

Hazardous Waste Connection

Compliance Information for Generators in Kansas

Spring 2013

Kansas Department of Health & Environment

DIRECTOR'S COMMENTS

If you are receiving this newsletter, your business or organization probably generates hazardous waste and you personally are likely to have some responsibility within your company or organization for the proper management of that waste. Twenty years ago, I wore that same hat while serving as the Corporate Manager of Environmental Protection for the now defunct Trans World Airlines. The laws and regulations that cover hazardous waste management have not really changed that much over the long period of time that I have been gone from private industry and neither have the challenges associated with properly training employees and ensuring that everyone follows required procedures.

Most of you use a variety of training methods and informational tools to achieve and maintain compliance. To help you satisfy this continuous need, KDHE provides training materials and opportunities. This newsletter is one way we try to help you accomplish your compliance goals, but we also offer other types of assistance such as our annual generator workshops (see below for schedules and locations), special compliance assistance visits (CAVs) where our staff review hazardous waste compliance requirements with you outside of the normal inspection protocols, and informational posters that you can use to remind employees of various hazardous waste requirements. If you would like to use any of these training tools, please feel free to contact Rebecca Wenner whose contact information is given below.

I have also recently learned of another helpful compliance program currently being used by at least two states called "generator compliance certification programs." Both Colorado and New Hampshire have programs where generators perform their own annual compliance inspections using a simple modified checklist and they report their results to the agency. They are free to correct deficiencies before submitting reports. As a result of these programs, compliance rates have increased and the number of enforcement actions have dropped significantly. I am looking at ways to implement something similar in Kansas.

If there is something you would like to communicate to me about KDHE's compliance and enforcement activities or ideas about how we could provide more valuable training, please contact me by e-mail at wbider@kdheks.gov. I would appreciate hearing from you.

Bill Bider, Director
Bureau of Waste Management

ADVANCED RCRA

Large Quantity Generator's Recordkeeping for Training

Large Quantity Generators have to meet requirements that other generator classes do not. These include more extensive recordkeeping requirements for training. The regulations require the following be kept on-site for a minimum of three years from when the employee last worked at the facility or until closure of the facility:

1. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
2. A written job description for each position listed under paragraph 1. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining

unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

3. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph 1.
4. Records that document that the training or job experience required has been given to, and completed by, facility personnel.

Let's break that down into manageable and understandable parts. First you should make a list of all the jobs at your facility in which an employee has to manage hazardous waste. Managing hazardous waste can include marking and labeling containers, ensuring that containers are properly closed, conducting weekly inspections of storage areas, reviewing and signing manifests, training other employees on hazardous waste management, moving hazardous waste containers, consolidating hazardous waste from different parts of the facility into larger containers, and ensuring hazardous waste does not pose a risk to human health or the environment while it is at your facility.

Now that you have that list, look up the job titles for those jobs. Put each of those job titles on your list. Now look up the names of the employees filling those job titles at your facility. Add them to your list under their specific job title. Now you have met the requirement for number 1 above.

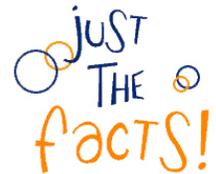
The next step is to review the written job description for each of the job titles that you listed above. You will want to involve your human resource department and, if applicable, your union representatives if alterations to job descriptions are necessary. Each of these descriptions needs to include the required skills, education, or other qualifications for the employees to complete their hazardous waste duties, in addition to their regular duties (assuming they are not assigned to full-time hazardous waste duties). Job descriptions frequently do not provide specific information for the hazardous waste management duties. Many companies have made their job descriptions too generic to meet the RCRA requirements. Sometimes the problem is that only one of the three painters at a facility is responsible for managing the hazardous waste, but the company wants to use the same job description for all three painters. RCRA requires that the job description for the painter responsible for the hazardous waste have those duties in his/her job description. Once you have reviewed and updated all applicable job descriptions to include all applicable hazardous waste duties, you have met the requirement for number 2 above.

Paragraph 3 requires that you maintain a list of all introductory and continuing training to be provided to employees managing hazardous waste. This paragraph is asking you to make a list of the training that each person in each job needs before they can start doing their hazardous waste management duties, and what training needs to be repeated for them every year to make sure that they continue to understand the requirements. Add the list of required training topics (or courses) to your list of Job Titles and employee names. When you are done, you have met the requirements number 3 above.

Now that you have provided the training that you listed in the above paragraph. The introductory training must be provided within 6 months of hiring a new employee or transferring them to a new position, and the training should be reviewed every year after that. When you are done with each training session, complete a log, sign-in sheet, or some other documentation to show who attended the training, the topics that were covered during the training, and the date of the training (including the year) so that you have the documentation you need to be in compliance with number 4 above.

Now file all of this documentation where you can easily find it in order to update it as employees and job titles change and as you update training. This will also make it easier to provide the necessary training documentation during a compliance evaluation inspection. This documentation must be kept on-site until the facility closes (or for individual employees, for three years from the date they leave your facility). If an employee moves within your company, their records can be moved with them to their new location, but may be requested for review during an inspection of the previous location where they worked (maintaining copies at both locations is recommended).

Good recordkeeping is an important component in most aspects of RCRA compliance.



JUST
THE
FACTS!

The northeast corner of the state has the highest concentration of generators at 2,027 and the northwest corner of the state has the smallest concentration at 445.

Closed Containers

All containers of hazardous waste must be kept closed unless waste is actively being added or removed from the container. Knowing how to close a container seems like an easy task, but most of us have realized that hazardous waste management is not always a simple task. Failing to properly close a container is one of the more common violations found during a compliance evaluation inspection, and it is also one of the easiest to avoid. Following are some of the more common problems we see during inspections:

1. Open one- and five-gallon containers that are being used to accumulate paint waste near a paint booth or painting area. Painters often do not want to put down their paint guns and other paint tools long enough to fully close a container.



Possible solutions:

- a. Find a container with a quick release lid that enables employees to open and close the lid properly with one hand so that they can hold their equipment with the other hand.
 - b. Place a table nearby where employees can sit their equipment to free up their hands to properly close the hazardous waste container.
 - c. Train employees so that they understand how to properly manage a container of hazardous waste.
2. Open funnels secured on closed top drums. These funnels can be an effective tool to aid employees in quickly and easily adding hazardous waste to a satellite or storage container. However, if not maintained, or if not used properly, these funnels can lead to violations. Below are two common types of funnels used.



Possible solutions:

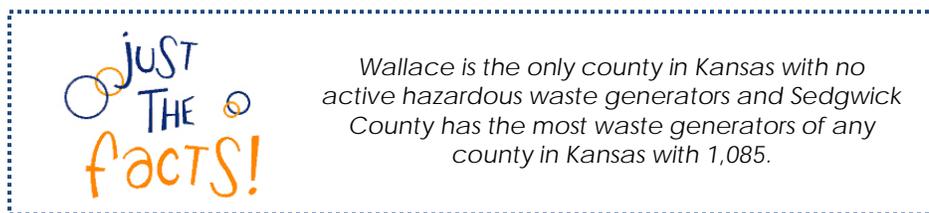
- a. The red funnel has a lid that should close and latch and would therefore meet the definition of a closed container (note that it is secured to the 55-gallon drum by screwing into the larger opening on top). However, at the time of the inspection, this lid was open and no employee was actively working with the container to add or remove waste. This could be an issue for maintenance if the funnel is unable to close properly, or it could be a training issue if the employees are not closing the funnel lid.
 - b. The second funnel (silver funnel) is also secured to the drum, but has no lid. This funnel needs to be removed each time waste has been added to a container and the cap needs to be screwed back into the bung hole. This funnel would be less convenient for most employees. Using a funnel that is convenient for your employees to use properly will be one of the most effective tools for compliance.
3. Containers with waste caught in the lids are also considered to be open. If waste is caught in the opening then there is not a good seal and there is a chance for vapors and waste to escape. This type of open container is not as obvious as containers without lids.



Possible solutions:

- a. Train employees so that they understand that all waste must be inside the container and that a good seal is required to properly close a container.
- b. Prepare a second container for use when the first container is nearly full. But make sure employees understand that only one container of each waste stream can be in use in any satellite accumulation area.

KDHE includes detailed information about closing hazardous waste containers in Technical Guidance Document HW-2005-G1, "Container Management for Hazardous Waste Generators".



UPCOMING EVENTS

- Summer or early Fall 2013 – KDHE should be re-authorized by EPA, including the corrective action program.

- Kansas Environmental Conference – Topeka – August 13-15
- Hazardous Waste Generator Workshops



Free Hazardous Waste Generator Workshop
 Presented by the Kansas Department of Health and Environment (KDHE)
 Bureau of Waste Management

**COME AND LEARN ABOUT THE
 KANSAS HAZARDOUS WASTE REGULATIONS**

- The basic workshop (offered in the mornings) is designed as an introductory course in Kansas HW regulations (RCRA), including:
 - Waste Determinations
 - Container Management
 - Generator Classifications
 - Emergency Preparedness and Training Requirements
- The advanced workshop (offered in the afternoons) will provide a more detailed look at the following (plus additional advanced topics):
 - Global Harmonization System (GHS)
 - e-manifesting
 - Product versus Waste
 - Training - Health and Safety versus RCRA
 - e-recordkeeping
 - Finding things on KDHE's website 101
- Feel free to attend one or both basic and advanced.
- Registration is required to ensure there are enough seats and to be able to contact participants in case of cancellations due to weather or change in venue due to size constraints.
- Certificates will NOT be provided. If confirmation of attendance is needed, a KDHE representative can sign forms provided to them at the time of the workshop. No confirmations will be provided after the date of the workshop.
- Registration must be done online at: <http://www.kdheks.gov/waste>

If you have questions, contact Rebecca Wenner at 785-296-1604 or rwenner@kdheks.gov.

This is a great opportunity to **ask** the regulators questions **about your waste streams**.

City	Date	Times	Location
Junction City	9/13/2013	9:00 to 12:00 am (Basic) 1:00 to 3:30 pm (Advanced)	Public Library, 230 West 7th Street, Junction City, KS 66441-3097
Wichita	9/18/2013	9:00 to 12:00 am (Basic) 1:00 to 3:30 pm (Advanced)	City of Wichita Environmental Health Dept, 1900 E. 9th, Wichita
Olathe	9/19/2013	9:00 to 12:00 am (Basic) 1:00 to 3:30 pm (Advanced)	Johnson County Department of Health and Environment, 11811 S. Sunset Drive, Room 1075, Olathe, KS 66061
Hays	9/26/2013	9:00 to 12:00 am (Basic) 1:00 to 3:30 pm (Advanced)	KS Hwy Patrol, 1821 Frontier Rd, Hays, KS

CONTACTS

Hazardous waste generator issues

Rebecca Wenner 785-296-1604 rwenner@kdheks.gov

Special waste disposal

Tony Guy 785-296-0681 tguy@kdheks.gov

Hazardous waste transporter registration and generator fees

Sarah Fulton 785-296-0005 sfulton@kdheks.gov

Hazardous waste permitting

Mostafa Kamal 785-296-1609 mkamal@kdheks.gov

Groundwater monitoring

Jean Underwood 785-296-1603 junderwood@kdheks.gov

Bureau Director

Bill Bider 785-296-1612 wbider@kdheks.gov

District Offices

North Central District – Salina 785-827-9639

Northeast District – Lawrence 785-842-4600

Northwest District – Hays 785-625-5663

South Central District – Wichita 316-337-6020

Southeast District – Chanute 620-431-2390

Southwest District – Dodge City 620-225-0596

Satellite Office – Ulysses 620-356-1075

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FACTS!

Of the 105 counties in Kansas, only one has more than 1,000 generators (Sedgwick), 92 have fewer than 100 active generators, and 81 have fewer than 50 active generators of hazardous waste.



Prepared and Distributed by KDHE/Bureau of Waste Management
www.kdheks.gov www.kdheks.gov/waste

KDHE Mission
To protect and improve the health and environment of all Kansans.

Direct inquires and opinions to:
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Topeka, KS 66612-1366
bwm_web@kdheks.gov

Fact Sheet

Implementation of RCRA Corrective Action in Kansas

February 2013

Background

The Kansas Department of Health and Environment (KDHE) expects to receive authorization from the U.S. EPA to administer the Resource Conservation Recovery Act (RCRA) Corrective Action (CA) program in the summer of 2013. EPA has administered the RCRA CA program to date; however, the Bureau of Waste Management (BWM) has provided technical support at some facilities and the Bureau of Environmental Remediation (BER) has used various state authorities and cooperative agreements to address environmental remediation issues at some Kansas CA sites. At the present time, there are approximately 50 facilities in Kansas subject to RCRA CA.

General Approach to RCRA CA Implementation under a Kansas Authorized Program

To most effectively utilize limited resources and to take advantage of extensive institutional knowledge within KDHE, various regulatory authorities and associated mechanisms will be used to direct investigations and clean up RCRA CA facilities. These include BER orders, cooperative agreements and consent agreements and BWM orders, permits, and post-closure plans. Facilities that are currently working with either BWM or BER to implement CA will continue to work with those respective regulatory authorities. EPA will continue to maintain responsibility at facilities presently subject to EPA-issued permits containing CA provisions during a multi-year transition period.

New or Reissued Permits

The CA portion of new or reissued permits for RCRA treatment, storage, or disposal facilities (TSDFs) will be issued under state authority. BWM will take the lead in developing these permits, reviewing all corrective action deliverables, and coordinating all such reviews. BWM will utilize a combination of general, standard, and site-specific permit language in developing corrective action permit conditions. In addition, BWM will be responsible for issuing draft permits, facilitating public participation related to the draft permit, responding to public comments and issuing the final permit. BWM will coordinate with EPA to ensure that appropriate site-specific requirements from previously-issued EPA permits and orders are considered and appropriately integrated into the replacement permit.

EPA Continued Involvement in RCRA CA

Permits previously issued by EPA that contain CA provisions will continue to be under EPA's legal authority until terminated by EPA and reissued by KDHE. The decision to terminate any CA permit, other than by expiration, will be coordinated with KDHE. When necessary because of KDHE's resource limitations, KDHE may request EPA assistance in the development of state-issued permits and/or to provide technical support, providing review and comment on various permit deliverables.

Technical oversight of CA activities under EPA-issued permits will continue to be the responsibility of EPA. However, primary technical oversight of EPA-issued permits where the CA portion of the permit was developed by BWM on behalf of EPA will be the responsibility of BWM.

CA Facilities Subject to Existing State or EPA Orders

KDHE will continue to provide CA oversight at facilities subject to existing state orders. Both BWM and BER will continue to maintain lead oversight responsibility for CA state orders, review CA deliverables, and coordinate all such reviews and public participation activities at their respective facilities. BWM and BER will strive to ensure that CA is implemented in a consistent manner between programs. Both BWM and BER will develop and implement new and amended state orders for corrective action on a site-specific basis. All state CA final orders, whether consensual or unilateral, are subject to appeal pursuant to Kansas' Hazardous Waste Management Laws and Regulations and the Kansas Administrative Procedures Act. KDHE will distribute copies of all signed orders to facilities and EPA. If requested by KDHE and as resources allow, EPA may serve in a technical support role for CA performed under state-issued orders, providing review/comment on facility deliverables and/or agency comment letters to the facility, as appropriate. Any facilities that are presently subject to EPA orders will remain under EPA technical oversight.

General Authorities of KDHE and EPA

EPA and KDHE reserve their respective rights under applicable laws to issue orders as may be necessary to respond to findings of endangerment to public health or the environment. EPA retains the authority to issue CA orders under federal authority, but will consult with and notify KDHE prior to the issuance of any federal CA orders in Kansas. EPA recognizes the state authority to issue state CA orders pursuant to Kansas law; however, the issuance of such orders does not preclude EPA's issuance of CA orders under federal authority, including Section 3008(h) of RCRA, which is not part of the state's authorized program. EPA also reserves the right to issue orders as part of facility- or company-specific enforcement actions.

When permits or state orders are issued by KDHE to federal facilities and technical oversight is provided by BER through the federal Defense State Memorandum of Agreement (DSMOA) Program, the work completed through DSMOA oversight will be considered equivalent to that of work completed under Kansas' CA authority.

KDHE EPA Memorandum of Agreement

More details regarding the transition of CA responsibility from EPA to KDHE are established in a Memorandum of Agreement (MOA) which will be finalized as part of the authorization application and approval process. The conditions set forth in that MOA take precedence over the information provided in this fact sheet. The MOA will be made available to the public upon finalization by publishing on the KDHE Division of Environment webpage.

CA Fees

Kansas does not have any specific permit or monitoring fees related to CA oversight; however, BER and BWM oversight cost reimbursement may be collected in accordance with Kansas Statutes Annotated (KSA) 65-3453 and 65-3455. KDHE will continue to pursue oversight cost reimbursement from the affected facilities following RCRA CA authorization.

Questions

Questions regarding this fact sheet and RCRA CA implementation in general can be directed to BWM at 785-296-1609.