

Inspections & Recordkeeping

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Presentation Goals

- Reduce inspection anxiety
- Provide opportunity and tools to be prepared for an inspection
- Highlight inspector constraints
- Share examples of good and bad inspection observations

Waste Characterization Regulations

- Act 451, Michigan Natural Resources & Environmental Protection Act:
 - Part 111, Hazardous Statute and Rules
 - Part 121, Liquid Industrial By-Products Statute
 - Part 115, Solid Waste Statute and Rules
 - Part 169, Scrap Tires Statute
- Act 368, Michigan Public Health Code:
 - Part 138, Medical Waste Regulatory Act Statute and Rules
 - Part 2, Ionizing Radiation Rules Statute and Rules
- Federal Toxic Substance Control Act (TSCA)

Required Paperwork

- Notification of Hazardous Waste Activity
- Waste Characterizations
- Manifests and Shipping Documents
- Land Disposal Restriction Form`s (LDR`s)
- Waste Area Inspection Documents
- Annual Liquid Industrial By-Product Reports - NEW
- Biennial Hazardous Waste Reports
- Training Records
- Contingency Plans

Notification of Hazardous Waste Activity

- Generators of hazardous waste must notify of regulated waste activity
- The Waste Management and Radiological Protection Division (WMRPD) issues IDENTIFICATION NUMBERS to facilities per site
- Liquid industrial by-product generators are no longer required to have a Site ID number!
- Site notification using the EQP 5150 form is also required for:
 - Hazardous waste and liquid industrial by-product transporters
 - Liquid industrial by-product treatment, storage, and disposal facilities (called liquid industrial by-product “designated facilities” in the statute)
 - Hazardous waste treatment, storage, and disposal facilities
 - Large quantity universal waste handlers accumulating 11,000 lbs. or more of all universal waste types at any time during the calendar year

Waste Characterization

- Waste characterization records is required for each waste stream
- Recorded Webinar on Waste Characterization and Generator Status Webinar

- Available at www.michigan.gov/deq/waste under “Announcements” select “Hazardous Waste and Liquid Industrial By-product Webinar Series”
- See also Waste Characterization Steps/Questions and Optional Recordkeeping Form
- Solvent wipes guidance includes a waste characterization form for documenting the exclusion is met
- If wipes go to intermediary before disposal (e.g. a hazardous waste treatment/storage facility), the records must also identify destination facility
- DEQ must be able to follow the wipes to an ultimate disposal option that meets the exemption (e.g. MSW or HW incineration or landfill)

Hazardous Waste Land Disposal Restrictions (LDR) Overview

- LQGs and SQGs must determine if the waste requires treatment before land disposal
- LQGs and SQGs must provide notice of LDR information for the initial waste shipment to each off-site TSD
- Notification required even for shipment to non-land based TSDs (e.g. incinerator)
- Applies to listed & characteristic hazardous wastes from SQGs & LQGs
- Notice sent to each TSD for each waste stating waste meets or does not meet LDR standards
- Requires treatment before land disposal for most wastes
- Land disposal includes any disposal on land (landfill, land treatment, injection well, salt caverns, etc.)
- New LDR notice must be sent when there is a waste or facility change
- To determine if treatment is required, review if waste codes for each waste stream meet the standards in 40 CFR 268.40, 268.45(debris), or 268.49(soil)
- LDR Notice must include:
 - Manifest document number
 - EPA hazardous waste numbers
 - Treatment standards
- There is no standard EPA notification form for the LDR notice, they are TSD specific!

LDR Generator Recordkeeping

- Generators treating a prohibited waste to meet the standards in 40 CFR 268.48 must have a written waste analysis plan describing the activities they perform to meet the treatment standards
- All generator LDR records are required to be maintained for 3 years from the last date of shipment or on-site treatment and/or disposal, whichever is later
- Keep LDRs & related documents for at least 3 years after waste last sent to TSD
- LDR's must have complete information such as categories of waste and underlying hazardous constituents
- Information on LDR must be consistent with the waste characterization

Manifests & Shipping Document

- Uniform manifest must be used when hiring permitted & registered transporter to ship hazardous waste except when:
 - Small quantity generator (SQG) shipping waste off-site for reclamation and regenerated material is brought back to generator when specific conditions are met (tolling agreement)
- Uniform manifest no longer required for shipments of liquid industrial by-product, but a “shipping document” is still required
- Generators may use the uniform manifest to meet the shipping document requirements, but not recommended
- Consolidated shipping document may be used for non-hazardous liquid industrial by-products, including CESQG liquids
- Generators must keep track manifest and shipping document to verify receipt at the receiving facility
- Hazardous waste manifest copies signed by the hazardous waste treatment, storage and disposal facility must be sent back to generator after date of shipment by:
 - Small Quantity Generator (SQG) - 60 days and if not received, file report with DEQ
 - Large quantity generator (LQG) - 45 days and if not received, file report with DEQ

- 2013 rule changes, no longer required to mail manifest to DEQ
- July 1, 2018 e-Manifest system deployment
- Use of the e-manifest will be optional
- Paper manifests cost \$20, e-manifests cost \$4
- Still must create and carry paper copy for US DOT transport safety
- No more DEQ manifest fees
- All manifests go directly to EPA
- Can use e-manifest for non-hazardous shipping document but not recommended
- Learn more at www.epa.gov/e-manifest
- Register to for DEQ e-Manifest webinar on 5/16/18 at www.michigan.gov/deqevents
- 2016 STATUTE CHANGE for liquid industrial by-product shipping documents!!
 - No longer required to use uniform manifest to document shipment/disposal of liquid industrial by-product
 - The “shipping document” may be a log, an invoice, a bill of lading, or other record, in either written or electronic form, that includes all the following information:
 - Name and address of the generator
 - Name of the transporter
 - Type and volume of the liquid industrial by-product in the shipment
 - Date the liquid industrial by-product was shipped from the generator
 - Name, address, and Site ID number of the designated facility
 - At the time of shipment, the generator must certify that:
 - The liquid industrial by-product is accurately described on the shipping document
 - Is in proper condition for transport
 - That the information on the shipping document is factual
 - Liquid industrial by-product generator provides a copy of the document to the transporter to accompany the shipment to the designated facility and transporter certifies accepting liquid industrial by-product for transport
 - Generator must receive confirmation of acceptance of the liquid industrial by-product by the designated facility
 - Generator must maintain shipping records for 3 years

e-Manifest System

- June 30, 2018 U.S. EPA deploys the NEW e-Manifest System
- View recorded webinar on e-Manifests at www.michigan.gov/deqwaste under “Announcements” to learn more
- See the DEQ Uniform Manifest Information Web Page for access to DEQ and U.S EPA resources on the new system
- Discuss manifest/shipping document changes with your receiving facilities

Liquid Industrial By-Product Designated Facility

- Liquid Industrial by-product designated facility is a facility that receives liquid industrial by-product from another site, this could include:
 - Receiving unwanted liquid waste from other locations owned and operated by the same company
 - Receiving unwanted liquids from other companies

Liquid Industrial By-Product Designed Facility Annual Report

- First report due April 30, 2017, second report due April 30, 2018
- 2018 report identifies liquid industrial by-product received in prior calendar year or 1/1/17 to 12/31/17
- E-mailed completed EQP 1602 form (excel file) to DEQ-Part-121-Reporting@michigan.gov
- No report required if designated facility received only by-product from only 1 generator owned, operated or legally controlled by the receiving facility
- Required reporting includes:

- Name and address of the designated facility
- Calendar year covered by the report
- Types and quantities of by-product received
- Description of the manner in which the by-product was processed or managed
- See Receiving Facility Reporting Regulations Guide for details on what liquid transport must be reported under the various DEQ programs

Liquid Industrial By-Product Designed Facility Annual Report - Waste Reporting Types

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| <ul style="list-style-type: none"> ○ Antifreeze ○ Brine Car Wash Sludges ○ Conditional Exempt Small Quantity Generator Hazardous Waste ○ Coolants and Water Soluble Oils ○ Crankcase Oil ○ Grease Trap Wastes ○ Hazardous Secondary Materials ○ Leachate ○ Mixed Solvents | <ul style="list-style-type: none"> ○ Other Oil ○ Other Wastes ○ PCB ○ Pharmaceutical ○ Sanitary Sewer Cleanouts ○ Storm Sewer Cleanouts ○ Water Based Cleaning Solutions ○ X-Ray/Photo Cleaning Solutions ○ Universal Waste |
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Liquid Industrial By-Product Designed Facility Annual Report - Waste Treatment Types

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| <ul style="list-style-type: none"> ○ Authorized Discharge to Municipal Sanitary Sewer System ○ Beneficial Reuse ○ Blending with Hazardous Waste for Fuel ○ Deep Well Injection ○ Elementary Neutralization ○ Filtration ○ Incineration ○ Non-hazardous Waste Fuels ○ Other Processing (specify) | <ul style="list-style-type: none"> ○ Recycling (such as antifreeze or non-hazardous solvent recycling) ○ Recoverable Petroleum Products (RPP) Re-refining ○ Solidification/Landfilling ○ Storage Only ○ Used Oil Fuel ○ Used Oil Recovery/Recycling ○ Used Oil Re-refining ○ Wastewater Treatment (precipitation) |
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Liquid Industrial By-Product Designed Facility Annual Report

- Form and instructions are available on the Liquid Industrial By-products Reporting Web page

Liquid Industrial By-Product Resources

- Example Shipping Document
- FAQ
- Liquid Industrial By-product Generator Guidance
- Recorded Webinar

Hazardous Waste Biennial Report

- Details hazardous waste activity in the previous odd numbered year
- Required of LQGs and TSDs
- Submit to WMRPD by March 1 of even-numbered year
- Report includes both MI & EPA hazardous wastes
- Keep copy at least 3 years from due date
- 2014 was first year biennial reports were required to be submitted electronically
- 2018 biennial reporting information found on Biennial Reporting Web page

Hazardous Waste Area Inspection Documents

- SQG & LQG must perform:
 - Weekly container accumulation area inspections
 - Daily for tank inspections
- LQGs must document hazardous waste container accumulation area and tank inspections

Emergency Planning & Training Requirements

- CESQG
 - No specific requirements

- SQG
- Informal training
- Training records not required
- No stipulated review period
- Must post CURRENT emergency info by phone near scene of operations (see used oil and emergency posting guidance)
- Must send facility diagram to responders or discuss facility layout, access roads, evacuation routes, etc., with them
- Must ensure emergency coordinator is identified and on premises or on-call
- 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
 - Training must be conducted by someone who is qualified to conduct training
- SQGs and LQGs must have CURRENT & complete written contingency plan on-site
- Must make arrangements with fire department, police, hospitals, emergency response contractors, and local emergency response teams & document that they were contacted
- LQGs must document that they made this contact

Release and Emergency Notifications

IF THERE IS A RELEASE TO THE ENVIRONMENT, IMMEDIATELY NOTIFY:
 Local Emergency Team: ☐ Call the Department
 National Response Center: 800-424-9333 ☐ Michigan Pollution Emergency: 800-254-4334
 Department of Environment, Great Lakes and Energy: 517-335-3000
 Local Emergency Planning Committee (LEPC):
 Environmental Emergency Response:

Emergency Coordinator Name: _____
 Coordinator Phone: _____
 Alternate Emergency Contact Name: _____
 Alternate Phone: _____
 Hospital Phone: _____ Police Phone: _____
 Fire Alarm to be Sounded: _____
 Spill control equipment to be located: _____
 Fire extinguishers to be located: _____

Keep a facility with appropriate equipment, with instructions, such as maps, and phone numbers.

USED OIL **USED OIL FILTERS ONLY - NO TRASH!**

Pre-Transport Requirements

- SQG & LQG offering 1,000 lbs. for shipment must have U.S. Department of Transportation placards (for their type of waste) available for transporters



Tank Inspection Documents

- All tank inspections must be documented, and all records must be kept for at least 3 years

Tank Certification

- Must obtain a written assessment that is reviewed and certified by a qualified professional engineer that includes:
 - Design standards
 - Hazard characteristics of the waste
 - Determination performed by corrosion expert if the external shell of a metal tank is in contact with soil or water
 - Design considerations if tank affected by vehicle
- Requires professional engineer certification
- Requires written certification to be kept on file at facility

Inspection Day!!

- When and why does an inspector visit?
 - Routine compliance inspection
 - Complaint received
 - Manifest discrepancies
 - Inspection requested by another agency
- How to survive and inspection
 - Relax, don't be adversarial, and have your records in order
 - Don't try to hide anything and If asked to "fix" something, consider doing it then if possible
- What do inspectors review?
 - Waste Related Records:

- Waste characterizations	- Emergency preparedness records
- Manifests & shipping documents	- Personnel training records
- Land disposal restrictions	- Contingency plans
- Storage area logs	- Spill control equipment records
- Biennial reports	
 - Waste handling and accumulation areas containers, labeling, secondary containment, etc.

Gallery of Violations

- Hazardous waste manifest common violations
 - Using wrong Site ID number
 - Using wrong or incorrect waste codes
 - Failing to send copy to state (when required)
 - Failing to keep signed manifests for three years
 - Failing to have a shipping record for used oil or liquid industrial by-product shipped shipment
- LDR Common Violations
 - Failing to keep LDRs & related documents for at least 3 years after waste last sent to TSD
 - Missing LDR notification and waste analysis documents
 - Missing or incomplete information such as categories, underlying hazardous constituents, and manifest numbers
 - Listing LDR information that is inconsistent with waste characterization
- Other Common Violations
 - Failing to have waste characterizations on-site for all wastes
 - Failing to have copy of last biennial report on-site (LQG)
 - Failing to have updated contingency plan on-site (LQG)
 - Failing to have annual personnel training records on-site (LQG)
- Common Storage Violations
 - Failing to have adequate space or aisle width to properly inspect containers and for emergency personnel
 - Failing to have labels visible for inspections
 - Stacking drums more than 2 high
 - Exceeding the allowable on-site accumulation time limit for hazardous waste without requesting an extension or obtaining a storage permit
 - Using containers in poor condition
 - Leaving containers exposed to weather or vandals
 - Failing to keep the containers closed except when adding or removing waste
 - Leaving funnels in place that are not screwed into the bung and funnel not capable of being kept closed would be considered open
- Storage container labeling violations
 - Listing incorrect or incomplete information on hazardous waste or liquid industrial by-products labels

Sorbents

- Sorbents used to clean up hazardous waste by SQG or LQG must be handled as hazardous waste
- Can be landfilled IF:
 - don't contain free liquids, AND
 - not a hazardous waste, OR
 - were generated by CESQG



What Kind of Inspection Follow-up Is Necessary?

- Respond according to the letter sent by the WMRPD
- Accompany inspector if there is a follow-up second inspection
- Have a question about the inspection? Call the inspector who visited your facility

Additional Resources

- Find more details on all of these topics and the resources discussed in Chapter 2 of your guidebook available on-line with links to the various resources at www.michigan.gov/ehsguide