



HOW TO AVOID THE MOST COMMON HAZARDOUS WASTE VIOLATIONS

This guidance document is intended to assist Generators of Hazardous Waste to avoid the most common hazardous waste violations. Please note that a facility is required to comply with all applicable requirements based on its generator status and operation, not only the ones listed on this guidance document. These most common violations apply to all the generators, unless it specifies that it is a Large Quantity Generator (LQG) violation or Small Quantity Generator violation (SQG) violation. LQGs generate 1,000 kg per month or more of hazardous waste and/or more than 1 kg per month of acutely or extremely hazardous waste. SQGs facilities generate less than 1,000 kg of hazardous waste per month, and/or 1kg or less of acutely or extremely hazardous waste per month.

1. VIOLATION: FAILURE TO OBTAIN A PERMANENT HAZARDOUS WASTE ID NUMBER

Anyone who routinely generates, transports, offers for transport, treats, stores, or disposes of hazardous waste must have a permanent ID number, which is used to identify the hazardous waste handler, and to track the hazardous waste from the point of origin to its final disposal.

There are two types of ID numbers: federal and state. The owner or operator needs to obtain a federal EPA number if they generate more 100 kg or more of RCRA hazardous waste (federally regulated hazardous waste) and/or 1 kg of acute RCRA hazardous waste. Federal EPA ID numbers are site-specific. Any other generator needs to obtain a state number; these are owner and site-specific. State ID numbers will start with CAL, CAD, CAI, CAF, CAS, CLU, CAX, or CA99, and federal ID numbers will start with CAR, CA, CAD, or CAT.

Go to the Department of Toxic Substances Control's (DTSC) website (<https://dtsc.ca.gov/apply-for-hazardous-waste-epa-id-number/>) and follow the instructions to complete and submit the application to obtain a federal or state permanent hazardous waste ID numbers.

2. VIOLATION: FAILURE TO KEEP ACTIVE THE FACILITY'S PERMANENT ID NUMBER

Hazardous waste generators are required to certify their ID number annually by completing the Electronic Verification Questionnaire (eVQ). All numbers that were not certified during the certification period had been inactivated by the state. If you are unsure of the status of the ID number for your facility, you can look it up on the Hazardous Waste Tracking System website: <https://hwts.dtsc.ca.gov/>.

All generators must have an eVQ account. Go to the eVQ website <https://evq.dtsc.ca.gov/Home.aspx> to register. Once you have an eVQ account, you will receive reminders to certify the ID number and avoid inactivation. ID numbers can be reactivated electronically or by completing the required forms. Go to the DTSC's webpage <https://dtsc.ca.gov/reactivate-epa-id-number/> for instructions on how to reactivate your state or federal ID number.

3. VIOLATION: FAILURE TO KEEP HAZARDOUS WASTE CONTAINERS CLOSED WHEN NOT ADDING OR REMOVING HAZARDOUS WASTE

A container is any portable device in which hazardous waste is stored, transported, treated, disposed of, or otherwise handled. Containers must be closed when not adding or removing hazardous waste. EPA considers that a container accumulating liquid hazardous wastes is closed when all openings or lids are properly and



securely affixed to the container. The objective is to prevent the release of any volatile (or organic) emissions, or a spill if the container is tipped over. Special funnels with manually or spring closed lids or other similar closing devices could be used for closed-head drums or closed-top drums.

For solid and semi-solid hazardous wastes, such as dewatered metal-bearing wastes or sludges, EPA considers the container "closed" if there is complete contact between the lid and the rim all around the top of the container. This ensures that any vapors released to the environment are minimized. When the container is full, or the container must be moved or transported, the lid can be secured by bolting the band that seals the lid to the container or with a band that is tightened with a lever.

In addition to this requirement, all hazardous waste container must be in good conditions, be compatible with the waste, accumulate compatible hazardous waste only, and be inspected weekly.

4. VIOLATION: FAILURE TO PROPERLY LABEL HAZARDOUS WASTE ACCUMULATION CONTAINERS AND PORTABLE TANKS

All containers used to accumulate or store hazardous waste must be marked/labeled with the following information:

- The words: "HAZARDOUS WASTE"
- Name and address of the facility generating the waste
- Waste accumulation start date (when the waste started to collect in the container?)
- Physical state (solid or liquid)
- Composition (what is it?)
- Hazard Classification (e.g. flammable, toxic, corrosive, reactive, etc.)

If the container is emptied at the end of the operating day, the words "empty daily" may be used in the accumulation start date area of the label.

There is no standardized format for the label. The facility will be complying if all the required information is on the container.

5. VIOLATION: HAZARDOUS WASTE EMPLOYEE TRAINING

5.1. SQG Violation: Failure to Ensure All Employees Are Thoroughly Familiar with Proper Waste Handling and Emergency Procedures

Employees of SQG facilities need to be familiar with hazardous waste requirements and emergency response procedures, relevant to their responsibilities during normal facility operations and emergencies. The regulation doesn't require a certain frequency for the training. Employees should be retrained whenever there are noncompliance issues caused by insufficient training, or when new requirements are applicable to their operations. An annual refresher is recommended.



Training records are not required, but it's a good practice to document every training. Facilities could use the template from this link to document their training: https://www.smchealth.org/sites/main/files/file-attachments/employee_training_documentation.pdf

5.2. LQG Violation: Failure to Provide Hazardous Waste Training and/or Keep Required Records

The training requirements for LQG facilities are very specific. Employees need to receive annual classroom instructions or on-the-job training within the first six months after the date of their employment or assignment to a facility, or to a new position at a facility and annually thereafter.

Training records on current personnel shall be kept until closure of the facility and for former employees, the record shall be kept for at least three years from the date the employee last worked at the facility. The records shall include the following:

- The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job,
- A written job description for each position, duties of facility personnel assigned to each position, and
- A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position.

It is very common that the training records don't include all the required information listed above. Owners and operators can use the following form to document their training:

https://www.smchealth.org/sites/main/files/file-attachments/hazardous_waste_training_records_0.doc

6. SQG Violation: Failure to Post Emergency Information

SQG facilities are required to post next to a telephone the following information:

- The name and telephone number of the emergency coordinator;
- Location of fire extinguishers and spill control material, and, if present, fire alarm; and
- The telephone number of the fire department, unless the facility has a direct alarm.

Facilities can use the template from the link for their posting: https://www.smchealth.org/sites/main/files/file-attachments/emergency_procedures.pdf

7. VIOLATION: FAILURE TO MANAGE EMPTY CONTAINER THAT PREVIOUSLY HELD HAZARDOUS MATERIALS OR WASTE

The California regulation sets three standards to define an empty container, which previously held a hazardous material, including but not limited to hazardous waste, each based on the type of material held by the container:

- Containers that held pourable materials: All material must be removed by any practicable means, including draining, pouring, pumping or aspirating. A container is empty when there is no longer a continuous stream of material coming from the opening when the container is held in any orientation.
- Containers holding non-pourable materials: No hazardous material shall remain in the container that can feasibly be removed by physical methods, including scraping and chipping, but not rinsing. This standard applies to materials that pour slowly or don't pour at all from the container.
- Containers holding acute or extremely hazardous waste: Containers which previously held acute or extremely hazardous waste are considered empty only if the container has been triple-rinsed using a solvent capable of removing the material or cleaning by another method which is proven to achieve equivalent removal to triple-rinsing. These activities may require formal authorization (permitting) by DTSC or the CUPA.



Once the container is empty, the handling varies with the volume of the container.

- Five gallons or less: Empty containers, or inner liners removed from containers, of five gallons or less that once contained a hazardous substance, are not regulated if all the contents have been poured out, or scraped out. Empty containers of five gallons or less may be discarded to the municipal trash.
- Greater than five gallons: Empty containers, or inner liners removed from containers, of greater than five gallons in size that once contained a hazardous substance, must be sent out on a bill of lading to a drum recycler or reconditioner or scrap value or sent back to the manufacturer for refilling. These containers must be labeled “Empty” and marked with the date it was emptied and managed within one year. Containers greater than 5 gallons in size cannot be put into the municipal trash or municipal landfill.

Owners and operators shall have procedures in place to properly empty containers. Noncompliance with this requirement may lead to illegally disposing of hazardous waste.

8. VIOLATION: FAILURE TO COMPLY WITH HAZARDOUS WASTE MANIFEST PROCEDURES

The Uniform Hazardous Waste Manifest is the shipping document that travels with hazardous waste from the point of generation, through transportation, to the final treatment, storage, and disposal facility (TSDF). The facility must keep a copy of each signed manifest for at least three years from the date the waste was accepted by the initial transporter. The manifest signed at the time the waste was accepted for transport shall be kept until receiving a signed copy from the TSDF which received the waste. See a sample manifest form below.

The generator of the hazardous waste needs to ensure that the manifest is filled out correctly. The most common errors are:

- Incorrect, invalid, or inactive generator ID number,
- Incorrect, invalid or inactive transporter ID number,
- Failure to verify all the information on a pre-printed manifest at shipment,
- Incorrect or incomplete container, total quantity and/or unit weight information,
- Waste codes incorrect or incomplete,
- Failure to sign and/or date the manifest, and
- Incorrect or incomplete dates; past dates or future dates.

The generator must always send a legible copy to DTSC within 30 days of the shipment date. Send copies to:

DTSC Generator Manifests
Department of Toxic Substances Control
P.O. Box 400
Sacramento, CA 95812-0400

The image shows a sample of the Uniform Hazardous Waste Manifest form (EPA Form 3100-22). The form is mostly blank, with a large, semi-transparent 'VOID' watermark overlaid across the center. The form includes sections for generator information, transporter information, facility information, and a table for waste description. The table has columns for waste code, quantity, and other details. The form is titled 'UNIFORM HAZARDOUS WASTE MANIFEST' and includes a 'GENERATOR'S CERTIFICATION' section at the bottom.

If a generator has not received a signed copy of the manifest from the TSDF after 35 days from the date the waste was shipped, the generator is required to contact the transporter and TSDF to determine the status of the waste shipment. If after contacting the TSDF and transporter, the generator has not received a signed copy of the manifest, the generator is required to file an Exception Report with DTSC. The generator must file an Exception Report after 60 days from the date of the waste shipment for SQG generators, or 45 days for LQG generators.



The Exception Report needs to include a legible copy of the manifest, and a cover letter explaining what the generator has done to locate the hazardous waste and the results of those efforts. Send Exception Reports to:
DTSC Report Repository, Generator Information Services Section
P.O. Box 806
Sacramento, CA 95812-0806

9. VIOLATION: FAILURE TO MEET ACCUMULATION TIME REQUIREMENTS

The storage time length is based upon the quantity of hazardous waste stored and the amount of waste generated per month. The time begins on the date the generator has accumulated 100 kilograms of hazardous waste, or 1 kilogram of acutely or extremely hazardous waste. The following are the maximum accumulation time for each type of generator:

- SQG Facilities: 180 days or 270 days if the distance to TSDf is more than 200 miles. Any quantity of acutely or extremely hazardous waste must be removed in 90 days. The quantity of waste held at one time may never exceed 6,000 kilograms (13,200 pounds).
- LQG Facilities: 90 days or less from the first date on which any amount of hazardous waste begins to accumulate.

Any facility who generates small quantities of hazardous waste can use the Point of Generation or Satellite Accumulation provisions, which allows them to accumulate hazardous waste for up to a one year from the initial date of accumulation, or for no longer than the applicable accumulation period for SQGs or LQGs once the container is full, whichever occurs first. The facility needs to comply with all the requirements applicable to satellite accumulation, such as:

- The waste is accumulated in containers (not tanks) at the initial accumulation point, near or at the generation point, and is under the control of the operator of the process generating it.
- Accumulate up to 55 gallons of hazardous waste or 1 quart of acute hazardous waste at each satellite accumulation area.
- The initial date of accumulation is clearly marked and visible on each container, and the containers are managed according to regulation.
- Within three days of reaching the quantity limits, the generator must mark the container with the date that limit was reached and comply with the other applicable regulations.

10. VIOLATION: FAILURE TO MEET STANDARDS FOR TANKS HOLDING HAZARDOUS WASTE

Hazardous waste tanks are stationary devices, designed to contain an accumulation of hazardous waste. The hazardous waste tank regulations cover not only tanks but many other components (ancillary equipment) that may be used with or without tanks to treat, convey and/or store hazardous waste. The applicability of hazardous waste tank requirements is dependent upon the quantity of hazardous waste generated per month (i.e., SQG and LQG), onsite hazardous waste treatment activities (i.e., Conditionally Authorized and Permit by Rule), and the status of the tanks (i.e., new or existing). All hazardous waste tanks must be labeled with the words "Hazardous Waste," and the accumulation start date.

Requirements Applicable to SQG facilities:

- Do not need Professional Engineer's (PE) Assessment or an above ground tank (AST) Certification & Engineering Assessment Exemption Notification.
- Uncovered tanks need two feet freeboard unless equipped with a containment structure (e.g. dike or trench) plus the volume of top two feet of the tank.



SAN MATEO COUNTY HEALTH

ENVIRONMENTAL HEALTH SERVICES

Environmental Health Services

Hazardous Materials Program (CUPA)

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smchealth.org/cupa

- Must inspect at least once each operating day: the discharge control equipment (e.g., waste feed cutoff, bypass and drainage systems), data gathered from monitoring equipment (e.g., pressure and temperature gauges), and waste level in uncovered tanks.
- Must inspect at least weekly: the construction materials of the tank to detect corrosion or leaking of fixtures or seams, and the construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Requirements Applicable to LQG facilities, and to Conditionally Authorized and Permit by Rule Treaters:

- Standards depend on installation date:
 - Before 7-1-1991 with proper secondary containment and leak detection per 22 CCR 66265.193 standards: No PE certification required, unless modified.
 - After 7-1-1991 must have secondary containment, leak detection and an initial PE certification (22 CCR 66265.192)
- Must inspect at least once each operating day: overfill/spill control equipment, aboveground portions of the tank system, construction materials, and the area immediately surrounding the tank system, data gathered from monitoring equipment, and waste level in uncovered tanks. The Inspections must be documented.
- Used Oil or Waste Anti-Freeze Tanks may use the “AST Certification & Engineering Assessment Exemption Notification” which is valid for 3 years, in lieu of PE certification, if the tank has more than 100% secondary containment, a written leak detection program, and daily inspection logs. Please use the following form to request the exemption: https://www.smchealth.org/sites/main/files/file-attachments/20160921_ast_certification_engineering_assessment_exemption_notification.pdf?1536770140

Facilities can use the following checklist for their hazardous waste tank inspections:

https://www.smchealth.org/sites/main/files/file-attachments/hazardous_waste_tank_daily_inspection_form_0.pdf?1487804948

Please refer to the document from this link for more information about hazardous waste tanks requirements,

https://www.smchealth.org/sites/main/files/file-attachments/hazardous_waste_tank_management_.pdf

For additional guidance, go to DTSC’s website: <https://dtsc.ca.gov/generators/>, or contact the CUPA Inspector for your jurisdiction. Click on the link for a complete list of inspectors: smchealth.org/cupainspectors.