

NEWMOA Training Conference Call
6/12/2007

Topic: Hazardous Waste Violations
–Top 5 Violations and Top 5 Penalty Violations

Bill Cass: Training Plans to be developed for next year
Think of your states priorities
Surveys to be sent out
Conference call in next four days on definitions of solid waste
NY and NH to submit draft comments

Top 5 Hazardous Waste Violations and Penalty Violations

CT- Ross Bunnell

Top 5 from \$ penalty actions, listed by frequency of occurrence

1. No inspection programs/written/with log
2. No determination of hazardous waste
3. No personnel training
4. No hazardous waste accumulation date – no date on containers
5. No secondary containment and no firm working surface

Penalties for the violations listed above, listed respectively

1. \$858
2. \$3273
3. \$9820
4. \$960
5. \$6100

NH- Bob Bishop/Linda

Top 5 Violations by frequency of occurrence

1. Lack of training plan
2. Open containers
3. Satellite accumulation area not at or near point of generation
4. Hazardous waste determination, i.e. waste rags w/F001-F005 listed solvents
5. Labeling containers: No hazardous waste label, no hazardous waste code
No label of the contents

NH (cont'd)

NH Top Penalties Administrative

- | | | |
|----|-------------------------------|---------------------------------|
| 1. | Hazardous waste training | \$1000-\$1750/pp |
| 2. | Hazardous waste determination | \$1500/determine |
| 3. | Inspection (weekly) | \$1000/inspection / cap\$17,000 |
| 4. | Disposal | \$2000/ event |
| 5. | Labeling containers, | \$600/containers (55+ gallons) |
| | Hazardous waste | \$300/containers (<55 gallon) |
| | Waste code | |
| | Content | |

NJ – Mike Hastey

Minimum \$4,500 – max. \$50,000 (but legislature imposed a grace period system)
\$800,000 (?) /yr collected in penalties, 100 penalty cases /yr.

Top 5- violations cited

1. Labeling as hazardous waste
2. Labeling with date
3. Emergency coordinator info
4. Fail to inspect
5. Fail to make arrangements with local authorities

NJ High Priority violations w/penalties

1. Hazardous waste determinations
2. Failure to minimize potential for release, fire, explosion
3. Satellite Accumulation Area- failure to mark or post signs
4. Failure to label containers
5. Release of hazardous substance

NY – Tom Killeen

Top 5 citations

1. Waste accum. area violations: open containers, no markings
2. Universal waste containers
3. Universal waste labeling
4. Written comm. prior to use of transporter
5. Written comm. prior to use of TSDF

NY (cont'd)

Top 5 Penalty Violations

1. Waste accumulation issues
2. Determinations
3. Failure to familiarize local authorities (fire, police, etc.)
4. Sole source aquifer protection issues
5. Storage limit timeframe exceedance, operating as TSDF

Typically collect about \$1 - 2.5 million /yr.

VT – Tom Benoit

Only 3 to 4 penalty cases per year

1. Inventory/inspection failure
2. Unlabeled Satellite Accumulation Areas
3. Failure to determine
4. Used oil, unlabeled
5. Signage- failure to post signage in storage areas

Maine – Mike Hudson

Top 5 hazardous waste violations

1. Failure to label containers as Hazardous Waste
2. Failure to keep containers closed
3. Failure to determine
4. Failure to inspect daily and record in a log
5. Failure to store containers on firm working surface

Top 5 penalty violations in 2006

- | | |
|--|------------------|
| 1. Hazardous waste discharge - | \$5,000-\$19,000 |
| 2. Failure to determine - | \$2,000-\$5,000 |
| 3. Fail to have hazardous waste contingency plan - | \$2,000 – 2,500 |
| 4. Fail to provide/document hazardous waste training | \$2,000 |
| 5. Storage greater than 90 days | \$1500 - \$4000 |

Past 10 years, 82 penalty cases; Past 3 yrs, 23 penalties (about 8 penalty cases /yr)

Average \$22,500

Range \$4,000-\$540,000

Maine: 4 criminal convictions in court for hazardous waste cases

1 federal criminal case by EPA with ME DEP assistance

Next NEWMOA call: Tuesday July 10, 2007

State approaches to streamline inspections

- Partials

- Focused on certain standards

- Geographic

- Ecological/watershed

- ERP's

- Industrial sectors

Newmoa training conference call mh