Our Mission: To protect and improve the health and environment of all Kansans.
WORKSHOP OVERVIEW

❖ Will discuss hazardous waste (HW) management topics in more detail, including:

• Notification Forms
• Changing Generator Status (routine and one-time events)
• Used Oil Requirements
• Used Antifreeze
• Aerosol Cans
• E-waste
• e-Manifesting Update
• Universal Waste

❖ Opportunity for questions

• K, U, and P-listings
• F001-F005 listings
• Review Solvent-Contaminated Wipes Rule in KS
• Solvent recycling and accounting
• Enforcement Case Overview
• Outreach – Compliance Training Manual

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NOTIFICATION OF REGULATED WASTE ACTIVITY FORM

- Detailed instructions are available on the KDHE website with the form.
- Page 1 – Site Information
  - EPA ID
  - Site Name
  - Site Location (street address)
  - NAIC Codes (look up on the internet for your industry - http://www.naics.com/search/
NOTIFICATION OF REGULATED WASTE ACTIVITY FORM

- Page 1 – Site Information
  - Site Mailing Address
  - Site Contact Person (Does not have to be local)
  - Legal Owner and Operator of the Site
NOTIFICATION OF REGULATED WASTE ACTIVITY FORM

Page 2 – Regulated Waste Activity

- Hazardous Waste Activities
  Including generator, transporter, TSDF, Importer, mixed waste, and more

- Universal Waste Activities
  Only necessary for Larger Quantity Handlers (11,000 lbs or more; very few in Kansas)

- Used Oil Activities
  Only necessary for transporters, processor/re-refiner, off-spec burner, and fuel marketers.
NOTIFICATION OF REGULATED WASTE ACTIVITY FORM

❖ Page 3 – Description of Hazardous Waste
  ▪ Waste codes (look at your manifests and waste determination documentation).
  ▪ Comments –
    ▪ Required for one-time/short-term events.
    ▪ Reason for an update on subsequent notifications.
  ▪ Certification – must be a signature of authorized individual.
CHANGING GENERATOR STATUS
(Routine and One-Time Events)

- Permanent changes are made using the Notification of Regulated Waste Activity Form 8700-12.
CHANGING GENERATOR STATUS (ROUTINE AND ONE-TIME EVENTS)

- One-Time events can also trigger changes to generator status:
  - Clean out of a tank (not routine maintenance)
  - Clean up from spills or releases
  - Lab clean out
  - Process line shut down

- KDHE does track these to make sure they are truly one-time events.
CHANGING GENERATOR STATUS (ROUTINE AND ONE-TIME EVENTS)

- Notify KDHE (David Mabon/Stacey Smith) and fill out the Generator Incident Form:
  - Facility information (name, EPA ID No., location)
  - Current Generator Status
  - Status caused by event
  - Describe the event and how it is being resolved
  - Date(s) of the event
CHANGING GENERATOR STATUS (ROUTINE AND ONE-TIME EVENTS)

- After shipment of the waste caused by the event, provide KDHE with a legible copy of the Uniform Hazardous Waste Manifest to change back to your routine generator status.
- Pay appropriate fee or difference in fees for that year to KDHE.
SITE VERIFICATION IDENTIFICATION FORM

- Site-specific notification form.
  - Sent to each facility upon completion of the Notification of Regulated Waste Activity Form as a record of information currently on file.
  - May be used to update any changes in information related to the notification form.
  - Alternatively, you can email notifications@kdheks.gov
USED OIL REQUIREMENTS

- Used oil (UO) is not a hazardous waste as long as it is recycled. Therefore, it does not count towards your HW generator classification.

- If the oil is mixed with a characteristic hazardous waste and exhibits that characteristic, or it is mixed with a listed hazardous waste, the entire mixture must be managed as a hazardous waste.
USED OIL REQUIREMENTS

- Waste oil is not used oil
  - Waste oil refers to oil that has been mixed with another constituent or otherwise cannot be recycled and must be disposed.
USED OIL REQUIREMENTS

- Containers and above-ground tanks of UO must be marked with the words “Used Oil” and maintained in good condition.
- Must use a transporter registered with KDHE unless you are transporting 55-gallons or less of your own used oil to an aggregation point or collection center.
USED OIL REQUIREMENTS

- Can burn any of the following in an on-site space heater:
  - UO generated on-site or by sister facility (as long as no more than 55 gallons is self-transported)
  - UO from do-it-yourselfers
  - On-spec UO from any source

- Space heater must meet the following:
  - Maximum capacity of 0.5 million Btu/hour;
  - Combustion gases vented to the ambient air;
USED OIL REQUIREMENTS

Burning in a space heater (Continued):
- On-specification UO can be accepted from off-site, but must have been tested to show that it meets these criteria before burning in a space heater:

**USED OIL FUEL SPECIFICATIONS**

<table>
<thead>
<tr>
<th>Constituent/Property Allowable Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
</tr>
<tr>
<td>Cadmium</td>
</tr>
<tr>
<td>Chromium</td>
</tr>
<tr>
<td>Lead</td>
</tr>
<tr>
<td>Flash point</td>
</tr>
<tr>
<td>Total Halogen</td>
</tr>
</tbody>
</table>

(If > 1,000 ppm halogens, then only on-spec if rebuttable presumption is met)
USED ANTIFREEZE

- Recycling, either on-site or off-site is the preferred method for handling.
- Disposal is a last resort, and a waste determination is required prior to disposal.
  - If hazardous waste, then it must be managed accordingly.
  - If non-hazardous then it can be solidified and disposed at a landfill or, if written permission is obtained by the local wastewater authority, it can be disposed through the sanitary sewer (never a septic system).
AEROSOL CANS

• KDHE considers empty aerosol cans to be non-hazardous (as long as they did not contain acutely hazardous waste).

• If the contents of an aerosol can cannot be used (the can breaks, nozzle clogs, etc.), attempts can be made to repair the can and put it back into service.

• If the can cannot be repaired, or if no attempt will be made to repair the can, a hazardous waste determination must be made on the contents (generally done by reviewing the Safety Data Sheet (SDS)).

• If the contents are HW, the following slides apply.
AEROSOL CANS

- The satellite accumulation area must be at or near the point of generation of the aerosol cans.
  - Must be where cans are generated originally if no attempts will be made to fix the cans and put them back into service.
  - Can be the maintenance area or other central location if attempts will be made to fix the cans in that area/location and put the cans back into service.
AEROSOL CAN PUNCTURING

• If done in a closed and self-contained unit (such as a drum top unit), KDHE considers this an exempt form of hazardous waste treatment.

• KDHE considers the waste drained from the aerosol cans to be a newly generated waste, and therefore the drum accumulating this liquid waste can be a satellite accumulation container.

• The emptied cans can be recycled or disposed (unless they contained P-listed waste).
AEROSOL CANS

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ELECTRONIC WASTE

- There is no landfill ban in Kansas for electronic waste.
- KDHE has not adopted federal e-waste rules.
- KDHE has used grants to encourage the building of an e-waste recycling infrastructure in Kansas.
E-MANIFESTING UPDATE

- Congress initially failed to fund the e-manifesting system. That pushed back the implementation schedule.
E-MANIFESTING UPDATE

- EPA signed the e-Manifest User Fee Proposed Rule on June 27, 2016.

- The rule is open for comment for 60 days following the publication date (September 26, 2016).
E-MANIFESTING UPDATE

- Requests public comment on:
  - Who must pay
  - Types of transactions
  - Formula EPA will use
  - Available options to make fee payments
  - Process EPA will follow to revise fees
  - Possible sanctions

- Proposes to tailor fees according to whether manifests are submitted electronically or via paper.
E-MANIFESTING UPDATE

- Production of the e-manifest system is planned for late spring 2018.

- At this time, it is planned that at least one paper manifest will accompany the waste with the transporter and paper manifests will be used if the system goes down.
E-MANIFESTING UPDATE

- Generators will be able to view their own information at any time.
- The public will be able to access information on all shipments after 90 days have passed from the receipt of the shipments at designated facilities.
UNIVERSAL WASTE

• Universal waste (UW) is a subset of hazardous waste.

• Kansas follows EPA rules for UW.
UNIVERSAL WASTE

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UNIVERSAL WASTE

• UW in Kansas includes:
  - Batteries
  - Certain pesticides
  - Mercury-containing equipment
  - Lamps (including fluorescent bulbs)

Note: Lamps cannot be deliberately crushed if they are going to be managed as UW.
LAMPS

• High Mercury
  – Considered a HW if not managed as a UW.

• Low Mercury
  – Can be considered a solid waste IF a TCLP shows mercury is below 0.2 mg/L (requires a waste determination)
  – Can be managed as a UW.
BATTERIES

- Includes Lead Acid, Nickel Cadmium, etc.
- Must be managed as a HW if the outer casing is deliberately broken or leaking (new point of generation).
- Alkaline batteries are considered a solid waste.
UNIVERSAL WASTE

• UW batteries, mercury-containing equipment, and lamps, must be labeled:
  ▪ “Universal Waste - ___________”; or
  ▪ “Waste ___________”; or
  ▪ “Used ___________”.
Fill in the blank with: Batteries, mercury-containing equipment (or mercury thermostats), or lamps.

• UW pesticides must be labeled either:
  ▪ “Universal Waste – Pesticides”; or
  ▪ “Waste Pesticides”.

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UNIVERSAL WASTE

• Must document the accumulation time of the UW by:
  ▪ Dating each container or the group of containers (such as on a pallet); or
  ▪ Date the accumulation area; or
  ▪ Maintain a written inventory or log
UNIVERSAL WASTE

• UW can be shipped under a bill of lading or other shipping papers. A Uniform Hazardous Waste Manifest is not required.

• Employees who handle or have responsibility for managing UW must be given information describing the proper handling and emergency procedures appropriate to the type(s) of UW handled (Training).
K, U, AND P-LISTINGS

- K-List (40 CFR 261.32) – Hazardous Waste from Specific Sources
  - Wood Preservation
  - Inorganic Pigment (oven residue and/or Wastewater treatment sludges)
  - Wastes from production of Organic Chemicals, Inorganic Chemicals, Explosives
  - Petroleum Refining Wastes
  - Iron and Steel and other metals production wastes
  - Veterinary Pharmaceutical wastes
  - Ink formulation waste
  - Coking Waste
K, U, AND P-LISTINGS

- U-List and P-List (40 CFR 261.33) – Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.
  - P-List – Acutely toxic
    - Regulated at 2.2 lbs (generated or accumulated on-site) in Kansas
  - U-List – Not as toxic
K, U, AND P-LISTINGS

- **U-List and P-List (40 CFR 261.33)** –
  - Both lists – The chemical of concern must be the sole active ingredient.
    - Example – An off-specification mixture of 85% Toluene and 15% water would carry the U220 waste code upon disposal.
    - Example – An off-specification mixture of 50% Toluene and 35% Xylene and 15% water would not be a listed hazardous waste (It would probably be characteristic for Ignitability (D001)). The U-listings would not apply because neither xylene nor toluene are the sole active ingredient. The F-listings would not apply because the waste was not “spent”.
F001-F005 LISTINGS

- F001 – Spent Halogenated Solvents in Degreasing (T)
- F002 – Spent Halogenated Solvents (T)
- F003 – Spent Non-Halogenated Solvents (I)
- F004 – Spent Non-Halogenated Solvents (T)
- F005 – Spent Non-Halogenated Solvents (I,T)

*I – Ignitable; T – Toxic
F001 LISTING

F001 - (T) - The following spent halogenated solvents used in degreasing:

- Tetrachloroethylene
- Trichloroethylene
- Methylene chloride
- 1,1,1-trichloroethane
- Carbon tetrachloride
- Chlorinated fluorocarbons

- all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005;
- still bottoms from the recovery of these spent solvents and spent solvent mixtures
F001 LISTING

❖ Only for large-scale degreasing operations.
   ❖ Example – 95% Trichloroethylene (TCE) used in a 1,000 gallon vapor degreasing unit would carry the F001 waste code.
   ❖ Example – 95% Trichloroethylene (TCE) used in a 5-gallon parts washer would not carry the F001 waste code (but would carry the F002 waste code).
F002 LISTING

- F002 - (T) - The following spent halogenated solvents:
  - Tetrachloroethylene
  - Methylene chloride
  - Trichloroethylene
  - 1,1,1-trichloroethane
  - Chlorobenzene
  - 1,1,2-trichloro-1,2,2-trifluoroethane
  - ortho-dichlorobenzene
  - Trichlorofluoromethane
  - 1,1,2-trichloroethane

- all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005;
- still bottoms from the recovery of these spent solvents and spent solvent mixtures

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F002 LISTING EXAMPLES

- Spent 95% TCE in a 5-gallon parts washer would be an F002 listed hazardous waste.
- Spent 85% Tetrachloroethylene (PCE) used for cleaning would be an F002 listed hazardous waste.
- A spent mixture of 15% PCE and 85% water would be an F002 listed hazardous waste.
- A spent mixture of 5% PCE and 95% water would not be hazardous unless the flashpoint was less than 140° Fahrenheit.
F003 LISTING

- F003 - (I) - The following spent non-halogenated solvents:
  - Xylene
  - Acetone
  - Ethyl acetate
  - Ethyl benzene
  - Ethyl ether
  - Methyl isobutly ketone
  - N-butyl alcohol
  - Cyclohexanone
  - Methanol
  - Xylene
  - Acetone
  - Ethyl acetate
  - Ethyl benzene
  - Ethyl ether

- all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents ignitable at POG;
- all spent solvent mixture/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvent listed in F001, F002, F004, and F005 ignitable at POG;
- still bottoms from the recovery of these spent solvents and spent solvent mixtures
F003 LISTING EXAMPLES
(Prosume all examples are ignitable)

- A spent 95% xylene blend used for cleaning would carry the F003 listing.
- A spent mixture of xylene and ethyl benzene used for cleaning would also carry the F003 listing because both are on the F003 list.
- A spent mixture of 75% xylene (F003) and 15% Toluene (F005) would carry both the F003 and F005 listings because it has more than 10% toluene.
F004 LISTING

- F004 - (T) - The following spent non-halogenated solvents:
  - Cresols and cresylic acid
  - nitrobenzene
  - all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005
  - still bottoms from the recovery of these spent solvents and spent solvent mixtures
F005 LISTING

- F005 - (I, T) - The following spent non-halogenated solvents:
  - Toluene
  - Methyl ethyl ketone (MEK)
  - Carbon disulfide
  - Isobutanol

- all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004;
- still bottoms from the recover of these spent solvents and spent solvent mixtures;

- Pryidine
- Benzene
- 2-ethoxyethanol
- 2-nitropropane
F005 LISTING EXAMPLES

- Spent MEK that was used to strip paint and to clean painting equipment carries the F005 listing.
- A spent mixture of 85% MEK and 15% Toluene would carry the F005 listing.
- A spent mixture of 85% Isopropyl Alcohol (not listed), 7% MEK (F005), and 8% chlorobenzene (F002) would carry the F002 and F005 listings.
  - This is because it contains a total of 10% or more of the F001, F002, F004 and/or F005 solvent constituents so the F-code for each constituent (F002 and F005) apply.

Note: If any of the above mixtures has a flashpoint below 140° F, it will also carry the D001 waste code.
OTHER F-LISTING EXAMPLES

- Spent mixture of 92% isopropyl alcohol and 6% MEK and 2% toluene and a flashpoint of 125° F would only carry the D001 waste code.
- Still bottoms from the recycling of F003, F005 spent solvent would carry the F003 and F005 waste codes.
OTHER F-LISTING EXAMPLES

- Still bottoms from the recycling of spent solvent that is only characteristic for ignitability (D001), would only be hazardous waste if the still bottoms had a flashpoint below 140° F.
- Still bottoms from the recycling of spent solvent that is only listed for F003 would be a hazardous waste and would carry the F003 waste code.
OTHER F-LISTING EXAMPLES

- MEK is used to thin paint prior to painting a piece of metal. Then MEK is used to clean the paint gun lines and tips. Waste paint is poured into a 55-gallon drum outside the paint booth and the spent solvent from cleaning the lines and tips is poured into a 5-gallon bucket outside the same paint booth.
  - The waste paint (55-gallon drum) is a characteristic hazardous waste (D001) if the flashpoint is <140°F.
  - The spent solvent (5-gallon bucket) is a listed hazardous waste (F005) and potentially characteristic for D001.
OTHER F-LISTING EXAMPLES

- Same example, but the spent solvent is poured into the 55-gallon drum instead of being managed separately:
  - The waste paint and spent solvent carries waste codes D001 and F005.
- Paint filters from the process above would not be a listed hazardous waste (and are probably not characteristic hazardous waste) as long as the paint guns are not sprayed into the filters deliberately during the cleaning process (considered unlawful disposal of the spent solvent).
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Became effective at the federal level January 2014.
- Kansas Policy BWM 2013-P2, “Solvent-Contaminated Wipes” allows generators to follow this federal rule in Kansas now (signed December 2013).
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Applies to any wipe contaminated with one or more solvents on the F001 through F005 lists in 40 CFR 261.31 or the corresponding P- or U-listed solvents found in 40 CFR 261.33, or that exhibits the characteristic of ignitability.
- If a wipe is only contaminated with a D001 or F003 solvent and does not have a flashpoint of less than 140 degrees F, it does not meet the definition of a hazardous waste and may be managed as a solid waste.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Applies to wipes being sent for disposal or being laundered (reusable wipes).
- If a wipe is listed for anything other than solvents, has trichloroethylene (disposable wipes only), or is characteristic for toxicity, corrosivity, or reactivity, it is **NOT** eligible for this rule.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- A solvent-contaminated wipe is a wipe (i.e., a shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material) that after use or after cleaning up a spill, contains a solvent that would be considered hazardous waste either because it is listed in the hazardous waste regulations, or because it exhibits the characteristic of ignitability. Solvent-contaminated wipes do not include wipes contaminated with hazardous waste other than solvents, or that exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents.

(Frequent Questions on the 2013 Final Rule for Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes)
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Reusable wipes managed under this rule:
  - Are excluded from the definition of solid waste (do not require a hazardous waste determination);
  - Do not count toward the generator status (counting of wastes).
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Disposable wipes managed under this rule:
  - Are excluded from the definition of hazardous waste (do require a hazardous waste determination);
  - Do not count toward the generator status (counting of wastes).
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Container management for wipes under this rule:
  - Non-leaking;
  - Closed;
  - Able to contain free liquids;
  - Labeled with the words “Excluded Solvent-Contaminated Wipes”; 
  - Marked with the accumulation start date or alternative tracking method;
  - Removed from the site within 180 days.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Recordkeeping
  - Documentation of the name and address of all handlers receiving the wipes, including laundries, dry cleaners, landfills, or combustors.
  - Records (or labeling) to document that wipes are on-site for 180 days or less.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Recordkeeping (continued)
  - Description of how the “no free liquids” condition is satisfied. This must include a description of all technologies, methods, sampling, or knowledge that the generator is using to ensure that wipes sent to handlers contain no free liquids.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Free Liquids
  - If free liquids occur at the generating facility, they should be removed and properly managed, and would count toward the generator’s hazardous waste status.
  - If free liquids occur at a handling facility, they should be removed and properly managed and would count toward the handler’s hazardous waste status.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Important notes about the rule in Kansas:
  - KDHE acknowledges that zipping plastic bags will hold free liquids and can be used adequately to hold wipes.
  - If you are sending disposable wipes to a landfill, make sure that landfill has a synthetic liner. Acceptable Kansas landfills are listed in our TGD.
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SOLVENT-CONTAMINATED WIPES RULE – RECORDKEEPING
Example form available with KDHE’s TGD
SOLVENT DISTILLATION (ON-SITE)

• Waste accumulated prior to distillation:
  ▪ Counts towards generator status
  ▪ Is subject to all container management requirements

• Waste placed directly in a distillation unit without prior accumulation:
  ▪ Does not count towards generator status
  ▪ Is not subject to container management requirements
SOLVENT RECYCLERS

• Examples:

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SOLVENT DISTILLATION

- Counting waste solvent being distilled on-site
  - Starts over each calendar month
  - Count all solvent the first time it is recycled each month
  - Count still bottoms only if the solvent was not counted.
SOLVENT DISTILLATION

Example (assume solvent is 7 lbs/gallon and F005)

May 1 – recycle 10 gallons of waste solvent

- Recover 8 gallons of recycled solvent
- Generate 1 pound of still bottoms (F005)
- A total of 70 lbs of HW counts towards generator status
- 2 gallons of new solvent are added to the distilled solvent so that a total of 10 gallons of solvent can be used in the process.
Example (continued)

May 15 – recycle 10 gallons of waste solvent
• Recover 8 gallons of recycled solvent
• Generate 1 pound of still bottoms (F005)
• 2 gallons of solvent were not counted on 5/1/12, so they count now, for a total of 14 pounds of HW.
• Since 20% of the solvent was counted (2÷10), you subtract that amount from the still bottoms (1-0.2). So 0.8 lbs counts toward the generator status.
• Still bottoms (0.8 lbs) + solvent (14 lbs) = 14.8 lbs of HW that counts toward the generator status.
Example (continued)

- May 1 – 70 lbs of HW counted
- May 15 – 14.8 lbs of HW counted
- \(70 + 14.8 = 84.8\)
- If no more solvent is recycled this month, then a total of 84.8 lbs of hazardous waste counts toward the monthly HW generation rate.
SOLVENT DISTILLATION BOTTOMS

• Are also called hockey pucks, pancakes, still bottoms, cake, etc.

• Are HW if:
  ▪ They exhibit any characteristic
  ▪ The solvent being recycled met the F-listing definition for F001-F005.
ENFORCEMENT CASE OVERVIEW

- Evaluate the violations to determine if enforcement is warranted:
  - Severity of violations
    - Unlawful acts?
    - Environmental or human health harm?
  - Number of violations
    - More than 8 to 10 for LQG
    - More than 10 to 12 for SQG
    - More than 12 to 15 for KSQG
  - Repeat violations
  - Responsiveness
ENFORCEMENT CASE OVERVIEW

- Prepare a Penalty Assessment Worksheet
- Prepare a Penalty Justification
- Discuss at a Penalty Assessment Team (PAT) meeting
- Obtain approval of the Bureau Director
- Proceed with action
  - Administrative Order
  - Letter – notifying of impending administrative order (most common)
ENFORCEMENT CASE OVERVIEW

❖ Meet to try to settle the matter
  ▪ Discuss the reasons for the penalty
  ▪ Explain how we calculated the penalty
  ▪ Explain the settlement options
  ▪ Set deadline for submitting additional information (if applicable)

❖ Meet again internally to re-evaluate and then proceed as appropriate.

❖ Most cases are settled.
ENFORCEMENT CASE OVERVIEW

Violations:
1. Failure to determine if a waste is hazardous waste in violation of 40 CFR 262.11.
2. Failure to retain waste determination documents for three years in violation of 40 CFR 262.40 (c).
3. Failure to count waste paint and thinner prior to recycling in violation of 40 CFR 261.5(d)(2).
4. Failure to mark accumulation start date on 5 (55-gallon drums) hazardous waste storage containers in violation of 40 CFR 262.34(a)(2).
5. Failure to label 5 (55-gallon drums) containers of hazardous waste with the words “hazardous waste” in violation of 40 CFR 262.34(a)(3).
7. Failure to close 3 containers of hazardous waste in violation of 40 CFR 265.173(a).
11. Failure to familiarize employees with the proper waste handling & emergency procedures, relevant to their responsibilities in violation of K.A.R. 28-31-262a(d)(1).
12. Failure to label to mark containers of used oil with the words “used oil” in violation of 40 CFR 279.22(d)(3).
13. Failure to clean up and properly manage a release of used oil in violation of 40 CFR 279.22 (d)(3).
## ENFORCEMENT CASE OVERVIEW

<table>
<thead>
<tr>
<th>Justification #</th>
<th>Inspector Violation #</th>
<th>Matrix Number</th>
<th>Violation Summary</th>
<th>Penalty Range/ Calculation</th>
<th>Penalty Assessed</th>
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<tr>
<td>1</td>
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<td>2</td>
<td>Failure to determine if a waste is hazardous waste in violation of 40 CFR 262.11.</td>
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<td>Failure to retain waste determination documents for three years in violation of 40 CFR 262.40 (c).</td>
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<td>Failure to count hazardous waste paint and thinner prior to recycling in violation of 40 CFR 261.5(d)(2).</td>
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<td>4</td>
<td>4 and 5, 6, 7, 8</td>
<td>Attachment F</td>
<td>Failure to comply with container management requirements in violation of 40 CFR 262.34(a)(2) and 40 CFR 262.34(a)(3), 40 CFR 262.34(c)(1)(ii) as modified by K.A.R. 28-31-262(c)(7), 40 CFR 265.173(a), and 40 CFR 265.15(d).</td>
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<td>9</td>
<td>34</td>
<td>Failure to post location of spill control material in violation of 40 CFR 262.34(d)(5)(ii)(B).</td>
<td>$100 - $10,000</td>
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<td>10 and 11</td>
<td>36</td>
<td>Failure to conduct annual hazardous waste training in violation of 40 CFR 262.34(d)(5)(iii) and K.A.R. 28-31-262a(d)(1)(B).</td>
<td>$1,000 - $10,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>7</td>
<td>12</td>
<td>80</td>
<td>Failure to mark containers of used oil with the words &quot;used oil&quot; in violation of 40 CFR 279.22(c).</td>
<td>$100 - $5,000</td>
<td>$100</td>
</tr>
<tr>
<td>8</td>
<td>13</td>
<td>81</td>
<td>Failure to clean up and properly manage a release of used oil in violation of 40 CFR 279.22 (d)(3).</td>
<td>$100 - $5,000</td>
<td>$100</td>
</tr>
</tbody>
</table>

**TOTAL PENALTY:** $7,050
## ENFORCEMENT CASE OVERVIEW

### ATTACHMENT E

**FAILURE TO DETERMINE IF WASTE IS HAZARDOUS**

### POINTS FOR A WASTE STREAM, BASED ON AMOUNT OF WASTE

<table>
<thead>
<tr>
<th>Waste Stream</th>
<th>Routine Waste Stream</th>
<th>NA</th>
<th>NA</th>
<th>Less than 10 gallons per month</th>
<th>10 to 55 gallons per month</th>
<th>56 to 275 gallons per month</th>
<th>276 to 1,650 gallons per month</th>
<th>More than 1,650 gallons per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-time or Non-routine Waste</td>
<td>0 to 1 gallon</td>
<td>Greater than 1 but less than 5 gallons</td>
<td>5 to less than 10 gallons</td>
<td>10 to 55 gallons</td>
<td>56 to 275* gallons</td>
<td>276 to 1,650** gallons</td>
<td>More than 1,650 gallons</td>
<td></td>
</tr>
<tr>
<td>Points</td>
<td>0.1</td>
<td>0.3</td>
<td>0.5</td>
<td>1</td>
<td>2 - 4</td>
<td>5 - 7</td>
<td>8 - 10</td>
<td></td>
</tr>
</tbody>
</table>

### Calculate Total Points:

<table>
<thead>
<tr>
<th>Waste Stream</th>
<th>Amount of Waste (per month or on-site at the time of the inspection, depending on the circumstances)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Paint related material</td>
<td>About 85 pounds per month</td>
<td>2</td>
</tr>
<tr>
<td>Aerosol Can Contents</td>
<td>About 25 pounds per month</td>
<td>1</td>
</tr>
<tr>
<td>1 gallon amber jug in QA Lab</td>
<td>Non-routine (3/4 full)</td>
<td>0.1</td>
</tr>
</tbody>
</table>

**Total Points**

3.1

### BASE AMOUNT

<table>
<thead>
<tr>
<th>BASE AMOUNT</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>LQG</td>
<td>$2,000</td>
<td>$3,500</td>
<td>$5,000</td>
</tr>
<tr>
<td>SQG</td>
<td>$1,000</td>
<td>$2,500</td>
<td>$4,000</td>
</tr>
<tr>
<td>KSQG</td>
<td>$700</td>
<td>$1,500</td>
<td>$2,000</td>
</tr>
<tr>
<td>CESQG</td>
<td>$500</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

**Total Points**

3.1

**Base Amount**

$1,000.00  V1, SQG / 1st Offense

(Total Points x $500) + Base Amount = Total Penalty

Total Penalty = $2,550.00
## ENFORCEMENT CASE OVERVIEW

### ATTACHMENT F

### CONTAINER MANAGEMENT

#### Container Markings

<table>
<thead>
<tr>
<th>Container Markings</th>
<th>Labeled either &quot;Hazardous Waste&quot; or had accumulation start date</th>
<th>Labeled with correct contents of container, but no accumulation start date (and not &quot;HW&quot;)</th>
<th>No identifying markings (or wrong contents) and no accumulation start date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 container (up to 55 gallons)</td>
<td>1 container (up to 55 gallons)</td>
<td>1 container (up to 55 gallons)</td>
</tr>
<tr>
<td></td>
<td>2 to 5 containers (55 to 275 gallons)</td>
<td>2 to 5 containers (55 to 275 gallons)</td>
<td>2 to 5 containers (55 to 275 gallons)</td>
</tr>
<tr>
<td></td>
<td>6 to 10 containers (276 to 550 gallons)</td>
<td>6 to 10 containers (276 to 550 gallons)</td>
<td>6 to 10 containers (276 gallons up to 550 gallons)</td>
</tr>
<tr>
<td></td>
<td>Greater than 10 containers (or 551 gallons)</td>
<td>Greater than 10 containers (or 551 gallons)</td>
<td>Greater than 10 containers (or wrong contents) and no accumulation start date</td>
</tr>
<tr>
<td></td>
<td>1 container (up to 55 gallons)</td>
<td>1 container (up to 55 gallons)</td>
<td>1 container (up to 55 gallons)</td>
</tr>
<tr>
<td></td>
<td>2 to 5 containers (55 to 275 gallons)</td>
<td>2 to 5 containers (55 to 275 gallons)</td>
<td>2 to 5 containers (55 to 275 gallons)</td>
</tr>
<tr>
<td></td>
<td>6 to 10 containers (276 to 550 gallons)</td>
<td>6 to 10 containers (276 to 550 gallons)</td>
<td>6 to 10 containers (276 gallons up to 550 gallons)</td>
</tr>
<tr>
<td></td>
<td>Greater than 10 containers (or 551 gallons)</td>
<td>Greater than 10 containers (or wrong contents) and no accumulation start date</td>
<td>Greater than 10 containers (or wrong contents) and no accumulation start date</td>
</tr>
<tr>
<td></td>
<td>1 container (up to 55 gallons)</td>
<td>1 container (up to 55 gallons)</td>
<td>1 container (up to 55 gallons)</td>
</tr>
<tr>
<td></td>
<td>2 to 5 containers (55 to 275 gallons)</td>
<td>2 to 5 containers (55 to 275 gallons)</td>
<td>2 to 5 containers (55 to 275 gallons)</td>
</tr>
<tr>
<td></td>
<td>6 to 10 containers (276 to 550 gallons)</td>
<td>6 to 10 containers (276 to 550 gallons)</td>
<td>6 to 10 containers (276 gallons up to 550 gallons)</td>
</tr>
<tr>
<td></td>
<td>Greater than 10 containers (or 551 gallons)</td>
<td>Greater than 10 containers (or wrong contents) and no accumulation start date</td>
<td>Greater than 10 containers (or wrong contents) and no accumulation start date</td>
</tr>
</tbody>
</table>

#### Open Containers

<table>
<thead>
<tr>
<th>Open Containers (Satellite or Storage)</th>
<th>1 container</th>
<th>2 to 5 containers</th>
<th>6 to 10 containers</th>
<th>Greater than 10 containers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>12</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Weekly Inspections

<table>
<thead>
<tr>
<th>Weekly Inspections</th>
<th>Missing information only (dates, times, names, etc.)</th>
<th>Failure to document inspections and/or missing 1 to 4 weeks of inspections</th>
<th>Failure to conduct weekly inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>5 to 12 weeks</td>
<td>4 weeks</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>13 to 24 weeks</td>
<td>6 weeks</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>25 to 52 weeks</td>
<td>7 years</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Greater than 1 year</td>
<td>Greater than 2 years</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Greater than 3 years</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Greater than 4 years</td>
<td></td>
<td>10</td>
</tr>
</tbody>
</table>

#### Not Meeting the Definition of Satellite

<table>
<thead>
<tr>
<th>Not Meeting the Definition of Satellite (more than 1 container; more than 55 gallons; not at or near the point of generation)</th>
<th>1 container (up to 55 gallons)</th>
<th>Greater than 1 container (greater than 55 gallons)</th>
<th>1 container (up to 55 gallons) in each area</th>
<th>Greater than 1 container (greater than 55 gallons) in each area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>4</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>12</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Base Amount Multiplier

<table>
<thead>
<tr>
<th>BASE AMOUNT</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rd Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSDF</td>
<td>$700</td>
<td>$900</td>
<td>$1,100</td>
</tr>
<tr>
<td>LQG</td>
<td>$500</td>
<td>$700</td>
<td>$1,000</td>
</tr>
<tr>
<td>SQG</td>
<td><strong>$200</strong></td>
<td>$400</td>
<td>$600</td>
</tr>
<tr>
<td>KSQG</td>
<td>$100</td>
<td>$200</td>
<td>$300</td>
</tr>
<tr>
<td>CESQG</td>
<td>$50</td>
<td>$100</td>
<td>$150</td>
</tr>
</tbody>
</table>

**POINTS:**

<table>
<thead>
<tr>
<th>POINTS:</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Container Markings</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Containers</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekly Inspections</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL POINTS</td>
<td><strong>8</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Multiplier:** $200.00 <c class="highlight">SQG</c>

\[(\text{Total Points} \times \text{Base Amount}) = \text{Total Penalty}\]

**Total Penalty = $1,600.00**

Note: Except for open containers, if waste was stored in 55-gallon containers, use the number of containers for the calculation. If waste was stored in containers either larger or smaller than 55-gallons, use the approximate capacity of the container for the calculation (in gallons).
ENFORCEMENT CASE OVERVIEW

- Settlement Options
  - Settlement policy available on-line
  - Will depend on size of facility, type of action, compliance history, etc.
- Penalties go up for repeat offenses, settlement options go down.
- All enforcement cases result in another inspection within 2-3 years. That is how we verify if our program is effective.
This document is aimed at KSQGs and SQGs that have few, if any, environmental staff.

Explains the regulations and requirements, but also breaks compliance down into steps and provides tracking guides to aid in compliance.

Once completed, it helps determine who at the facility needs to be trained, and provides a mechanism for that training.
OUTREACH – COMPLIANCE TRAINING MANUAL

- Step 1 – Provides forms to list all waste streams generated at the facility, how much is generated, are they hazardous or not, where are they accumulated around the facility and who is responsible for each accumulation point.
- Step 2 – Figure out how much hazardous waste is generated at the facility.
OUTREACH – COMPLIANCE TRAINING MANUAL

- Step 3 – Based on the information from Steps 1 and 2, determine the generator status.
- Step 4 – Discussion of regulatory requirements for each classification.
- Step 5 – Review facility operations to ensure compliance with requirements identified in Step 4.
- Step 6 – Provide training using the completed manual.
OUTREACH – WASTE DETERMINATION APP

- New Kansas Hazardous Waste Determination App
- “Kansas Waste Determination”
- Developed as result of a partnership between KDHE, BWM, and SBEAP
- Available on both Android and iOS
CONTACT INFORMATION

• BWM web site:
  http://www.kdheks.gov/waste

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  kpowell@kdheks.gov

• Brian Burbeck
  785-296-1613
  bburbeck@kdheks.gov
Questions
Our Mission: To protect and improve the health and environment of all Kansans.

www.kdheks.gov