

Notes

NEWMOA Hazardous Waste Conference Call

May 12, 2020

Topic: Hazardous Waste Program Activities During the COVID-19 Pandemic

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Participants: CT DEEP (15 people); ME DEP (4 people); Mass DEP (21 people); NH DES (13 people); NJ DEP (18 people); NYS DEC (36 people); RI DEM (4 person); VT DEC (3 people); EPA Region 1 (7 people); EPA Region 2 (7 people); EPA Headquarters (2 people); Miscellaneous EPA people not sure which office (10); 1 person with unknown affiliation; NEWMOA (1 person)

Call leader: NEWMOA

Notes prepared by Terri Goldberg, NEWMOA

The following is a list of the call questions:

1. How are your staff communicating within your agency (internal communication) for those working from home?
2. How are your staff communicating with the regulated community (external communication)?
3. Has your program changed the way applications are submitted or reviewed? If so, please discuss changes.
4. Is your agency issuing official documents (e.g., permits, inspection reports, enforcement actions) and, if yes, what is the process for having these documents signed (e.g., go to office, electronic signature, other)? How are you handling the issue of digital signatures with permits and applications?
5. What, if any, hazardous waste regulatory relief has your agency issued?

6. Is your agency still conducting hazardous waste inspections?
7. Does your state allow the regulated community to use remote technology (e.g., video cameras) to conduct container or tank inspections in lieu of facility personnel?
8. Are there any special requirements you are considering to supplement fewer inspections?
9. Has your state modified protocols for doing hazardous waste inspections?
10. What technologies assist you in practicing social distancing during inspections?
11. Are there any other regulatory mechanisms you are putting in place to supplement inspections?
12. What exemptions or regulatory flexibility are you giving to regulated entities due to COVID-19.
13. What regulatory resources does your state have on your website for COVID-19?

Each state program addressed these questions.

Connecticut DEEP

1. Working from home has been relatively seamless; communicating via phone, conferences calls, and emails. Meeting with the attorney generals (AG) office and EPA to discuss enforcement cases. In addition, staff is using other Microsoft Office 365 tools for interdepartmental meetings and document sharing.
2. The DEEP's Compliance Assistance line is being monitored and phone calls are being returned by the hazardous and solid waste inspectors (utilizing State issued cell phones). The Waste Engineering and Enforcement Division has a dedicated conference Call line. In addition to Zoom Video Communication, staff are using the conference call number to communicate with Respondents. If it is a one-on-one meeting, staff are using their personal phones to communicate with the Respondents. They are using the *67 feature to block personal phone numbers. For written documents/ enforcement actions, staff are using s-signatures and managers are using e-signatures on enforcement documents. The administrative staff is going into the office one day per week to get mail and send out enforcement documents. They are also sending out enforcement documents electronically. Trying to stay visible on enforcement.
3. The application process is still the same as before. The application goes to a central unit that collects the application fee and transmits the material to the appropriate program. The administrative staff is circulating materials when they go into the office. They are handling hard copies in a COVID-19 safe manner. They are leaving materials so that people can pick them up from the parking lot in a drive by approach. That way they don't have to stop and go inside the building.
4. Yes. Issued notices of violation (NOVs), issuing permits. Using e-signatures at all levels. IT Department has done a fantastic job rolling out new technologies to support the staff's work. For director level and managers are using e-signatures. Staff level is using s-signatures which involves /full name/ with name and title underneath.
5. Have not specifically provided any regulatory relief, except for signing manifests. During the early days of the pandemic, DEEP got calls about 90 and 180 accumulation limits, weekly

generator inspections, manifests, and 10-day transfer facility. DEEP issued guidance to address these questions, but it did not offer regulatory relief outside of what is normally offered in CT's regulations. Other than signing manifests, they have not received any formal requests for relief. The 10-day storage facility shipped their waste one day late and DEEP used enforcement discretion to address this. There were some logistical issues that made it difficult for them to ship within ten days. They issued guidance on the weekly inspection requirement that helps avoid problems.

The solid waste and hazardous waste programs are under the same management. Initially, DEEP thought there would be a medical waste capacity issue, and they have issued guidance. But because elective procedures are not being performed and medical offices are closed, the biomedical waste system is not overtaxed for capacity. DEEP issued guidance stating that waste that may have COVID-19 does not need to be managed in a special manner; can handle same as other infectious medical waste. The State is had received lots of inquiries about its bottle bill program, which, although not hazardous waste-related, has been taking up quite a bit of staff time. There has been a lot of discussion and debate about it; DEEP is still working on it.

6. Yes, doing drive by inspections. DEEP is occasionally doing solid waste drive by inspections. Places where there is no possibility of encountering anyone and keeping out of buildings or trailers. Examples are closed landfills, outside closed or abandoned buildings, open areas and practicing COVID-19 precautions (hand sanitizer and facemasks). If necessary social distancing. Additionally, staff are reaching out to individual companies and meeting with representatives at a safe distance. Doing some complete / normal inspections. DEEP wants to keep up its visibility. They have done drive by inspections at junk yards, which have been easy. At other facilities, they look at outside storage areas.

7. Not received any requests.

8. Reached out to EPA for guidance. DEEP is trying to be creative. Trying to meet the LQG inspection requirements. Trying to stay on course and meet grant commitments. EPA is working on guidance to states.

9. Addressed above.

10. Making phone calls. Exploring the opportunity to do virtual inspections. Possibly using Zoom or other technology to go through the facility and see the inside.

11. Trying to maintain a responsible social distance. There is no expected ending to unannounced inspections. Facilities do not have the right to deny entry based on COVID-19 concerns. There is no executive order allowing refusal of entry.

12. Addressed above.

13. Added two new COVID-19 web pages (one Agency-wide, the other specific to the Bureau of Materials Management and Compliance Assurance, and added an "alert" box on the DEEP

hazardous waste home page with links to the various guidance that DEEP has issued (noted above)

Maine DEP

1. Phone calls and email
2. Zoom, phone calls, email, and some apps
3. Looking into electronic submissions. Currently using email and U.S. mail.
4. Upper management is using Adobe signatures. Issuing the usual hard copy documents with signatures. The clerical staff is going in weekly to handle mail.
5. Not at this time. They are considering requests on a case-by-case basis. They are working on having transporters sign manifests for the generators.
6. Not currently.
7. Not received any requests.
8. Don't have any plans for this.
9. Suspended doing inspections. Pending further guidance.
10. Not applicable
11. Not at this time
12. Consider on a case-by-case basis, except for manifest changes noted above.
13. DEP website has added information on COVID-19 with links to relevant information.

Massachusetts DEP

1. Phone, email, voice mail, Zoom, Microsoft Team, conference calls. There is a Bureau-wide call each week that involves more than 100 people.
2. Same as has been – not change. Use phone, email, conference calls, webinar and Zoom (last two for trainings).
3. Applications procedures have not changed. Permits are submitted through a web portal. They have an electronic permit writer process. Applications for generator ID#'s are submitted and approved electronically through myRCRAid with updates to internal system made immediately; applications for recyclers are also submitted electronically but through the state online e-

licensing/e-permitting portal <https://eplace.eea.mass.gov/citizenaccess/>, which DEP reviews, RFI and approve online within the backend of the system.

4. Yes, some regions are issuing inspection reports and enforcement, lower and higher level. In one region these are in pdf format by email with signature blocks pasted into the cover letters as pictures; in another region, letters are issued from the office in hard copy with wet signatures. High level enforcement in one region has to be printed, signed and returned to the regional office for the Regional Director to sign off. In the other region, the hard copies are returned for signatures. Digital signatures are handled in the online myRCRAid and e-licensing/e-permitting portals. Doing permits through an online portal. Taking a light touch on enforcement.

5. DEP has issued the following <https://www.mass.gov/doc/guidance-on-managing-hazardous-waste-during-the-covid-19-emergency/download> that addresses weekly inspections; allows generators to over accumulate and accumulate beyond timelines; and allows generators to have transporters sign manifests. The regulated community has to submit information to justify a request.

6. No, facility drive-bys with no interaction with plant staff are permissible now, however. Issuing inspection reports and enforcement documents for inspections and fieldwork that was conducted prior to the pandemic. Using PDF signatures on documents.

7. This has not been discussed.

8. Program planning will be discussed at a later date.

9. Protocols have not been established for post-COVID-19 inspections.

10. See 9.

11. DEP can issue RFIs under the rules but program planning has not been discussed yet.

12. DEP did a mass email to notify facilities of the changes. Reporting due dates have been pushed back under the UST, Air Quality and Toxics Use Reduction programs; see 5 for HW. Likely penalties will be re-reviewed and granted adjustments pending satisfaction of certain criteria.

13. Information is available on the DEP website related to COVID-19 – displayed prominently on the top banner. There are yellow banners on Mass.gov and Mass.gov/DEP directing visitors to guidance.

New Hampshire DES

1. All NHDES Hazardous Waste staff have been working from home since 3/17/2020. Staff have been communicating via work email, and cell phone. All staff have state laptops with Virtual Private Networks that can access all electronic files. They have 6 Jabber accounts, which allow

calls to be received and made through state laptops. Staff have been communicating together via conference calls, Zoom, and Webex conference calls with weekly staff meetings being held.

2. Staff communicate with the regulated community via email mostly. Staff with Jabber can call the regulated community via their laptops. NHDES communicates with all certified Hazardous Waste Coordinators via a weekly newsletter with pertinent reminders and updates. A Hazardous Waste Assistance Hotline continues to be maintained and monitored where the regulated community can leave messages/questions for the program.

3. NHDES has a locked drop-box at entrance to the building if needed for submittals – as building has been closed to the public. Applications are still received electronically.

4. Yes – two permits have been issued and one inspection report. These documents have been signed electronically (with a date/time stamp) and mailed via email. Staff are not going to the office to sign and mail documents.

5. Governor has signed an Emergency Order that extends the expiration date for Hazardous Waste Coordinator certifications by 180 days – as DES has cancelled training classes. Hazardous waste generators are still subject to annual training requirements.

6. No inspections have been conducted since March 11, 2020.

7. Not yet, although this is being considered. Inspections of hazardous waste containers and tanks are still required to be done by facility personnel.

8. May do record review inspections from the office/home, permit review inspections, and manifest review inspections.

9. No inspections have been conducted but will incorporate social distancing between inspectors and facility representatives, masks, hand sanitizer, and gloves when inspections are allowed. Submittals will be made electronically to avoid paper.

10. None yet.

11. On-line training (Go to Webinar) has been started for the Hazardous Waste Coordinator Program with two trainings conducted so far.

12. Hazardous waste storage time extensions are available for 30 days – although no requests have been made to date. Governor Emergency Order extending the expiration of Coordinators certification by 180 days.

13. Website at des.nh.gov has a link to programs response to COVID-19 for Air, Water, and Waste programs – for guidance and resources. Also has a link to the state Health and Human Services website for further COVID-19 resources.

New Jersey DEP (shared in writing prior to the call)

1. Majority of staff working from home. Using cell phones, email, Microsoft Teams for meetings (primary), Skype (available), use of conference call service for internal and external meetings
2. Conference call service, email, cell phones, Skype (available)
3. Not in the hazardous waste program. Still utilizing mail and e-mail. Secretary prepares mail once per week for signature and mailing.
4. Inspection reports are entered remotely by inspector into NJ's database (NJEMS) using Citrix access. Inspectors have had this ability for a number of years now. Enforcement documents are being mailed for the most part, some use of e-mail. Secretary prepares documents for signature once per week, Chiefs sign and return to secretary for mailing. Electronic signature use is allowed, but not being utilized much by HW program. Primary use is with large batch enforcement documents that need to go out or in the Department's Land Use program.
5. As a State and DEP Agency, see the links provided in the responses to question 13. Very little in the Hazardous Waste program. A couple related to hazardous waste storage for a 30-day extension to 90-day LQG storage requests. Most relief being sought is under NJ's solid waste program. Regulated Medical Waste request to establish 3 temporary RMW consolidation sites (only 2 active)
6. Yes, but currently limited to TSD, recycling facilities (Class D facilities – used oil & electronics), priority investigations and the 2 temporarily active RMW consolidation sites. The inspections are limited to outdoor areas and very limited indoor areas where necessary. No paper reviews are occurring onsite. Any documentation needed is requested, scanned by the company and e-mailed to the inspector. Use of PPE (N95 masks, nitrile disposable gloves and hand sanitizer) and social distancing are practiced. Two instances of facility personnel not properly wearing masks and encroaching on social distancing space of inspectors were reported to Corporate Compliance Officials and quickly addressed. Inspectors conducting these limited inspections have been instructed to inform facility personnel if they cannot maintain appropriate distancing and wear appropriate PPE, they will terminate the inspection and the Department will consider it the equivalent of a denial of access, which may result in the issuance of an enforcement action.
7. No, for the hazardous waste program. Yes, in the water and land use programs under certain conditions.
8. Hazardous waste inspectors have been clearing inspection and enforcement backlogs, cleaning up data and taking a lot of online training. NJ DEP also has a number of inspectors that have young children that require their time for home school learning activities or daycare.
9. Not currently performing generator inspections. Only performing TSD, recycling facility inspections, and priority investigations in outdoor settings. Indoor office meetings and paperwork reviews are not occurring at this time. Any paperwork that needs to be reviewed has

been requested by the inspector, either before or during the inspection. It will then be scanned by facility personnel and emailed to the inspector. Practicing social distancing during inspections, using PPE (N95 masks, disposable nitrile gloves and hand sanitizer).

10. Not sure what is meant by “technologies...”. PPE and maintaining distance between inspectors and facility personnel are employed by inspectors.

11. None at this time in the hazardous waste program.

12. Exemptions and regulatory flexibility are being given on a case-by-case basis with a written request and appropriate level of justification for the request. The Governor of New Jersey has issued a number of Executive Orders that have provided regulatory relief, not only to the regulated community, but also to the NJ State Agencies and local governments. Relief has been granted to DEP in areas extending sunset provisions, new rule extensions, no automatic permitting clauses if reviews are not completed within regulatory deadlines and other similar provisions.

13. DEP webpage level - <https://www.nj.gov/dep/covid19regulatorycompliance/>. State webpage resources - <https://www.nj.gov>; Executive Orders - https://nj.gov/infobank/eo/056murphy/approved/eo_archive.html.

New York State DEC

1. Email, phone calls, MS Teams to support meetings, WebEx, SharePoint, Zoom

2. Same as list above. Using *67 for texts or calls to block personal cell phone numbers from appearing. For ATT service, use #37# to hide the cell phone number on calls.

3. Check email dialing; still getting regular mail. Mostly using email for correspondence.

4 and 5. Issuing official documents, including enforcement actions.

6. Not doing inspections. Working through the backlog of enforcement cases. Preparing penalties and sending cases to the Office of General Counsel to send out. Attorneys are sending out consent orders. Getting inspection violations resolved. Working on significant non-compliance penalties and violations. There has been a lot of decision making underway. Making decisions on regulations. There is a lot of talk among the divisions on how to respond. They are working on developing operating procedures that will be shared throughout the Department for when inspectors go back out into the field.

DEC is still receiving and processing applications for treatment, storage, and disposal (TSD) facility permits. Staff are still reviewing applications and sending out notices. They are processing minor modifications and can issue letter electronically. They are coordinating as best as they can using email. No full permits have been signed off on. One is close to public notice.

7-12. Not applicable

13. Information is available on the DEC website; has issued enforcement discretion for signatures on manifests. The 90- or 180-day generator storage extensions are done through the regional offices and some through the Central Office.

Rhode Island DEM

1. RIDEM is utilizing various platforms including daily email check ins with staff, weekly Zoom or Teams video conferences for internal office meetings and teleconferences for specific projects or cases. RIDEM is in the process of upgrading its operating system to Microsoft 365 and transferring to the cloud-based server from its physical servers. As a result, some staff already have access to 365 programs and have been using Teams while others are relying on Zoom or Skype to communicate.

2. RIDEM posted a banner on its main website with daily updates on Covid-19 issues and links to the DOH website. RIDEM also posted a statement explaining how the Department is operating under the Governor's Executive Orders and conducting business. RIDEM staff are responding to emails, monitoring voicemails and maintaining skeleton crews in certain offices like the Permit Application Center to assist the public. RIDEM is participating in video conferences with external customers including a recent public hearing on changes to Hunting/Fishing regulations.

3. No, RIDEM is still receiving paper applications at its main office and digital copies via email for the HW program. Paper applications are dropped off in boxes in the Foyer and then staff separate and deliver them to the appropriate offices for processing. This has been in practice for several years. RIDEM participates in EPA's Industry User applications like MyRCRAid and receives Site ID applications, BRs and manifest data via the RCRAInfo system.

4. RIDEM is issuing permits and sending program letters both in hard copy and digital form using Adobe to digitally sign the documents. Some staff are going into the Office to set up mailings while other are handling the process online and emailing documents. RIDEM suspended the issuance of enforcement actions in mid-March for routine cases; in cases involving an immediate and direct threat to human health or the environment RIDEM will issue enforcement actions. RIDEM staff are providing verbal guidance to the public regarding actions required to resolve potential violations.

5. RIDEM has not issued broad exemptions or relief to the public based on the pandemic, rather the Department has posted a general statement on its website indicating that if a regulated entity is having difficulty complying with a requirement based on Covid-19 impacts, the party should contact the appropriate RIDEM staff person to review the matter. RIDEM will provide relief on a case by case basis and note the matter in the facility or entities file.

6. RIDEM suspended all compliance monitoring inspections on March 13th until further notice. RIDEM is responding to complaints that involve outdoor inspections or potential emergency situations. I recently responded to a complaint involving the abandonment of

corrosive and flammable chemical materials in an alley near a mill building. Emergency Response visited the site and arranged to secure the chemicals and then I followed up with the property owner and complainant regarding the issue which is still under investigation. All other inspection activity is on hold. RIDEM is conducting a drive by survey of all registered SQGs in order to update the RCRA Info database.

7. Not applicable in the HW program at this time. RIDEM has not received a specific request to conduct this activity.

8. Not at this time. RIDEM has completed 50% of its annual inspection targets and is waiting for guidance from EPA in this regard.

9. Yes, RIDEM staff are required to wear masks when in public and gloves during site inspections. RIDEM has not developed further protocols due to the suspension of standard inspections but will do so at the time normal activity commences.

10. None beyond asking for proper social distancing.

11. Not at this time, waiting for guidance from EPA.

12. As noted above RIDEM has not provided blanket exemptions or flexibility in response to the pandemic. RIDEM has notified the public to contact staff to discuss Covid-19 impacts on their operations/sites and potential relief on a case by case basis. RIDEM did work with the RI National Guard regarding a request for an extension of the 90-day accumulation limit at one facility. The request was addressed via a variance for the subject facility.

13. See answer #2 given above.

Vermont DEC

The Governor is taking a lot of precautions about reopening operations in the State. Field presence is on hold, except for spill response.

1. Communicating well using cell phones (state issued), MS Teams (the Agency embraced this platform and it is going well)

2. Same as other states – email and cell phones.

3. Not really. Have been electronic for a while. Some things are still submitted by paper. Clerical staff is going to the office one day a week to retrieve mail.

4. Using e-signatures for permits and inspection reports. Enforcement actions are on hold. Using e-signature exclusively for these.

5. VT requires daily inspections of SQG and LQG short term storage areas. They have scaled this back to weekly inspections.

6. No, some field work on going where there is no risk of contact, such as at salvage yards.
7. Still doing spill response work.
8. Not at this time. Waiting to see what EPA's guidance says.
- 9-10. Not applicable
11. Not yet.
12. Scaling back inspections, 180- or 90-day time limits – refer to the regulations that allow for some exemptions; address on a case-by-case basis. Using enforcement discretion policy, which is on the DEC website.
13. COVID-19 resources are available on the DEC website, including program specific documents and information on DEC's enforcement discretion policies.

EPA Region 2

Using the same technologies for communications as the states – MS Teams, Skype, etc. Holding weekly staff meetings. Communicating with NY, NJ, and PR regularly. Wrapping up existing enforcement cases. Not doing inspections.

EPA Region 1

Not doing routine inspections. Communicating in similar ways as the states – email, phone calls, Skype. Reached out to EPA HWs and expect a memo sometime soon to the regions with further guidance, which should cover multiple programs and include information on the State Review Framework, grant requirements, performance measures. Like Region 2 working on enforcement cases they had in place when the pandemic started. Looking to use creative ways to do compliance monitoring. Have raised the issues about the manifest signatures with EPA HQs. Will be sharing guidance when it is available.