

Surviving compliance inspections

aka the “mock inspection” presentation



Why do Inspections?



- ❖ To protect our environment and promote wise management of our air, land, and water
- ❖ To learn “what is happening out there”
- ❖ To help you prevent pollution
- ❖ To make sure Washington is meeting federal requirements

First question is: Why does Ecology do inspections?


We do inspections to meet Ecology’s Mission statement – “...to protect, preserve and enhance Washington's environment, and promote the wise management of our air, land and water.”

Inspections give us a pretty good indication of what’s happening out there. If we find problems, we try to work with businesses to correct them and make sure everyone follows the rules. We also try to pass along ways to prevent pollution from entering the environment in the first place. If we see any safety concerns, most likely we’ll discuss those with you, too.

We also do inspections with the blessings of the EPA. EPA has authorized Ecology to implement most of the RCRA program in Washington and inspections show that we are following through. If Ecology didn’t do inspections, the federal government could take the RCRA program back and run it themselves.

Why pick your facility?

- ❖ Facility with active RCRA site ID
- ❖ Scheduled
- ❖ Size/Generator Status
- ❖ Past History
- ❖ Complaints
- ❖ Referrals



Generators frequently ask, “Why did you pick me to inspect?”

Every facility that has an active RCRA site ID is subject to inspection. Size or generator status has a lot to do with whether you actually get inspected. We try to visit LQGs at least every other year, MQGs once every three years, and SQGs when we can. Most SQGs are inspected by the local hazardous waste agency, either the city or county.

But Ecology may visit any business and at any time due to:

Past History: If there have been a lot of problems at a site, we pay closer attention to make sure that problems are resolved and the site stays in compliance with the regulations. Also, if a business has been an LQG for years or keeps bouncing around in generator status and all of sudden drops to a SQG then we would want to know why.

Complaints: Ecology is obligated to take action when we get a complaint. Investigating a complaint can take different forms – telephone calls to the business, referring a complaint to another agency like the county, or completing an actual site inspection. Ecology tries to treat everyone fairly, but we can’t do it without your help. So if you have a complaint, call us. Many generators tell inspectors that we shouldn’t waste our time inspecting them, but that we should go up the street and take a look at THAT other company. We want to make sure everyone is on the same “level playing field,” so if you see violations or suspect that things up the street aren’t up to snuff, let us know. We can keep your identity secret.

Referrals: Sometimes a local agency asks us to investigate a small quantity generator that they know is an MQG or LQG. Or perhaps they’ve seen a business accumulating drums or spilling materials. If this is the case, Ecology would likely plan to visit that site.

What will we inspect?

- ❖ Records
 - ❖ Manifests
 - ❖ Trainings
 - ❖ Inspections
 - ❖ Etc.
- ❖ Production areas
- ❖ Accumulation areas
 - ❖ Main and satellite
- ❖ “Bone Yards”



What will we inspect?

- Your records regarding dangerous waste management.
- Your production areas
- Your accumulation areas
- Any “bone yards” where unused material collects.

Different inspectors do things differently. Some do a facility walkabout first, just to get the feel of the place. Some want to do the records portions first. Some will give you a choice.

We like to look at production areas for a couple of reasons. It gives inspectors a chance to better know your business and understand where and how wastes are generated. Also, this is typically where facilities keep satellite drums.

When we go on the site tour we will want to see where the waste is being accumulated, including satellite areas, and the 90 or 180 day areas.

“Bone Yards” are notorious for collecting hazardous waste. It’s not uncommon for people to realize during the site visit that they have hazardous waste there.

What Else To Expect?



- ❖ Unannounced – no advance warning
- ❖ Legal authority to inspect during normal business hours
- ❖ ~ 2-3 hours long
- ❖ Inspector won't postpone – should at least be shown around site

Inspections are unannounced – we want to see your facility under normal conditions. We rarely call ahead unless your facility is in a remote location, or we want to do a follow-up visit.

State law authorizes Ecology's hazardous waste program to inspect businesses during normal business hours.

Many inspections run just 2-3 hours, or even less if no problems are encountered. But they can take more time depending on the size of the site and the conditions the inspectors find. Large or complex sites, such as shipyards, can take more than one day¹

Sites can always ask to postpone the inspection, but that request rarely will be granted. For example, if the person who keeps the training plans is ill, the inspector may arrange to review those later. But the inspector should at least be shown around the facility. Maintenance staff often do this if the usual site contact is unavailable.

Step one

- ❖ Inspector introduces her or himself
- ❖ Meets with site contact
 - ❖ Explains purpose of visit
 - ❖ Introduces backup/photographer
 - ❖ Clarifies purpose of photographs



The inspector will first introduce her or himself to the receptionist or the first person they see and ask to speak with the site contact listed on the notification form or annual report.

Next, the inspector will announce the purpose of the visit, something like: Hi, I'm {inspector's name} and I'm here to do an unannounced Dangerous Waste inspection to examine your compliance with the Dangerous Waste Regulations, WAC 173-303.

This is my backup, and s/he will be taking photos of violations we see, plus the good things that we see here too. If there's something we can't take photos of, let us know and we can figure something else out.

Is there someplace we can go to talk about what we need to accomplish today?

Records Review



For this example, the inspection starts with a records or file review.

Records Review – LQG

❖ Large Quantity Generators should have:

- Contingency Plan
- Weekly Inspections
- General Inspection Checklists
- Training Plans
- Manifests w/LDRs
- Designation Information
- TBG, Distillation, and Recycling Logs
- Other Disposal Information
- Discharge Information



Large quantity generators should be prepared to show these records:

- The Contingency Plan
- The weekly inspection plan and checklists
- General Inspection checklists
- Training Plan and the employee training files
- Manifests and the attached Land Disposal Restrictions
- Designation information, such as MSDSs, profile sheets, and test reports
- Treatment by Generator, distillation, and recycling logs
- Other disposal information, such as used oil receipts, Universal Waste records, bills of lading
- Discharge information
 - Most counties and cities require an authorization before a business can discharge industrial wastewater into the sanitary sewer, even if it's a small discharge. A verbal approval may be all that's needed for small, or de minimis, discharges. But large discharges may require a permit from the POTW (Publicly-Owned Treatment Works).
 - If you do get a verbal permission to discharge, record the name of the person you talked with and the date. If the discharge changes at your facility and/or the wastewater changes in its makeup, you will need to call again to make sure that the discharge is still OK.

Records Review – MQG

❖ Medium Quantity Generators should have:

- Designation records
- Manifests with LDRs
- Weekly inspection checklists
- General inspections checklists
- TBG, distillation and recycling logs
- Other disposal information
- Discharge Information



Medium Quantity Generators should be prepared to show:

- Designation information, such as MSDSs, profile sheets, and test reports
- Manifests and the attached Land Disposal Restrictions
- The weekly inspection plan and checklists
- General Inspection checklists
- Other disposal information, such as used oil receipts, Universal Waste records, bills of lading
- Discharge information

Records Review – SQG

- ❖ Small Quantity Generators are not required to have these records, but...
- ❖ Inspector may ask about:
 - Manifests
 - Types of training the employees get
 - Designation paperwork
 - Discharge authorizations



Small Quantity Generators are not required to have these records, but...

Inspector may ask about:

- Manifests
- Types of training the employees get
- Designation paperwork
- Discharge authorizations

Common Problems – Manifests

Top 3 problems

- Missing signatures, especially from receiving facility
- Not recorded on annual dangerous waste report
- Not on file at facility



The top three things that we find wrong with manifests are:

Missing signatures: Especially for the TSDF or the receiving facility that gets your waste. Without that signature on the final manifest you don't know where your waste wound up. This third signature is proof that the receiving facility actually received your waste, whether in Washington or elsewhere.

If this problem is found during a compliance inspection, the inspector will direct you to find the completed final manifest. Check first with your accounts payable people. Sometimes the TSDF will attach the signed copy of the manifest to your bill. If it isn't there, contact the facility directly and have them fax their copy of the manifest to you. That copy should show the three required signatures.

Not recorded on annual report: If you are a Large Quantity Generator, inspectors often have a list of the manifests you reported on your annual dangerous waste report and we will compare them with your records. Sometimes we find one that didn't get on the report, and we will ask you to do an amended report.

Not on file at facility: And sometimes past years' worth of manifests are just flat out missing.

Common Problems – Weekly and General Inspections

- Not doing inspections at all
- Missing weeks or months
- No list of what to inspect, or list incomplete
- Missing date
- Unsigned
- Problems not corrected
- Correction not recorded

Sample checklists in Appendix folder



The major problem inspectors find on this topic is that a facility is not doing weekly or general inspections at all.

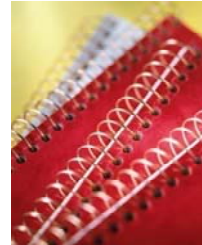
Other problems:

- Missing records for weeks or months of inspections
- No list of what to inspect, or list is incomplete
- Records don't show date of inspection
- Records are not signed
- The inspection shows a facility discovered a problem, but failed to correct it
- A problem was corrected, but no one noted that it was fixed

If you are unclear about what should be included on the inspection checklists, call your Ecology Regional Office or look on Ecology's website for guidance. A sample checklist with the elements of the weekly and general inspections is in the Appendix folder.

Common Problems – Plans

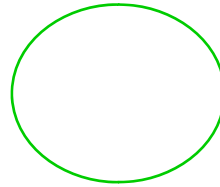
- Missing Training and Contingency Plans
- Not updated or reviewed to reflect changes to employees, processes, equipment, and wastes
- Too many pieces; kept by various people
- Don't meet the requirements



- The major problem inspectors encounter regarding plans – training and contingency – is that they can't be found. Either they weren't done, or they've been lost.
- Sometimes the training or contingency plans are never reviewed and updated. Equipment, processes, and wastes change. Employees change. Any of these might affect the relevancy of the plans. Ecology recommends you review these plans at least every year and note that review somewhere in the plan.
- All of the elements of a plan may exist, but they are in too many pieces and places. With training records, for example, the supervisor may keep the sign-in sheets for each employee, the personnel department may schedule the training, and the trainer may keep the modules. It is difficult to explain to an inspector how that all fits together to meet the regulations.
- Sometimes the plans don't meet the regulatory requirements.

Good, Bad, and Ugly

- ❖ The next pairs of images are from actual inspections.
- ❖ Look for “what’s wrong” and “what’s right.”
- ❖ The second image will show red boxes around what’s wrong and green circles around what’s right.




What do you see?



Here's the first picture –
What are these things and why are they sitting out in the rain?

Rat traps!

Warfarin or strychnine



1. On gravel; no secondary containment
2. Broken open, allowing water to collect

These are rat traps. Rat traps commonly contain warfarin and strychnine.

The problems:

- Not in secondary containment and on a gravel surface, so spills go directly to the ground
- Broken open, allowing rain to collect and spread the contents

The soil will have to be cleaned up because of the rain spreading the contents. If any waste is not properly handled, it can result in problems many times over.

Painting Before



1. Illegal disposal of paint to ground.
2. Typically only spot painting is allowed outside.

Painting outside and letting paint waste run off into the bushes.

1. Illegal disposal of paint to ground.
2. Typically only spot painting is allowed outside.

Site might need an air permit, too.

Painting After

1. Covered area for waste paint
2. Closed funnel
3. Secondary containment
4. No emergency communications
5. No risk labeling on containers



After fixing, here's what the paint area looks like.

1. Covered area for waste paint
 2. Funnel is closed, so nothing can get in or out
 3. Secondary containment to capture spills and leaks
- But---
4. No emergency communications
 5. No risk labeling on containers

This area should also have a spill kit, although that might be nearby.

“Bone Yard” Before



- 1 Open fuel tank with water-contaminated fuel
- 2 Cylinders – empty or full? Tall one needs to be chained
- 3 Mystery blue drum
- 4 Junk may conceal more problems

Many businesses have a bone yard - that place where stuff goes in but seemingly doesn't come out.

This appears to be mostly solid waste, but are there any potential hazardous waste issues here?

1. There is a fuel tank with an open fill hole, creating water-contaminated fuel, and more waste to dispose.
2. Cylinders—some are not empty. The tall one is not chained.
3. And what's in the blue drum?
4. All this junk can conceal more problems – how do you know what's there?

Boneyard After

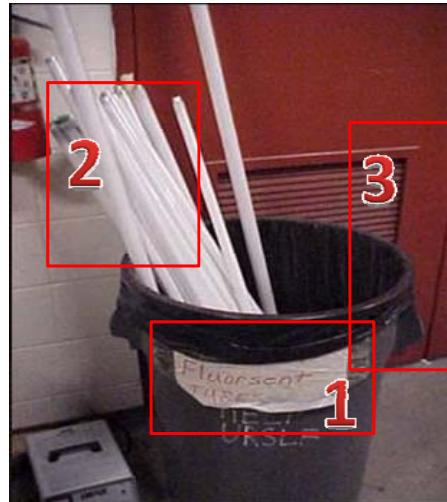


1. All the junk is gone – inspector may ask to see the records showing how the waste was disposed.
2. Found a basketball hoop!
3. Found a space to park the boat trailer.

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Lamp Recycling Before

1. Wrong label, and no date
 2. and 3. Lamps not protected – and door swings toward barrel
- How long does a generator have to get rid of a lamp?



1. Wrong label on barrel, no date
 2. and 3. Lamps not protected – and door swings toward barrel
- How long does a generator have to get rid of a lamp?

Lamp Recycling After



1. Correct labels – uses word “lamps” and date
 2. Protective containers – waste vendors sell them
 3. Protected location
- You can keep lamps onsite for one year.

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You can keep lamps onsite for one year.

Lab Waste Before Satellite Accumulation Area



1. Open container – cap should be closed, except when adding or removing waste.
2. Trash in containment box
3. Good labeling for hazardous waste and risk
4. Secondary containment – good to have, but not required for SAA

Container gathers xylene from a tissue fixing machine. Technically it is a satellite accumulation area.

1. This is an open top container. Except when waste is actually being added or removed, the cap needs to be screwed closed.
2. There is trash in the containment box. If the xylene spills, the trash becomes hazardous waste.
3. Labeling is good – hazardous waste label and risk (flammable) label. The date is not needed since this is a satellite accumulation area.
4. Using secondary containment. Not required for SAA unless there is potential for spills. Remember that processing equipment, such as a filter press or any container collecting waste, must be closed when it is not in use, and it must be marked with the words hazardous waste and have a risk label applied.

Lab Waste After Satellite Accumulation Area



1. Fixed a tube permanently to a cap so it can't come loose. Also protects employees from fumes.

1. Modified a cap to permanently fix the tube in place. This will keep the line from coming loose. Also protects employees from the fumes.

Aerosol Cans Before



1. Poor containment
2. Only empty cans can go in the garbage.
3. Are all these items compatible waste?
4. No label on container

1. Broken down cardboard box is not a good container for accumulating aerosol cans.
2. Only empty cans can go in the garbage. Some of these cans are empty and some are not
3. Are all these items compatible wastes?
4. No label on container

Aerosol Cans After



1. Better container
2. Still no Hazardous Waste or risk labels, or an accumulation start date

Barrel could be considered secondary containment, if it is intact.

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2. Still no Hazardous Waste or risk labels, or an accumulation start date

Barrel could be considered secondary containment, if it is intact.

MQG?

This business says they are a medium quantity generator. What do you think?



This business says they are a medium quantity generator. (No more than 2,200 pounds of hazardous waste onsite at any one time.)

Do you agree? What would you do with this collection?

Closeup of drums (open containers?)



Here's a closeup view of the same area – would these be considered open containers?

MQG? Before

(Too many problems to show individual boxes)

1. Could be more than MQG
2. No aisle space
3. Open containers
4. No secondary containment
5. No cover for storage area
6. Few, if any, HW or risk labels
7. Accumulation dates not visible
8. Product labels still on drums
9. Poly drums mixed with metal drums – may indicate incompatibles



There is so much wrong in this picture there wasn't room to draw a red box around each problem. And this list may not catch all of the problems – can you find more?

1. Could be more than MQG
2. No aisle space
3. Open containers
4. No secondary containment
5. No cover for storage area
6. Few, if any, HW or risk labels
7. Accumulation dates not visible
8. Product labels still on drums
9. Poly drums mixed with metal drums – may indicate incompatibles

MQG? After

Better, but:

1. Secondary containment not large enough
2. No signage – “Danger” “Keep out” or “Authorized personnel only”



3. No emergency equipment – fire extinguisher, spill kit, etc.
4. No emergency communications device.

Better, but:

1. Secondary containment not large enough
2. No signage – “Danger” “Keep out” or “Authorized personnel only”
3. No emergency equipment – fire extinguisher, spill kit, etc.
4. No emergency communications device.

After all problems are corrected and there is continued compliance, Ecology may allow this business to return to being an MQG.

Problem Drums

1. Bottom seam pinched on right-hand drum.
2. Signs of overfilling – heat expanded the liquid causing the o-ring on the back drum to seep.
3. Can't see labels



1. Bottom seam pinched on right-hand drum.
2. Can't see labels
3. Signs of overfilling – heat expanded the liquid in the drum, causing the o-ring on the back drum to seep. (Other drums have rainwater on top.)

Do not store food with chemicals!
It may not be against the regs, but it is
against common sense!



Do not mix water or food products with hazardous materials or waste!
Do not put chemicals or waste in food containers!
Do not store food and chemicals together.

The food here was for testing, not to eat, but it's still not a good idea.

What happens next?

- Inspector:
 - Holds exit conference with facility
 - May make followup calls
 - Sends facility the inspection report
 - Narrative of what was seen
 - Photos, if taken
 - Compliance certificate



Typically, the dangerous waste inspector returns to your office with you to discuss the findings of the records review and physical inspection, to answer questions you or the inspector might have. Then the inspector writes up an inspection report and sends it to you.

Before sending the inspection report, the inspector may make followup calls to clarify what was seen.

The report will include a narrative about what was seen, complete with any photos taken. The inspector will also send a "compliance certificate." You complete this form and return it to Ecology to document that you have made the needed corrections.

Two One in Particular Auto Repair
Inspection Date: December 23, 2003

KCKALDF: WAD 999 999 999
Page 2 of 2

COMPLIANCE CERTIFICATE

Sample compliance certificate

Instructions: Return this Completed Form or Request an Extension -- Use this form to report if the action(s) needed to achieve compliance, identified during the inspection on *December 23, 2003* have been completed. Complete the shaded portion of the table and mail a copy of this form to *Katherin M. McArthur* by *March 12, 2003* at the following address: Washington Department of Ecology, Hazardous Waste and Toxics Reduction Program, Attention: *Katherin M. McArthur, 15 West Yakima Ave., Suite 200, Yakima, WA 98902*.

An extension of the deadlines to achieve compliance may be requested. Please make a request in writing, including the reasons an extension is necessary and proposed date(s) for completion, and send it to *Katherin M. McArthur* before the date specified above. Ecology will provide a written approval or denial of your request.

*If you have any questions about information in this Compliance Report, please call:
 Katherin M. McArthur at (509) 454-4329*

The problems identified below must be corrected in order to be in compliance with Washington Dangerous Waste Regulations (Chapter 173-303 WAC), or other environmental laws or regulations. Please indicate the date each action is completed, or check the box under "Not Completed" and initial each item. Include any comments explaining the actions taken on a separate piece of paper.

Violation cited

1

Problem summary

2

Deadline to fix

3

Compliance Item	Corrective Measures Deadline	Date Completed	Initials
WAC 173-303-522(2)(a)	January 14, 2004		4

Initial that problem has been fixed

1) WAC 173-303-522(2)(a): The special requirements for generators recycling spent antifreeze were not met.
 Within two days of receipt of this letter, label containers of spent antifreeze as "spent antifreeze". Accumulate antifreeze in a manner to prevent releases to the environment. This includes but is not limited to storing wastes in compatible containers, on impermeable surfaces, or in secondary containment structures.

2) WAC 173-303-201(2)(a) as referenced by 170(3): Dangerous waste was accumulated on-site in excess of 180 days.
 Within 60 calendar days of the receipt of this letter, provide copies of completed manifests documenting disposal for all waste that has been on-site for more than 180 days.

The compliance certificate has:

- 1** The violation cited,
- 2** The problems summarized, with directions on how to fix them, and
- 3** A compliance deadline date.

You, as the generator, fix the problems, initial that item **(4)** and return the form to Ecology.

Will I get fined?

- Normally, “NO.”
- Just fix the problems and let Ecology know
 - Ecology can provide technical assistance
- Penalties are possible if:
 - Damage to human health and the environment
 - Future inspections show the same problems
 - Generator refuses to get into compliance
- Formal Enforcement can be:
 - Administrative order to comply
 - Penalty – up to \$10,000/day



The question generators most often ask after their first inspection is “Will I get fined?” The answer is normally “NO.”

The Hazardous Waste and Toxics Reduction Program tries to solve compliance problems informally first, by using letters, phone calls, and providing assistance. This is normally cheaper for everyone involved, and solves problems faster. So penalties are not likely on the first go-round with a generator.

But if significant problems are found, especially if human health or the environment have been damaged, we take a stronger stance. Also, if follow-up inspections show the problems are not being fixed, or the generator refuses to get into compliance, then formal enforcement becomes a distinct possibility.

Formal enforcement takes different forms, but is normally an administrative order to comply with a monetary penalty based on the violations. Each violation can result in a penalty of up to \$10,000 per day, so it is a “big stick.” We use it sparingly, but will do it when no other option seems to be working.

That said, we much prefer to resolve compliance problems informally, so that the environment is protected sooner, and we can move on to looking at other businesses.