



Top Ten Hazardous Waste Mistakes

09.27.2017

We see it time and again: violations of hazardous waste regulations occur because employees are not aware of requirements, don't understand them or, worse, cut corners. Here are our top ten hazardous waste mistakes you don't want to make (in no particular order). Note that the requirements cited in this article reflect the RCRA hazardous waste regulations as amended by EPA's Hazardous Waste Generator Improvements Rule, which took effect at the federal level on May 30, 2017. Each state authorized to administer its own hazardous waste management program must now adopt regulations at least as stringent as the federal regulations. Note that there are exceptions to some of these requirements for Very Small Quantity Generators (VSQGs), meaning those who do not accumulate at any one time more than 1,000 kg (2,200 lbs) of hazardous waste, 1 kg (2.2 lbs) of acute hazardous waste, or 100 kg (220 lbs) of acute waste spill residue or soil.

1. **Lack of a proper waste determination, 40 CFR 262.11.**

While this is one of the most frequently cited violations, it is also a fundamental management issue. Failure to properly identify a waste stream leads to numerous additional violations. Examples include "orphan" drums containing an unknown substance, drums of products for which there is no apparent use, and contaminated wipes, rags and filters. Facilities should have procedures for identifying all materials and conducting waste determinations before (or at the time of) waste generation.

2. **Satellite containers of hazardous waste not properly managed, 40 CFR 262.15.**

The use of satellite containers to accumulate hazardous waste is common. However, it is a violation to store satellite containers in areas that are not "at or near" the process or under the operator's control or with an amount greater than 55 gallons (or greater than 1 quart of liquid acute hazardous waste or 1 kg (2.2 lbs) of solid acute hazardous waste.) Other common satellite container violations include open containers (they should be stored closed) and lack of proper markings. Note that the newly-revised regulations apply emergency preparedness, prevention and contingency planning rules to satellite accumulation areas. Previously, those rules applied only to central accumulation areas (90 or 180-day storage areas.)

3. **Containers not marked with the words "Used Oil," 40 CFR 279.22(c).**

Tanks and containers storing used oil must be labeled or clearly marked with the words "Used Oil." Fill pipes used to transfer used oil into underground storage tanks must also be marked with the words "Used Oil."

4. Hazardous waste containers not marked with the date accumulation began, 40 CFR 262.16(a)(6)(i)(C) and 262.17(a)(5)(i)(C).

Hazardous waste containers must be marked with the date when waste first began to be accumulated in them. That's generally the date that waste was first placed in the container or when the amount of hazardous waste in a satellite container reaches 55 gallons. Large quantity generators (LQGs) may not accumulate hazardous waste for more than 90 days, and small quantity generators (SQGs) may not accumulate hazardous waste for more than 180 days. Very small quantity generators are not subject to time limits unless and until they exceed their allowable accumulation thresholds.

5. Lack of training or training documents, 40 CFR 262.16(b)(9)(iii) and 262.17(a)(7).

All personnel involved in hazardous waste management at LQGs are required to receive training on a yearly basis and to document that training. SQGs must ensure that all employees involved in hazardous waste management are thoroughly familiar with proper waste handling and emergency procedures.

6. Containers not marked with the words "Hazardous Waste," 40 CFR 262.14(a)(5)(viii)(B), 262.15(a)(5)(i), 262.16(a)(6)(i)(A) and 262.17(a)(5)(i)(A).

Containers accumulating hazardous waste must be marked with the words "Hazardous Waste."

7. Lack of a proper contingency plan and emergency procedures, 40 CFR 262.16(b)(9) and 262.17(a)(6).

SQGs must have a basic plan while LQGs must have a contingency plan containing all required information.

8. Failure to update the name and contact information of the facility's emergency coordinator, 40 CFR 262.16(b)(9) and 262.17(a)(6).

The facility must have an emergency coordinator and post his or her name and telephone number in areas where hazardous waste is generated or accumulated. When the designated coordinator leaves the company, it's common for facilities to forget to update this information.

9. Failure to make arrangements with emergency personnel, 40 CFR 262.16(b)(8)(vi) and 262.17(a)(6).

SQGs and LQGs are required to make arrangements with local emergency personnel concerning how to respond to releases of hazardous waste, fires involving hazardous waste, etc. They are also required to document the same in writing (or document that they tried to make such arrangements, but were not

successful). Many facilities often have nothing in their files to make this demonstration.

10. **Hazardous waste containers not closed, 40 CFR 262.15(a)(4), 262.16(b)(2)(iii)(A) and 262.17(a)(1)(iv).**

A container holding hazardous waste must always be closed, except when it is necessary to add or remove waste. It's an easy violation to commit if your employees are not careful.

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