

Hazardous Waste Connection

Compliance Information for Generators in Kansas

Winter/Spring 2008

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Reporting of Noncompliant Areas Discovered During Voluntary Compliance Audits

by Stephanie Fackrell

Serious violations, such as illegal disposal or storage over 90 days, identified during voluntary environmental compliance audits should be immediately corrected and reported to the Kansas Department of Health and Environment (KDHE), Bureau of Waste Management (BWM) as soon as possible.

An example scenario: During a voluntary compliance audit, an EPA Generator discovers that a hazardous waste storage container has been in storage over 90 days. The generator should immediately arrange to have the container properly disposed. The generator should also notify KDHE as soon as possible and apprise us of the situation. The generator should be prepared to provide the following information:

- When and how the container was discovered to have exceeded 90 days;
- Why the 90-day storage limit was exceeded;
- When and how the container will be transported and disposed; and
- What measures will be taken to insure it does not happen again.

The notification may be submitted to BWM verbally, but should be followed up with a written notification by postal mail or e-mail. The written notification should contain a description of each of the items listed above, and also provide a copy of the hazardous waste manifest signed and dated by the disposal facility documenting when and how the container was finally disposed.

Copies of all correspondence submitted to BWM concerning self-reported violations should be maintained onsite at the facility. In the event of a compliance inspection conducted by KDHE staff, the facility can produce the documentation to verify that BWM was notified of the violations. The correspondence submitted to BWM will be placed in the facility's file maintained at the central office.

Generally, no enforcement action is taken by BWM upon receipt (Continued on Page 2)

Hazardous Waste Connection

Kansas Department of Health & Environment



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KDHE Mission
As the state's environmental protection and public health agency, KDHE promotes responsible choices to protect the health and environment for all Kansans.

Hazardous Waste Workshops

After a brief hiatus, KDHE's Hazardous Waste Workshops will be returning in fall 2008. The workshops are designed to increase the understanding of hazardous waste regulations. Workshops will be held in Hays, Dodge City, Topeka, Chanute, Wichita, Pittsburg, Salina, and the Kansas City area. These workshops are free and open to anyone wishing to attend. Information will be posted on our Web site (www.kdheks.gov/waste) and postcard announcements will be sent to Kansas and EPA generators in the state. The last time these workshops were conducted, we had a total attendance of about 200 people, with the afternoon sessions being the most popular.

The workshops will focus on basic hazardous waste information, with a

particular concentration on the new hazardous waste regulations soon to be promulgated in Kansas. Feedback received on past workshops has been positive. The best part of any workshop is the question and answer session. We always welcome questions and try to provide immediate answers, if possible. If we can't answer your questions on the spot, we will get back with you as soon as we can. A few questions from some past workshops are summarized in this newsletter. If you have any questions, please call Rebecca Wenner at (785) 296-1604 or e-mail her (rwenner@kdhe.state.ks.us) or Jim Rudeen at (785) 296-1603 (jrudeen@kdhe.state.ks.us). For dates, times, and locations, please see page 4. We hope to see you at a workshop.



Automotive Service Compliance

by Rebecca Wenner

One of the largest hazardous waste generator sectors is the automotive service and repair business. This sector encompasses a wide variety of service and repair shops – from car dealerships to small one-person repair shops. Within this sector are the autobody repair and painting businesses. These businesses are generally in the Kansas generator classification and typically generate waste paint, spent solvents and thinners, still bottoms from the distillation of spent paint solvents, solvent-contaminated wipes, and exhaust-air paint booth filters. Over the past years, KDHE has proposed administrative penalties for numerous autobody repair businesses based primarily on one high priority violation - illegal disposal of hazardous waste. This violation is often the result of a generator failing to determine that a waste is a hazardous waste, and then disposing of the waste in the regular trash. This failure to determine is itself a violation. Still bottoms and solvent contaminated wipes are the most common illegally disposed wastes from these businesses. Occasionally, illegal disposal by open evaporation to solidify paint waste has been the violation. Because all illegal disposal violations are at least considered for an administrative penalty, it is critical that generators carefully review their waste streams to determine which are hazardous wastes.

Other typical hazardous waste violations cited at these facilities are: open containers, containers not labeled with the words “Hazardous Waste,” storage containers not dated with their accumulation start dates, failure to conduct and document weekly inspections of the hazardous waste storage area, and failure to pay the annual monitoring fee.

Common Violations at Auto Service Shops

- Open HW storage containers
- HW storage containers not labeled “Hazardous Waste”
- Accumulation start dates not on HW storage containers
- Failure to conduct and document weekly HW storage area inspections
- Failure to pay annual HW fee



For a typical first-time administrative penalty, KDHE staff calculates a proposed penalty and then offers to meet with the generator to discuss the violations and proposed penalty, and the settlement options KDHE is willing to accept. Most administrative actions result in the generator entering a consent agreement to either pay a penalty or complete one or more Supplemental Environmental Projects (SEPs) in lieu of paying a monetary penalty. Typical penalties range from approximately \$5,000 up to \$25,000. Most SEPs require at least an expenditure of two times the proposed penalty amount.

Although enforcement is a necessary compliance tool for any regulatory agency, KDHE has developed a variety of compliance assistance documents to help generators understand and comply

with the regulations. These documents are available on the Bureau of Waste Management’s Web site at kdheks.gov/waste. You may request a hard copy by calling (785) 296-1600 or contact us by e-mail at bwm_web@kdhe.state.ks.us. The KDHE staff is also available to answer questions, and will gladly receive your questions via telephone, e-mail and regular mail.

KDHE also provides technical assistance by funding the Small Business Environmental Assistance Program (SBEAP) administered and staffed by the Pollution Prevention Institute at Kansas State University. For information about their technical assistance program, please call (800) 578-8898 or contact them via e-mail at sbeap@ksu.edu, or visit their web site at: www.sbeap.org.

REMEMBER: PENALTIES COST, BUT ALL COMPLIANCE ASSISTANCE IS FREE!!!!

Hazardous Waste Reports Due

by Linda Prockish

The Bureau of Waste Management, Data Management Unit, is in the process of preparing the Hazardous Waste Annual Report for all Large Quantity Generators and the Kansas Hazardous Waste Report for all Kansas Generators. These hazardous waste reports were sent out in January 2008.

The Hazardous Waste Annual Report for all the Large Quantity Generators is due on or before **March 1** annually. Large Quantity Generators are required to pay an annual monitoring fee for all hazardous waste generated during the previous calendar year, based on a schedule.

The Kansas Hazardous Waste Report is for all the Kansas Generators generating hazardous waste in 2008 and is due on or before **April 1**. They are required to pay an annual fee of \$100 at the beginning of each year.

If you have questions or need further assistance, please call Linda Prockish at (785) 296-0005 or e-mail Linda at lprockish@kdhe.state.ks.us.

Total Yearly Quantity General	Monitoring Fee
Less than or equal to 5 tons	\$250
Greater than 5 tons but less than or equal to 50 tons	\$750
Greater than 50 tons but less than or equal to 500 tons	\$2,500
Greater than 500 tons	\$7,500

Reporting (continued from Page 1)

of facility correspondence that reports the violation and documents the correction of the violation. However, some very serious situations may warrant enforcement action by BWM, or BWM may require additional corrective actions.

If there are any questions concerning the expected reporting requirements, please contact Rebecca Wenner, BWM, at (785) 296-1604 or Jim Rudeen at (785) 296-1603.

Hazardous Waste Questions & Answers

Questions (and answers) posed to KDHE staff regarding hazardous waste issues

HW Q&A: Continued Use Program (CUP)

- What is the CUP?

The continued use program, often referred to as CUP, is a program where used solvent from one facility is taken to another facility and used as a product or raw material. Even though the solvent may be too dirty for the first facility to use any more in their process, the second facility can take that solvent, as is, and use it in their processes without any type of filtering or cleaning process. The used solvent is therefore not a waste, because it will be used as a raw material or product by another facility. Because it is not a waste, it is not subject to any hazardous waste determination or management standards, and does not count towards the first facility's hazardous waste totals (classification).

There are currently three approved continued use programs in Kansas. They are for parts washer solvent managed through contracts with Safety-Kleen, Universal Lubricants, and Crystal Clean.

HW Q&A: Day Containers

- What type of container is acceptable as a day container?

- How are day containers regulated?

- Do I have to have approval to use day containers?

- How do I label my day container?

Day containers are small (usually less than 5 gallons) containers that are used at individual work stations to accumulate very small amounts of hazardous waste. Each day container must be emptied into a satellite or storage container at the end of each day, or at the end of each shift if the facility operates more than one shift (whichever is more restrictive). Each day container must be labeled with the words "Hazardous Waste" and must be in good condition, compatible with the waste going into it, and kept closed except when actively adding or removing waste. There are a variety of containers on the market that would be acceptable as day containers to collect either solids or liquids. If your facility chooses to use day containers, you need to get approval from our office by sending a letter describing each container, how it is being managed, and the type of hazardous waste being managed in each container. We will review your request and respond appropriately. You should keep a copy of your approval letter on file so if you are inspected, both you and the inspector will know that you have approval and that you are properly managing the day containers.

HW Q&A: Generator Status

- Does the weight of my container count toward the total weight of hazardous waste that I generate?

No, the weight of the container does not count toward your total weight of hazardous waste. You count only the weight of your hazardous waste to figure out your generator status (i.e. Small Quantity Generator, Kansas Generator, EPA Generator)

- What if I have a one-time clean out of my facility and I become an EPA generator for that one month?

If you have a one-time generation of a large amount of

waste, whether it is a particular waste stream or several waste streams, that puts you into the EPA generator classification. You can send us a letter explaining the situation and ask for an exemption from the EPA generator requirements. We will evaluate your request and respond appropriately. In most cases, if it is truly a one-time situation, we will grant the exemption, and you will only need to submit a biennial report, pay the EPA generator fees, and ensure that the waste is properly managed (labeled, dated, and manifested). You will not be subject to the EPA generator requirements for Emergency Preparedness, training, or contingency plans. If necessary, we will issue you a provisional EPA identification number.

Please keep in mind that this exemption is designed only for one-time cases and will not be considered for any routine waste streams, even if they are only generated every few years.

HW Q&A: Land Disposal Restrictions (LDRs)

- Does a LDR need to be sent with each shipment?

An LDR must accompany the initial (first) shipment of each waste stream to each destination facility. After that destination facility has received an LDR for a particular waste stream, they do not need another LDR for that waste stream, unless something changes.

- Do we need to keep LDRs?

You are required to maintain a copy of each initial LDR for each waste stream and each destination facility for a minimum of three years from the time you stop generating that waste stream.

HW Q&A: Notification

- If my facility moves, do I need to obtain a new EPA identification number?

- How often do I need to update my Notification form?

- How do I update my information?

The EPA identification number is assigned to the site location (physical address). If your facility moves across town or three blocks away and that address does not already have an ID Number, you have to obtain a new EPA identification number for your new address. In Kansas, you are required to update your information any time you have a change, including your facility name, address, ownership, contact information, site ownership information, waste codes or generator classification, or other change in regulated activity. To update or change the information, you need to complete a new Notification of Regulated Waste Activity form (www.kdheks.gov/waste/index.html). If you move to a new location that already has an EPA identification number, then you would fill out the same form, providing us with all of your information, including the EPA identification number, if known.



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ADDRESS SERVICE REQUESTED



Meet the Topeka Office Compliance and Enforcement Staff

by Jim Rudeen

There have been a few changes in staff since the last issue of Hazardous Waste Connection. Jim Rudeen is now Chief of the Compliance, Assistance and Enforcement Section, which oversees hazardous waste compliance issues for the state of Kansas.

Rebecca Wenner is Chief of the Compliance and Enforcement Unit and oversees the day-to-day operations of hazardous waste enforcement issues. Stephanie Fackrell, Environmental Scientist III within the unit, serves as lead worker for hazardous waste reviews and enforcements. Both Rebecca and Stephanie will occasionally be out in the field on hazardous waste inspections, but their primary role is to review inspections for consistency, make recommendations for enforcement, and answer questions from the regulated community as the needs arise. The unit is rounded out with Tim Evans and Perry Piper as Environmental Scientist IIs, David Mabon as

Environmental Scientist I, and Michael Gill as Environmental Technician IV. Tim and Perry are actively involved in fieldwork and enforcement cases, with Dave's work being predominantly report reviews and enforcement processing. Michael handles all aspects of waste tire inspections and enforcements.



Back Row L to R: Tim Evans, Jim Rudeen, Michael Gill, Perry Piper; Front Row L to R: Stephanie Fackrell, Rebecca Wenner, David Mabon

Upcoming Events

Hazardous Waste Workshops

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|--------|---|--|
| Aug 4 | Kansas City Area (1-4 p.m. or 6-9 p.m.) | Bonner Springs Comm Center, 200 E. Third, Bonner Springs |
| Aug 12 | Salina (1-4 p.m.) | Highway Patrol, 2025 East Iron, Salina |
| Aug 14 | Topeka (1-4 p.m. or 6-9 p.m.) | Topeka Public Library, 1515 SW 10th Ave., Topeka |
| Aug 19 | Chanute (1-4 p.m. or 6-9 p.m.) | Central Park Pavilion, 101 S. Forest, Chanute |
| Aug 20 | Pittsburg (1-4 p.m.) | Pittsburg State University, 1701 S. Broadway, Pittsburg |
| Aug 26 | Wichita (1-4 p.m. or 6-9 p.m.) | Public Library, 223 S. Main, Auditorium, Wichita |
| Aug 27 | Dodge City (1-4 p.m. or 6-9 p.m.) | Dodge City Comm College, 2501 N. 14th Ave., Student Union Board Rm, Dodge City |
| Aug 28 | Hays (1-4 p.m.) | Ft. Hays University, Memorial Union, Trails Room, Hays |

For more information visit our web site at www.kdheks.gov/waste.