

COMMON HAZARDOUS WASTE GENERATOR VIOLATIONS

GUIDANCE

INTRODUCTION

In Michigan, hazardous waste is regulated under [Part 111](#) of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) and the [Part 111 Rules](#). The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD) staff inspect facilities that handle hazardous waste to ensure it is accumulated, stored, transported, treated, and disposed of as specified under the regulations and in a manner that protects us and our environment. EGLE has developed this and other resources to help facilities who handle hazardous waste learn more about the compliance requirements so that they experience a safe and favorable inspection.

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COMPLIANCE RESOURCES

EGLE has extensive resources to help hazardous waste generators understand the regulations, including:

- [Michigan Guide to Environmental Regulations, Chapter 2](#)
- [Recorded Waste Webinar Series](#)
- [Hazardous Waste Inspection Forms](#)

Select the links above or find the listed resources at Michigan.gov/EGLEWaste, and select Hazardous Waste and Liquid Industrial By-products.

COMPLIANCE CHECK

EGLE’s hazardous waste inspection findings can be accessed through WDS, the **Waste Data System** available online at EGLE.State.MI.US/WDSpi/Home.aspx.

To search for a specific location, select “Advanced Search,” enter only the street number and city, then run query (at the top).

To find facilities inspected within a geographic area, use the “Advanced Search,” enter the zip code, county, or district office area, and select run query (at the top).

COMMON VIOLATIONS

The following are common hazardous waste violations observed by EGLE staff during inspections



WASTE DETERMINATIONS

Hazardous waste generators are required to determine if the waste they produce is a hazardous waste by using their knowledge of the waste or by testing it. (Part 111 Rules 302 and 311)

Violations Include:

1. Failing to properly identify all the hazardous waste generated at the business. Commonly overlooked wastes include, but are not limited to, waste generated from a blind sumps, partially empty aerosol cans, expired products, facility maintenance construction or demolition waste streams, [electric lamps](#), [electronic equipment](#), [batteries](#), [rags and other textiles](#), sorbents, spent paint filters, spent activated carbon filter media, and [sand blasting residue](#).
2. Failing to have waste evaluations [documented](#) and keep records for at least 3 years since the waste was last shipped off-site.
3. Failing to recharacterize when the process or materials used change.

Additional Resources:

- [Waste Characterization and Generator Status Webinar Recording](#)
- [Waste Characterization and Generator Status Webinar Outline](#)
- [Waste Characterization Guidance](#)
- [Waste Characterization Steps and Questions](#)
- [Optional Waste Characterization Record Form](#)
- [Waste Characterization Workshop Reference Book](#)
- [EPA Waste Determination Frequently Asked Questions](#)



CONTAINER ACCUMULATION

Hazardous waste generators have specific requirements regarding how and where they can accumulate their hazardous waste. Central waste accumulation areas have more requirements than satellite accumulation areas.

Central Accumulation Area Violations (Part 111 Rules 305, 306, and 307) Include:

1. Failing to conduct weekly inspections.
2. Missing or incomplete written [documentation of inspections](#).
3. Missing the [accumulation date](#) on the containers.
4. Missing the words "Hazardous Waste" on the container labeling.
5. Missing the [hazard indicator](#) on the container labeling.
6. Missing the waste description or waste codes on the container labeling.
7. Having an inadequate waste description. The waste description must identify the contents of the containers. Examples of acceptable waste descriptions that can be used instead of waste codes include:
 - The name of the chemical(s), such as “acetone” or “methylene dichloride”.
 - The type or class of chemical, such as “organic solvents” or “halogenated organic solvents.”
 - The proper shipping name and technical name markings used to comply with US DOT requirements.
8. Failing to have labels visible for inspections.
9. Exceeding the allowable on-site accumulation time frame for hazardous waste.
10. Having inadequate aisle space to properly inspect containers and provide access for emergency personnel and their gear.
11. Leaving containers exposed to weather or vandals.
12. Lacking or inadequate **secondary containment** including:
 - Lacking or inadequate resistant coating and having cracked surfaces on secondary containment.
 - Lacking or inadequate squirt protection.
 - Failing to have containers elevated or base of containment sloped to drain or sump, when required.

Satellite Accumulation Area Violations (Part 111 Rule 305) Include:

1. Failing to keep satellite containers closed, except when waste is added or removed.
2. Missing the words "Hazardous Waste" on the container labeling.
3. Missing the [hazard indicator](#) on the container labeling.
4. Missing the waste description or waste codes on the container labeling.

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5. Having an inadequate waste description. The waste description must identify the contents of the containers. Examples of acceptable waste descriptions that can be used instead of waste codes include:
 - The name of the chemical(s), such as “acetone” or “methylene dichloride.”
 - The type or class of chemical, such as “organic solvents” or “halogenated organic solvents.”
 - The proper shipping name and technical name markings used to comply with US DOT requirements.
6. Exceeding the allowable volume for each satellite area (total of 55 gallons of non-acute hazardous waste, one quart of liquid acute or severely toxic hazardous waste, or 1 kilogram of solid acute or severely toxic hazardous waste).
7. Failing to keep the container at or near the point of waste generation.
8. Lacking operator control of the process that generates the waste that goes into the satellite container.
9. Forgetting to list the date the satellite container(s) reaches the 55 gallons limit for non-acute hazardous waste or 2.2 pound limit for acute hazardous waste.
10. Failing to move the 55 gallon non-acute hazardous waste container, one quart of liquid acute or severely toxic hazardous waste, or 1 kilogram of solid acute or severely toxic hazardous waste to the central accumulation area within three days.
11. Failing to have appropriate US DOT placards available for transporters.

Additional Resources:

- [Weekly Hazardous Waste Maintenance Checklist](#)
- [MMD Satellite Accumulation Area Operational Memo 111-2](#)
- [Guide to Understanding Secondary Containment Requirements in Michigan](#)
- [Accumulation, Labeling, and Shipping Webinar Recording](#)
- [Accumulation, Labeling, and Shipping Webinar Outline](#)
- [Inspections and Recordkeeping Webinar Recording](#)
- [Inspections and Recordkeeping Webinar Outline](#)
- [Summary of Hazardous Waste Generator Accumulation Requirements](#)
- The [US DOT Regulations](#) specify the containers, placards, etc., that must be used during hazardous materials transportation.
- The US DOT Regulations are described in detail in Section 4.4 of [Chapter 4](#) of the [Michigan Guide to Regulations](#).



EMERGENCY PLANNING

Hazardous waste generators are required to be prepared and be able to respond to incidents involving hazardous waste releases. They are also required to report releases under specific circumstances. (Part 111 Rules 306, 307, and 311)

Violations Include:

1. Large Quantity Generators

- Missing a current written [contingency plan](#).
- Having a contingency plan that is missing a quick reference guide.
- Having a contingency plan that is missing the current emergency coordinator contacts and important information for responding to emergencies, like cell phone numbers.
- Having a contingency plan that is missing list of emergency equipment and description of the equipment capabilities.
- Having a contingency plan that is missing a facility map showing location of emergency equipment, including water access in the event of a fire.
- Having a contingency plan that is missing evacuation plan with details describing the signal to begin evacuation and evacuation routes.
- Failing to mail the contingency plan to local emergency responders and provide an opportunity for them to tour the facility and familiarize themselves with the hazards of the waste, hazard areas, emergency equipment, etc.
- Failing to keep documentation that outside organizations, such as fire department, police, hospitals, local emergency planning committees, etc., were contacted.

2. Small Quantity Generators

- Missing, outdated, or incomplete [emergency posting](#) information by telephones and in waste accumulation areas.
- Failing to make arrangements with outside organizations, such as fire department, police, hospitals, local emergency planning committees, etc., that you would need to call if an emergency occurred.
- Failing to keep documentation that outside organizations, such as fire department, police, hospitals, local emergency planning committees, etc., were contacted.

Additional Resources:

- [Contingency Plans and Emergency Procedures for Large Quantity Generators](#)
- [Hazardous Waste Emergency Posting Form for Small Quantity Generators](#)
- [Spill Reporting Requirements](#) has a summary of various release reporting requirements.
- [Michigan State Police, Emergency Management and Homeland Security Division](#) has guidance workbooks for emergency planning.
- [EPA's Emergency Management Office \(www.epa.gov/emergency-response\)](http://www.epa.gov/emergency-response)
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TRAINING

Small quantity generators are required to provide training that ensures employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal site operations and emergencies and to document that training. Large quantity generators are required to have extensive records related to staff responsible for proper handling of hazardous waste, to maintain documentation of that training, and to refresh training at least annually. (Part 111 Rules 306, 307, and 311)

Violations Include:

1. Large Quantity Generators
 - Missing or incomplete records that lack job title, job description, employee name, and written training description.
 - Failing to retrain employees trained annually.
 - Using emergency training programs required by other regulations (like the US DOT regulations) including videos or seminars, which do not have a portion covering facility specific hazardous waste handling and emergency response requirements.
2. Small Quantity Generators
 - Failing to train thoroughly and frequently enough to ensure employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal site operations and emergencies.
 - Failing to have a written record of the training provided.

Additional Resources:

- [Personnel Training Requirements for Fully Regulated HW Generators](#)
- [Release Notification Requirements in Michigan](#)



RECORDKEEPING

Hazardous waste generators are required to properly prepare, maintain, and submit copies of various records. (Part 111 Rules 304, 306, 307, 308, and 311)

Violations Include:

1. Failing to have a copy of manifest signed by designated facility.
2. Missing or incorrect waste codes or US DOT descriptions on manifests.
3. Missing copy of EPA's biennial hazardous waste report for large quantity generators.
4. Failing to renotify before September 1 every four years starting September 1, 2021 for small quantity generators.

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5. Missing land disposal restriction (LDR) notification and waste analysis documents.
6. Missing or incomplete information on the LDR documents such as categories, underlying hazardous constituents, and manifest numbers.
7. Listing LDR information that is inconsistent with waste characterization.

Additional Resources:

- [Uniform Manifests](#)
- [Biennial Reports for Large Quantity Generators](#)
- [Quadrennial Reports for Small Quantity Generators](#)
- [Land Disposal Restrictions](#)
- [Accumulation, Labeling, and Shipping Webinar Recording](#)
- [Accumulation, Labeling, and Shipping Webinar Outline](#)
- [Inspections and Recordkeeping Webinar Recording](#)
- [Inspections and Recordkeeping Webinar Outline](#)
- The [US DOT Regulations](#) specify the containers, placards, etc., that must be used during hazardous materials transportation.
- The US DOT Regulations are described in detail in Section 4.4 of [Chapter 4](#) of our [Michigan Guide to Environmental Health and Safety Regulations](#).



USED OIL

Used oil generators have unique characterization requirements, transport, and labeling requirements found in the hazardous waste regulations. Used oil also has specific accumulation, storage, transport requirements found in [Part 121](#), Liquid Industrial By-products, of the NREPA. Used oil is also required to be recycled under [Part 167](#), Used Oil, of the NREPA. (Part 111 Rules 809 and 810, Part 121, and Part 167)

Violations Include:

1. Failing to label used oil containers, tanks, and fill pipes with the words "Used Oil."
2. Failing to keep the containers closed, except when waste is added or removed.
 - Leaving funnels in place that are not screwed into bung and do not have the capability of being kept closed.
3. Leaving containers exposed to weather, fire, physical damage, or vandals.
4. Failing to adequately characterize used oil using knowledge and analysis.

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5. Failing to retain total halogen content testing records for at least three years for used oil shipped off site or received from off site.
6. Failing to have records of used oil shipments for at least three years for used oil shipped off site or received from off site.
7. Failing to have a record verifying the designated facility on the shipping document received used oil shipment(s).

Additional Resources:

- [Used Oil Overview](#)
- [Used Oil Characterization Guidance](#)
- [Used Oil Common Violations Checklist, Emergency Posting and Labels](#)
- [Used Oil Webinar Recording](#)
- [Used Oil Webinar Notes](#)
- [Liquid Industrial By-products Generator Guidance](#)
- [Liquid Industrial By-products Frequently Asked Questions](#)
- [Liquid Industrial By-products Handling and Reporting Webinar](#)
- [Liquid Industrial By-products Handling and Reporting Webinar Notes](#)
- [Recycled Materials Market Directory](#) for a finding companies who recycle used oil and filters.

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