



IDR ENVIRONMENTAL SERVICES, INC.
HAZARDOUS WASTE MANAGEMENT

TOP 10

**HAZARDOUS
WASTE
VIOLATIONS**

And How To Avoid Them

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THE TOP 10 HAZARDOUS WASTE VIOLATIONS

And How To Avoid Them

On September 30, 1976, the Resource Conservation and Recovery Act (RCRA) was signed into federal law. This groundbreaking law gave the Environmental Protection Agency (EPA) authority to control hazardous waste from “cradle to grave,” including the generation, transportation, treatment, storage and disposal of harmful materials.

At IDR Environmental our job is to help our clients establish procedures to stay in compliance with RCRA, effectively and safely remove their hazardous waste streams and help them find ways to save money with their current operations. Let's face it hazardous waste regulations are becoming more stringent and federal and state agencies are becoming more aggressive in fining and prosecuting violators of environmental laws. A quick scan of recent headlines proves this point.



“Walmart fined \$82 Million Over Mishandling of Hazardous Wastes” – New York Times, May 28, 2013

“CVS to Pay \$800,000 in Environmental Penalties” - Hartford Courant, January 28, 2013

“Walgreens fined \$16.6 Million for Illegal Dumping” – San Jose Mercury News, December 12, 2012



Large companies are not the only ones in the regulator's sights. Small companies are just as likely to be inspected and fined. For smaller companies this exposure can be financially crippling and mean profit loss, layoffs or simply shutting the door. Agencies such as the Department of Toxic Substances Control (DTSC) in California typically do not inform hazardous waste generators of inspections. They show up at the door, with their credentials and announce that they are there to inspect the facilities.

NO WARNING AND NO TIME TO PREPARE

We created this EBook to help you understand what the regulators are looking for, the most common reasons that companies get fined, and what you can do about it NOW!

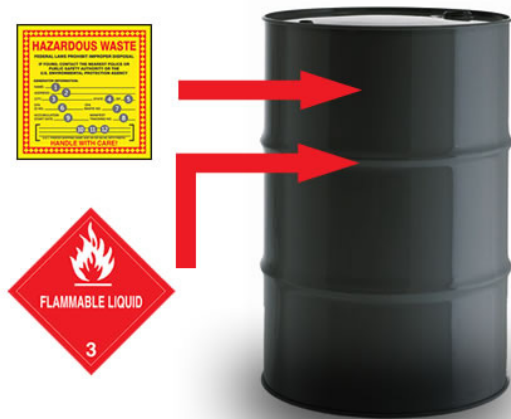
We invite you to use this information to take a serious look at your facilities and ask yourselves this question.....



AM I REALLY PREPARED?



Violation #1: Lack of or Improper Labeling of Hazardous Waste



One of the most common sources of regulatory fines is also one of the simplest infractions to correct. Many hazardous waste generators fail to properly label the tanks or containers that are used to store hazardous waste while they are accumulating onsite.

Why is it important to properly label containers?

There are a few important considerations when it comes to properly labeling hazardous waste containers.

First and foremost it is important for safety purposes so that your employees, government waste haulers and safety personnel know what kind of chemicals they are dealing with, particularly in the event of an emergency.

Secondly for regulatory compliance it is important to know how long waste has been accumulating onsite.

One common violation occurs when a company fails to put the accumulation start date on a container. The accumulation start date is very important, because it shows that you are not storing waste on site longer than the rules allow.

Solution: Proper Container Labeling

In order to stay in compliance, hazardous waste generators that accumulate and store hazardous waste on-site must comply with the following labeling requirements:

- The name and address of your facility
- The date the first drop of waste was placed in the tank or container (the accumulation start date)
- The identity or source of the waste (for example, spent plating solution)
- What makes the waste hazardous (for example, does it contain cyanide, dissolved metals, or acid?)
- The hazardous characteristic of the waste (is the waste toxic, corrosive, ignitable, or reactive?)
- The physical state of the waste (is it liquid or solid?)

HAZARDOUS WASTE

STATE AND FEDERAL LAW PROHIBITS IMPROPER DISPOSAL.
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY, OR THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL.

GENERATOR INFORMATION:

NAME _____

ADDRESS _____ PHONE _____

CITY _____ STATE _____ ZIP _____

EPA IDENTIFICATION NO. _____ MANIFEST TRACKING NO. _____

EPA WASTE NO. _____ CA WASTE NO. _____ ACCUMULATION START DATE _____

CONTENTS, COMPOSITION:

PHYSICAL STATE: ☐ SOLID ☐ LIQUID

HAZARDOUS PROPERTIES: ☐ FLAMMABLE ☐ TOXIC
☐ CORROSIVE ☐ REACTIVITY ☐ OTHER

[D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX]

HANDLE WITH CARE!



Violation #2: Failure to Perform Hazardous Waste Determinations

Hazardous waste generators are required to determine if their waste is a hazardous waste by either knowledge of the waste stream or by testing it, and maintain records of that determination. Many infractions occur when generators fail to properly identify all of the hazardous waste streams at their businesses.



Many solid waste streams at facilities tend to be overlooked as hazardous wastes because the solid waste usually does not resemble what one would associate with hazardous wastes, or waste that is not generated in the manufacturing process.



Examples include:

- Partially empty aerosol cans
- Electric lamps
- Electronic equipment
- Batteries
- Antifreeze
- Rags
- Absorbents
- Spent paint filters
- Spent activated carbon filter media
- Sand blasting residue

Solution: Properly Determine Your Waste Streams

The hazardous waste identification (HWID) process is the crucial first step in the hazardous waste management system. Correctly determining whether a waste meets the RCRA definition of hazardous waste is essential to determining how the waste must be managed. The waste generator has responsibility for determining if a waste is a RCRA hazardous waste.

The HWID process consists of four questions:

1. Is the material a solid waste?
2. Is the waste specifically excluded from RCRA?
3. Is the waste a listed hazardous waste?
4. Does the waste exhibit a characteristic of hazardous waste?

It is also important to treat unknown material as hazardous waste during the determination process by properly marking storage containers until a final determination is made.



Violation #3: Improper Disposal of Hazardous Waste

While to most of us, dumping toxic materials down the drain and into community water streams seems like a bad idea, improperly dumping toxic waste is still a major problem in the United States.

Any routine internet search will bring up pages of stories of companies both large and small being fined for improperly disposing of hazardous waste, many times with materials simply poured down the drain or thrown into the municipal trash cans.

In May 2013, big box retailer Walmart pleaded guilty and agreed to \$82 Million in fines for violations related to improperly dumping insecticides and products like bleach and fertilizer into municipal trash dumpsters and into sewer systems (thrown down the drain) instead of treating them like hazardous waste in California and Missouri.

Walmart is hardly alone, as recent cases of illegal dumping fines and violations have involved other large companies such as Walgreens, Costco Wholesale, CVS and Target Stores, with each case generating fines in the millions to tens of millions dollars.



What is illegal dumping and why do companies do it?





Is It Worth It?

Offenders often dump late at night to avoid the cost and inconvenience of proper waste disposal. Because the dumping of garbage, household appliances, abandoned automobiles, construction and demolition debris, hazardous materials, and other waste endangers public health, states have enacted a variety of laws designed to address the problem.

Simply put, illegal dumping is disposal of waste at any location other than a permitted landfill or facility. There are many reasons why companies may choose to illegally dump their waste but the primary motivations seem to be the following:

- Avoiding disposal fees.
- Companies with an untrained and understaffed workforce not understanding proper waste management procedures.
- Avoiding the time and effort required for proper disposal.
- Companies are unsure what constitutes hazardous waste.

Solution: Properly Disposing of Hazardous Waste

The Environmental Protection Agency has detailed information on how to properly dispose of hazardous waste. Here are things that your business should know to improve their processes and minimize the risk of regulatory fines.

1. Maintain proper licensing and understand your waste generator requirements
2. Understand that the RCRA has a “cradle to grave” requirement and that all hazardous waste generators are responsible for the proper disposal of their hazardous waste streams.
3. Understand that the more waste you generate, the more highly regulated your business is by Federal and state law.
4. Contract with a reputable and properly licensed hazardous waste company that will provide proper documentation and proof of proper disposal.
5. Make sure that your employees are properly trained on all hazardous waste disposal procedures for your company to avoid inadvertent dumping of hazardous materials.
6. Consider reduction as a tactic – Many companies are looking for ways to reduce the amount of hazardous chemicals they use which in turn reduces the amount of hazardous waste they generate. According to the EPA, approaches include:
 - Lean Manufacturing
 - Energy Recovery
 - Green Chemistry
7. Reuse and recycle hazardous materials – Many materials can be reused or in some cases reclaimed which is a process that can reclaim what is left of a usable product.

Proper Employee
Training Can Save
You \$\$\$\$



Violation #4: Inadequate or No Hazardous Waste Manifests

Many times simply filling out your paperwork incorrectly can lead to big problems and regulatory headaches and fines. One of the major provisions of the RCRA is the “cradle to grave” requirements. The “cradle to grave” requirement directs the EPA to establish controls on the management of hazardous wastes from their point of generation, through their transportation and treatment, storage and/or disposal.

So how does this apply to you as a hazardous waste generator?

Once your hazardous waste has been stored and labeled properly, you are required to complete the Hazardous Waste Manifest outlining what hazardous waste types you are disposing of and how much of it. You must then mail a copy of this manifest to the proper regulatory agencies including state and federal agencies such as the EPA and Department of Transportation (DOT). The hazardous waste manifest is a TRACED document which is monitored to ensure that your waste is being handled appropriately and within the law.

Make Sure Your Waste Is Being Delivered Correctly

Next, your hazardous waste transporter will pick up your waste and must dispose of it within 10 days to a designated facility. The designated facility then has 30 days with which to send the signed manifest to DSTC to prove that your waste has been delivered and processed correctly. If the DTSC does not receive the signed manifest within 30 days, the transporter will be paid a visit by the DTSC to make sure your waste is not being dumped out in a hole in the desert. This is just one of the many reasons a hazardous waste generator should hire a professional and reliable hazardous waste transporter. Since you, as the original generator of the waste, are responsible for what happens to the waste from „cradle to grave.” It’s vital you know where your transporter is disposing of your waste. You could end up with significant fines if you find out later that your transporter just dumped the waste out somewhere they aren’t supposed to.



TSDF Receipt of Acceptance and Processing

Once your transporter has delivered the waste to a designated facility, the facility signs the manifest with a 3rd signature (TSDF receipt of acceptance and processing) and sends that to you the generator. This way you know that your waste has been delivered to its final destination and treated accordingly.

Solution: Fill Out the Uniform Hazardous Waste Manifest Correctly

In order to properly track your hazardous waste streams properly a uniform hazardous waste manifest must accompany most hazardous waste that is shipped off site.

The Uniform Hazardous Waste Manifest is the shipping document that travels with hazardous waste from the point of generation, through transportation, to the final treatment, storage, and disposal facility (TSDF).

Each party in the chain of shipping, including the generator, signs and keeps a manifest copy, creating a „cradle-to-grave” tracking of the hazardous waste.

EPA ID numbers are needed by all parties on the manifest.

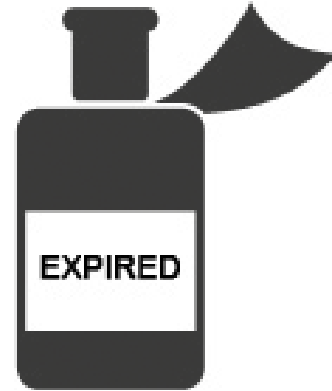
Hazardous waste transporters must be registered with the appropriate state agencies and DOT.

Common violations include missing signatures and EPA ID Numbers, so make sure your paperwork is filled out correctly and includes all appropriate signatures.

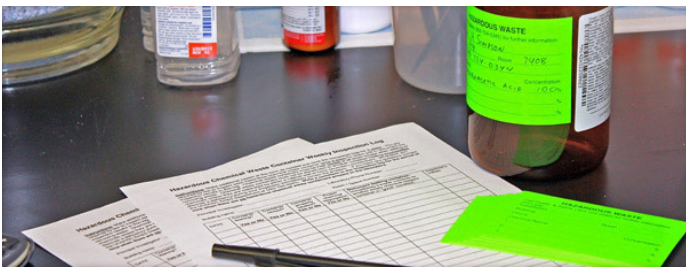


Violation #5: Improper Management of Expired Hazardous Waste

Many businesses retain products or samples that they rarely or never use. Others may buy chemicals in bulk in an effort to save money. Before they know it, the product or sample expires and may be forgotten about, misplaced or only half-used. This can become a regulatory headache and commonly can lead to EPA or state fines for violations of hazardous waste storage and disposal laws.



Laboratories, educational and medical research facilities and pharmaceutical manufacturers are particularly susceptible to these practices, and are common targets for fines. It is common, especially in academic labs, caches of old chemicals that have been stashed in a corner or closet and forgotten. Perhaps a researcher left or moved on to another project and did not dispose of the chemicals; therefore, these abandoned chemicals have fallen off the map. Any number of bad things can happen.



Materials at the end of their usable lives can be very volatile and can, in fact, be more of a hazard because they are no longer in their original containers, may be mixed with other potentially reactive agents, or simply may have decomposed due to age and become less stable.

Expired Substances are Subject to Hazardous Waste Laws.

Once a product containing a hazardous substance reaches its expiration date, it is subject to both the hazardous waste generator requirements as well as the regulatory timeframes (dependent upon generator status) in which these substances can be stored and disposed. It is very common for federal and state inspectors to issue citations and fines for improper management and storage of these types of substances.



Solution: Establish Proper Inventory Management Systems and Perform Regular Audits

The chemical life cycle spans three stages.

The first is chemical inventory, which relates to the procurement, storage, and management of chemicals before they are used; the second is the use of chemicals in research or processes; and the third is post-use, which is when the chemicals or new compounds move to waste storage and removal.

Do Regular Audits



Effective chemical life cycle management is centered on expiration dates, which must be noted when chemicals arrive at the lab and tracked until they are removed.

Chemical inventory management should be relatively easy since materials arrive in approved, labeled containers supported by paperwork. It is recommended that organizations buy smaller quantities and turn inventory over more frequently, because old chemicals are potentially dangerous.

These chemicals require close tracking to avoid exceeding their expiration dates. Saving a percentage of the cost by buying in bulk can end up costing more in the long run if the organization has to pay a company thousands of dollars to remotely open the container and then stabilize and dispose of a chemical.

Generally, the best practice is to have a centralized purchasing and inventory process that purchases appropriate quantities for the organization, manages the inventory, and dispenses chemicals as necessary.

Another “best practice” is to organize routine facilities audits to review hazardous waste procedures, perform regular employee training on proper hazardous waste handling, as well as to encourage the discovery and removal of expired chemicals.

Violation #6: Lack of a Contingency Plan

Every hazardous waste generator is required to have an emergency contingency plan. A written Hazardous Waste Contingency Plan is a program designed to minimize hazards to human health and the environment from fires, explosions or an unplanned sudden release of a hazardous waste. This program is developed by the facility owner or operator and establishes actions that must be immediately implemented during an emergency situation. The type of contingency plan depends on the amount and types of waste generated at the facility.

Lacking a plan or having an inadequate plan in place is a common regulatory infraction which leads to significant fines.

Solution: Create a Contingency Plan

Creating an adequate plan depends on your company's waste generator status.

Contingency Plan Requirements for Small Quantity Generators (SQG's)

- Designate an emergency coordinator and post contact information
- Post the location of emergency equipment
- Post emergency telephones
- Ensure employees are familiar with emergency procedures



Contingency Plan Requirements for Large Quantity Generators (LQG's)

- Create a written plan on-site and make sure the it is up-to-date and reviewed frequently
- Designate an emergency coordinator(s) and post contact information
- Post the location of emergency equipment
- Post emergency telephones
- Create an emergency evacuation plan
- Ensure employees are familiar with emergency procedures
- List name, address and phone number (s) (home and office) for designated emergency coordinator

Violation #7: Inadequate or No Training for Employees in Hazardous Waste Management

TRAINING PROGRAM



For your employees, safety is a major concern. Hazardous waste management poses many risks. Employees that are improperly trained or do not have knowledge about hazards or proper storage procedures can create hazardous conditions that endanger lives. Improper handling procedures can transform a routine storage task into a quickly spreading fire, a treacherous spill, or a toxic chemical reaction that requires evacuation of the facility. Some hazards are unseen, and employees that fail to wear proper protective gear can be exposed to fumes, radioactive materials or other hidden risks.

Employers should also be aware of new standards for employee communication standards that are going into effect in regards to employee communication and training. On June 16, 2013, the Occupational Safety & Health Administration (OSHA) adopted the Globally Harmonized System (GHS) to their Hazard Communication Standard. The Globally Harmonized System (GHS) is an international approach to hazard communication, providing agreed criteria for classification of chemical hazards, and a standardized approach to label elements and safety data sheets.

The GHS was negotiated in a multi-year process by hazard communication experts from many different countries, international organizations, and stakeholder groups. It is based on major existing systems around the world, including OSHA's Hazard Communication Standard and the chemical classification and labeling systems of other US agencies.

OSHA is requiring that employees are trained on the new label elements (i.e., pictograms, hazard statements, precautionary statements, and signal words) and SDS format by December 1, 2013, while full compliance with the final rule will begin in 2015.

A quick review of any press release that publicizes regulatory fines will most times show the line "fined for inadequate training of staff." Many small companies that generate hazardous waste are unaware of the requirements for hazardous waste disposal.



Download our
HCS Sign

Solution: Maintain Compliance with Hazardous Waste Management Training Requirements

Any employee who has any role in a company's hazardous waste management disposal process needs to have classroom instruction as well as on-the-job training in order to be certain the company complies with all regulations applicable to hazardous waste management. Instruction must include how to respond in an emergency and how to shut down production if necessary.



Stay
Compliant

The EPA provides two performance standards:

- All facility personnel must be taught „...to perform their duties in a way that ensures the facility's compliance with..."applicable regulations [40 CFR 265.16(a)(2)]; and
- The training „...must include instruction which teaches...waste management procedures...relevant to the positions in which they are employed" [40 CFR 265.16(a)(2)].

The details on how your facility intends to accomplish these objectives must be documented in a formal written hazardous waste training plan. Ultimately, the training must assure that each person is performing his or her duties correctly (i.e., no violations are occurring). If a violation or problem occurs, it is an indication of insufficient training.

As with other aspects of EPA regulations, the training requirements for companies are more stringent for large quantity generators. Large quantity generators require job specific training according to a site specific written plan. Training must be completed on an annual basis and there are written record requirements to document that training has taken place.

For small quantity generators, they are required to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities.

Hazardous waste generators that work specifically with chemicals also need to understand, adopt and train their employees by December 1, 2013 on the new OSHA Hazard Communication Standards.

Violation #8: Open Containers

Another very common violation and source of fines is for open containers containing hazardous waste. The laws on this point are very clear; containers of hazardous waste must be closed and latched at all times except when adding or removing waste.

Accidents may occur during handling of drums and other hazardous waste containers. Hazards include detonations, fires, explosions, vapor generation, and physical injury resulting from moving heavy containers by hand and working around stacked drums, heavy equipment, and deteriorated drums. While these hazards are always present, proper work practices-such as minimizing handling and using equipment and procedures that isolate workers from hazardous substances-can minimize the risks to site personnel.



Solution: Keep Containers Closed at All Times

The rule of thumb here is very simple: if the contents would spill if the container was overturned, then the container is considered open.

Employees must close and latch funnels, screw in bungs, use drum rings and tighten bolts. Also ensure that all employees are properly trained to close containers when adding or removing waste.

It is also crucial that drums be inspected on a regular basis to ensure compliance with this requirement. Regular facilities audits are also important to ensure that employees are following procedures and maintaining a safe work environment.



Violation #9: Improper Management of Mercury

Mercury waste includes mercury-containing industrial wastes and also discarded mercury-containing products. Mercury and most of its compounds are extremely toxic and must be handled with care. Improper handling of mercury can cause serious illness when handled improperly.

Mercury can be absorbed through the skin and mucous membranes and mercury vapors can be inhaled, so containers of mercury are securely sealed to avoid spills and evaporation. Mercury can cause both chronic and acute poisoning.

Recently the EPA has been cracking down on improper disposal of mercury related products including assessing heavy fines for improper disposal. In the past few years, large companies such as Macy's and CBS have faced stiff fines specifically related to the improper disposal of fluorescent lighting. Increased regulations have been put into place to reduce the amount of the substance in products and reduce the impact on our environment.

There are many everyday industrial uses of mercury in industrial products including:

- Auto parts
- Batteries
- Fluorescent bulbs
- Medical instrumentation
- Thermometers
- Thermostats



Solution: Industrial Mercury-Containing Waste Must Be Treated as Hazardous Waste

It is very important that companies look at their solid waste streams for products that potentially contain mercury. Specifically they need to look at lighting products, medical instrumentation and automotive related product which have historically been produced using mercury. These waste streams must be treated as hazardous waste and are subject to the same rules for storage and disposal as any other waste stream. It is crucial that these products are not disposed of improperly by placing into municipal dumpsters. Serious fines may result.

Violation #10: Infrequent or No Weekly Inspections of Hazardous Waste Storage Areas

Both large quantity and small quantity generators of hazardous waste are required to perform a weekly inspection of the hazardous waste container storage areas. This is a common violation, and one that is very easy to implement standard procedures and maintain compliance.



Inspect Your Storage Areas Frequently

Solution: Establish a Weekly Inspection of Hazardous Waste Storage Areas

It is crucial for hazardous waste generators to establish, perform and document weekly inspections of hazardous waste storage areas. A regular and thorough inspection will quickly reveal small problems that are easy to fix and prevent them from turning into large problems that are time consuming and potentially costly to repair. Inspections should be done once a week ideally on the same day.

Being consistent and following through are critical, so you should evaluate your workflow and pick one day of the week that this can be accomplished. Once you pick your inspection day you will need to have both a designated inspector and a back-up inspector to ensure that you will never miss a week.

Both of these employees must be trained on proper procedures and must fill out an inspection checklist documenting that these inspections have been completed.

Record your weekly inspections in an inspection log. The Environmental Protection Agency (EPA) provides guidance and weekly inspections should consist of the following at a minimum:

- Is the area free of debris and other materials?
- Is the ground clean and dry?
- Are container tops free of spillage?
- Is the area free of spills or leaks?
- Are all of the containers in good condition? (Free of dents and corrosion, not bulging, or otherwise deteriorating?)
- Are all containers properly closed?
- Are containers labeled with hazardous waste labels?
- Is the following information on the labels filled out?
 - Generator name and address
 - Accumulation start date
 - Contents
 - Physical state
 - Hazardous properties
- Is the information on the labels legible?
- Have wastes been disposed of within the allowable accumulation time?
- Are the containers compatible with their contents?
- Is there adequate aisle space?

By making sure to check each of these things every week you will ensure that your company is not responsible for any hazardous waste accidents and ensures that you will not get in trouble with the EPA or your state regulatory agency.



Conclusion

Compliance with hazardous waste laws can be a complicated process for many small and mid-sized companies. For many organizations it is too costly to have a dedicated employee or supervisor whose sole function is to keep up with these complicated environmental laws, and oversee your operations.

We find that in most cases companies are not ready for regulatory inspections and have significant financial exposure both in terms of the fines as well as the cost associated with fixing their problems.

That is where we come in. It is our job to stay current on the regulations and changes that are coming down the road from Washington. It is our job to ensure that you are meeting your compliance burden in a safe and effective way. Most importantly it is our job to remove your hazardous waste safely and effectively which minimizes the chance of a catastrophic accident and injuries to your employees.

Working with hazardous waste is serious business. We treat it that way.

As you have seen by the list of violations most of these items are not difficult to remedy or maintain, however to stay in compliance it takes a disciplined approach, routine inspections and well thought out procedures to stay out of regulatory hot water.

If you find that you have any of the issues mentioned in this EBook, contact us to see what it would take to fix the problem. You may be pleasantly surprised to find out that most of these issues can be solved quickly and cost effectively. Working with a qualified and licensed hazardous waste company can also save you money. Many times we find that by performing a quick audit of your operations, we can find easier and cost effective ways to remove your hazardous waste and find the hidden threats to your company's bottom line.



IDR CAN HELP

THANK YOU FOR READING!

Visit IDR Environmental Services to learn more about handling your hazardous waste materials

For more helpful Ebooks, Signs, Checklists and more, visit us:
www.idrenvironmental.com/education.html

PS - PLEASE SHARE THIS USING THE LINKS BELOW



NEED HELP?

Request a FREE Consultation and learn how IDR can help your company.

IDR Environmental Services, Inc., is a Full-Service, Hazardous Waste Management firm. IDR maintains a clean, modern fleet of transportation equipment, including vans, stake trucks, vacuum tankers, and roll-off capability.

GET STARTED

Talk to the Experts Today!

www.idrenvironmental.com/getstarted