

## *Inspection Panel: Common Violations and How to Avoid Them*

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### Common Generator Violations

- Waste Characterization
  - Profiled vs Characterized
  - Subpart BB/CC, land disposal restrictions
  - Recharacterized
- Waste Accumulation and Handling
  - Labeled
  - Closed
  - Protected from weather, fire, physical damage and vandals
  - Waste Handling Training & Recordkeeping

### Waste Characterization

- Wade O'Boyle, Environmental Quality Analyst, [oboylew@michigan.gov](mailto:oboylew@michigan.gov) or 616-260-7901
- What is it? t's just water (& some other stuff)
- I use "water" to illustrate that specifics or characterization is important.
- In the context of waste or byproducts, when someone says, "it's just water (dirt, wood, etc.)", I have many questions (e.g. knowledge, tests, etc.).
- All of the examples are generally speaking, "just water", but also take on individual identities.
- Details make all the difference (& some other stuff):
  - Fishy water, carbonated flavored water, water with flavoring & vitamins, spring water (contains carbonates, iron, etc.), caffeine etc. flavored water & alcohol, and waste water.
  - It's NEVER JUST WATER!
- Know your own waste and manage it properly
- Hazardous because:
  - Listed
  - Characteristic (test)
- You know because:
  - Knowledge
  - Tests
- The KEY- Documentation! Documentation! Documentation!
  - If Hazardous- WHY? Document knowledge AND lab results (always representative sampling)
  - If Non-Hazardous- WHY? Document knowledge AND lab results (always representative sampling)

### Waste Characterization Record

- To meet the waste characterization recordkeeping requirements of Rule 307:
  - Record your answers to the waste characterization questions asked in Rules 212 and 213
  - Detail must thoroughly document your determination
  - Detail are in addition to the records necessary for OSHA safety
  - Records should be assembled and readily available at the site of generation for each waste stream
- Waste characterization record should include:
  - the waste type

- a narrative description of the waste
- the source of waste
- any test results obtained from sampling and analyzing the waste
- a description of any sampling procedure used for waste testing
- details on how the sample was determined to be representative of the waste stream
- a copy of Safety Data Sheets (SDS) or other reference materials relied upon for making the waste determination, including calculations used to evaluate subpart BB and CC applicability (to determine the part per million by volume volatile organic compound content of the waste)

### **Waste Protected from Weather, Fire, Physical Damage and Vandals**

- Mary Ann St. Antoine, Environmental Quality Analyst, stantoinem@michigan.gov or 989-370-8035
- Keep totes, drums and containers stored securely away from driveways, alleys and public access
- Store hazardous waste protected from weather (heat and cold), falling ice
- Accumulate hazardous waste and LIB protected from public access including traffic, snowplows, forklifts
- Store hazardous waste and LIB in an area protected from vandals.
- Store hazardous waste in an area protected from vandals and traffic.
- If choosing to store LIB and/or hazardous waste outdoors, store protected in an area that does not allow public access.
- Good housekeeping prevents build-up of fuels and ignition sources and their proximity to each other.
- Fires require three elements:
  - Fuel - flammable wastes, rags, cardboard
  - Oxygen
  - Ignition/spark
- Oxidizer: materials that can start and support a fire through the chemical reaction of oxidation.
- Strong oxidizers such as nitrates, chlorine, bromine, ethyl ether (peroxide former),
- Hindsight is 20/20
- Avoid fires
- Be prepared to put them out

### **Labeling & Closed Containers**

- Jenny Bennett, Environmental Quality Analyst, bennettj@michigan.gov or 231-429-1413
- Where's My Label?
  - On the shelf above the accumulation containers?
  - Stapled to my transporter's invoice?
  - Filed with last year's tax documents?
  - Locked in the office of a staff member on extended leave?
- It is safe to assume that all containers of waste need to be labeled or the contents identified.
- It is always a good idea to label all products too.
- Specific labeling or marking requirements do vary by type of waste and generator status. Know what your generator status is and what your specific labeling requirements are for satellite versus accumulation areas
- Satellite containers needs "hazardous waste" and chemical name or hazardous waste code(s)
- Accumulation container (90/180 day storage area containers) needs "hazardous waste," hazardous waste code, and accumulation start date
- Original product label does not meet Part 111 requirements
- There are good reasons to keep containers closed:
  - Prevent spills
  - Prevent employee health exposure
  - Prevent costly cleanups
  - Prevent liability
- How Closed is Closed? Satellite or 90/180 Day Accumulation Area
  - Why would the regulations require my container to be closed?

- What am I trying to prevent?
- How can I make it easier for my employees to comply?
- How can I be more efficient?
- How Closed is Closed - Waste Considerations
  - Liquid vs Solid?
  - Access Needed Multiple Times per Day or Once per Week?
- Think about what you are trying to prevent and think of the worst-case scenario.
- “Closed” container varies with the type of waste.
- Use a closure system that will meet the requirements, prevent exposures and accidents, but one that is also convenient for your employees to use.
- The easier it is to use, the more likely that it will be used.
- Examples of containers that can’t possibly meet the closed container requirements.
  - Funnel lid shuts and can even lock but does not seal. Will not contain a liquid spill.
  - Container is in great shape, funnel is out of bung, but no bung plug is available.
  - Damaged drum with liquids, container opening will not it to seal with a drum lid and drum ring clamp.
  - Funnel is so gooped up and misshaped, it couldn’t close and seal even if it had a lid.
- Even with your best attempts at good closure systems, signage, and employee training, it still may be a struggle to stay in compliance. Continuous employee training and giving employees the tools to make compliance easy and efficient are key to preventing violations.
- Example of a good accumulation area has:
  - A place for everything and everything in its place.
  - All containers are closed and labeled
  - All labels visible for your daily and weekly inspections
  - Accumulated Happily Ever After: 270 days or less, depending on your generator status & location (unless you are a CESQG)

## Training

- Jill Coulter, Environmental Quality Analyst, coulterj@michigan.gov or 517-243-1680
- Hazardous Waste Part 111 Web Resources
  - Summary of Generator Requirements
  - Go to [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste), select “Hazardous” tab on the left, select “Hazardous and Liquid Industrial Waste Management” to access resources and statutes/rules
  - Go to [www.michigan.gov/deqretail](http://www.michigan.gov/deqretail)
- DEQ Free Training Resources
  - DEQ guidebook at [www.michigan.gov/ehsguide](http://www.michigan.gov/ehsguide)
  - DEQ recorded webinars and trainer self-certification form at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste), select “Hazardous Waste and Liquid Industrial By-Product Regulations Webinar Series” under the “Announcement” tab
- LQG Waste Training required under Rule 306(1)(d) - The generator complies with the requirements for owners or operators of interim status facilities in 40 CFR 265 subparts C and D (preparedness prevention & contingency planning), §265.16 (personnel training and part 268 (land disposal restrictions)
- LQG employee training documents:
  - Must have written hazardous waste training program
  - Must conduct annual training for employees
  - Must keep written training records for 3 years
  - Training must be conducted by someone qualified to give training
  - Must have description of the type of training given
- SQG Waste Training - Rule 306(4)(h)
  - The generator shall ensure employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal operations and emergencies
- CESQG Waste Training - Rule 205

- CESQGs do not have any specific waste training requirements but are encouraged to train regularly ensure they can safely manage waste during normal operations and emergencies
- Preparing/Offering Hazardous Waste for Transport
  - Requires Training to meet:
    - Part 111, Hazardous Waste Training
    - 49 CFR US DOT Training for hazardous materials – Chapter 4 of guidebook at [www.michigan.gov/ehsguide](http://www.michigan.gov/ehsguide)

### **Environmental Emergencies**

- Prepare for reporting an environmental emergency by reviewing the Michigan Release Reporting Table at [www.michigan.gov/chemrelease](http://www.michigan.gov/chemrelease)
- When in doubt whether to report or when a release reaches waters of the state, notify:
  - Your local emergency responders at 911
  - MDDEQ Pollution Emergency Alert System (PEAS) at 800-292-4706 (within Michigan) or 517-373-7660 (outside Michigan)
  - U.S. EPA National Response Center at 800-424-8802