

# Resource Conservation & Recovery Act Compliance & Enforcement

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# RCRA Hazardous Waste

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## ✦ Characteristic Waste

- ✦ Flammable (D001) – Flashpoint  $\leq 140^{\circ}$  F
  - Acetonitrile
- ✦ Corrosive (D002) – pH  $\leq 2$  or  $\geq 12.5$ 
  - Glacial acetic acid
  - Sodium hydroxide
- ✦ Reactive (D003)
  - Nitroglycerine
- ✦ Toxic (D004 – D042) – TCLP Test
  - Arsenic
  - Chloroform

# RCRA Hazardous Waste

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## ✦ Listed Waste

- ◆ F-Wastes – Non-specific sources
- ◆ K-Wastes – Specific sources
- ◆ P- & U-Wastes – Discarded commercial chemical products, off-specification species, container residues, and spill residues
  - Example Pharmaceuticals
    - ◆ epinephrine (P042)
    - ◆ nicotine (P075)
    - ◆ phenol (U188)
    - ◆ uracil mustard (U237)

# RCRA Universal Waste

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## ✦ Used Batteries

- ✦ SLABs
- ✦ NiCd
- ✦ Alkaline

## ✦ Pesticides

## ✦ Mercury Containing Equipment

- ✦ Thermostats

## ✦ Used Lamps

- ✦ Fluorescent
- ✦ High Pressure Sodium
- ✦ Mercury Vapor

# RCRA Universal Waste

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- ✦ Pharmaceuticals – Proposed rule published in Federal Register on 12/2/2008
- ✦ Primarily will affect:
  - ◆ Hospitals
  - ◆ Pharmacies
  - ◆ Long-term care facilities
  - ◆ Reverse Distributors of Pharmaceuticals

# RCRA Universal Waste

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- ✦ Streamline hazardous waste ID process
  - ◆ Does not distinguish b/w acute hazardous wastes & other hazardous wastes.
- ✦ Longer on-site accumulation time limits
  - ◆ Can accumulate pharmaceutical waste on-site for up to 1 year.
- ✦ Increased generation volume limits
  - ◆ SQHUW accumulates < 5,000 kg of pharmaceutical waste at any given time.

# RCRA Universal Waste

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- ✦ Must be accumulated in structurally sound & compatible containers.
- ✦ Containers must be labeled.
- ✦ Minimum training requirements
- ✦ Universal waste must be shipped off-site and disposed of properly.

# Resource Conservation & Recovery Act Compliance & Enforcement

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- ✦ Inspection Targeting
- ✦ Compliance Inspections
- ✦ Supplemental Information Gathering
- ✦ Enforcement Actions
- ✦ Negotiation
- ✦ Settlement

# RCRA Inspection Targeting

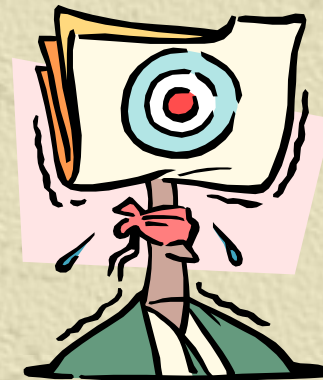
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## ✦ National Initiatives

- ✦ Sector Based
  - Foundries
  - Auto Industry
- ✦ Regulatory Based
  - New Regulations
  - New Waste
- ✦ Risk Based
  - Potential for releases

## ✦ Regional Initiatives

- ✦ Sector Based
  - Electroplaters
  - Pharmaceuticals
- ✦ Regulatory Based
  - New Regulations
  - Non-Compliance



# RCRA Compliance Inspections

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## ✦ Compliance Evaluation Inspection (CEI)

- ✦ Most common type of inspection
- ✦ Unannounced
- ✦ EPA accompanied by State
- ✦ Lasts 1-2 days
- ✦ Tour of facility followed by records review
- ✦ Closing
- ✦ Report only documents observations, not violations

# Supplemental Information Gathering

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## ✦ Information Request

- Section 3007(a) of RCRA, 42 U.S.C. Section 6927(a), provides in relevant part that “any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes . . .”



# RCRA Enforcement Action

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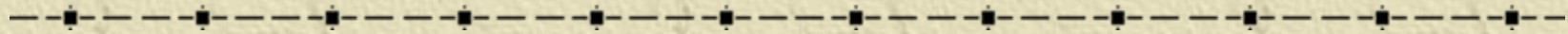
## ✦ Notice of Violation (NOV)

- ◆ Informal
- ◆ Covers relatively minor violations.

## ✦ Administrative Penalty Order (APO)

- ◆ Formal
- ◆ Requires assessment of penalty
- ◆ Covers violations of RCRA core requirements
- ◆ Examples
  - Request to Show Cause
  - Complaint

# RCRA Enforcement Action Gravity Matrix



*Extent of Deviation*

*Potential  
for  
Harm*

	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
<b>Major</b>	\$32,500 to \$25,791	\$25,790 to \$19,343	\$19,342 to \$14,185
<b>Moderate</b>	\$14,184 to \$10,316	\$10,315 to \$6,448	\$6,447 to \$3,869
<b>Minor</b>	\$3,868 to \$1,934	\$1,933 to \$645	\$644 to \$129

# RCRA Enforcement Action Multi-Day Matrix

*Extent of Deviation*

*Potential  
for  
Harm*

	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
<b>Major</b>	\$6,448 to \$1,290	\$5,158 to \$967	\$3,869 to \$709
<b>Moderate</b>	\$2,837 to \$516	\$2,063 to \$322	\$1,290 to \$193
<b>Minor</b>	\$774 to \$129	\$387 to \$129	\$129

# Example Violations & Associated Penalties

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## ✦ **Count 1: Undated, unlabeled containers of HW stored for greater than 90-days**

- Moderate/Major = \$12,250
- Multi-day = 179 days @ \$600 per day
- Total Penalty = \$119,650

## ✦ **Count 2: Open Containers of HW**

- Minor/Minor = \$500

## ✦ **Count 3: Failure to Conduct Weekly Inspections**

- Minor/Moderate = \$1,933
- Multi-day = 156 weeks @ \$135 per week
- Total Penalty = \$22,993

# Example Violations & Associated Penalties

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## ✦ **Count 4: No Hazardous Waste Training Program**

- ✦ Moderate/Moderate = \$8,300
- ✦ 2 years of non-compliance
- ✦ Total Penalty = \$16,600

## ✦ **Count 5: Failure to Maintain Hazardous Waste Training Records**

- ✦ Minor/Major = \$2,000

# Example Violations & Associated Penalties

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## ✦ **Count 6: Failure to Make a Waste Determination**

✦ Moderate/Major = \$14,184

## ✦ **Count 7: Failure to Offer Universal Waste to Another Universal Waste Handler**

✦ Moderate/Major = \$14,184

✦ **Total Proposed Penalty = \$190,111**

# Negotiation & Settlement

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## ✦ Negotiation Meetings to Discuss

- ◆ Violations
- ◆ Compliance Tasks
- ◆ Settlement

## ✦ Settlement Agreement

- ◆ Consent Agreement and Final Order
- ◆ Supplemental Environmental Project
- ◆ Civil Penalty

# Contact Information

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