Common Compliance Findings During Waste Audits

Presented by: Brittany Tones
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Solid Waste in Texas

- Industrial Solid Waste and Municipal Hazardous Waste
  - 30 Texas Administrative Code ("TAC") 335 rules
  - 40 Code of Federal Regulations ("CFR") rules

- Solid Waste Registration ("SWR") facilities
  - Industrial generators of more than 100 kg of nonhazardous Class 1 waste per month
  - Small Quantity Generators ("SQG") of hazardous waste
  - Large Quantity Generators ("LQG") of hazardous waste
  - Transporters/Receivers of Industrial Class 1 or hazardous waste
Top Ten Violations*

1) Failure to Make Hazardous Waste Determinations
2) Failure to Update Notice of Registration ("NOR")
3) Open Containers
4) Failure to Perform Weekly Container Inspections
5) Container Labeling
6) Preparedness and Prevention
7) Training
8) Universal Waste
9) Used Oil
10) Annual Waste Summary ("AWS")

*According to https://www.mccoyseminars.com/newsletter/article.cfm?artnum=112
Hazardous Waste Determinations

- **Identification**
  - Determine if solid waste is listed as, mixed with, or derived from a listed hazardous waste (40 CFR 261 Subpart D)

- **Documentation**
  - Keep records showing how the generator made the determination and waste classifications (such as analytical, process knowledge, sampling)
Hazardous Waste Determinations – cont’d

- Missing waste determinations on all waste streams
  - Common streams that are missed include used PPE and non-hazardous waste streams

- Missing documentation showing how the waste determinations were completed

- Not keeping waste determinations for a period of three (3) years

- Not having waste determinations readily available during an audit
Notice of Registration

Records

- Update NOR for new active waste streams and inactivate waste streams that are not currently generated at the facilities
- Add or close Waste Management Units (“WMU”)
- Update facility contacts
- Update facility’s generator status
Open Containers

- Often times, lids/bungs are missing from containers
- Funnels are not closed or do not have the ability to be closed
Weekly Container Inspections

- Failure to perform inspections
- Failure to keep documentation on inspections
Container Labeling

- Accumulation start date missing
- Contents not properly labeled
- Labels are hard to read or missing completely
- Hazardous label for non-hazardous waste
Preparedness and Prevention

- Failure to maintain records associated with preparedness and prevention
- Contingency Plans are not up-to-date
- Contingency Plans were not submitted to applicable agencies, or proof of submittal was not maintained
- Failure to make arrangements with local authorities
Training

- Failure to perform required training
- Missing documentation of training
- Missing job descriptions (required for LQGs), job titles, and the name of the employee
Universal Waste - Texas

- **Types**
  - Batteries
  - Pesticides
  - Mercury-containing equipment
  - Lamps
  - Paint and paint-related waste

- **Large Quantity Handler**
  - Accumulates ≥ 5,000 kg of universal waste at any time
  - Records and notification are required

- **Small Quantity Handler**
  - Does not accumulate ≥ 5,000 kg of universal waste at any time
  - Accumulation can occur for one (1) year
  - Must be labeled Universal Waste – Type of Waste
    - Example: Universal Waste - Batteries

- **Generator Status Determination**
  - Universal waste does NOT count toward monthly quantity determination
  - NOT included on the AWS or NOR
Universal Waste

- Containers are not labeled
- Incorrectly dating universal waste containers
- Containers are not closed
- Accumulation is over one (1) year
- Not properly labeling paint and paint related waste as “Universal Waste-Paint and Paint Related Waste”
Used Oil

Wrong label. Should say “USED OIL”
Annual Waste Summary

- AWS was not submitted or it was submitted late
- Wastes are missing, including Class 1 solids
- Non-hazardous waste is being reported
- Weights were reported incorrectly or miscalculated
Summary

- Ensure that required items are not only completed, but completed on time
- Keep all completed records as required
- Properly label and maintain containers
- RCRA violations can be costly and result in Consent Decrees
  - Avoiding these common violations can go a long way in helping facilities maintain compliance
Questions?

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