Top 10 Most Common RCRA Violations
-- Pitfalls to Avoid Non-Compliance --

Hazardous Waste Advisory Committee (HWAC)
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About Your Presenter

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• 20 years with the DEP’s Hazardous Waste Program
• Hazardous waste permitting, enforcement.
• Now with the WEED Program Analysis Group.
Outline of Today’s Presentation

• Source and evaluation of data.
• Top 10 List.
• Item-by-item details (including common pitfalls).
• Overall strategies for ensuring compliance.
• Our goal: avoid a dreaded condition: COMPLI-ACNE

• Medical Definition: “a painful and embarrassing condition resulting from the appearance of unsightly blemishes on an otherwise clear hazardous waste record.”
Source & Evaluation of Data

- HW NOVs, 10/07 – 10/08: 63 NOVs.
- Total # of violations cited: 323 violations.
- Almost all violations result in an NOV even if a formal enforcement action comes later.
- All violations entered into a spreadsheet and categorized by violation type.
- Sorted by type, number of each type.
- Top 10 types = “Top Ten Violations.”
“Top Ten” List

1. Inspections (46/323 citations).
2. Personnel Training (36/323 citations).
4. Container Management (30/323 citations).
5. Marking/Dating (30/323 citations).
7. Used Oil (23/323 citations).
8. Universal Waste (22/323 citations).
10. Transporter Requirements (9/323 citations).
“The Best of the Rest...”

- **All other violations: 51 citations.**
- Accumulation Time (8)
- Miscellaneous TSDF requirements (8)
- Notification/EPA ID Number (7)
- Tank Management (7)
- Maintenance & Operation of Facility (5)
- Subparts AA/BB/CC Air Emissions Requirements (5)
- Manifest/LDR (5)
- Biennial Reporting (3)
- Ignitable & Reactive Wastes (2)
- Miscellaneous Waste Management (1)
#1: Inspections (46)

- Inspection log (25). Pitfalls:
  - No documentation of inspections at all.
  - Gaps in inspection logs.
  - Required data not recorded (first and last name of inspector, date and time of inspection, problems to be looked for).

- Inspection schedule (18). Pitfalls:
  - No schedule at all.
  - Inspection frequency (tanks – daily; containers – weekly; emergency equipment – monthly).
  - Does not address certain required items (e.g., all storage areas, loading and unloading areas, containment structures, monitoring, safety and emergency equipment).
#1: Inspections (continued)

- Performing inspections (8). Pitfalls:
  - No inspections at all.
  - Certain items not inspected (tank or container storage areas, safety & emergency equipment, secondary containment, loading and unloading areas).
#2: Personnel Training (36)

- Did not provide adequate training (24). Pitfalls:
  - No training at all (13): LQGs (6), SQGs (7).
  - Certain personnel not trained (4).
  - Lack of annual refresher training (7).

- Inadequate training documentation (12). Pitfalls:
  - List of names and job titles for all staff involved in HW mgmt.
  - Job descriptions: missing for some personnel, or description did not include HW duties.
  - No written description of training program.
  - Incomplete training records.
#3: Emergency Preparedness (35)

- Content of contingency plan (LQGs) (12):
  - Pitfalls: procedures for fires, spills and explosions, emergency coordinator info, changes in personnel, primary and secondary evacuation routes, capabilities of emergency equipment.

- SQG emergency info posted next to on-site phone (8):
  - Pitfalls: not posted or incomplete.

- No contingency plan at all (LQGs) (6).

- Submission of copies of plan to local authorities (LQGs) (5).
  - Pitfall: not sending to all required authorities - police, fire, hospital(s), LEPCs.

- Lack of an emergency coordinator (SQGs and LQGs) (3).
  - Pitfalls: personnel changes, lack of training.
#4: Container Management (30)

- **Containment (17):**
  - Impervious base (11).
  - Secondary containment system (8).
  - Pitfalls: lack of coating, unsealed seams, insufficient containment volume, unplugged drains.

- **Open Containers (7):**
  - 90- or 180-day storage areas (6).
  - Satellite areas (1).
  - Pitfalls: ring-top drums, funnels, small-quantity additions.

- **Aisle space (2).**

- **Separation of Incompatible Materials (2).**
  - Pitfall: forgot non-waste materials in same storage area.
#5: Marking/Dating (30)

- Mark “Hazardous Waste” and with other words identifying the contents (19):
  - Containers (12).
  - Satellite Containers (3).
  - Tanks (4).
- Pitfalls: incorrect (e.g. “Hazardous Material”) or incomplete (e.g. “Hazardous Waste” but no description of contents).

- Mark containers with accumulation date (11). Pitfalls:
  - Forgot to mark at time of first addition.
  - Forgot to include month, day and year.
#6: Hazardous Waste Determinations (28)

- Most common single regulatory citation: 40 CFR 262.11.
- Pitfalls include:
  - Commonly-missed waste streams.
    - Absorbents, rags/wipers, waste gasoline, spent antifreeze, grinding dusts and blasting media, filters, paint-related wastes, old/overstock unused products, wastewaters treated in evaporators, items noted in trash dumpsters (e.g., fluorescent lamps, paint cans, etc.), abandoned materials.
  - Incomplete determinations.
  - Documentation of “Generator Knowledge.”
  - **Annual** review/recharacterization.
#7: Used Oil (23)

- Containers or tanks not marked “Used Oil” (9).
  - Pitfalls: not marked or improperly marked (e.g., “waste oil”).

- Determination of total halogen content (7).
  - Pitfalls: don’t test, or forgot to document generator knowledge.

- Secondary containment for generator storage areas storing over 55 gallons of used oil (4).

- Releases/disposal to ground (1).
#8: Universal Waste (22)

- Improper marking (11).
  - Pitfalls: not marked, improper wording.
- No accumulation date or other means to document compliance with accumulation time limit (6).
- Improper management (4):
  - Storage in a manner that will not prevent releases (e.g., stored loose or on the ground).
  - Disposal to trash.
#9: Closure/Financial (13)

- Generator Closure (4).
  - Pitfalls: discontinued use of a storage area and forgot to close it, relocated and forgot to perform final closure, or closed without following DEP closure guidance.
- Problems with wording of financial assurance documents (3).
  - Pitfalls: do not adhere to required language format.
- Problems with cost estimate (3). Pitfalls:
  - Do not have a valid estimate, or the estimate is not adjusted for inflation properly.
  - Not revised and submitted to DEP annually.
- Lack of financial assurance (2).
#10: Transporter Requirements (9)

- Transportation without a permit (3).
  - Pitfall: don’t realize a permit is needed.
- Personnel Training (2).
- Other (4).
Overall Compliance Strategies

- Follow up on inspection findings – ASAP!
- Periodic reviews of HW compliance program.
- Frequent staff meetings.
- Periodic self-audits (DEP checklists available – go to www.ct.gov/dep/hazardouswaste and click on “Inspection Forms.”)
- Consultant-performed audits.
- CONNSTEP audit: www.connstep.org
- “Tickler” list.
- “Clean Sweeps” to find and get rid of old chemicals and “contraband” materials.
“Red Flag” Events

- Events that tend to have an effect on your compliance.
  Examples:
  - New hires/personnel changes.
  - New wastes, processes or raw materials.
  - Changes in waste storage locations.
  - Changes in waste handling (e.g. switch from disposal to recycling or from one kind of recycling to another).
  - Changes in waste generation amounts.
  - Remediation/cleanup activities/spills.
To Sum Things Up...

- Self-evaluation is key.
- “Onward and upward.”
- “An ounce of prevention is worth a pound of cure.”
- “Why put off until tomorrow what you can do today?”
- Mind the details.
Where to Get More Information

- DEP Website:  [www.ct.gov/dep/hazardouswaste](http://www.ct.gov/dep/hazardouswaste)
- Toll-free COMPASS help line:  [866]-424-4193
  (Audits also available for new or expanding companies.)
- WEED telephone number for information on Hazardous Waste, Permitting, Solid Waste, and Recycling:  [860] 424-3023
- DEP web master:  [dep.webmaster@ct.gov](mailto:dep.webmaster@ct.gov)
- EPA Website:  [www.epa.gov](http://www.epa.gov) (EPA HQ website)
  [www.epa.gov/Region1/](http://www.epa.gov/Region1/) (EPA Region 1/New England)