

HAZARDOUS WASTE PENALTY MATRIX
Kansas Department of Health and Environment
Bureau of Waste Management

Prepared by the
 Compliance Assistance & Enforcement Section
 Compliance & Enforcement Unit

Revised December 9, 2011

Kansas Statutes Annotated (K.S.A.) 65-3446 authorizes the Secretary of the Department of Health and Environment to impose an administrative penalty not to exceed \$10,000 per day per violation for each violation of the hazardous waste statutes. This penalty matrix has been compiled to provide guidance to the KDHE staff when assessing monetary administrative penalties. The matrix provides penalty ranges; however, upon sufficient justification KDHE may impose the maximum penalty allowed by the statutes or a lesser amount than shown in any penalty range. This penalty matrix is not intended to include all possible violations or maximum number of offenses that may occur. The penalty amounts may be adjusted as necessary to ensure that each penalty reflects an actual and substantial economic deterrent to the violation and the economic benefit realized through the violation for which it is assessed.

MATRIX NO.	VIOLATION	EPA REGULATORY CITATION (all are 40 CFR)	KDHE REGULATORY CITATION (all are K.A.R. 28-31-)	PROPOSED PENALTY
1	Unlawful Acts	None	K.S.A. 65-3441(a)	Use appropriate attachment (Attachment A and/or B) for guidance, or use the following range: \$1,000 - \$10,000
2	Failure by any person to evaluate all waste streams.	262.11	262(a)	\$1,000 - \$10,000 Or Attachment E
3	Failure by a generator or TSDF to use a laboratory certified by KDHE.	None	262(c)(2)	\$500 - \$10,000
4	Failure by a generator to properly quantify hazardous waste generation (such as when using a still).	261.5(c)	261(a)	\$500 - \$2,000
5	Failure by a generator, transporter or TSDF to obtain an EPA identification number.	Generators 262.12(a) Transporters 263.11 TSDF 264.11 or 265.11	LQG and SQG 262(a) KSQG 262a(e)(3)(A) Transporters 263 TSDF 264 and 265	\$500 - \$5,000 KSQG \$1,000 - \$5,000 SQG & LQG \$2,000 - \$10,000 Transporter & TSDF
6	Failure by a generator to update notification of hazardous waste activity within 60 days of change.	None	28-31-4	\$500 - \$5,000 Generator \$1,000 - \$10,000 TSDF

7	Failure by a generator to use a transporter that properly registered with the department according to K.A.R. 28-31-6.	None	262a(a)(2)	\$1,000 - \$10,000
8	Failure by a generator to use a manifest for each hazardous waste shipment.	262.20(a)	262(a)	Base + (number of shipments X offense) = penalty Base: LQG \$5,000 SQG \$3,000 KSQG \$1,000 Offense: 1 st - \$1,000 2 nd - \$3,000
9	Failure by a generator, or TSDF to include all necessary or correct information on each manifest.	262.20(a)	262(a)	\$500 - \$5,000 Generators \$500 - \$10,000 TSDF
10	Failure by a generator, or a TSDF to prepare and send a Land Disposal Restriction notice or certification for each initial shipment of different hazardous waste.	SQG & LQG 268.7	SQG & LQG 268(a)	Base + (number of waste streams X offense) = penalty Base: TSDF \$1,000 LQG \$500 SQG \$300 Offense: 1 st - \$100 2 nd - \$200 3 rd - \$300
11	Failure by a generator, or a TSDF to include all necessary information on each LDR.	SQG & LQG 268.7	SQG & LQG 268(a)	\$500 - \$5,000 Generators \$500 - \$10,000 TSDF
12	Failure by a generator to prepare and/or implement an LDR waste analysis plan per 40 CFR 268.7(a)(5).	SQG & LQG 268.7	SQG & LQG 268(a) KSQG 262a(e)(3)(K)	\$1,000 - \$5,000
13	Failure by a generator, or a TSDF to keep a copy of any Land Disposal Restriction records for three years.	SQG & LQG 268.7	SQG & LQG 268(a)	TSDF \$500 - \$10,000 LQG \$300 - \$5,000 SQG \$200 - \$5,000
14	Failure by a generator or TSDF to properly package, label, mark or placard hazardous waste per USDOT regulations.	262.30 thru 262.32	SQG and LQG 262(a) KSQG 262a(e)(3)(C) CESQG 262a(f)(2)(C)	Base + (number of shipments X offense) = penalty Base: TSDF \$1,000 LQG \$500 SQG \$300 KSQG \$100 CESQG \$50 Offense: 1 st - \$100 2 nd - \$200 3 rd - \$300

15	Failure by a generator to <u>submit</u> a biennial report (LQG only) or failure by a generator to submit a manifest exception report or other report when required.	Generator records for 3 yrs 262.40 LQG Biennial report 262.41 Exception report 262.42 SQG & KSQG reporting 262.44	Generator annual reports 262a(b) KSQG 262a(e)(3)(E) Other generator reports 262(a)	\$500 - \$ 10,000
16	Failure by a generator or TSDF or transporter to pay annual monitoring fee	None	TSDF 10(a) or (b) Transporter 10(c) Generator 10(d)	\$500 - \$ 10,000 (Penalty in addition to paying required fees.)
17	Failure by a generator to <u>keep</u> a copy of all manifests, biennial reports (LQG only), exception reports and waste analyses for a period of at least three years.	Generator records for 3 yrs 262.40 LQG Biennial report 262.41 Exception report 262.42 SQG & KSQG reporting 262.44	Generator reports 262a(b) KSQG 262a(e)(3)(E) Other generator reports 262(a)	\$100 - \$5,000
18	Failure by a generator or TSDF to comply with any container requirement under 40 CFR 264/265, Subpart I.	TSDF 264/ 265, Subpart I LQG 262.34(a)(1) SQG 262.34(d)(2)	TSDF 264 & 265 SQG and LQG 262(a) KSQG 262a(e)(3)(I) CESQG 262a(f)(2)(C)(iv)	\$500 - \$10,000
19	Failure by a generator or TSDF to take proper action to prevent ignition or reaction of ignitable, reactive or incompatible wastes; or to separate containers with incompatible waste or material.	TSDF: 265.17(b) and subpart I LQG 262.34(a)(1) SQG 262.34(d)(2)	TSDF 264 & 265 SQG and LQG 262(a) KSQG 262a(e)(3)(I) CESQG 262a(f)(2)(C)(iv)	\$1,000 - \$10,000
20	Failure by a LQG or TSDF to store containers at least 50 feet from facility property line.	264.176 or 265.176 262.34(a)	TSDF 264 & 265 LQG 262(a)	\$1,000 - \$10,000
21	Failure by a generator or a TSDF to comply with any tank requirement under 40 CFR 264/265, Subpart J.	TSDF 264/ 265, Subpart J LQG 262.34(a)(1) SQG 262.34(d)(3)	TSDF 264 & 265 SQG and LQG 262(a) KSQG 262a(e)(3)(J) CESQG 262a(f)(2)(C)(v)	\$500 - \$10,000
22	Failure by a generator or TSDF to mark each container of hazardous waste with the words "Hazardous Waste."	TSDF 264/265 SQG and LQG 262.34(a)(3)	TSDF 264/265 SQG & LQG 262(a) KSQG 262a(e)(3)(D) CESQG 262a(f)(2)(C)(ii) Satellite 262(c)(7)	Base + (number of containers X offense) = penalty Base: Offense: TSDF \$1,000 1 st - \$200 LQG \$500 2 nd - \$300 SQG \$300 3 rd - \$500 KSQG and CESQG \$100 Or use Attachment F if there were multiple management violations for the same container or set of containers.

23	Failure by a generator or TSDf to mark each <u>tank</u> of hazardous waste with the words "Hazardous Waste."	TSDf 264/265 SQG and LQG 262.34(a)(3)	TSDf 264/265 SQG & LQG 262(a) KSQG 262a(e)(3)(D) CESQG 262a(f)(2)(C)(ii)	Base + (number of tanks X offense) = penalty Base: Offense: TSDf \$2,000 1 st - \$200 LQG \$1,000 2 nd - \$300 SQG \$600 3 rd - \$500 KSQG and CESQG \$200
24	Failure by a generator or TSDf to mark each container of hazardous waste with the accumulation start date.	TSDf 264/265 Generator 262.34(a)(2)	TSDf 264/265 All Generators 262(a)	Base + (number of containers X offense) = penalty Base: Offense: TSDf \$1,000 1 st - \$200 LQG \$500 2 nd - \$300 SQG \$300 3 rd - \$500 KSQG and CESQG \$100 Or use Attachment F if there were multiple management violations for the same container or set of containers.
25	Failure by a generator or TSDf to mark each <u>tank</u> of hazardous waste with the accumulation start date.	TSDf 264 & 265 Generator 262.34(a)(2)	TSDf 264 & 265 All Generators 262(c)(5)	Base + (number of tanks X offense) = penalty Base: Offense: TSDf \$2,000 1 st - \$100 LQG \$1,000 2 nd - \$300 SQG \$600 3 rd - \$500 KSQG and CESQG \$200
26	Failure by a generator or TSDf to accumulate or store hazardous waste in a closed container.	TSDf 264/ 265, Subpart I LQG 262.34(a)(1) SQG 262.34(d)(2)	TSDf 264 & 265 SQG and LQG 262(a) KSQG 262a(e)(3)(I) CESQG 262a(f)(2)(C)(iv)	Base + (number of containers X offense) = penalty Base: Offense: TSDf \$1,000 1 st - \$300 LQG \$500 2 nd - \$500 SQG \$300 3 rd - \$800 KSQG and CESQG \$100 Or use Attachment F if there were multiple management violations for the same container or set of containers.

27	Failure by a Large Quantity or Small Quantity Generator to conduct weekly inspections of a hazardous waste container storage area; or by a Kansas Small Quantity Generator to conduct monthly inspections of a hazardous waste container storage area.	TSDF 264/ 265, Subpart I LQG 262.34(a)(1) and 265.174 SQG 262.34(d)(2) and 265.174	SQG & LQG 262(a) KSQG 262a(e)(2) CESQG 262a(f)(2)(A)	Base + (number of weeks X offense) = penalty <u>[Need to add MONTHS]</u> Base: Offense - LQG: LQG \$500 1 st - \$60 SQG \$300 2 nd - \$120 KSQG \$100 3 rd - \$240 CESQG \$50 Offense - SQG: 1 st - \$20 2 nd - \$40 3 rd - \$80 Offense – KSQG or CESQG: 1 st - \$10 2 nd - \$20 3 rd - \$40 Or use Attachment F if there were multiple management violations for the same container or set of containers.
28	Failure by a generator to conduct inspections of a hazardous waste tank system.	LQG 262.34(a)(1)(ii) and 265.195 SQG 262.34(d)(3) and 265.201	LQG 262(a) SQG 262(a) KSQG 262a(e)(3)(J) CESQG 262a(f)(2)(C)(v)	Base + (number of days X offense) = penalty Base: Offense - LQG: LQG \$500 1 st - \$20 SQG \$300 2 nd - \$30 KSQG \$100 3 rd - \$50 CESQG \$50 Offense – All other generators: 1 st - \$10 2 nd - \$15 3 rd - \$30

29	Failure by a generator to document weekly or monthly inspections of a hazardous waste container storage area or weekly tank inspections.	265.15(d)	LQG 262a(c) SQG 262a(d)(2)(A) KSQG 262a(e)(3)(G) CESQG 262a(f)(2)(c)(iii)	Base + (number of weeks x offense) = penalty Base: Offense - LQG: LQG \$400 1 st - \$30 SQG \$200 2 nd - \$60 KSQG \$100 3 rd - \$120 CESQG \$50 Offense - SQG: 1 st - \$15 2 nd - \$20 3 rd - \$40 Offense - KSQG: 1 st - \$10 2 nd - \$15 3 rd - \$20 Or use Attachment F if there were multiple management violations for the same container or set of containers.
30	Failure by a generator to document daily inspections of a hazardous waste tank system.	265.15(d)	LQG: 262a(c) SQG: 262a(d)(2)(A) KSQG: 262a(e)(3)(G) CESQG: 262a(f)(2)(c)(iii)	Base + (number of days x offense) = penalty Base: Offense – LQG & SQG: LQG \$400 1 st - \$15 SQG \$200 2 nd - \$30 KSQG \$100 3 rd - \$60 CESQG \$50 Offense – KSQG & CESQG: 1 st - \$10 2 nd - \$15 3 rd - \$20
31	Failure by a generator or TSDF to properly record information or conditions of hazardous waste management containers during inspections.	264.15(d) or 265.15(d)	TSDF: 264 & 265 LQG: 262a(c) SQG: 262a(d)(2)(A) KSQG: 262a(e)(3)(G) CESQG: 262a(f)(2)(c)(iii)	\$500 - \$10,000 Or use Attachment F if there were multiple management violations for the same container or set of containers.

32	Failure by a generator to maintain only one container, 55 gallons or less, of each type of hazardous waste in a satellite area.	None	262(c)(6)	<p>Base + (number of containers X offense) = penalty</p> <p>Base: Offense: LQG \$500 1st - \$100 SQG \$300 2nd - \$300 KSQG \$100 3rd - \$500</p> <p>Or use Attachment F if there were multiple management violations for the same container or set of containers.</p>
33	Failure by a LQG, SQG, or KSQG to move to storage, or manage a satellite container as a storage container, within 3 days of no longer meeting the satellite requirements.	262.34(c)(2)	SQG and LQG 262(a) KSQG 262a(e)(3)(D)	<p>Base + (number of containers X offense) = penalty</p> <p>Base: Offense: LQG \$500 1st - \$100 SQG \$300 2nd - \$300 KSQG \$100 3rd - \$500</p> <p>Or use Attachment F if there were multiple management violations for the same container or set of containers.</p>
34	Failure by a SQG or KSQG to do any part of their emergency preparedness program (except training), including designating an emergency coordinator or posting required information.	262.34(d)(5)	SQG 262(a) KSQG 262a(e)(3)(D)	<p>\$100 - \$10,000</p> <p>If none of the requirements are met, minimum \$1,000 penalty for KSQG and \$1,500 for SQG</p>
35	Failure by a SQG or KSQG to maintain any part of their required training program	262.34(d)(5)(iii)	SQG 262a(d)(1) KSQG 262a(e)(4)	\$500 - \$5,000
36	Failure by a SQG or KSQG to train employees so that they are familiar with proper handling of hazardous waste. (no training at all)	262.34(d)(5)(iii)	SQG 262(a) KSQG 262a(e)(4)	\$1,000 - \$10,000
37	Failure by a LQG to maintain any part of their required training program.	262.34(a)(4) and 265.16	262(a)	\$750 - \$10,000
38	Failure by a LQG to provide any training to their employees or to develop and maintain training.	262.34(a)(4) and 265.16	262(a)	\$3,000 - \$10,000
39	Failure by a generator or TSDF to maintain and operate the facility per 40 CFR 265.31.	TSDF 264.31 or 265.31 LQG 262.34(a)(4) SQG 262.34(d)(4)	TSDF 264 and 265 SQG and LQG 262(a) KSQG 262a(e)(3)(H)	\$1,000 - \$10,000

40	Failure by a generator (not CESQG) or a TSDF to provide and maintain adequate emergency equipment on site, access to communications or alarm systems, and adequate aisle space; and to attempt to make arrangements with local authorities.	TSDF 264.32 thru 264.37 or 265.32 thru 265.37 LQG 262.34(a)(4) SQG 262.34(d)(4)	TSDF 264 and 265 SQG and LQG 262(a) KSQG 262a(e)(3)(H)	\$500 - \$10,000
41	Failure by a LQG or TSDF to prepare a contingency plan.	TSDF 264.51 or 265.51 LQG 262.34(a)(4)	TSDF 264 and 265 LQG 262(a)	\$5,000 - \$10,000
42	Failure by a LQG or TSDF to include all information in a contingency plan or to amend a contingency plan.	TSDF 264.52 and 264.54 or 265.52 and 265.54 LQG 262.34(a)(4)	TSDF 264 and 265 LQG 262(a)	\$1,000 - \$10,000
43	Failure by a LQG or TSDF to submit copies of the contingency plan to <u>all</u> outside agencies.	TSDF 264.53 or 265.53 LQG 262.34(a)(4)	TSDF 264 and 265 LQG 262(a)	\$2,000 - \$10,000
44	Failure by a LQG or TSDF to submit the original or revised copies of the contingency plan to <u>some</u> outside agencies.	TSDF 264.53 or 265.53 LQG 262.34(a)(4)	TSDF 264 and 265 LQG 262(a)	\$500 - \$10,000
45	Failure by a LQG or TSDF to implement the contingency plan as required.	TSDF 264.56 or 265.56 LQG 262.34(a)(4)	TSDF 264 and 265 LQG 262(a)	\$2,000 - \$10,000
46	Failure by a LQG or TSDF to comply with requirements of 40 CFR 264/265 Subparts AA, BB, CC.	TSDF 264/265 Subparts AA, BB, and CC LQG 262.34(a)(1)	TSDF 264 & 265 LQG 262(a)	\$1,000 - \$10,000
47	Failure by a SQG or LQG to comply with the storage time limit, or storage of more than 13,200 pounds by a SQG.	LQG 262.34(a) SQG 262.34(d) or (e)	262(a)	Use appropriate attachment (Attachment C or D), or use the following range: \$1,000 - \$10,000
48	Failure by any generator to comply with any requirement contained in the state or federal regulations other than those listed herein.	Any	Any	\$500 - \$10,000
49	Failure by a TSDF to prepare, implement or maintain any part of a waste analysis plan at the facility.	264.13 or 265.13	264 & 265	\$1,000 - \$10,000
50	Failure by a TSDF to provide security to prevent unknowing or unauthorized entry to a hazardous waste treatment storage or disposal site.	264.14 or 265.14	264 & 265	\$1,000 - \$10,000

Hazardous Waste Penalty Matrix
Revised December 9, 2011

51	Failure by a TSDF to meet the general facility inspection requirements including preparation of an inspection schedule, maintaining the schedule, and implementing the schedule.	264.15 or 265.15	264 & 265	\$1,000 - \$10,000
52	Failure by a TSDF to prepare, implement, maintain, or amend any part of a personnel training program.	264.16 or 265.16	264 & 265	\$1,000 - \$10,000
53	Failure by a TSDF to utilize a manifest for each hazardous waste shipment.	264.71 or 265.71	264 & 265	\$5,000 + (number of shipments X \$3,000) = penalty
54	Failure by a TSDF to notify KDHE of an unresolved manifest discrepancy.	264.72 or 265.72	264 & 265	\$500 - \$10,000
55	Failure by a TSDF to maintain any portion of a written operating record at the site.	264.73 or 265.73	264 & 265	\$1,000 - \$10,000
56	Failure by a TSDF to certify and document that there is a program in place to reduce the volume and toxicity of hazardous waste generated at their facility.	264.75 or 265.75	264 & 265	\$500 - \$10,000
57	Failure by a TSDF to notify KDHE that a waste shipment was received without a manifest or shipping papers.	264.76 or 265.76	264 & 265	\$500 - \$10,000
58	Failure by a TSDF to prepare, implement, or amend any portion of a written closure plan for the facility.	264.112 or 265.112	264 & 265	\$1,000 - \$10,000
59	Failure by a TSDF to prepare, maintain, or operate any portion of a groundwater monitoring system and submit monitoring reports.	264.90 thru 264.94 or 265.90 thru 265.94	264 & 265	\$1,000 - \$10,000
60	Failure by a TSDF to prepare, amend or implement any portion of a written post-closure plan.	264.118 or 265.118	264 & 265	\$1,000 - \$10,000
61	Failure by a TSDF to prepare and/or keep current cost estimates for closure.	264.142 or 265.142	264 & 265	\$1,000 - \$10,000
62	Failure by a TSDF to provide and/or keep current financial assurance for closure.	264.143 or 265.143	264 & 265	\$5,000 - \$10,000
63	Failure by a TSDF to prepare and/or keep current cost estimates for post-closure care.	264.144 or 265.144	264 & 265	\$1,000 - \$10,000

64	Failure by a TSDF to provide and/or keep current financial assurance for post closure care.	264.145 or 265.145	264 & 265	\$1,000 - \$10,000
65	Failure by a TSDF to provide and maintain liability insurance for sudden accidental occurrences.	264.147 or 265.147	264 & 265	\$5,000 - \$10,000
66	Failure by a TSDF to maintain and properly operate a tank system.	264.190 thru 264.199 or 265.190 thru 265.199	264 & 265	\$1,000 - \$10,000
67	Failure by a TSDF to maintain and properly operate a surface impoundment.	264.220 thru 264.230 or 265.220 thru 264.230	264 & 265	\$1,000 - \$10,000
68	Failure by a TSDF to maintain and properly operate a land treatment unit.	264.270 thru 264.283 or 265.270 thru 265.282	264 & 265	\$1,000 - \$10,000
69	Failure by a TSDF to operate and properly maintain a land disposal unit.	264.300 thru 264.317 or 265.300 thru 265.316	264 & 265	\$1,000 - \$10,000
70	Failure by a TSDF to maintain and properly operate a hazardous waste incinerator.	264.340 thru 265.351 or 265.340 thru 265.352	264 & 265	\$1,000 - \$10,000
71	Failure by a TSDF to maintain and properly operate a containment building.	264.1100 thru 265.1102 or 265.1100 thru 265.1102	264 & 265	\$1,000 - \$10,000
72	Failure by a permitted TSDF to comply with a permit condition.	264 or 265 and 270	264 & 265 K.S.A. 65-3441(a)(3)	\$1,000 - \$10,000
73	Failure by a transporter to maintain manifest records.	263.22	263	\$500 - \$5,000
74	Failure by a transporter to comply with any portion of the manifesting system.	263.20	263	\$1,000 - \$5,000
75	Failure by a transporter to comply with any of the requirements outlined in the state regulations other than those listed herein.	263 49 CFR 172, 173, 178, and 179	263 & 263a	\$500 - \$5,000
76	Failure by a transporter to register with KDHE.	None	263a(b)	\$500 - \$5,000
77	Failure by a transporter to secure and/or maintain liability insurance on each vehicle transporting hazardous waste.	None	263a(c)	\$1,000 - \$10,000
78	Failure by a transporter to take appropriate remedial and clean up actions in the event of a hazardous waste discharge.	263.30 thru 263.31	263	\$3,000 - \$10,000
79	Failure by any person to store used oil in a storage unit not in good condition.	279.22(b)	279(a)	\$100 - \$5,000
80	Failure by any person to mark each container, tank, or fill pipe to UST with the words "Used Oil."	279.22(c)	279(a)	\$100 - \$5,000

81	Failure by any person to respond to a release of used oil as outlined in the regulations.	279(d)	279(a)	\$100 - \$5,000
82	Failure by any person to comply with any of the self-transportation regulations.	279.24	279(a)	\$100 - \$5,000
83	Failure by any person to determine the total halogen content of the used oil under the rebuttable presumption.	279	279(a)	\$100 - \$5,000
84	Failure by any person to maintain appropriate used oil records.	279	279(a)	\$100 - \$5,000
85	Failure by any person to prepare a SPCC plan.	279	279(a)	\$100 - \$5,000
86	Failure by any person to comply with any of the used oil processor and re-refiner regulations.	279 Subpart F	279(a)	\$100 - \$5,000
87	Failure by any person to meet notification requirements for used oil activities.	279.42, 279.51, 279.62, 279.73	279(a)	\$100 - \$5,000
88	Failure by any person to burn off-spec used oil in an authorized unit.	279	279(a)	\$100 - \$5,000
89	Failure by any person to comply with any used oil requirement other than those listed herein.	279	279(a)	\$100 - \$5,000

Note:
 K.S.A. Kansas Statutes Annotated
 K.A.R. Kansas Administrative Regulations
 CFR Code of Federal Regulations
 CESQG Conditionally Exempt Small Quantity Generator
 KSQG Kansas Small Quantity Generator
 SQG Small Quantity Generator
 LQG Large Quantity Generator
 TSDF Treatment, Storage, and Disposal Facility (TSDF means both permitted and interim status facilities)
 SPCC Spill Prevention, Control, and Countermeasure
 Person "Person" means an individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, partnership, state, municipality, commission, political subdivision of a state, or any interstate body.

- List of Attachments:
 ATTACHMENT A - UNLAWFUL DISPOSAL OF HAZARDOUS WASTE
 ATTACHMENT B - UNLAWFUL TREATMENT OF HAZARDOUS WASTE
 ATTACHMENT C - LQG STORAGE OF HAZARDOUS WASTE OVER 90 DAYS WITHOUT A PERMIT
 ATTACHMENT D - SQG STORAGE OF HAZARDOUS WASTE OVER TIME LIMIT WITHOUT A PERMIT and/or STORAGE OF MORE THAN 13,200 LBS
 ATTACHMENT E - FAILURE TO DETERMINE IF WASTE IS HAZARDOUS
 ATTACHMENT F - CONTAINER MANAGEMENT

**ATTACHMENT A
 UNLAWFUL DISPOSAL OF HAZARDOUS WASTE**

TYPE OF DISPOSAL SITE OR LOCATION	Household Hazardous Waste Facility	Subtitle D Municipal Solid Waste Landfill	Other Permitted Solid Waste Site	Unpermitted Disposal On-Site	Unpermitted Disposal Off-Site
	1	2	2 - 3	4	5
SEVERITY	Minor	Moderate	Major		
	1 - 3	4 - 6	7 - 9		

BASE AMOUNT	1 st Offense	2 nd Offense	3 rd Offense
LQG	\$3,000	\$6,000	\$12,000
SQG	\$2,200	\$4,400	\$8,800
KSQG	\$1,500	\$3,000	\$6,000
CESQG	\$1,000	\$2,100	\$4,000
Other Person	\$700	\$1,400	\$2,800

ADD POINTS AND MULTIPLY BY \$500, THEN ADD CORRESPONDING BASE AMOUNT = TOTAL

POINTS

Type of Disposal Location: _____

Severity: _____

Total Points: _____

(Total Points x \$500) + BASE AMOUNT = \$_____ TOTAL PENALTY

**ATTACHMENT B
 UNLAWFUL TREATMENT OF HAZARDOUS WASTE**

AMOUNT OF WASTE	Up to 55 lbs	55 lbs up to 220 lbs	220 lbs up to 2,200 lbs	2,200 lbs or more
	1	2	3	4
NUMBER OF TIMES TREATMENT OCCURRED	1 to 10 times	11 to 52 times	53 to 104 times	More than 104 times
	1	2	3	4

BASE AMOUNT	1 st Offense	2 nd Offense	3 rd Offense
LQG	\$3,000	\$6,000	\$12,000
SQG	\$2,200	\$4,400	\$8,800
KSQG	\$1,500	\$3,000	\$6,000
CESQG	\$1,000	\$2,000	\$4,000
Other Person	\$700	\$1,400	\$2,800

ADD POINTS AND MULTIPLY BY \$875, THEN ADD CORRESPONDING BASE AMOUNT = TOTAL

POINTS

Amount of Waste: _____

Number of Times: _____

Total Points: _____

(Total Points x \$875) + BASE AMOUNT = \$_____ TOTAL PENALTY

**ATTACHMENT C
LQG STORAGE OF HAZARDOUS WASTE OVER 90 DAYS WITHOUT A PERMIT**

AMOUNT OF WASTE STORED OVER 90 DAYS		Up to 55 gallons (1 drum)	2 to 5 drums (55 to 275 gallons)	6 drums to 10 drums (276 gallons up to 550 gallons)	Greater than 10 drums or 551 gallons			
		1	2	3	4			
NUMBER OF DAYS OVER 90		0 to 30	31 to 90	91 to 180	181 to 365 days	Greater than 1 year	Greater than 2 years	3 years or more
		1	2	3	4	5	6	7
STORAGE LOCATION		Controlled	Uncontrolled					
		0	2					
STORAGE CONDITIONS (WASTE)		Satisfactory	Fair	Unsatisfactory	Very Poor			
		0	1	3	5			
TYPE OF WASTE	Solid	Low Toxicity	Medium Toxicity	Acute Toxicity				
		1	2	4				
	Liquids, compressed gases, dioxins, reactive explosives	2	3	5				

Total Points (from above) _____

Multiplier	1 st Offense	2 nd Offense	3 rd Offense
	\$500	\$700	\$1,000

(Total Points x Multiplier) = \$ _____ TOTAL PENALTY

Note: 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).

DEFINITIONS:

Controlled	Stored in hazardous waste storage area or other controlled area inside or outside facility.
Uncontrolled	Stored inside or outside in a dangerous area or under dangerous conditions or outside in an uncontrolled, unsafe and remote area.
Satisfactory	Stored in compliance with RCRA requirements (labeling, dating, inspections, closure, condition).
Fair	Not stored in compliance with RCRA requirements (labeling, dating, inspections, closure, condition), but only minor problems.
Unsatisfactory	Condition of 1 or all containers is poor and or containers are not properly closed.
Very Poor	Condition of containers has or may have led to a release; integrity of the container is deteriorated or compromised.
Low Toxicity	D001-D043 only; F003 only; U-listed; Ignitable, Reactive, Corrosive (IRC).
Medium Toxicity	Other F-listed, K-listed, and U-listed, except dioxins and reactive non-explosives.
Acute Toxicity	P-listed and F-listed, K-listed, and U-listed dioxins and reactive explosives.

ATTACHMENT D
SQG STORAGE OF HAZARDOUS WASTE OVER TIME LIMIT WITHOUT A PERMIT and/or STORAGE OF MORE THAN 13,200 LBS

Row	AMOUNT OF WASTE STORED OVER LIMIT	Up to 55 gallons (1 drum)	2 to 5 drums (55 to 275 gallons)	6 drums to 15 drums (276 up to 825 gallons)	16 drums to 20 drums (826 up to 1,100 gallons)	21 drums to 30 drums (827 up to about 1,650 gallons)		
A		0.5	1	2	3	4		
B	NUMBER OF DAYS OVER LIMIT (if not over limit, then 0 points)	0 to 30	31 to 90	91 to 180	181 to 365 days	Greater than 1 year	Greater than 2 years	3 years or more
		1	2	3	4	5	6	7
C	EXCEEDS 13,200 POUNDS ON-SITE	Greater than 13,200 pounds on-site		If using Row C, do not use points from Rows A and B.				
		11						
D	STORAGE LOCATION	Controlled	Uncontrolled					
		0	2					
E	STORAGE CONDITIONS (WASTE)	Satisfactory	Fair	Unsatisfactory	Very Poor			
		0	1	3	5			
F	TYPE OF WASTE	SOLID		Low Toxicity	Medium Toxicity	Acute Toxicity		
				1	2	4		
		Liquids, compressed gases, dioxins, reactive explosives		2	3	5		

Multiplier	1st Offense	2nd Offense	3rd Offense
	\$500	\$700	\$1,000

ROW	POINTS:	
A	Amount of Waste	
B	Number of Days	
C	Exceeds 13,200 lbs	
D	Storage Location	
E	Storage Conditions	
F	Type of Waste	
	Total Points	
	Multiplier	

Note: If using Rows A and B, do not use points from Row C.

Note: If using Row C, do not use points from Rows A and B.

Note: 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).

(Total Points x Multiplier) = \$ _____ TOTAL PENALTY

**ATTACHMENT E
FAILURE TO DETERMINE IF WASTE IS HAZARDOUS**

POINTS FOR A WASTE STREAM, BASED ON AMOUNT OF WASTE	Routine Waste Stream	NA	NA	< 10 gallons per month	10 to 55 gallons per month	56 to 275 gallons per month	276 to 1,650 gallons per month	More than 1,650 gallons per month
	One-time or Non-routine Waste	0 to 1 gallon	>1 to < 5 gallons	5 to < 10 gallons	10 to 55 gallons	56 to 275* gallons	276 to 1,650** gallons	More than 1,650 gallons
	Points	0.1	0.3	0.5	1	2-4	5-7	8-10

Calculate Total Points:

Waste Stream	Amount of Waste (per month or on-site at the time of the inspection, depending on the circumstances)	Points
Total Points		

BASE AMOUNT	1st Offense	2nd Offense	3rd Offense
LQG	\$2,000	\$3,500	\$5,000
SQG	\$1,000	\$2,500	\$4,000
KSQG	\$700	\$1,500	\$2,000
CESQG	\$500	\$1,000	\$1,500

Total Points	
Base Amount	

(Total Points x Multiplier) = \$ _____ TOTAL PENALTY

- Notes
1. If the amount of waste is not known and cannot be estimated, use 2 points for the calculation (this is for consistency between cases).
 2. Waste weighing 8 pounds per gallon will result in the following:
 275 gallons is roughly equivalent 5, 55-gallon drums or 2,200 pounds
 1,650 gallons is roughly equivalent 13,200 pounds or 30, 55-gallon drums

ATTACHMENT F CONTAINER MANAGEMENT

CONTAINER MARKINGS	Labeled either "Hazardous Waste" <u>or</u> had accumulation start date				Labeled with correct contents of container, but no accumulation start date (and not "Hazardous Waste")				No identifying markings (or wrong contents) and no accumulation start date			
	1 container (up to 55 gallons)	2 to 5 containers (55 to 275 gallons)	6 to 10 containers (276 to 550 gallons)	Greater than 10 containers (or 551 gallons)	1 container (up to 55 gallons)	2 to 5 containers (55 to 275 gallons)	6 to 10 containers (276 to 550 gallons)	Greater than 10 containers (or 551 gallons)	1 container (up to 55 gallons)	2 to 5 containers (55 to 275 gallons)	6 to 10 containers (276 to 550 gallons)	Greater than 10 containers (or 551 gallons)
	1	3	5	7	2	4	6	8	3	6	9	12
OPEN CONTAINERS (Satellite or Storage)	1 container		2 to 5 containers			6 to 10 containers			Greater than 10 containers			
	1		3			6			10			
WEEKLY INSPECTIONS	Missing information only (dates, times, names, etc.)		Failure to document inspections and/or missing 1 to 4 weeks of inspections			Failure to conduct weekly inspections						
						5 to 12 weeks	13 to 24 weeks	25 to 52 weeks	Greater than 1 year		Greater than 2 years	3 years or more
	1		2			3	4	6	9		15	20
NOT MEETING THE DEFINITION OF SATELLITE (more than 1 container; more than 55 gallons; not at or near the point of generation)	One satellite area in violation		2 to 5 satellite areas in violation			6 or more satellite areas in violation						
	1 container (up to 55 gallons)	Greater than 1 container (greater than 55 gallons)	1 container (up to 55 gallons) in each area		Greater than 1 container (greater than 55 gallons) in each area	1 container (up to 55 gallons) in each area		Greater than 1 container (greater than 55 gallons) in each area				
	1	2	2		3	3		4				

BASE AMOUNT	1st Offense	2nd Offense	3rd Offense
TSDf	\$700	\$900	\$1,100
LQG	\$500	\$700	\$1,000
SQG	\$200	\$400	\$600
KSQG	\$100	\$200	\$300
CESQG	\$50	\$100	\$150

POINTS (from chart above)	
Container Markings	
Open Containers	
Weekly Inspections	
Satellite Containers	
TOTAL POINTS	

Note: Except for open containers, if waste was stored in 55-gallon containers, use the number of containers for 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).

(Total Points x Multiplier) = \$ _____ TOTAL PENALTY