



Common Compliance Findings During Waste Audits

Presented by: Brittany Tones
AWMA Annual Conference
March 21, 2019



— 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

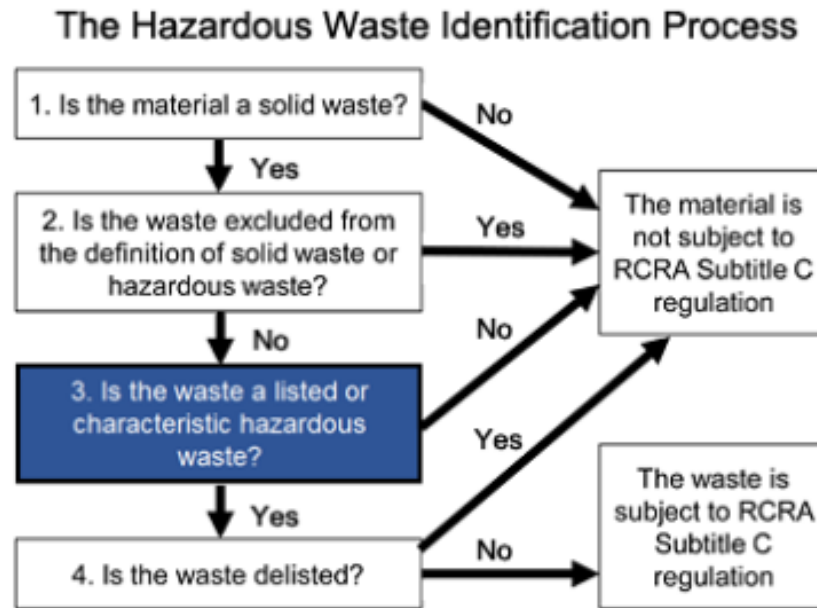
- Solid Waste Registration (“SWR”) facilities
 - ❖ Industrial generators of more than 100 kg of nonhazardous Class 1 waste per month
 - ❖ Small Quantity Generators (“SQG”) of hazardous waste
 - ❖ Large Quantity Generators (“LQG”) of hazardous waste
 - ❖ Transporters/Receivers of Industrial Class 1 or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

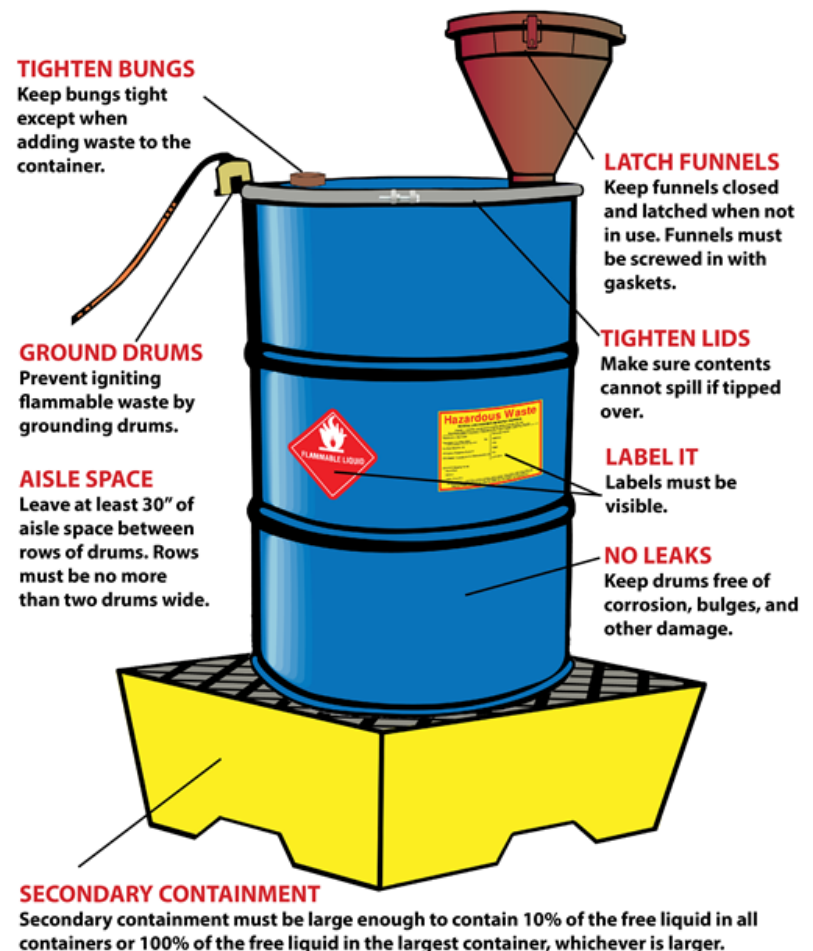
- Often times, lids/bungs are missing from containers
- Funnels are not closed or do not have the ability to be closed



Weekly Container Inspections

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

Inspect Your Dangerous Waste Drums



Dangerous Waste: Do It Right!

Questions? Please call your regional dangerous waste specialist at the Department of Ecology.

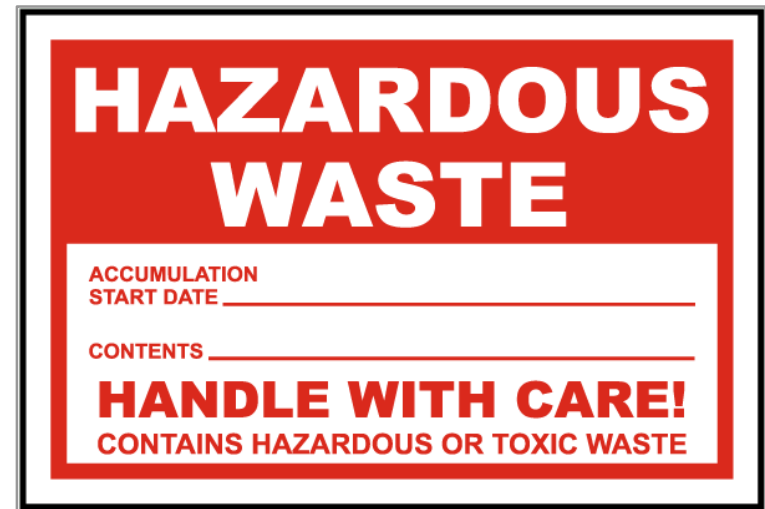
For more information about managing dangerous waste, visit us online:
www.ecy.wa.gov/programs/hwtr/managewaste.html



Reference Chapter 173-200-200-406, Use and Management of Containers. Thanks to Metro Department of Environmental Quality for original poster concept. Ecology Publication #08-04-015, revised June 2014. To request ADA accommodation or materials in a format for the visually impaired, call Ecology at 360-897-6300, Relay Service 711, or TTY 877-833-6341.

— 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 $\geq 5,000$ kg of universal waste at any time
- ❖ Records and notification are required

➤ Small Quantity Handler

- ❖ Does not accumulate $\geq 5,000$ 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”

A purple and white universal waste label form. The top section is purple with white text that reads "UNIVERSAL WASTE- PAINT AND PAINT RELATED WASTES". Below this, there are several horizontal lines for "DESCRIPTION". Further down, there are fields for "GENERATOR INFORMATION:" including "NAME", "ADDRESS", "CITY", "STATE", "ZIP", and "TELEPHONE". At the bottom, there are fields for "APPROVAL CODE" and "DOCUMENT NO.", followed by the bold text "HANDLE WITH CARE!". The entire label is framed by a border of small circles.

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?



BRITTANY TONES

Senior Project Manager
Compliance | Land & Water

btones@spiritenv.com

DIRECT

281-664-2829

MOBILE

832-623-8948

20465 State Highway 249, Suite 300
Houston, TX 77070