

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

9472.1997(01)

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Mr. Robert J. Tierney  
United Technologies,  
Pratt & Whitney  
400 Main Street  
East Hartford, Connecticut 06106

Dear Mr. Tierney:

Thank you for your letter of May 21, 1997 regarding the Environmental Protection Agency's (EPA's) personnel training requirements under the Resource Conservation and Recovery Act (RCRA). You request concurrence on your interpretation of the requirements for annual training found at 40 Code of Federal Regulations (CFR) 264.16 and 40 CFR 265.16 as they apply to employees of treatment, storage, and disposal facilities (TSDFs). These requirements also apply to large quantity generators subject to 262.34(a) (4). Specifically, you ask whether your system of annual training comports with the federal requirements.

Based on the description provided in your letter, the Agency believes that your training program meets the federal requirements for training found at 40 CFR §§264.16 and 265.16. As you know, under Section 3009 of RCRA (42 U.S.C. Section 6929), states retain authority to promulgate regulatory requirements that are more stringent than the federal regulatory requirements. Therefore, you should contact the state(s) in which you operate for a more site-specific determination.

In general, EPA requires TSDFs and generators of more than 1,000 kilograms per month of hazardous waste (or more than 1 kilogram per month of acutely hazardous waste) who accumulate waste on site to comply with the personnel training requirements outlined at 40 CFR 264.16 and 40 CFR 265.16. The requirement at 40 CFR 264.16 and 40 CFR 265.16. requires facility personnel to "take part in an annual review of the initial training..." The purpose of this requirement is to ensure that facility personnel maintain expertise in the areas to which they are assigned

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thereby reducing the potential for mistakes that might threaten human health or the environment. This requirement also ensures that personnel are able to respond effectively in emergency situations.

The Agency is aware that companies may have many employees, and must organize training so that groups of employees can take training together. As stated in your letter, United Technologies, Pratt & Whitney requires employees to take refresher training within a 90-day window before the one-year anniversary of the original training. Under this system, employees who receive training during the beginning of the 90-day window in one year, and at the end of the 90-day window in the next year, may have as many as 15 months between training courses.

While it may be infeasible for companies with many employees to train each employee exactly one year after the last training, the Agency does expect companies to attempt to provide training so that personnel are trained every year. While United Technologies, Pratt & Whitney's program may allow as much as 15 months to pass between training courses, an employee would, over the course of four years for example, receive 4 annual training reviews. Therefore, United Technologies, Pratt & Whitney's training system as described in your letter would meet the requirements of the federal regulations at 40 CFR 264.16, and 40 CFR 265.16.

As stated previously, states may interpret the regulatory requirements more stringently than the federal regulations and should be consulted for an interpretation on this matter.

Thank you for your interest in the safe management of hazardous wastes.

Sincerely,

Elizabeth Cotsworth, Acting Director  
Office of Solid Waste

UNITED  
TECHNOLOGIES

400 Main Street  
East Hartford, Connecticut 06106

PRATT & WHITNEY

FAX COPY

May 21, 1997

Lynda Wynn  
Office of Solid Waste  
Environmental Protection Agency  
Washington, D.C.

Re: Employee Training

Dear Ms. Wynn:

The purpose of this letter is to seek EPA's concurrence with UTC, Pratt & Whitney's understanding of the requirement on 40 CFR 264.16(c) and 40 CFR 265.16(c) for annual review of training. The training regulation, like many of the RCRA regulations, is susceptible to multiple interpretations

UTC, Pratt & Whitney has established an extensive program for training over 15,000 employees in accordance with the requirements of RCRA. Under that system, each employee has an environmental training anniversary and all refresher training would be conducted with reference to that anniversary<sup>1</sup> Refresher training is conducted at any time within a 90-day period before the anniversary date (the "90-day enrollment window"). Thus, in any year, by the time the employee's anniversary date occurs, the employee will have received refresher training.

While this system ensures that training occurs annually, before the anniversary date, it is possible under this system for an employee to go as long as 15 months between training. This could occur if, for example, an employee with a training anniversary date of June 1 receives refresher training on March 1 (the beginning of the 90-day enrollment window) in one year and not until June 1 (the end of the 90-day enrollment window) the following year.

We believe our system complies with the regulation requiring annual training because training will always occur before the anniversary date. Furthermore

we believe this system will provide for the most efficient and orderly training of a large population of RCRA trainees and will result in a simple and clear system of record keeping to demonstrate compliance. However, given the multiple possible interpretations of the phrase "annual review of initial training" in 40 CFR 264.16 and 265.16, we seek your concurrence that our program, as described above, will meet the requirements of the applicable regulations.

Thank you for your attention to this matter. If you would like any further information concerning our training system, please do not hesitate to contact me at (860) 565-0982.

Your response can be FAXed to me at (860) 565-3324 or mailed to:

UTC, Pratt & Whitney  
400 Main Street, M/S 105-11  
East Hartford, CT 06108

Sincerely,

Robert J. Tierney,  
Manager, Group Environment, Health & Safety