COMPLIANCE

• Acquiescence to a wish, request, or demand. (Webster’s II New Riverside University Dictionary)

• Voluntarily following the regulations. (My definition)
ENFORCEMENT

• To compel observance of or obedience to. (Webster’s II New Riverside University Dictionary)

• What happens if you don’t comply with the regulations. (My definition)
COMPLIANCE

• RCRA puts all responsibility for compliance on the generator. Ignorance of the regulations is not a legitimate defense.
• There are about 6,000 generators of hazardous waste in Kansas.
• KDHE and EPA conduct about 300 hazardous waste compliance inspections each year in Kansas (about 5 percent of generators).
HOW ARE YOU CHOSEN?

- Candidate List
- Complaint
- Facility-Type Initiative
INSPECTION PROCEDURES

• Entry – Ask for environmental contact (person listed on notification form).
• Present ID – State the purpose of the inspection.
• Outline the process – Preliminary discussion, walk-through inspection, records review, and exit briefing.
• Estimate the amount of time of inspection.
PRELIMINARY DISCUSSION

• Obtain basic information (name of facility, address, phone and fax numbers, number of employees, contact person, etc.).
• Are there any trade secrets or confidentiality issues?
• What kind of manufacturing? What is produced?
PRELIMINARY DISCUSSION

• What are the processes?
• What solid and hazardous wastes are generated?
• How much of each waste is generated per month?
• How is each waste disposed?
• Are there any safety issues before beginning facility tour?
PHYSICAL INSPECTION (WALK-THROUGH)

• Will view entire facility (including perimeter).
• Focus on points of waste generation and storage.
• Bring your keys (we need to see every closet and attic).
• We will take photographs.
• We will make comments and suggestions and identify problem areas during the walk-through.
RECORDS REVIEW

- Inspection Logs (3 years)
- Hazardous Waste Manifests (3 years)
- Land Disposal Restrictions (3 years)
- Waste Determination Documentation – analytical reports, MSDSs, etc.
- Special Waste Disposal Authorizations
- Training Records
RECORDS REVIEW

EPA Generators

• Additional documents for EPA generators
  – Annual/biennial Reports
  – Training Documentation
  – Job Titles
  – Job Descriptions
  – Contingency Plan
• Most inspectors will take a break and either leave or ask for some time alone to organize their notes and thoughts before the exit briefing.
EXIT BRIEFING

• Inspector may ask additional questions to clarify or confirm information.
• Inspector will explain your generator status.
• Inspector will explain all violations and comments/concerns identified during the inspection.
• Inspector will explain corrective actions that are needed.
• Inspector may cite a violation even though corrective actions were implemented during the inspection.
EXIT BRIEFING

- Inspector will establish deadlines for compliance (correcting violations and addressing concerns).
- Inspector will leave a written Notice of Compliance/Non-compliance form or send a letter explaining each of the violations and comments.
- Inspector will answer all of your questions or will write them down to get you answers later.
- Inspector may leave a customer satisfaction survey for you to complete.
INSPECTIONS - AUTHORITY
K.A.R. 28-31-12

• To gain entry at any reasonable time of day
• To collect samples
• To analyze any sample collected to determine if waste is hazardous
• To stop and inspect any vehicle transporting hazardous waste
• To photograph any hazardous waste facility, structure, or equipment
INSPECTIONS - AUTHORITY
K.A.R. 28-31-12

- To inspect and copy records or other information
- To drill test wells or groundwater monitoring wells
- To direct the operator to make changes if unsafe conditions or procedures are noted during the inspection
- To be treated fairly and with respect
INSPECTIONS - YOUR RIGHTS

• To have the inspector observe all reasonable security, safety, and sanitation measures
• To collect duplicate samples of any sample collected by the inspector
• To receive a written list of violations and comments noted during the inspection
• To designate information given to the inspector as a trade secret or confidential
  (Will have to be documented)
• To be treated fairly and with respect
INSPECTIONS

• How to expedite an inspection:
  – Take your keys with you on the walk-through
  – Have someone pull necessary records while you and the inspector tour the facility
  – Be familiar with your waste streams and your facility, know who is familiar with each process in case the inspector has questions
  – If management need to be in the exit briefing, get an estimated time from the inspector so everyone is prepared.
ENFORCEMENT

- Inspectors work with facilities to achieve compliance (correct violations).
- Enforcement reviews and recommendations are made in Topeka (central office).
- Enforcement is an administrative action.
- Enforcement may include penalties and/or corrective actions.
• About 20 hazardous waste enforcement cases are initiated each year or about 6 percent of the inspections that are conducted.
• Penalties average between $5,000 and $50,000, but can be higher or lower.
• EPA can also take enforcement actions.
• EPA and county attorneys can also take criminal actions if warranted.
COMPLIANCE RESOURCES

• KDHE wants to help all generators achieve compliance. Please call us with any questions. (We don’t have caller ID)

• Small Business Environmental Assistance Program (SEBAP) operated by the Pollution Prevention Institute (PPI) at KSU 1-800-578-8898 (Free anonymous assistance)