM.

3.10 Hazardous Waste Turn-in Procedures

a. This subsection outlines the requirements for CNRSW commands regarding the turn-in (disposal) of hazardous waste regardless if the turn-in is to NAVFAC-SW contractor hazardous waste operations or a private hazardous waste transporter.

b. The contractor is required to adhere to an existing pickup schedule and coordinate non-routine pickups based on customer requests. To schedule a hazardous waste pick-up, contact the NAVFAC-SW hazardous waste facility at your installation**. Refer to** Appendix 6

for the current list of service locations and phone numbers. Ensure all hazardous waste containers are properly labeled, and the containers are not leaking. For items such as closed and sealed cans, aerosol cans or non-saturated rags, plastic bags or boxes may be used in lieu of drums. However, all non-identical waste must have individual labels or markings.

c. Submit supporting documentation that identifies the type and concentration of the waste that is being disposed. This documentation is normally a waste profile sheet used in conjunction with a MSDS for known or non-mixed waste. Laboratory analyses may also be required for unknown wastes or consolidated known waste-streams. The environmental laboratory located at North Island, Building M-9, can be reached at (619) 545-8431.

d. All hazardous waste going out on the EPA identification numbers owned by CNRSW shall have only authorized personnel sign the hazardous waste manifests. The NAVFAC-SW operations staff and CNRSW staff who have completed and maintained the required DOT training may sign manifests. Additionally, ensure that a copy of the manifest is maintained at the generator location for three years and the original copies are submitted to NAVFAC-SW contractors' hazardous waste operations for proper management and tracking.

3.11 Hazardous Waste Generation Categories

There are three categories of hazardous waste generation for accountability which are described below and described in further detail in the "Policy on Hazardous Waste Generated by Contractors", Appendix 7. Determining the category of hazardous waste generation must be resolved before pursuing any disposal option.

a. **Government Generated Hazardous Waste**: Hazardous waste generated solely by the physical actions of military forces or Federal government employees shall only bear a generator EPA identification number issued to the installation where the waste was generated. Contractors removing such waste must obtain concurrence with the hazardous waste profile as Government generated, before completion of the manifest. The manifest shall be presented to the NAVFAC-SW service provider contractor for review and upon approval, the service provider shall sign the manifest, representing the installation as the generator of the hazardous waste. For more information on "Hazardous Waste Manifesting Procedures for Contractors", see Appendix 8-A.

b. **Contractor-Generated Hazardous Waste**: Hazardous waste generated solely by the physical actions of contractors that is not identified under the contract terms *shall not* be turned-in to the government hazardous waste facilities. Examples of these wastes are excess hazardous substances purchased by the contractor for a job, and wastes generated by a contractor working on non-government buildings or equipment (i.e. contractors servicing their own or leased vehicles, emergency diesel generators, painting contractor-owned or leased equipment, etc.). In these cases, the contractors will need to obtain either a permanent or a temporary EPA identification number that belongs only to the contractor. Pursuant to 6.5 HSC 25163.3, some contractors may be eligible to take the waste offsite and consolidate it at their other facilities.

c. **Co-Generated Hazardous Waste**: Hazardous waste generated by contractors working on government owned property, such as buildings, equipment and vessels, may be turned-in to the government hazardous waste facilities under specific conditions. Examples of hazardous waste that are acceptable at these facilities include building demolition, asbestos abatement, lead abatement, contaminated soil removal, spent sandblast grit, paint chip debris, oil/lubricants and hazardous substances found when cleaning-out government spaces. Under these circumstances, the installation EPA identification number would be used and the contractor would receive a "waste turn-in form" for billing, tracking and data collection purposes. Prior to being provided with a government hazardous waste facility pickup (or delivery for industrial and oily wastes) appointment, the contractor must establish funding for the services and provide a waste profile. Regardless of whether the contractor uses the government hazardous waste facilities or private hazardous waste hauler and disposal facility, the government service provider shall sign the manifest, representing the installation as the waste generator. For more detailed information, see Appendix 7. For more information on manifesting for contractors, see Appendix 8-A.

SECTION 4 - UNIVERSAL WASTE MANAGEMENT

4.1 Overview

a. Universal wastes, are a frequently generated classification of Hazardous Waste, which are commonly used by wide ranging community from the general public to industrial processes or operations. These wastes have been granted less stringent waste management and storage requirements than other types of regulated hazardous waste. This less stringent approach allows the generator longer accumulation time to promote proper recycling, treatment or disposal of larger amounts of the specific wastes.

b. Currently in California, universal wastes are comprised of the following classifications of used, spent, or discarded.

- Batteries: The full range of dry cell batteries regardless of size. This does not include spent lead-acid automotive type batteries managed under the provisions of the hazardous waste requirements.

- Lamps: All lamps, except incandescent lamps are included. All high intensity discharge, neon, mercury vapor, high-pressure sodium and metal halides lamps. Broken lamps shall be collected, containerized and managed as hazardous waste.

- Mercury Containing Items: All control devices, thermostats, dental amalgams, appliance switches, or any other type of devices or switches that contain mercury or ampoules of metallic mercury.

- Cathode Ray Tubes: Intact computer monitors, vacuum tubes, television picture tubes or similar type items that contain lead or any other regulated metal. Computer monitors should be returned to DRMO vice managed as hazardous or universal waste. However broken monitors shall be collected, containerized and managed as hazardous waste.

- Consumer Electronic Devices: Anything with a printed circuit board.

- Aerosol Containers: Although aerosol containers are classified as universal waste, these items shall continue to be managed as hazardous waste with the exception for transportation from off-site locations to a waste disposal facility or another universal waste handler.

4.2 Management & Storage

a. To maintain consistent hazardous waste management practices throughout CNRSW, and to simplify the waste management and training process for ashore commands hazardous

waste personnel, universal waste generators should continue to properly manage and dispose of their universal waste through the CNRSW hazardous waste facilities.

b. Universal wastes must be recycled at an authorized facility, taken to a CNRSW hazardous waste facility or otherwise managed as hazardous waste and may not be placed or discarded in solid waste (trash) containers. This includes fluorescent tubes broken or intact, thermostats or other switches that contain mercury ampules or any type of wet or dry cell batteries.

c. All universal wastes shall be segregated and stored under the requirements for hazardous waste management, and not be accumulation for longer than *6 months* at the generator location.

d. Broken lamps, tubes, thermometer or other universal wastes items shall be containerized and managed under hazardous waste requirements of Section 3.4.

4.3 Labeling & Marking

a. Each universal waste item that is not in a container and/or each container shall be labeled. Each label shall be identified as "*Used*", "*Waste*" or "*Universal Waste*" followed by the type of universal waste being disposed (i.e. "Used Batteries", "Waste Lamps", Universal Waste-Cathode Ray Tube").

b. Each label shall also have the accumulation start date placed on it, identifying the date that the waste became a Universal Waste.

c. Hazardous waste labels shall ***not*** be used when labeling universal wastes for transportation or disposal.

4.4 Transportation & Record Keeping

a. Universal wastes may be transported to another universal waste handler or authorized disposal facility without using a hazardous waste manifest. However, the transporter must comply with Department of Transportation DOT shipping requirement for hazardous materials by using a bill of lading or other approved shipping document. In addition, universal wastes shall not be classified as hazardous waste or waste on the shipping document.

b. Shipping documents shall be maintained at the generators location for three years from the date of shipment, to include the following information:

- Name & address of generator.
- Quantity and type of each universal waste shipped.
- Date of shipment from the facility.

SECTION 5 - EMERGENCY AND NON-EMERGENCY PROCEDURES

5.1 Purpose

To inform CNRSW personnel on the process in which hazardous materials or waste spills are handled and reported. Upon discovery of *any* spill or release either in or outside the work area, which meets or exceeds the below criteria, follow the procedures outlined in Section 5.2. The command that has responsibility for the area where the spill or release occurred or was discovered shall coordinate all initial notifications.

- Any spilled substance that is greater than 5 gallons in total volume.
- Spilled substance(s) that enters a storm drain, sewer system or body of water (bay).
- The spill is not easily controlled or contained.
- Spills that threaten human health, safety, or the environment.

5.2 Emergency Notification Procedures

a. BE SAFE. If you do not know what the spill is, STAY AWAY and simply notify the emergency responders. Do NOT try to rescue any downed personnel.

b. Notify: Federal Fire at 9-911 or Central Dispatch at (619) 524-2001 and notify the installation Environmental Office (Refer to Appendix 6), and installation Safety Office. Provide the required information as outlined in Internal Spill Report Form, Appendix 5.

c. Secure: Limit the access of personnel to where the spill or release has occurred. Use barrier tape from the spill kit, warning cones or other warning items or signs to restrict access to the surrounding area.

d. Identify: Find out what type substance was spilled or released and if possible obtain an MSDS, lab analysis or other information pertaining to that substance.

e. Isolate: If safe, prevent the spill from spreading, cover or dike any nearby floor, storm, or sewer drains.

f. Follow all the specified response, notification or evacuation requirements outlined within your shops Hazardous Materials Business Plan.

5.3 Emergency Spill Equipment

All shops that generate or accumulate hazardous waste shall maintain the following emergency equipment and inspect these every thirty days:

a. Spill Control: Spill kits containing absorbent materials (socks, pads, absorbent clay aka: kitty litter) must be located near the storage/work areas to clean up and control leaking or spilled substances or wastes.

b. Communication Devices: Telephone, two-way radio, alarms must be located at or near the waste storage area to notify emergency response personnel (fire, security) in case of a spill, release or injury.

c. Fire Fighting: Portable fire extinguishers or other fire suppression equipment designed to extinguish the specific waste or material being stored must be available at or near the storage area.

d. Decontamination: Eyewash and or shower stations (required for all corrosives being handled) shall be located at or near the storage location or operating process.

e. Equipment Maintenance: Ensure that all communication, fire fighting, and other emergency equipment is regularly inspected, tested and maintained in proper operating condition.

5.4 Non-Emergency Notifications

All hazardous substance spills that occur outside of the work area, on roadways, common areas or building must be reported as soon as practical to the installation Environmental Office, regardless of whether the spill meets or exceeds the thresholds specified in Section 5.1.

5.5 Abandoned & Discarded Hazardous Substances

The following procedures are for CNRSW personnel who discover abandoned or discarded hazardous waste, medical waste or hazardous materials at unauthorized locations, common areas, outlying Navy property (housing areas) or that has been inadvertently placed into solid waste (trash) containers or dumpsters. In addition, this section identifies the steps necessary for the proper reporting, recovery, transportation and disposal of these wastes or materials.

5.6 Notification Procedures

a. In the event of the discovery of abandoned or discarded hazardous substance the discovering person shall notify 9-911 and report the incident *only* if the abandoned substance poses an immediate threat to human safety or is being released into the environment

b. If the discovered substance poses no immediate danger as indicated above, then notify the installation Environmental Office as soon as possible.

c. If the abandoned item is a compressed gas cylinder and located on a pier contact Port Operations.

5.7 Transportation & Disposal

a. A licensed and fully trained hazardous waste hauler shall be the only entity authorized to transport Navy owned abandoned, discarded or recovered hazardous waste or materials from off-site locations.

b. All recovered abandoned or discarded hazardous waste, medical wastes or hazardous materials, along with all corresponding documentation (manifests, if applicable), shall be transported to a Navy owned, RCRA Part B-permitted, hazardous waste storage facility (TSDF), authorized to receive offsite hazardous waste.

c. All abandoned or discarded wastes or materials that have been recovered shall be managed and disposed of as hazardous waste even if the material could be deemed "usable" or recycled.

d. Any recovered medical wastes shall be held at the permitted, waste storage facility until arrangements can be made for transportation and disposal to an authorized medical waste disposal facility.

NOTE: If CNRSW personnel are notified by a regulatory or other official agency that hazardous waste or materials from their organization have been recovered from a landfill or other location, immediately notify the installation Environmental Office.

SECTION 6 - HAZARDOUS WASTE MINIMIZATION

6.1 Purpose

The Hazardous Waste Source Reduction and Management Review Act, requires generators of hazardous waste to reduce the waste they generate. Additionally, the Pollution Prevention Act established the national policy that affects all operations or processes that generate pollutants, hazardous or toxic waste, stating "pollution should be prevented or reduced at the source whenever feasible, pollution that cannot be prevented should be recycled or treated in an environmentally safe manner, with disposal being the last option." To reduce the amount of hazardous waste generated, commands need to evaluate which processes or operations cause the generation of waste and what steps, process changes, chemical substitutes or modifications can be implemented to reduce or eliminate the generation of hazardous waste.

6.2 Implementation

Pollution reduction and prevention can be accomplished by specific process review or operational improvement measures commonly known as Source Reduction. Outlined below are specific waste minimization measures that may be implemented to reduce the amount of hazardous waste generated and to reduce the overall waste disposal cost.

a. Operational Controls: Command personnel should minimize the use of hazardous materials or use less hazardous products or substances whenever possible, and incorporate operational improvements, chemical/material substitution or process modifications, thus potentially reducing or eliminating the generation of hazardous waste at the source or at the initial point of generation. Substitution of raw materials or chemicals may offer the greatest opportunity for waste reduction. Replace materials that generate large amounts of hazardous waste with materials that produces little or no waste.

b. Administrative Controls: Implementing best management practices or centrally managed material inventory controls can reduce the amount of expired, excess or retrograde materials from being disposed of as a hazardous waste. Procedural changes can be implemented in many areas of the operational process such as chemical change-out timeframes. Since these procedures only affect the operating parameters they can be implemented at no or low cost to the activity. Additionally, implementing a strict and thorough maintenance program that stresses corrective and preventive maintenance will reduce the risk of releasing hazardous materials due to equipment break down or failure.

c. Recycling/Re-use: Numerous types of hazardous waste (e.g. oils, solvents) may be re-used or recycled at the process, command hazardous waste site, or by a contractor at an offsite location. Metal or plastic containers less than 5 gallons in capacity, holding hazardous material may also be recycled as scrap, pending *ALL* the material or residue has been removed. Solvents could be re-used in cleaning or degreasing process, which may only require surface preparation prior to another cleaning or stripping process. Review Section 3. 9 for the specific requirements regarding hazardous waste recycling.

d. Treatment: Treating wastes can be effectively used to reduce the volume of hazardous waste generated and waste disposal cost by converting the waste to a non-hazardous or less toxic state. However, hazardous waste treatment requires permitting and specialized treatment units, which could potentially offset any saving in waste disposal cost. For additional information on hazardous waste treatment refer to Section 3.8.

e. Training: Educating command personnel on basic material handling practices can result in immediate and direct reductions of waste generation and cost savings. This can involve taking steps as basic as complying with existing hazardous material or waste management regulations, the operational capacity and capabilities of different types of equipment (presses, conveyers, forklifts, etc.) to prevent spills or overfills during maintenance, to keeping containers closed to prevent the deterioration or spillage of the material.

SECTION 7 - CONTRACTOR RESPONSIBILITIES

7.1 Contractor Generated Wastes

a. The Government will not provide any support, containers, technical assistance, equipment, or storage at a Government facility for contractor-generated HW. All contractors conducting operations or processes located at CNRSW that produce "contractor generated" hazardous waste shall, label, segregate, accumulate, containerize, dispose and overall manage their waste as "the generator of the hazardous waste" in accordance with all Federal, state and local environmental laws or regulations including but not limited to the following.

- Hazardous waste shall be placed into Department of Transportation (DOT) shipping containers.
- All wastes shall be compatible with the containers used to store the waste.
- Inspect container storage area weekly, checking for open or leaking containers, missing labels, and or deterioration of containers or containment system.
- Ignitable and/ or reactive waste must be stored at least 50 feet from the base property line or from the closest inhabitable building.
- All containers shall be kept closed during storage except when adding or removing contents.
- All waste/material must be compatible if they are mixed or consolidated.
- All containers must have a clearly and properly filled out label with the accumulation start date.
- All waste must be properly disposed within 90 days from the initial accumulation start date.
- Hazardous waste/material shall not be placed or disposed in dumpsters or other solid waste (trash) containers.
- All hazardous waste/material spill or releases regardless of quantity must immediately be reported to the Federal Fire Department at 9-911. Cost of the clean-up and disposal of the spilled or released material shall be the sole responsibility of the contractor.

b. Contractor hazardous waste may not use the government EPA identification number for purposes of waste disposal, and shall apply for a permanent or temporary EPA identification number specific to their operations. Contractors working on Naval vessels

shall not name the vessel but are directed to provide the installation name and pier where the vessel is berthed for purposes of providing the generating site information. Reference Appendix 11 for the CNRSW policy on this topic. Under no circumstances shall contractors applying for EPA identification numbers identify the government as owner of the number.

c. Contracting officers or their representatives shall obtain a copy of the EPA ID number application submitted to DTSC by the generating contractor. It is their responsibility to confirm that the Navy is NOT listed as the generator of the waste. For any application found to list the Navy as the generator, the contracting officer shall immediately contact the contractor to remove the Navy as the generator and get the application corrected to list the contractor as the generator.

7.2 Co-Generated and Government-Generated Hazardous Wastes

a. CNRSW commands using contractors that generate navy owned hazardous waste shall be responsible for the proper management of their waste in accordance with the provisions of the CNRSW Hazardous Waste Management Plan. For HW that the contracting officer has provided an e-mail stating that the HW is to be designated Government generated or Co-generated waste, the waste may be disposed of using the installation EPA identification number and the manifests must be signed by the CNRSW environmental services provider.

b. The contractor is required to characterize the waste, which includes any analytical testing necessary to develop a waste profile to be used for disposal. Containers are not provided to any contractor unless the HW is being turned in to the government hazardous waste facilities. The contractor must establish a Job Order Number (JON) for any environmental services. The contractor must contact the NAVFAC-SW staff (see Appendix 6) to set up this line of accounting prior to any services provided.

c. Additional fees for waste disposal may need to be secured for waste disposal payment to the California Board of Equalization. These fees are paid twice each year in various amount based on the volume of waste manifested for disposal. Refer to Appendix 10, CNRSW Policy Letter for additional information.

NOTE: Contractors should refer all questions or comments regarding this section to their respective Contract Office or NAVFAC-SW environmental point of contact. Refer to Appendix 6 for a list of contacts.

PART I

APPENDICES

Appendix 1	Letter of Designation
Appendix 2	Weekly Accumulation Area Inspection Form
Appendix 3	Daily Tank Inspection Form
Appendix 4	Hazardous Waste On-The-Job Training Requirements
Appendix 5	Internal Spill Report
Appendix 6-A	CNRSW Points of Contact
Appendix 7	Policy on Hazardous Waste Generated by Contractors in San Diego Metro Area
Appendix 8-A	Hazardous Waste Manifesting for Contractors Procedure
Appendix 8-B	Hazardous Waste Manifest Error Correction Letters
Appendix 9-A	Sample Hazardous Waste Label
Appendix 9-B	Sample Excluded Recyclable Material Label
Appendix 9-C	Sample Non-Hazardous Waste Label
Appendix 10	CNRSW Board of Equalization Policy Letter
Appendix 11	CNRSW Letter to DTSC on Naval Vessels and EPA Identification Numbers with Related Historical Documentation

Hazardous Waste Handler/Coordinator

Appointment Letter & Job Description

From:

To:

Subj: APPOINTMENT AS HAZARDOUS WASTE HANDLER/COORDINATOR

Ref: (a) Title 40, Code of Federal Regulations, Part 260 – 265
(b) Title 22, California Code of Regulations, 66265.16
(c) OPNAVINST 5090.1 Series

1. You are hereby appointed Hazardous Waste Handler/Coordinator for _____. As the Hazardous Waste Handler/Coordinator you are responsible for being familiar and ensuring compliance with the "cradle to grave" provisions as a "generator of hazardous waste". You are responsible for the proper disposal, storage and overall hazardous waste management for your work center within your area of responsibility as specified by the Federal, State and local hazardous waste regulations, references (a) & (b) and Navy Environmental Policy, Guidance and Instructions. Your duties include but are not limited to the following:

a. Maintain records for the Hazardous Waste Program, including, letters of designation, personnel environmental training documentation, hazardous waste turn-in documents, storage area and tank inspection records, business plans, waste profile sheets, lab analysis, and copies of manifests and bills of lading. This documentation shall be maintained at the generator location for three years.

b. Ensure storage/accumulation area is inspected weekly with adequate aisle space between rows of containers (2 feet minimum). Maintain at or near the waste storage/accumulation area sufficient spill control equipment able to absorb or contain the amounts and types of waste being stored and have available a properly functioning communication or alarm system to notify emergency personnel incase of injury, spills or releases.

c. Ensure all hazardous waste and or recyclable materials are properly identified, labeled, containerized, segregated by hazard class and turned-in for proper hazardous waste disposal prior to the 90-day storage limit or other applicable waste storage limits.

d. Ensure all containers are kept closed (with proper fitting lids, bungs or caps), are in good condition with no severe rust or dents, are compatible with the waste they contain, have no accumulated waste or residues on the tops of containers and are stored at least 50 feet from the property line. Flammables must be grounded during waste consolidation operations.

e. Ensure all hazardous waste tanks have documented daily inspections, check for leaks, spills or other signs of release around the tank, piping and in the secondary containment, check the tank, piping and foundation for cracks gaps or other structural damage. Check the tanks alarm system for proper operation, and annual certification (if applicable). Ensure tank and or piping are properly labeled with secure fitting covers, tanks with no covers must have a minimum 2 feet of freeboard.

f. Attend formal or supervised on-the-job training as provided by the installation Environmental Office within six months from being appointed to this position with annual hazardous waste refresher training as required.

g. Ensure training is conducted for work center personnel on emergency procedures for spills or releases, spill clean-up, fire suppression and safety equipment and locations, waste/material storage and handling requirements or any other specific environmental requirements that apply to your shop.

h. Notify emergency response personnel @ 9-911, and the installation Environmental and Safety Offices whenever there is a spill of hazardous waste/material that meets or exceeds the report thresholds or if any amount of waste or material enters storm drains, sewer system or is released into a body of water.

i. Notify the installation Environmental Office whenever there are: changes to the business plan site map, change in emergency contact person or phone number, or upon the installation or modification of any hazardous waste tanks, or any other work center changes that affect the hazardous waste program.

2. I have read and understand my position and job description as Hazardous Waste Handler/Coordinator and that I will be held accountable to fully comply with all applicable environmental regulations and Navy environmental policies.

_____ Date_____
Hazardous Waste Handler/Coordinator

_____ Date_____
Supervisor

Hazardous Waste Accumulation Area
Weekly Inspection Form

	YES	NO
1. STORAGE AREA		
All trash or debris disposed of properly.	O	O
Any sign of spills or releases.	O	O
Adequate aisle space and clear access.	O	O
2. CONTAINERS		
Are any containers leaking.	O	O
Lids and bungs securely closed.	O	O
Are any containers damaged or bulging.	O	O
Ignitable containers grounded (during transfer operations).	O	O
Are non-compatible waste segregated.	O	O
Are empty containers > 5 gallons labeled and dated when emptied.	O	O
3. LABELS		
Are all containers labeled.	O	O
Are labels properly and completely filled out and readable.	O	O
Is accumulation date less than 90 days.	O	O
4. SECONDARY CONTAINMENT		
Are there any cracks, gaps or splitting.	O	O
Are floor drains/valves plugged or closed.	O	O
Any accumulated liquid or waste in the containment area.	O	O
5. EMERGENCY EQUIPMENT		
Fire extinguishers in operating condition.	O	O
Safety shower/eyewash operating correctly.	O	O
Spill kits or absorbent material available.	O	O
Communication or alarm system is operational.	O	O

Comments/Corrective Action_____

Inspector_____ Date_____

Hazardous Waste
Daily Tank Inspection Form

The operator shall inspect at least once each operating day:

	SAT	UNSAT	N/A
1. Overfill/ spill control equipment, waste feed cutoff or drainage system to ensure that is in good working order.	O	O	O
2. Aboveground portions of the tank system (valves, hoses, piping) to detect any corrosion, cracks or leaks.	O	O	O
3. Data on monitoring/leak detection equipment to ensure the tank system is operated according to design.	O	O	O
4. Surrounding areas of the tank system, and foundation to cracks, dead vegetation, erosion or signs of release.	O	O	O
5. Ensure that tanks with no covers have a minimum of 2 feet of freeboard.	O	O	O
6. Ensure that the hazardous waste label is properly filled out and is readable.	O	O	O
7. Ensure the tanks secondary containment system has no cracks, deterioration, accumulated liquids or sludge.	O	O	O

COMMENTS/CORRECTIVE ACTION _____

Inspector _____ Date _____

Hazardous Waste

On-The-Job Training Requirements

1. Personnel that manage hazardous waste shall successfully complete an on-the-job or formal classroom training program that teaches them to perform their duties in a way that ensures the compliance with hazardous waste requirements (See Section 3-5).

2. This training program must be directed by a person trained in hazardous waste management procedures and shall include instructions which teaches personnel hazardous waste management operations, emergency procedures, and compliance requirements relevant to the positions in which they are assigned.

3. At a minimum, this program shall be designed to ensure those personnel:

- Are able to respond effectively to emergencies by familiarizing themselves with emergency procedures, equipment and systems that are specific to your shop.
- Are able to identify, separate and segregate hazardous waste by hazardous class and/ or compatibility of the wastes.
- Are able to properly containerize, manage and label hazardous waste.
- Conduct hazardous waste accumulation area inspections by identifying deficiencies
  and performing corrective actions.
- Take part in an annual review of the initial hazardous waste training as it applies to their assigned duties.
- Comply with all requirements identified within this Hazardous Waste Management Plan.

4. All training shall be in a written format and have documentation of personnel receiving the training, and shall be provided to the inspecting agency upon request.

Spill Report

1. Name of the person reporting. _____
2. Command reporting spill. _____
3. Phone number of the person reporting. _____
4. Date and time that the spill occurred. _____
5. Exact address or location of the spill. _____

   _____
6. Type of hazardous material or waste spilled. _____
7. The amount of hazardous material or waste spilled. _____
8. Describe the conditions at the spill location. _____

   _____
9. Describe control and containment. _____

   _____
10. Describe samples taken._____
11. What notifications were made? _____

    _____
12. Disposition of spilled substance. _____

    _____

NAVY REGION SOUTHWEST
POINTS OF CONTACT

CNRSW-HQ HAZARDOUS WASTE PROGRAM OFFICE

CNRSW HW Program Manager	532-3840
Alternate HW Program Manager	532-2278

CNRSW INSTALLATION ENVIRONMENTAL OFFICE DIRECTORS

NBC	545-3429
NBSD	556-1532
NBPTLOMA	553-0526

NAVFAC-SW HAZARDOUS WASTE FACILITY OPERATIONS

Subject Matter Expert Funding/Data Calls/CST	532-2058
Alternate Subject Matter Expert Funding/Data Calls/CST	532-4326
Alternate Subject Matter Expert Funding/Data Calls/CST	532-3323
Subject Matter Expert for Bulk Waste	571-4175
Subject Matter Expert for Laboratory Services	532-1524
Shaw IWOW Manager	279-9195
Shaw/Clean Harbors Containerized Waste Manager	545-6520
Shaw Laboratory Storefront Manager	954-8404
NAVSTA Containerized Waste Facility	556-9600
NASNI Containerized Waste Facility	545-6520
SUBASE Containerized Waste Facility	553-1303

Contractor Hazardous Waste Policy

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JHB.cg/0311
September 19, 2006

From: Commander Navy Region Southwest (N45)

Subj: POLICY ON HAZARDOUS WASTE GENERATED BY CONTRACTORS IN SAN DIEGO METRO AREA

Ref: (a) OPNAVINST 5090 Series
(b) CFR, Title 40, Part 260, et. seq.
(c) CFR, Title 49, Part 171, et. seq.
(d) USC, Title 10, Part 7311, et. seq.
(e) CA HS&C, Chapter 6.5, et. seq.
(f) CCR, Title 22, Division 4.5, et. seq.
(g) Shaw SOP HW-05-003, Hazardous Waste Turn-In Procedure for Forces Afloat
(h) Shaw SOP HW-05-004, Hazardous Waste Turn-In Procedures for Shore Activities
(i) Shaw SOP HW 05-006, Hazardous Waste Manifesting Services
(j) Shaw SOP HW 05-021, Hazardous Waste Characterization
(k) Shaw SOP HW 05-022, Hazardous Waste Pre-Acceptance
(l) Shaw SOP IWOW-021, IW/OW Waste Waste Acceptance Procedure and Criteria

1. Purpose: To provide for better control over hazardous waste that the government is liable for and that is generated by contractors providing services to military installations within the San Diego area. This policy should also provide for some cost efficiencies as related to the EPA Identification Verification fees, manifest fees, BOE fees, annual reporting and other such indirect hazardous waste management costs.

2. Scope: This policy applies to all Naval activities, including their contractors and subcontractors, in the San Diego metro area.

3. Background: CNRSW is the owner of several EPA identification numbers for various installations within the San Diego metro area. CNRSW is also the owner of RCRA permitted hazardous waste treatment, storage, and disposal facilities within the San Diego area, including some tiered permitted facilities and 90-day storage facilities. Collectively all these

locations are referred to as Hazardous Waste Facilities (HWFs). Operation of the HWFs, including management of the EPA ID numbers, manifesting services and signatory authority for hazardous waste manifests has been delegated to service providers hired by the Naval Facilities Engineering Command Southwest (NAVFAC SW). Effective April 1, 2005, the San Diego area service provider is Shaw Infrastructure and their team subcontractors, Clean Harbors and E-Max. The service providers are collectively referred to as Shaw. CNRSW and installations are required to adhere to the requirements in references (a-f).

4. Policy: There are three categories of hazardous waste generation for accountability. Determining the category of hazardous waste generation must be resolved before pursuing any disposal option.

a. Government Generated Hazardous Waste: Hazardous waste generated solely by the physical actions of military forces or federal government employees shall only bear a generator EPA identification number issued to the installation where the waste was generated. Contractors removing such waste must obtain concurrence with the hazardous waste profile as Government-generated, before completion of the manifest. The manifest shall be presented to Shaw Infrastructure for review and upon approval, Shaw shall sign the manifest, representing the installation as the generator of the hazardous waste.

b. Contractor-Generated Hazardous Waste: Hazardous waste generated solely by the physical actions of contractors that is not identified under the contract terms ***shall not*** be turned into the HWFs. Examples of these wastes are excess hazardous substances purchased by the contractor for a job, and wastes generated by a contractor working on non-government owned buildings or equipment (i.e. contractors servicing their own or leased vehicles, emergency diesel generators, painting contractor-owned or leased equipment, ...etc). In these cases, the contractors will need to obtain either a permanent or a temporary EPA identification number that belongs only to the contractor. Pursuant to 6.5 HSC 25163.3, some contractors may be eligible to take the waste offsite and consolidate at their other facilities.

c. Co-Generated Hazardous Waste: Hazardous waste generated by contractors working on government owned property, such as buildings, equipment and vessels, may be turned-in to the HWFs, under specific conditions. Examples of hazardous waste

that are acceptable at the HWFs include building demolition, asbestos abatement, lead abatement, contaminated soil removal, spent sandblast grit, paint chips debris, oil/lubricants and hazardous substances found when cleaning out government spaces. Under these circumstances, the installation EPA ID number would be used and the contractor would receive a waste "turn-in" form for billing, tracking and data collection purposes.

Prior to being provided with a Container, Storage, and Treatment (CST) facility pickup appointment or an Industrial Waste/Oily Waste (IW/OW) facility delivery appointment, the contractor must establish funding for the services. Contractors should contact NAVFAC SW Residual Organization (RO) team member Minnie McGriffin at (619) 921-7457 for assistance with this step. The funding step creates a line of accounting referred to as a Job Order Number (JON). To create an appropriate JON, the customer must submit an estimate of the type and amount of hazardous waste to be turned-in. The NAVFAC SW RO staff will provide an estimate on the amount of funding needed (i.e. 500 lbs of lead based paint chips are currently $1.75/lb as a containerized waste disposal commodity rate.) NAVFAC SW RO Team members will periodically communicate with the customer whether excess funding is to be returned upon job completion or whether additional funding is necessary based on actual volumes turned-in.

5. HWF Supplementary Information: Shaw Infrastructure and their team subcontractors do not provide manifesting services for infectious medical wastes, non-hazardous waste, unknown materials, or any solid wastes to be disposed in a Class III landfill. The HWFs are not permitted to receive radioactive waste nor Class I, II and III explosives and these must be manifested off-site directly from the originating location. References (d-l) provide additional details on hazardous waste manifesting services and hazardous waste turn in procedures.

The HWF permits for the Container Storage and Treatment locations prohibit hazardous waste delivery to the CST, therefore, hazardous waste must be picked up by the service provider. Although a pick-up schedule exists for the piers and some shore activities, customers must contact the CST to schedule a pickup service. The HWF permits for IW/OW locations are permitted to receive specified liquid hazardous waste streams in bulk (i.e. vacuum truck). Before delivery, contractors must contact the IW/OW Scheduler for waste acceptance. Contractors are required to package the waste in accordance with DOT requirements and provide hazardous waste characterization

Subj: POLICY ON HAZARDOUS WASTE GENERATED BY CONTRACTORS IN SAN DIEGO METRO AREA

information, such as Material Safety Data Sheets and/or representative analytical test results. Questions on hazardous waste packaging, characterization acceptance at the HWFs and scheduling must be directed to (619) 545-6520.

6. Request widest dissemination possible, including tenant activities and stand alone commands, auxiliary commands and all commands with contracting authority.

PETER A. KENNEDY
Program Director Environment

Distribution:

CO, Naval Base San Diego
CO, Naval Base Point Loma
CO, Naval Base Coronado
CO, Naval Facilities Engineering Command, Southwest
CO, Fleet and Industrial Supply Center, San Diego
CO, Puget Sound Naval Shipyard
CO, Military Sealift Command, Pacific
CO, Southwest Regional Maintenance Center
CO, Space and Naval Warfare Systems Center, San Diego
CO, Naval Medical Center, San Diego
Dave Young, Fitness and Recreation Program Manager
Roland Santos, Navy Exchange District Manager

Contractor Manifesting Procedure

SOP No.	HW-05-006
Date	03/09/05
Date of Revision	05/10/10
Page	1 of 11

UNCONTROLLED
WHEN REPRODUCED

STANDARD OPERATING PROCEDURE

Subject: **Hazardous Waste Manifesting**

References:
(a) Code of Federal Regulations, Title 49
(b) Code of Federal Regulations, Title 40
(c) California Code of Regulations, Title 22
(d) U.S. Navy Environmental and Natural Resources Program Manual – OPNAVINST 5090.1 (Series)

Enclosures:
(1) CSW-017 (EPA ID Number List)
(2) CSW-018 (Waste Acceptance Form)
(3) CSW-019 (Uniform Hazardous Waste Manifest)
(4) CSW-020 (Discrepancy Letter)
(5) CSW-021 (Exception Report)
(6) CSW-022 (Vehicle Inspection Form)
(7) CSW-006 (Hazardous Waste Profile Sheet)
(8) CSW-023 (Completing the Manifest)
(9) CSW-024 (Manifest Tracking Log)
(10) CSW-025 (Management Method Codes)
(11) CSW-026 (Manifest Flow Chart)
(12) CSW-027 (Completing/Reviewing the LDR)
(13) CSW-082 (Manifest Data Sheet)

1.0 PURPOSE

The purpose of this procedure is to establish a Standard Operating Procedure (SOP) for personnel providing manifesting services under contract N68711-03-D-4302.

2. BACKGROUND

The Service Provider manages EPA Identification Numbers (Enclosure 1) for Naval and Marine Corps activities in the San Diego area and provides manifesting services for Hazardous Waste (HW) generated by those activities. Manifesting services are provided for:

a) Waste generated by federal activities and transported by a private hauler under government contract.

b) Waste generated by federal activities and transported by employees of the Service Provider.

c) Waste generated by a private company that is providing services to a Naval or Marine Corps activity under a government contract if the contract states that the Navy is the generator or co-generator of the waste.

The HW manifested includes such items as gasoline, solvent, paint thinner, asbestos, oil, fuel, spent abrasive blast media, Safety Kleen solvent, and bulk pumping waste. The Service Provider does not manifest infectious medical wastes, non-HW, unknown materials, or any solid wastes to be disposed in a Class III landfill (explosives may not be received at any HWF and must be manifested off-site directly from the generator's location).

3. SCOPE

This procedure defines manifest preparation and distribution, signature authorizations, transporter vehicle inspections, and other certification requirements.

Reference: Contract ID # N68711-03-D-4302

The SOP describes the duties and responsibilities of personnel associated with the manifesting process and includes procedures for customers to obtain manifesting services. The step-by step procedure for preparing a Uniform Hazardous Waste Manifest (UHWM-Enclosure 3) is included in this SOP, however, references (a), (b), and (c) and the manifest preparation procedures detailed on the back of the last copy of any UHWM contain additional clarification.

4. ACTION

This document applies to all Service Provider personnel in the San Diego area, who are manifesting HW as authorized by the contract and CNRSW.

5. DEFINITIONS

a) **HWF Facility** – (HWF) a consolidation, storage, and transfer facility for HW and HM.

b) **CSW-** Containerized Solid Waste

c) **Hazardous Waste (HW)** – is any waste as defined in 40 CFR Part 261.3 and CCR Title 22 Part 66261.3.

d) **Hazardous Material (HM)** – is any material or substance, which even in normal use poses a risk to health, safety, or the environment.

e) **Service Provider –** The company or entity operating HWF facilities and providing Containerized Solid Waste (CSW) management services to the Navy under contract N68711-03-D-4302.

f) **Uniform Hazardous Waste Manifest (UHWM)** – is a shipping paper required by CFR, Title 40 and CCR, Title 22 to document shipment of HW or non-RCRA HW.

g) **Waste Turn-In Form** - is an accounting document used to bill activities accounts for management of their HW.

6. RESPONSIBILITIES

6.1 CSW Manager (CM)

a) Ensure that Supervisors are kept informed of customer/contractor manifesting issues that may result in command level attention.

b) Maintains this SOP and incorporates changes and revisions.

c) Ensures that manifest policy changes are communicated, in writing, to Service Provider personnel providing manifesting services prior to implementation.

d) Ensures that Service Provider personnel who provide manifesting service are properly trained and authorized to sign manifests on behalf of CNRSW.

6.2 HWF Supervisor (Supervisor)

a) Ensures Disposers/Leaders receive required training prior to being authorized to sign manifests.

b) Ensures Disposers/Leaders receive required training prior to being authorized to sign manifests.

c) Ensures Disposers/Leaders training and signature authorization requests, and material requisitions for manifesting supplies are processed in a timely manner.

Reference: Contract ID # N68711-03-D-4302

d) Ensures Disposers/Leaders follow provisions of this SOP and that any necessary changes be proposed to the CM for approval prior to implementation.

e) Ensures that "facility copies" of UHWMs are filed, kept on site, and are readily available for examination during regulatory inspections (this requirement only applies to the permitted TSDFs at NBSD and NBC).

f) Ensures that the CM is kept informed of manifesting issues that may come to Business Line level attention (including Exception and Discrepancy Reporting requirements).

6.3 HWF Disposers (Disposers)

a) Prepare UHWMs in accordance with this SOP and references (a), (b), and (c).

b) Adhere to the requirements of the SOP, submitting proposed changes or revisions to the supervisor as necessary.

6.4 HWF Leaders/Record Keeper (Leader)

a) Immediately notify the CM or Compliance Manager when a situation arises that may require a Manifest Exception Report or a Manifest Discrepancy Report for major discrepancies.

b) Report questions about manifest tracking requirements of this SOP which may require communication with federal, state and local regulatory agencies, transporters and owners/operators of Treatment, Storage and Disposal Facilities (TSDF) to the Compliance Manager or CM.

c) Initiate and complete the entries into the manifest tracking database to track the flow of manifests from initiation to final destination. Perform manifest filing as required.

d) Obtain and post the required copies of manifests to the State of California Department of Toxic Substance Control.

e) Maintain a stock of blank manifests on hand to fulfill CSW manifesting requirements.

f) Adhere to the requirements of this SOP, submitting proposed changes or revisions to the CM as necessary.

g) Maintain a secure filing system for UHWMs and Land Disposal Restriction Notifications. Ensure that the files are organized to accommodate quick search capabilities. Maintain all copies indefinitely.

h) Participate, as the manifest files expert, in regulatory agency inspections and environmental compliance evaluations as necessary to provide requested manifest copies and to describe the filing system.

6.5 CSW QC/Compliance Manager (Compliance Manager)

a) Resolve questions regarding the manifest tracking requirements of this SOP by communicating with federal, state and local regulatory agencies, transporters and owners/operators of Treatment, Storage and Disposal Facilities (TSDF), as required regarding manifesting concerns. Brief CM as necessary to ensure communication with outside parties is authorized at the appropriate level.

b) Audit manifest preparation, tracking, and filing operations periodically to ensure compliance with this SOP and references (a), (b) and (c).

Reference: Contract ID # N68711-03-D-4302

c) Assist in the preparation, review, authorization and distribution of Manifest Exception, Manifest Discrepancy or Un-manifested Waste Reports.

6.6 CSW Profile Specialist (Profile Specialist)

a) Assists in the review or creation of waste determinations, profiles and LDRs in preparation for shipment of hazardous waste.

7.0 PROCEDURES

7.1 Obtaining Service

HWF clients can obtain manifesting services, Monday through Friday, from 0730-1600, by calling (619)545-6520. There may be an additional charge for this service for non-Navy organizations as authorized by the RO. Off-base manifesting will not be scheduled after 1400. If there is a manifest service request, the Manifest Data Sheet(Encl 13) should be provided to the person requesting service for completion. The Manifest Data Sheet will be used to record the below information and shall be retained with the manifest for filing.

a) Contract, task order or job order number (JON) the service will be billed to
b) Name and contact information of the person requesting manifest
c) If the waste is generated by a contractor, the name of the contracting officer and phone number, the name of the prime contractor and contract manager.
d) Location of the waste
e) Name of generating activity and activity code and EPA ID#
f) Name, address, EPA ID#, and facility phone# of the designated TSDF.
g) Name and EPA ID# of the transporter(s).
h) Waste determination or waste profile information.
i) Who is responsible for generating the manifest and LDR form?
j) Place and time of shipment.

7.2 Pre-Manifest Requirements

Manifest requests are normally received from government contractors, staff civil engineering offices, FEAD (Facilities Engineering & Acquisition Division) offices or the Contracting office. Manifesting requests from government contractors must be approved, in writing, by the applicable government contracting office.

a) Upon receipt of a request, the Service Provider determines if CSW personnel have manifesting authority (refer to Enclosure 1). If not, the requestor is directed to the proper manifesting authority.
b) If the waste will be shipped to a Navy TSDF, verify funding for the JON.
c) If the manifesting services are being requested for bulk pumping then a Waste Acceptance Form must be initiated (Enclosure 2) for waste destined to the Industrial and Oily Waste Treatment Plant.
d) Verify the names and EPA ID#s of the Generator, Transporter and TSDF. If the EPA ID#s are not found in enclosure (1), get assistance from the Profile Specialist or Compliance Manager to verify them.

e) Verify waste determination or profile information with the assistance of the Profile Specialist.

f) A UHWM (Enclosure 3) is initiated in accordance with this SOP and references (a), (b) and (c).

g) When preparing manifests, the name of the actual waste generating activity and location (building number or street address) must be included in Box #5 under Generator's site address.

h) The following address is used in Block #5 under Generator's name and mailing address if the Service Provider is the manager of the EPA ID number.

Commander, Navy Region SW
P.O. Box 181470
Coronado, CA 92178-1470
619-545-6520

i) For waste transported by the Service Provider:

Block 6 (left) reads: Clean Harbors Environmental Services, Inc.
Block 6 (right) reads: MAD039322250
Emergency Contact: 619-545-6520 (used for transport issues beginning and ending same day during normal working hours).
Emergency Contact: 800-483-3718 (for transport before or after normal working hours, response must be coordinated with the CM in advance).

j) For Navy Facilities receiving the waste, generator name should read:

NASNI HW Facility Complex or NBSD HW Facility Complex

k) Block 13 of all UHWMs must contain federal and state waste codes to describe each waste stream (up to six). State waste codes are not to be redundant with federal waste codes.

l) California Code of Regulations part 66268 and 40 CFR 268 describe written notifications generators, transporters and TSDFs are required to communicate about the land disposal restrictions (LDR) which apply to the waste they ship. The generator or TSDF is required to determine if the waste can be landfilled without additional treatment, what treatment standards must be met and if there is a specific treatment technology required for the waste. In general, a one-time notification is required with copies maintained by both the generator and TSDF. If the waste or TSDF change, a new notification must be sent and maintained. Enclosure 12 contains additional clarification and direction on how to complete or review the LDR form. The LDR must comply with references (b) and (c). The shipment of a new waste stream necessitates a LDR with the first shipment. The regulations have changed significantly over time. Please contact the Profile Specialist with questions about how to properly complete an LDR. The person signing the manifest cannot assume an LDR already exists and must check before the manifest is signed.

7.3 Manifesting Process

Enclosure 8, "Completing the Manifest", describes the specific tasks to complete the UHWM. Where the Service Provider does not complete the manifest, this enclosure can be used to guide the review of the manifest prior to signature.

7.4 Actions at the Time of Shipment Prior to Signing the Manifest

a) Inspect the driver's license to ensure it is current and has a hazardous materials endorsement (H or X).

b) Inspect the DOT medical certificate to ensure it is current.

c) Ensure the generator, transporter and TSDF EPA ID #s are valid (see Enclosure 1).

d) Ensure the transporter has a current California DMV Motor Carrier Permit, State of California Hazardous Materials Transportation License, Department of Toxic Substances Control Hazardous Waste Transporter Registration, US DOT Hazardous Materials Certificate of Registration and Hazardous Materials Safety Permit, and Certificate of Liability Insurance.

e) Ensure the vehicle and container(s) conform to the applicable DOT regulations. (ex.vehicle must be lockable and driver must have two-way communications).

f) For any waste streams not already verified, review the profiles (see Enclosure 7 for example) and lab analyses to ensure proper waste determination.

g) If the HW pick-up requires bulk pumping, a Waste acceptance form must be completed. (See Enclosure 2)

h) After the waste is loaded, it must be inspected to ensure proper segregation and the containers are secure IAW reference (a).

i) Verify that the container count; container labeling and the manifest(s) are the same.

j) Any discrepancies observed during the inspection will be rectified prior to signing the manifest.

k) If the waste will be transported by the Service Provider, follow SOP HW-05-003 or HW-05-004.

7.5 Manifest Distribution at the Time of Shipment

a) The Service Provider manages the EPA ID#, is the transporter and manages the TSDF (Enclosure 1).

- The driver will sign the manifest (if authorized) as the generator and the transporter.
- The driver will sign the LDR (if authorized).
- The driver will provide a photocopy of the manifest to the local environmental officer and will take all copies of the original manifest and transport the waste to the designated TSDF.
- A legible copy of the "Generator initial copy" is delivered to NBC building 1606 within 48 hours.

b) The Service Provider does not manage the EPA ID #, but is the transporter and TSDF (Enclosure 1).

- The driver will sign the manifest (if authorized) as the transporter.

Reference: Contract ID # N68711-03-D-4302

- The "Generator initial copy" will be left at the local environmental office and the driver will take the remaining manifest copies with the waste to the TSDF.

c) The Service Provider manages the EPA ID#, but is not the transporter or TSDF (enclosure 1).

- The Service Provider employee will sign the manifest and LDR as the generator (if authorized).
- The Service Provider employee will provide a photocopy of the manifest to the local environmental officer and deliver a legible copy of the "Generator initial copy" to NBC building 1606 within 48 hours. The manifest data sheet and if applicable, the Land Disposal Restriction Notification and copies of analyses must be filed with the manifest
- The remaining copies are given to the driver.

d) If the shipment is not described above, the Service Provider employee will discuss proper procedure with the CM prior to manifest signature.

7.6 Manifest Distribution After Shipment

The distribution of manifests depends largely on the role that the Service Provider plays in the generation, transportation, and disposal of the subject HW. The Manifest Flow Chart (Enclosure 11) describes how manifests are handled after shipment has started.

a) The Record Keeper ensures the manifest has been filled out completely, including the Hazardous Waste Report Management Method Codes (Enclosure 10) in box 19 and enters the manifest information on the Manifest Tracking Log (Enclosure 9).

b) Manifests will be reviewed by designated personnel weekly and prior to distribution and filing. Discrepancies are directed to the Compliance Manager or CM for resolution prior to distribution and filing.

c) The Record Keeper records the subsequent filing and distribution status for each manifest on the Manifest Tracking Log. Enclosure 9 shows an example of how the data is organized.

- Manifest # Manifest Tracking Number in block 4 of the manifest
- Date Signed Generator's/Offeror's Signature Date in block 15
- Date Declared Designated Facility Signature Date in block 20
- Location Notes Description of manifest distribution

d) The Generator Initial manifest copy is maintained in a three-ring binder organized by date of shipment until the TSDF returned copy is received. The Record Keeper matches the TSDF returned copy to the Generator initial copy and files them together in the completed manifest file cabinet. Completed manifests are filed in the manifest file cabinet in folders by EPA ID# and month.

e) The Record Keeper reviews the three-ring binder with Generator initial copies of manifests weekly to ensure the TSDF returned copies are received within 30 days. If not, the Record Keeper calls the receiving TSDF after 30 days. If not received within 40 days, the CM is notified. An exception report (Enclosure 5) is written to the DTSC if not received within 45 days. This document is reviewed by the RO and the Appropriate Base Environmental Office prior to being sent.

f) Waste shipments into and out of HWF's are entered in the EWBATTS database by the Record Keeper.

7.7 Discrepancy Letters

a) Manifest discrepancies are differences in quantity or type of HW designated on the manifest, and the quantity or type of HW a facility actually receives.

b) Significant discrepancies in quantity are variations greater than 10 percent in weight for bulk waste and any variation in piece count for containerized shipments.

c) Significant discrepancies in waste type are obvious differences, which can be discovered by inspection or waste analysis, such as solvent substituted for acid, or toxic constituents not reported on the manifest.

d) Other discrepancies (such as improper EPA ID number, missing signatures, incorrect dates, etc.) that appear on a manifest must be corrected before the manifest is considered complete.

e) Upon discovery of a discrepancy, an attempt shall be made to reconcile it by telephone or written correspondence with the generator, transporter, or TSDF as applicable. Corrections to manifests following the shipment must be changed on all copies. When a manifest is corrected after shipment, documentation describing how that change was authorized and who was contacted is maintained with the manifest. If the discrepancy has not been corrected prior to distribution of one of the copies to DTSC, a Manifest Discrepancy letter (Enclosure 4) shall be sent to DTSC describing the discrepancy and attempts to reconcile it. Copies of correction letters are filed with the manifest.

f) Upon discovering a discrepancy involving a HW of concern, as defined in Title 22, Section 66261.111(a), if the waste at issue represents a reportable quantity or a reportable difference in type, as specified in Section 6626.111(b) and (c), the Service Provider shall attempt to reconcile the issue with the generator or transporter. If the issue is not reconciled within 24 hours, after discovery, the Service Provider shall immediately notify the RO and CNRSW Environmental and the DTSC will be notified by calling 1-800-698-6942 and providing the following information:

- Facility name and EPA ID number
- Generator name and EPA ID number
- Transporter name, EPA ID number and registration number
- Manifest number, information from line 9, 10, 11, 12 and 13 of the manifest (including proper shipping name, hazard class, identification number, packing group, number of containers, container type, quantity or volume at issue, weight or volume units, and waste codes)
- Potential location or transportation routes where the HW of concern may have become missing.

g) The Base Environmental Office must review all draft agency correspondence prior to sending to the agencies, and a hard copy must be given to the RO and Base Environmental Office at the time the agency letter is sent out.

7.8 Exception Reports

a) If the Navy is the generator of the manifested HW and does not receive a copy of the manifest with the hand written signature of the owner or operator of the designated facility within 30 days of the date the waste was accepted by the initial transporter, the Service Provider shall contact the transporter and/or the designated TSDF to determine the status of the HW.

b) If 45 days passes from the date the original transporter accepted the HW and the Service Provider has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated TSDF, an Exception Report shall be submitted to DTSC. Copies of Exception Reports shall be kept on file in the HWF Office. The Exception Report (Enclosure 5) shall include:

- A legible copy of the manifest for which the generator does not have confirmation of delivery.
- A cover letter signed by the CH or designated representative that explains the efforts taken to locate the HW and the results.

c) The RO and/or Base Environmental Office must review the draft Exception Report prior to sending to the agencies, and a copy must be given to the RO and Base Environmental Office at the time the report is sent out.

7.9 Un-manifested Waste Report

a) If off-site waste is received at the TSDF without a manifest, an "Un-manifested Waste Report" must be prepared in accordance with CCR, Title 22, 66264.76.

b) The Base Environmental Office must review the letter before it is sent to DTSC. The RO and Base Environmental Office are given a copy of the letter sent to DTSC.

7.10 Manifest Training Requirements

a) The tasks related to preparing HW manifests and efficiently managing a manifesting service requires a great deal of knowledge and skill. A working knowledge of federal and state regulations regarding the transportation and handling of HW, as well as local policies and practices is essential to be an effective manifester. In addition, knowledge and experience in subjects such as HW identification and management, government contract management, correspondence preparation, Occupational Safety and Health issues, and HWF permits are necessary.

b) The following are the minimum requirements that must be completed by employees assigned to manifesting duties:

- Occupational Safety and Health training which meets the requirements of 29 CFR 1910.120. (24-hour initial and 8 hour annual refresher).

Reference: Contract ID # N68711-03-D-4302

- Basic manifest training includes 49 CFR 172.704 (every three years), 40 CFR and Title 22, CCR requirements (annual refresher required).
- HWF operations – permit restrictions and requirements.

c) Regardless of training and experience, personnel must be explicitly authorized to sign manifests on behalf of CNRSW per section 7.11 before doing so.

7.11 Manifest Signature Requirements

a) UHWMs are prepared and signed by the generators of the HW or a designated representative. Command Navy Region South West (CNRSW) has given authority to the Service Provider for signing and managing of manifests.

b) When signing manifests, the manifester is acting for the Commanding Officer. With that in mind, and in accordance with reference (d), each HW generator signatory must be authorized, in writing, by the installation commander or permit holder, as appropriate (this may be signed by the Supervisor).

c) In order to receive a signatory authorization from the Commanding Officer, the following steps must be taken:

- Complete manifester training
- Supervisors prepare and submit a written request for signatory authorization. Include in the request a statement that the prospective manifester has completed all required training and is recommended to receive the signatory authorization.

8.0 Temporary EPA ID# Acquisition

It may be necessary for Service Provider personnel to acquire a temporary EPA ID # for an off base generator. These occurrences are one time events and the temporary ID # will allow for the movement of a certain amount of waste. The following steps must be followed:

a) Temporary EPA ID numbers (90-day numbers) can be obtained form the DTSC by calling (800) 618-6942. Issuing hours are Monday through Friday 8:15 to 4:45, closed during the lunch hour.

b) Have in hand the following information before calling DTSC for a temporary EPA ID #:

- Actual location street address from where waste is to be manifested
- Type of waste to be manifested
- Estimated amount of waste in pounds or gallons or # of pallets

c) Generator mailing address information will <u>always</u> be:

Commander, Navy Region SW
P.O. Box 181470
Coronado, Ca 92178-1470

d) Navy contact phone number will always be: **619-545-6520**

Reference: Contract ID # N68711-03-D-4302

9.0 REVIEW AND APPROVAL

Reviewed by:

05/10/10

Tara Lester, CSW Manager — Date

Approved by:

05/10/10

Dave Cochran, Technical Services General Manager — Date

Reference: Contract ID # N68711-03-D-4302

Hazardous Waste Manifest Error Correction Letters

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JHB.cg/0148
21 June 10

From: Commander, Navy Region Southwest (N45)
To: Commanding Officer, Naval Facilities Engineering Command, Southwest Division (NAVFACSW)

Subj: HAZARDOUS WASTE MANIFEST CORRECTION LETTERS AND GENERATOR MAILING ADDRESS POLICY

Ref: (a) Ser N45JHB.cg/0112 (Mar 21, 2005) Hazardous Waste Manifest Signature Authority to Shaw Infrastructure and Clean Harbors Environmental under NAVFACSW Contract
(b) Ser N45JHB.cg/0076 (Feb 25, 2008) Hazardous Waste Manifest Signature Authority to Fleet Readiness Command (FRC)
(c) Ser N45JHB.cg/0287 (Sept 11, 2008) Reissue of Hazardous Waste Manifest Signature Authority to Puget Sound Naval Shipyard and Portsmouth Naval Shipyard (PSNS)
(c) HW-05-006 (rev121009) Hazardous Waste Manifesting Standard Operating Procedure (SOP)

1. The Commander Navy Region Southwest (CNRSW) Hazardous Waste Program maintains ownership of several U.S. EPA Generator Identification Numbers for commands that generate and dispose of hazardous waste (HW). The CNRSW is therefore identified as the HW generator and is responsible for ensuring proper management of the HW tracking documents.

2. The NAVFACSW has a contract to operate the Hazardous Waste Facilities (HWF) using a private contractor. The contractor is responsible for managing all the EPA identification numbers and associated manifests. References (a) thru (c) are the CNRSW delegated signature authorities issued to date. Reference (d) is the Standard Operating Permit specific to the manifest signature authority granted to the HWF operator. The HWF contractor obtained a post office box specifically to handle all the manifests and correspondence associated with the operations.

3. The EPA Identification Number verification and the HWF Site Identification Form (8700-23) lists three addresses; the permit owner, the legal owner and the facility operator. The permit owner and legal owner addresses identify the CNRSW while the facility operator address identifies a post office box. It is important to note that the Site Address is almost unlimited due

to the extensive amount of geographic property associated with the CNRSW EPA identification numbers.

4. There have been numerous occasions in which unauthorized individuals have applied for EPA identification numbers using the CNRSW name or Navy property. There are also numerous occasions in which unauthorized individuals have signed uniform hazardous waste manifests using the CNRSW EPA identification numbers. CNRSW has not found a successful means of eliminating these unauthorized actions and works with the HWF operator to identify the root cause of manifesting errors.

5. There is a misconception that the generator mailing information must exactly match the Department of Toxic Substances Control (DTSC) Hazardous Waste Tracking System (HWTS). CNRSW consulted with the DTSC Generator Information Services office to discuss the situation. CNRSW finds that no manifest error correction letters are necessary provided the generator mailing address used meets the permit owner, legal owner or operator as shown on the 8700-23 form. However, it is preferred that the operator's mailing address be listed on the uniform HW manifest to ensure proper document processing.

6. As a matter of policy, the CNRSW will only accept the HWF operator phone number in the generator address block. This policy addresses only the generator mailing address block. All other legally recognized errors will continue to require a manifest correction letter.

7. CNRSW Environmental, Hazardous Waste Program Staff are available to assist you with any compliance issues related to this matter. Hazardous Waste Program may be reached at (619) 532-3840 or myself at (619) 532-2274.

Sincerely,

Christina Graulau

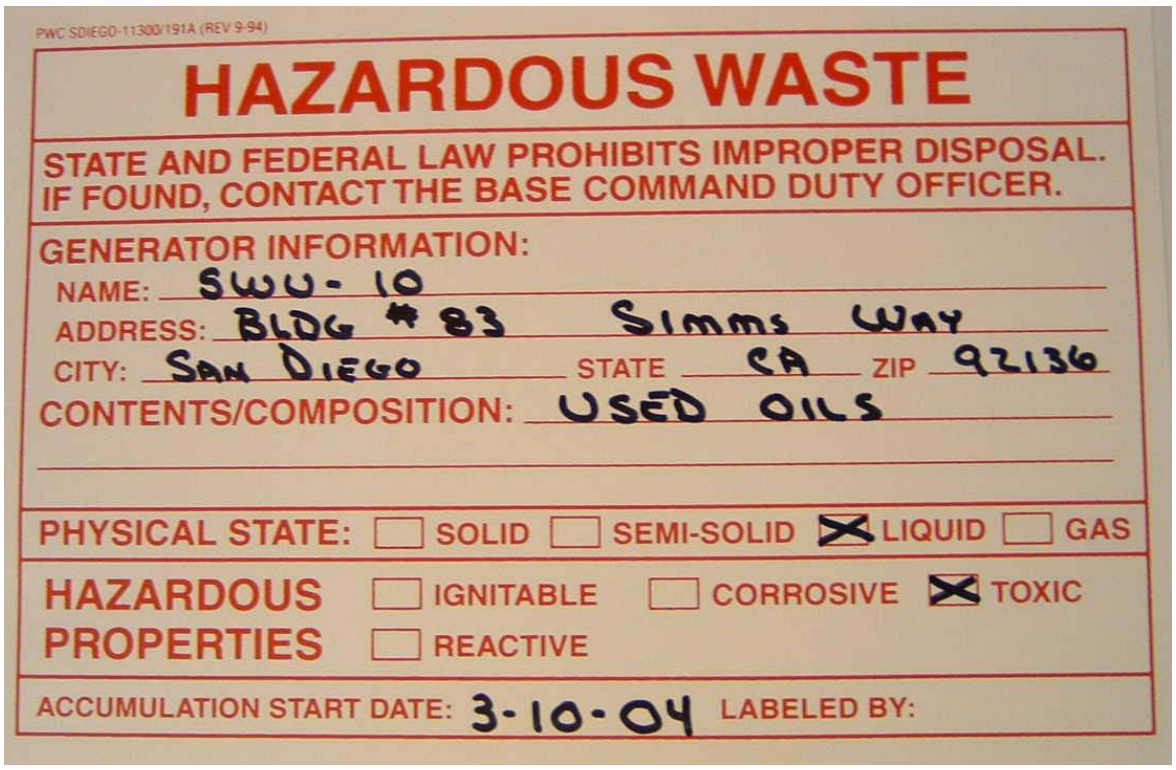
C. GRAULAU
By direction

Copy to: Bonnie Amoruso, DTSC GIS
Cindy Riley, DTSC GIS
Joseph Kohler, PSNS
Larry Lai, FRC

2

Environmental Labels

Sample Hazardous Waste Label



PWC SDIEGO-11300/191A (REV 9-94)

HAZARDOUS WASTE

STATE AND FEDERAL LAW PROHIBITS IMPROPER DISPOSAL.
IF FOUND, CONTACT THE BASE COMMAND DUTY OFFICER.

GENERATOR INFORMATION:
NAME: SWU-10
ADDRESS: BLDG #83 Simms Way
CITY: San Diego STATE CA ZIP 92136
CONTENTS/COMPOSITION: USED OILS

PHYSICAL STATE: ☐ SOLID ☐ SEMI-SOLID ☒ LIQUID ☐ GAS

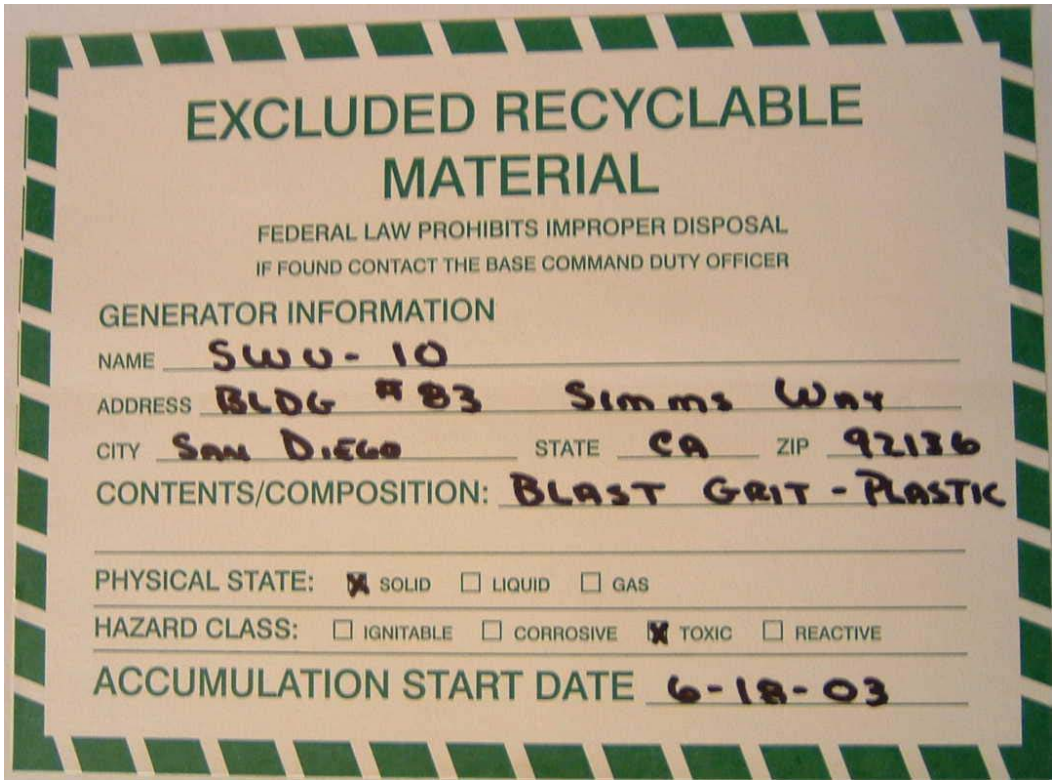
HAZARDOUS PROPERTIES ☐ IGNITABLE ☐ CORROSIVE ☒ TOXIC ☐ REACTIVE

ACCUMULATION START DATE: 3-10-04 LABELED BY:

Ensure all required sections are completed, legible and marked in indelible ink.

Environmental Labels

Sample Excluded Recyclable Material Label



EXCLUDED RECYCLABLE MATERIAL

FEDERAL LAW PROHIBITS IMPROPER DISPOSAL

IF FOUND CONTACT THE BASE COMMAND DUTY OFFICER

GENERATOR INFORMATION

NAME SWU-10

ADDRESS BLDG #83 Simms Way

CITY San Diego STATE CA ZIP 92136

CONTENTS/COMPOSITION: BLAST GRIT - PLASTIC

PHYSICAL STATE: ☒ SOLID ☐ LIQUID ☐ GAS

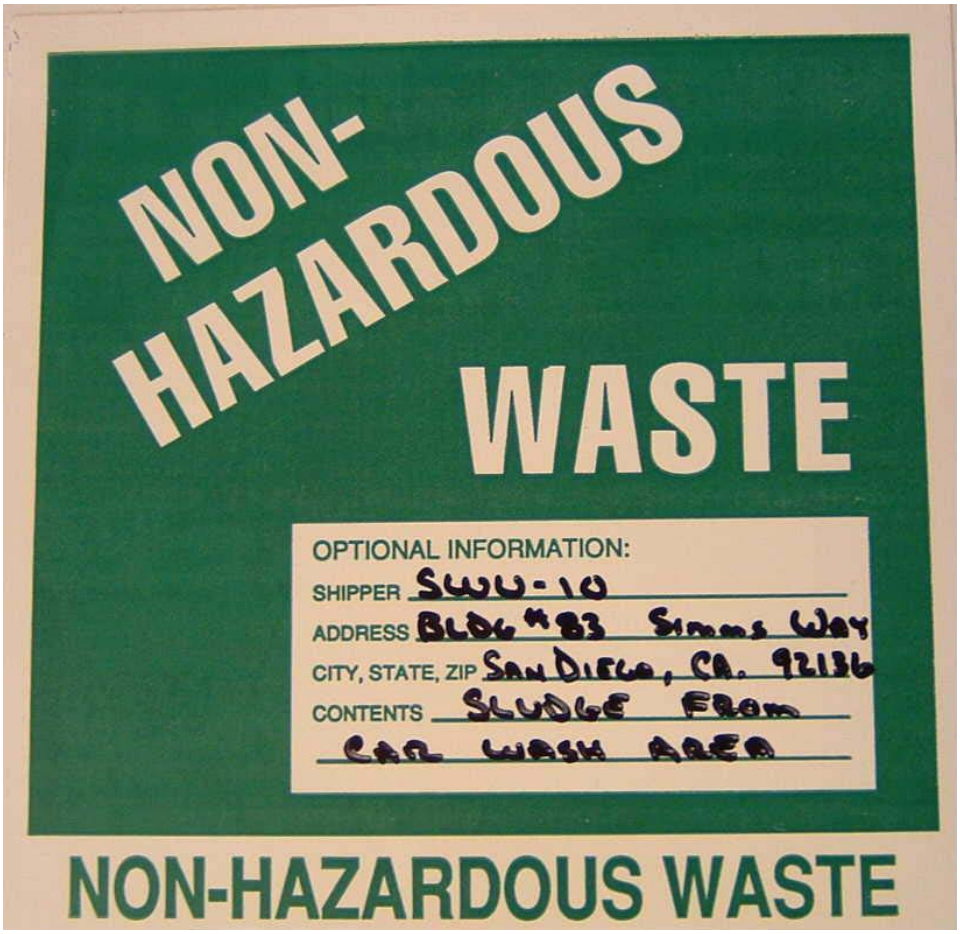
HAZARD CLASS: ☐ IGNITABLE ☐ CORROSIVE ☒ TOXIC ☐ REACTIVE

ACCUMULATION START DATE 6-18-03

Ensure all required sections are completed, legible and marked in indelible ink.

Environmental Labels

Sample Non-Hazardous Waste Label



Ensure that testing or process knowledge confirms that the wastes are non-hazardous.

CNRSW Board of Equalization Policy Letter

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JHB.cg/0117
March 28, 2005

From: Commander, Navy Region Southwest (N45PA)
To: Commanding Officer, Southwest Division, Naval Facilities Engineering Command

Subj: PROCEDURES FOR HAZARDOUS WASTE GENERATOR FEE RETURNS ASSOCIATED WITH CONSTRUCTION/DEMOLITION PROJECTS

Encl: (1) Board of Equalization Excise Taxes and Fees Division, Hazardous Waste Generator Fee Return Fact Sheet

1. The Commander Navy Region Southwest (CNRSW) Environmental Program manages a large majority of the EPA ID numbers in the metro area. One of the duties with the EPA ID numbers includes the certification and payment of fees associated with hazardous waste activity. A Hazardous Waste Generator Fee Return (generator fees) is filed annually with the State Board of Equalization (BOE). This fee is based on the volume of hazardous waste generated in preceding years.

There are varying fee amounts ranging from less than 5 tons to over 2,000 tons. The generator fee is based on the total tonnage of hazardous waste, including recycled waste, waste shipped out of state, and any waste generated as the result of a one-time cleanup. Enclosure (1) provides a summary of the hazardous substance fees associated with various hazardous waste activities, including the calendar year 2005 BOE rates.

2. The BOE cross references the hazardous waste manifests using an EPA ID number to validate the certification and amounts submitted in the generator fees. When periodic construction or demolition projects, such as lead abatement, asbestos abatement, underground storage tank removal or contaminated soil remediation projects occur without advance coordination with the CNRSW or respective EPA ID holder, the project can cause the volume of hazardous waste to increase above the annual certification amounts. The EPA ID holder can be held subject to penalties arising from underpayment or late payment of fees.

3. The generator fees are paid twice during a calendar year but are tied to the State's fiscal year. Therefore, the first payment (pre-payment) is based on an estimated amount of the current calendar year or 50% of the prior calendar year. The second payment is based on the actual volumes generated. BOE has

a DoD facilitator and CNRSW has set up a regional point of contact and coordinator to address this issue.

4. Based on the unknown factor about projects that can contribute to hazardous waste generation volume changes, CNRSW has made the decision to require the Project Manager for any projects that generate hazardous waste to notify and work with the CNRSW point of contact to ensure funds are set aside to cover these fees.

5. As the fee rate increases every year, the Project Manager may need to make some adjustments based on actual amounts and or total estimated pre-payment amounts. CNRSW point of contact will provide a cost estimate to the Project Manager based on current and projected BOE rates.

6. One option is to obtain a temporary EPA ID number for short-term projects (i.e. less than 180 days). CNRSW will determine whether a temporary EPA ID number is appropriate and will obtain the temporary EPA ID number for the customer.

7. CNRSW Environmental, Hazardous Waste Program Staff are available to assist you with any compliance issues related to this matter. Hazardous Waste Program staff can be reached at (619) 524-6351 and the CNRSW BOE coordinator can be reached at (619) 524-6371.

8. Request widest dissemination possible, including tenant activities and stand-alone commands, auxiliary commands, and all commands with contracting authority.

A. J. GONZALES
Program Director Environment

Copy to:
Commanding Officer, Naval Base San Diego
Commanding Officer, Naval Base Coronado
Commanding Officer, Naval Base Point Loma

11 New hazardous waste fee rates—calendar year 2009

The Health and Safety Code provides for annual adjustment of the rates for the disposal fee, facility fee, generator fee, environmental fee, and occupational lead poisoning prevention fee, based on changes in the cost of living as measured by the California Consumer Price Index. The following tables show the hazardous waste fee rates that are in effect for calendar year 2009.

2009 DISPOSAL FEE
(Base Rate $124.29)

CATEGORY	FEE RATE (PER TON)
Non-RCRA Waste	
Non-RCRA hazardous waste	$ 20.27
Non-RCRA hazardous waste, generated in a cleanup action	5.72
RCRA Waste	
Hazardous waste not elsewhere classified (RCRA waste)	50.21
RCRA waste treated to be non-RCRA or non-hazardous	20.27
RCRA waste generated in a cleanup action and treated to be non-RCRA or non-hazardous	5.72
Other Waste	
Mining waste	16.16
Extremely hazardous waste	248.58
Restricted hazardous waste	248.58
Solid waste residues resulting from incineration or dechlorination	6.21

2009 GENERATOR FEE
(Base Rate $4,007.00)

WASTE GENERATED	FEE
5 – 24.9 tons	$ 200.00
25 – 49.9 tons	1,603.00
50 – 249.9 tons	4,007.00
250 – 499.9 tons	20,035.00
500 – 999.9 tons	40,070.00
1,000 – 1,999.9 tons	60,105.00
2,000 – more tons	80,140.00

2009 ENVIRONMENTAL FEE

NUMBER OF EMPLOYEES:	FEE
1 – 49	$ 0
50 – 74	284.00
75 – 99	500.00
100 – 249	998.00
250 – 499	2,139.00
500 – 999	3,994.00
1,000 or more	13,556.00

2009 FACILITY FEE
(Base Rate $28,812.00)

CATEGORY	RATE (PER FACILITY)
Disposal	$ 288,120.00
Large Onsite Treatment	86,436.00
Large Offsite Treatment	86,436.00
Small Treatment	57,624.00
Mini Treatment	14,406.00
Large Storage	57,624.00
Small Storage	28,812.00
Mini Storage	7,203.00
Postclosure–less than 5 years*	
Small	5,725.00 *
Medium	11,450.00 *
Large	17,175.00 *
Postclosure–more than 5 years*	
Small	3,050.00 *
Medium	6,100.00 *
Large	10,300.00 *
Standardized	
Series A	11,730.00
Series B	5,497.00
Series C	4,617.00
Series Small Quantity C	2,308.00

**For postclosure fees, if the lead agency is someone other than DTSC, the postclosure fees due would be 50% of the current fees.*

2009 OCCUPATIONAL LEAD POISONING PREVENTION FEE

NUMBER EMPLOYEES	FEE
Category A:	
Number of Employees:	
10 – 99	$ 292.00
100 – 499	587.00
500 or more	1,465.00
Category B:	
Number of Employees:	
10 – 99	420.00
100 – 499	1,172.00
500 or more	3,355.00

How are we doing?

We are committed to providing top-quality public service. Please let us know how we are doing by sending us your comments or suggestions. Please go online to fill out a brief *Customer Survey Form* at *www.boe.ca.gov/info/survey.htm.*

EPA Identification Numbers and Naval Vessels Policy Letter with Related Historical Documentation

DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JHB.cg/0279
August 16, 2006

Ms. Cindy Riley
Department of Toxic Substances Control
Sacramento Regional Office
EPA Identification Unit
8800 Cal Center Drive
Sacramento, CA 95826-3200

SUBJECT: NAVAL VESSELS AND EPA IDENTIFICATION NUMBERS

Dear Ms. Riley:

Commander Navy Region Southwest (CNRSW) continues to encounter instances where Department of Toxic Substances Control (DTSC) staffs are instructing contractors performing work on naval vessels that the vessel name be identified as the "generating site" when applying for an EPA identification number. This letter is to communicate the Navy policy and program manual interpretation on this issue, and to request the facility name (military base and pier) be represented as the generating site.

The Chief of Naval Operations (CNO), Environmental and Natural Resources Program Manual, referred to as OPNAVINST 5090.1B addresses hazardous waste management from naval vessels in Chapters 12 and 19. This instruction provides the management methods for complying with the 1992 Federal Facilities Compliance Act (FFCA). This law provides that any hazardous waste generated on public vessels (which includes Navy vessels) shall not be subject to the storage, manifest, inspection, or recordkeeping requirements of RCRA until such waste is transferred to a shore facility. FFCA acknowledges that hazardous waste is subject to regulation 90 days after the vessel is placed in reserve, is no longer in service or the waste has been transferred to another public vessel and is stored for more than 90 days after the date of transfer.

To paraphrase the OPNAVINST 5090.1B; naval vessels do not generate hazardous waste regardless of whether or not the vessels are berthed on military installations or private facilities. Consequently, the naval vessels are not "generating sites" for purposes of issuing hazardous waste EPA identification numbers. To paraphrase OPNAVINST 5090.1B, Chapter 12, Section 5.2.1; the shore installation manages the excess materials and solid wastes removed from the vessel, including performing the waste determinations. The instruction also states that naval vessels shall not accept hazardous waste from a Navy shore activity for transportation to another activity or facility. Furthermore, OPNAVINST 5090.1B, Chapter 19, Section 6.1.4 describes how federal contract law pertaining to national defense requires that contracts for work on board naval vessels identify the type and amount

5090
Ser N45JHB.cg/0279
August 16, 2006

of hazardous waste expected to be generated and responsibility for the disposal.

CNRSW respectfully requests DTSC staff cease the practice of requiring a Navy vessel name when processing the EPA identification number application. CNRSW has directed the Navy commands and contractors to identify the military base and pier where the naval vessel is berthed during the repair or maintenance activities, for purposes of the "generating site" during EPA identification number applications. Internal hazardous waste tracking methods are capable of ensuring the wastes generated from servicing naval vessels are properly managed accounted and reported.

If you have any additional questions regarding this matter, please contact Ms. Christina Graulau at (619) 524-6351 or Mr. Brian Gordon at (619) 524-6390.

Sincerely,

Brian S. Gordon

BRIAN S. GORDON
Director, Compliance and
Technical Division
By direction

copy to:
DTSC Headquarters
Attn: Maureen Gorsen, Director
P.O. Box 806
Sacramento, CA 95812-0806

Blind copy:
Andy Quinones, SWRMC Safety & Environmental, C106B
Bruce Potoki, SWRMC Assistant Counsel
Maryanne Flanagan, SPAWAR Environmental
Kathie Beverly, NAVFAC Environmental Services PLC
Mark Edson, CNRSW NBSD Environmental IPD
Archie Ordonio, CNRSW NBPL Environmental IPD
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David Baille, CNRSW NBSB IPD
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Mike Huber, CNRSW REC
MaryKay Faryan-Dan Eldredge-Melanie Ravan, CNRSW Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 3, 1990

Vice Admiral P.M. Hekman, Jr.
Department of the Navy
Naval Sea Systems Command
Washington, D.C. 20362-5101

Dear Admiral Hekman:

Thank you for your letter of November 7, 1990, regarding the Fiscal Year 1990 Defense Authorization Act and its impact on the Navy's hazardous waste handling procedures. Last summer, my staff became aware of the issues mentioned in your letter, and they have been investigating how the new legislation affects the Solid Waste Disposal Act.

The legislation at 10 U.S.C. 7311 puts a certain burden on the Navy and its contractors to obtain separate "generator identification numbers" in order to document which party generated a hazardous waste during the repair of a ship. Section 7311(a)(4)(B) specifically states:

> A determination under this paragraph of whether the Navy is a generator, a contractor is a generator, or both the Navy and a contractor are generators, shall be made in the same manner provided under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) and regulations promulgated under that subtitle.

Under the federal hazardous waste regulations, a "generator" is defined in 40 CFR 260.10 as "...any person, by site, whose act or process produces hazardous waste ... or whose act first causes a hazardous waste to become subject to regulation." EPA interprets the act of owning a vessel such as a Navy ship to cause the Navy to be a generator of hazardous wastes that are produced during the repair of the ship; in addition, a contractor actually conducting the repair is also a generator. In 1980, EPA addressed the issue of more than one party being responsible for a hazardous waste's generation by introducing the concept of "cogenerators." If more than one party plays a role in the generation of a hazardous waste at a site, the parties are "cogenerators" and must decide between themselves who is to assume the generator responsibilities. See the discussion in the enclosed Federal Register notice.

One of the generator's requirements is to obtain an EPA identification number (see the requirement in 40 CFR 262.12). Since a generator is defined as a "person, by site," the person generating hazardous wastes at a given site must obtain an EPA identification number for that site.

EPA's data management system for hazardous waste generators, transporters, and treatment, storage, and disposal facilities is set up to assign only one EPA identification number per unique site. To

assign more than one number to a unique site raises certain issues that EPA is still investigating. However, EPA's Office of Solid Waste will be rethinking the entire ID number assignment issue within the next eighteen months. Currently, the EPA regions and authorized states are responsible for assigning the numbers, and may make their own determinations of how to assign numbers at port facilities.

Assuming only one EPA identification number is issued to a port where a contractor is repairing a Navy ship, both the Navy and its contractor may use that EPA identification number in completing Box 1 of the Uniform Hazardous Waste Manifest. Note that nothing in the hazardous waste regulations prevents a generator, such as the U.S. Navy, from assigning its own tracking numbers on manifests in order to identify a particular contractor who was involved in generating the hazardous waste in that shipment (or, similarly, assigning tracking numbers that relate a particular hazardous waste shipment to a given ship or port of origin). Such "internal" tracking numbers could be placed in Box 15 of the Uniform Hazardous Waste Manifest.

Please be aware that this response reflects the federal hazardous waste regulations. States may impose their own requirements that are stricter or broader than the federal requirements. If you have further questions on this issue, please have your staff contact Becky Cuthbertson of my staff at (202) 475-8551.

Sincerely yours,

Don R. Clay
Assistant Administrator

DEPARTMENT OF THE NAVY

November 7, 1990

Mr. Don R. Clay
Assistant Administrator for Solid Waste and Emergency Response
Environmental Protection Agency
401 N Street, Southwest
Washington, DC 20460

Dear Mr. Clay:

The purpose of this correspondence is to enlist your assistance in resolving an issue regarding management and disposal of hazardous waste generated during Navy ship repairs performed by private shipyards.

The FY90 DOD Authorization Act amended 10 U.S.C. 7311 regarding hazardous waste management for contracts, other than new construction, for work on board naval vessels. The amendment, included at enclosure (1), requires the contractor to provide a hazardous waste generator identification number on manifests for contractor generated hazardous waste; the Navy to provide a hazardous waste generator identification number for Navy generated waste; and for the contractor and the Navy to provide a number for co-generated waste. The amendment further refined an existing requirement to identify the types and quantities of hazardous waste expected to be generated in the contractor's facility. Prior to the amendment, it was Navy policy that the owner of the facility where ship repair work was being performed would perform the hazardous waste generator duties including manifesting the waste using the shipyard owner's identification number. This policy was consistent with our understanding of applicable Federal and state laws.

The Naval Sea Systems Command (NAVSEA) and in particular, the Supervisors of Shipbuilding, Conversion and Repair (SUPSHIPs) who are responsible for managing private sector repairs of Navy ships throughout the country, have implemented the new provisions of 10 U.S.C. 7311 in standard work specifications and contract clauses for ship repair work and have applied for hazardous waste identification numbers with state and/or regional EPA offices.

Responses received from state agencies and EPA regional offices thus far have been inconsistent. We have included a copy of a State of South Carolina letter to EPA Region IV, a State of Washington letter to the Navy, and two letters to Region IX from the Navy at enclosures (2) through (5) for your information. The unique provisions in 10 U.S.C. 7311 are requiring many states to review their own regulatory provisions. Further complicating the issue is the lack of definition of terms used only in 10 U.S.C. 7311. While several states have agreed to issue permanent generator numbers to SUPSHIPs, others interpret EPA regulations regarding "division of responsibility for generator duties"

very rigidly - limiting the issuance of generator numbers to owners of the facility. This interpretation has prevented small ship repair contractors who perform work on Navy ships docked at a Navy facility from complying with the requirements of 10 U.S.C. 7311 to provide generator numbers to manifest hazardous waste they generate. It has also hampered Navy efforts to comply with the requirements of 10 U.S.C. 7311.

We are advised that several states have requested direction from the regional offices who in turn have requested rulings from EPA headquarters. A NAVSEA representative met with EPA headquarters personnel on 30 May 1990 and discussed in general the difficulties that the SUPSHIPs were having in obtaining generator numbers and that the states were having in fitting 10 U.S.C. 7311 requirements into their RCRA manifesting systems. While the meeting was productive in identifying the issues, no concrete solutions were identified.

The SUPSHIPs have managed to make arrangements for disposal of hazardous waste generated during performance of ship repair contracts or have directed the ships to off-load any Navy waste at Navy owned facilities prior to ship arrival at the repair facility. The efforts do not present a permanent or satisfactory solution, however, and with the recent involvement of EPA regional offices, it is time to resolve the issue. We need guidance to the issued that addresses the unique problems raised by 10 U.S.C. 7311 and allows us to comply in a consistent manner with its requirements and Resource Conservation and Recovery Act requirements for the responsible management of hazardous waste including a system for tracking its generation, management and disposal.

Since neither 10 U.S.C. 7311 nor RCRA define the terms "Navy generated," "contractor generated," and "co-generated," the Navy has developed its own contractual definitions. We believe these definitions are consistent with RCRA and have included a copy of our contract clause for your assistance in reviewing this issue. We would ask that any guidance provided by your office to the regions and states would facilitate our use of the contract provisions to implement 10 U.S.C. 7311 and authorize the navy and the contractors, as appropriate, to obtain generator numbers for disposal of waste by a party other than the site owner. Senior members of my staff are available to meet with EPA personnel to examine the alternatives and assist in developing a solution. I have asked my Director of Environmental Protection, Dr. Kurt Riegel to take the lead on this very important issue. Dr. Riegel may be reached on (703) 602-3594.

P.M. Hekmen, Jr.
Vice Admiral, U.S. Navy

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