

April 8, 2008

NEWMOA Hazardous Waste Conference Call

Topic: Generator Training Requirements

Attendees: CT (Ross & Dave), NH (Tod + 6), NJ (Fred Raeburn, Mike Hastry & Anthony Fontana), VT (Steve Simoes & Lynn Metcalf), EPA (Steve Yee)

CT

Dave-

CT follows the federal training requirements (40 CFR 265.16)

Employees are required to be trained to their specific hazardous waste duties and emergency response requirements

Key personnel are identified during the course of the on-site inspection and are asked questions pertaining to their hazardous waste duties. A lack of sufficient knowledge by that employee indicates a lack of sufficient training.

A signature on a certificate does not necessarily indicate adequate training; employees are evaluated performing their HW duties during on-site inspections

A written program required and is reviewed by inspectors.

Annual training is not held to a specific 12 month interval requirement (*e.g.*, Jan 04 to Jan. 05). CT looks for training to occur once per calendar year; however, extreme gaps in training (*e.g.*, Jan 2004 to Dec 2005) are not in the spirit of the requirement and are considered violations.

Ross-

Pratt & Whitney requested CT to rule on whether or not computer based training is acceptable. CT approved of the concept but stipulated that inspectors must have access to the training program and the recordkeeping requirements must be met.

A 90-day window is considered acceptable and meets the spirit of the annual training requirements (based on RCRA on-line letter 14286).

Pratt & Whitney's training program is specifically tailored to the individual Pratt & Whitney sites and HW jobs.

NH

Tod-

Follow the federal training requirements (40 CFR 265.16) for NH Full Quantity Generators (federal SQG & LQG).

Training is required every 12 months from the date of initial training.

All employees with hazardous waste duties require training. Employees are to be trained in hazardous waste management procedures relevant to their position (*e.g.*, satellite operators must be trained in proper labeling, container use and emergency procedures).

Before inspections we gather a list of names from manifests, contingency plans and coordinator certifications. During the on-site inspection we gather names from inspection checklists, emergency postings and by interviewing employees.

We require a written training program/plan that indicates the hazardous waste job title, hazardous waste job description, required education and hazardous waste training for each employee with hazardous waste duties.

The documentation should include an outline, syllabus, agenda or some other description of the content of the training.

The documentation should also include the names of the employees and the dates of training indicating when the training occurred. This can take the form of sign-in sheets, test papers, or certificates.

A checklist is used to document dates of training, hire/end dates and hazardous waste duties beginning and ending dates. NH requests 5 years of training documentation for all hazardous waste employees.

NH issues administrative fines for training violations, \$1750 for no initial training and \$1000 per annual training, per employee. Training violations can quickly get to \$10k-\$20k in administrative fines.

NH attempts to identify the key personnel who should have training when developing the fines. If an employee who signs a few Safety-Kleen manifests does not have training it doesn't normally draw a fine but if a person with key hazardous waste management duties (*e.g.*, waste determinations, emergency coordinator, hazardous waste handler) has not been trained a fine is usually sought.

NH maintains a database of administrative fines for training violations to a help with consistency. NH is interested in any criteria that other states use to determine if a training violation receives a fine

NH requires satellite operators to be trained every 3 years as opposed to annually. This is more stringent than the federal regulations which do not require training for satellite operators

NH has a schedule of administrative fines in the administrative rules. Administrative fines streamline the enforcement process for cases between \$300 - \$50k. Bigger penalties are usually referred to the AGs office.

NJ

Fred Raeburn-

NJ follows the federal training requirements (40 CFR 265.16).

NJ inspects for training on specific hazardous waste duties and looks for all employees to have some sort of emergency training (*e.g.*, evacuation)

NJ would like to require training for satellite operators.

There is a \$4500 automatic fine for no training

NJ accepts OSHA training if hazardous waste topics are specifically included

Permits may have additional facility specific training requirements

On the job training is acceptable in some instances

No training requirements for SQGs

NJ has civil/administrative penalties; this includes base penalties of \$3k-\$5k and tailored penalties up to \$50k per penalty per day. The penalties are developed using a matrix and are dependent on conduct and case history.

NJ allows a grace period where penalties are waived for corrected first time training violations

The majority of violations that are allowed a grace period are paperwork violations (*e.g.*, failure to update plans)

VT

Steve Simoes-

VT has different requirements for SQGs and LQGS

All employees must be familiar with emergency procedures (*e.g.*, evacuation)

LQG requirements follow the federal training requirements (40 CFR 265.16). Training required once each calendar year. The requirement is not looked at as a 12-month period but rather a calendar requirement. Most generators maintain consistent schedules.

Satellite operator training is required of 1 employee per satellite area

SQGs must maintain a list of employees with hazardous waste management duties and update the list annually.

VT reviews 3 years of training documents during typical inspections

Penalties- no training at all is a significant issue and would probably draw a penalty. Penalties are case by case and are determined using VT's civil penalty policy

Compliance works with enforcement to calculate penalties and utilizes a matrix.

Ross Bunnell is interested in a future call on penalty policies and procedures.

Hazardous Waste Training Agenda for Sturbridge and Edison

Bill would like callers to nominate their co-workers to sit on a panel for one or both of the first two sessions (generator treatment and F006 waste)

In both sessions an EPA regional speaker (need to identify someone from Region II) will outline the requirements and present an example case. State panelists will also talk through example cases involving the application of the topic.

VT may be able to provide someone for the treatment panel.

NH may be able to provide someone for the F006 panel.

Bill indicated that there is a TSCA speaker willing to present on the overlap of TSCA and RCRA.

Sturbridge- There was some interest from CT and VT and it was agreed that this would be a good topic for a call. NH thought that there was plenty on the agenda to fill a full day. The topic was agreed on for a call or substitute if one of the current 3 agenda items fall through.

Edison- NJ was interested in including the TSCA topic in the live training contingent on the opinion of Tom from NY.

The times on the agenda need to be edited.