



Department of
Environmental
Conservation

Retail Hazardous Waste Generator- Case Study

Charles Fagerquist, P.E.

Olivia Heilbronner, E.I.T.

December 9, 2025

Agenda

Recent Inspections

Lowes 1784 (Glenmont)

Home Depot 6153 (Liverpool)

Target 1271 (Saratoga Springs)

Home Depot 1263 (Rensselaer)

Home Depot 1259 (Latham)

Walmart Superstore 2097 (Hudson)

Tractor Supply Company (Lake Katrine)

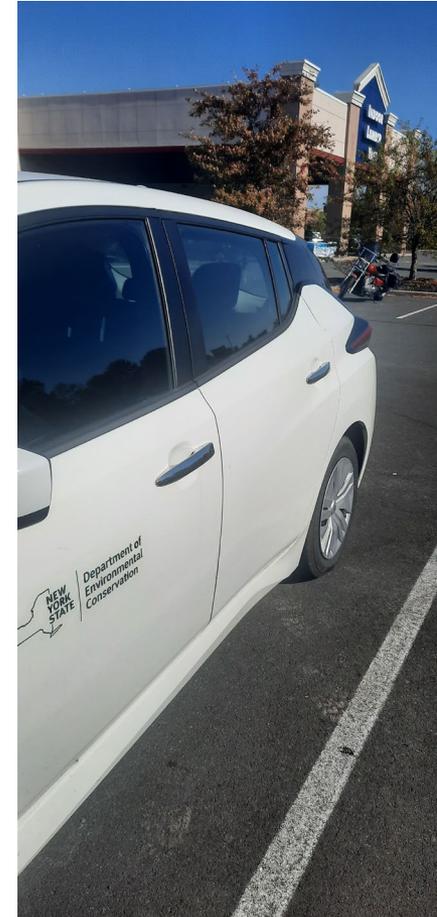
Home Depot 1269 (Halfmoon)

Advance Auto Parts 5843 (Kingston)

1. Arrival
2. Assess the level of RCRA Knowledge
3. Sit Down or Stand Up In-Brief
4. Signs of Nerves
5. Getting the right POC
6. Front of Store
7. Back of Store
8. Employee Training
9. Contingency Plan/Phone Postings
10. Universal Wastes
11. Used Oil
12. Generator Category
13. Getting Responses Post Inspection
14. C(7) Notification

Arrival

- ✓ Enter at the Main entrance.
- ✓ Customer Service/Returns Desk almost always has someone available to help or locate a manager
- ✓ Hours are very predictable; this can make a retail inspection a good “Back-up” plan



Assess the level of RCRA Knowledge

FACTS:

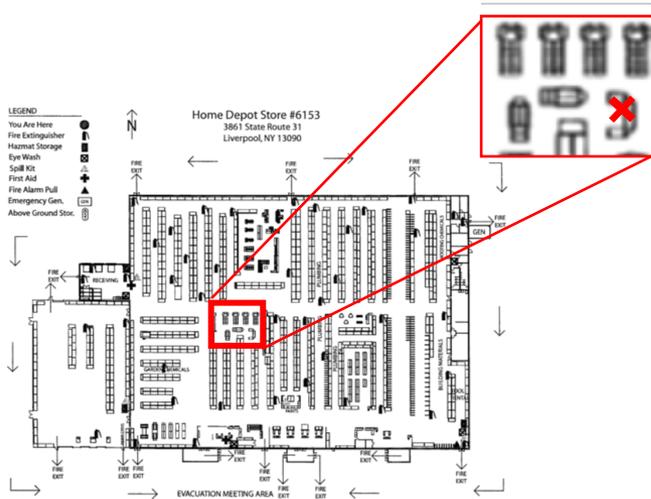
- Back of Store Supervisor had been in the position for more than 5 years.
- Caged in Hazardous Waste storage area behind the building was well organized.
- All the required signage and equipment were present.

BUT...

During the same inspection at Lowes, 180-Day storage area held 5 55-gallon drums, each properly labeled with the store's 5 "Normal" categories of HW. In the corner of the outdoor caged in area, there was a 5-gallon metal can with a static discharge clip. When asked, the POC indicated that it was spent fuel that came out of a small gas engine at the facility.

Diagnosis: The HW stream was not part of the typical "bar-scan" procedure, so it was not properly labeled. But the store knew enough to know this was dangerous and was therefore stored in the HW Area.

Sit Down or Stand Up In-Brief



Home Depot Halfmoon

Opening conference took place sitting down at desks in center of retail floor

Home Depot Rensselaer

Opening conference took place standing up at the front of the store



Signs of Nerves

	<u><i>At a recent Lowes (Glenmont) inspection...</i></u>	
9:30am	The inspection began in a normal way.	
9:40am	Asst. Store Manager and Back End Supervisor were present.	
10:00am	Inspector started to point out common Universal Waste Storage violations as well as visible liquid stain beneath a Lead Acid Battery on the floor.	
10:05am	Asst. Store Manager asked to pause the inspection so they could get further guidance from “District Asset Protection Manager”	
10:10am	Inspector obliged and sought out “DEC Authority For Inspection” Memo.	
10:20am	The Asst Store Manager received permission to continue the inspection.	
2:00pm	From back at DEC office, inspector sent preliminary results of inspection along with the DEC Authority For Inspection memo to the Store via email.	

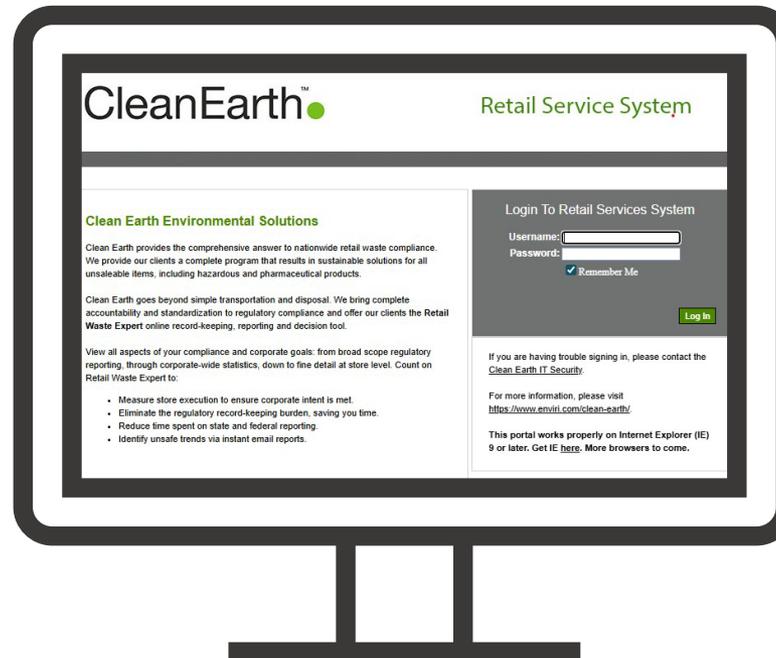
Getting the right POC for Documentation

Home Depot (Halfmoon)

Walk-through conducted by Customer Experience Manager, could not access certain files easily.

General Manager was not at the store at the time of inspection, follow up was to be directed to them.

Corporate/national contact was not provided during the inspection but reached out after the fact with most of the requested paperwork



Front of Store

Home Depot (Liverpool)

372.2(a)(8)(i)(a)(2): Containers are marked with the words "Hazardous Waste" and with other words that identify the contents of the containers.

Comment: All damages and returns brought to the ZMA (back of store) were placed there without labels. A color-coded sticker system is used to categorize the items but there are no hazardous waste labels placed on them.



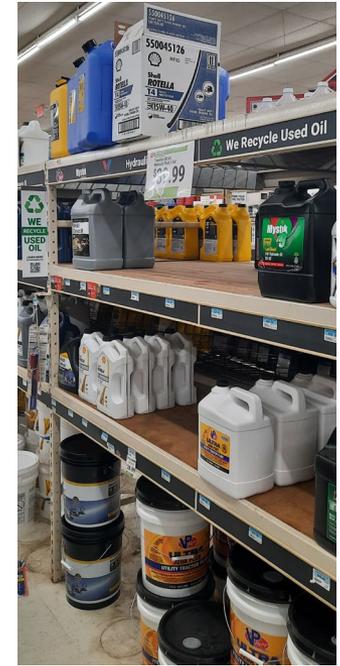
Used Oil Returns

Tractor Supply (Lake Katrine)

6NYCRR Part 374-2.3(f)(2)(i)(f) requires the retail establishment to post a sign in a location which is always open to the public view, stating: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE."

- The sign must be **legible from a distance of at least 25 feet from the outside** of the establishment's building, with lettering a minimum of one inch in height.

Store lacked any signage at the front of store indicating that they accepted used oil. Signage was posted on the product oil shelves within the store. Store manager created an approved sign and posted it while inspectors were on-site. This violation was resolved immediately on 2/15/2018.



Back of Store



Target Store Saratoga Springs

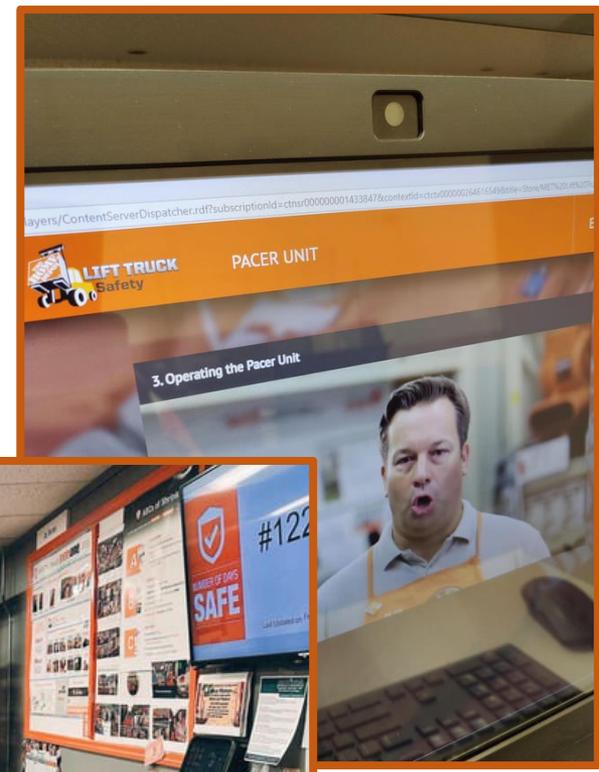
6 NYCRR 373-3.3(f): The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency unless aisle space is not needed for any of these purposes.

The facility provided photographic evidence showing proper aisle spacing following the inspection. **The violation is returned to compliance on 1/4/19.**

Employee Training



*Social Media Photos from Google Search.



Universal Wastes

Visible residues underneath a used lead acid battery in the Universal Waste storage area. (Returned to compliance during the inspection.)

373-3.9(d)(2): Containers holding hazardous waste must not be opened, handled or stored in a manner which may rupture the containers or cause them to leak.

Thing I was looking for as I came upon the Universal Waste Area

UW found in 2 places usually.

- Customer Drop-off
- Backroom Storage (Labeling area)

Look for written instructions posted.

Pre-printed boxes.

Plastic bags.

Labels and Dates are often overlooked, but handling usually given more care.



Universal Wastes (Continued)

374-3.2(e)(5): Each lamp or container or package containing lamps are clearly labeled or marked with either “Universal Waste- Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s)”

374-3.2(f)(3): The handler must be able to demonstrate the length of time that the universal waste has been accumulated by marking the date, maintaining an inventory, or other method.

Inspector Notes: Facility was too dependent on the “Pre-printed” cardboard boxes used to store and ship collected batteries and bulbs. Probably aware of the UW rules; but did not pay attention between box changes.



Universal Wastes (Continued)

Advance Auto Parts Kingston

371.1(f)(7)(i) - Failure to make a hazardous waste determination.

It was stated at the time of inspection that spent vehicle headlights taken from customers are disposed of in the regular trash. No waste determination process was demonstrated.

Boxes ordered to fix violation prior to being assembled



Boxes ordered to remedy violation once assembled



Box after warning that initial image was an open container without proper label



Used Oil

Advance Auto Parts Kingston

Got EPAID due to failure on halogen testing on used oil take-back

Used oil mixed with HHW is not subject to HW regulations



Generator Category

Monthly amounts shipped the past 3 years always SQG or CESQG levels

Month	HW (lbs)
November, 2023	265
December, 2023	181
January, 2024	163
February, 2024	507
March, 2024	590
April, 2024	675
May, 2024	623
June, 2024	357
July, 2024	825
August, 2024	395
September, 2024	1,053
October, 2024	483
November, 2024	338
December, 2024	100
January, 2025	76
February, 2025	464
March, 2025	249
April, 2025	209
May, 2025	432
June, 2025	1,108
July, 2025	512
August, 2025	316
September, 2025	127

Home Depot 1269 (Halfmoon)

Waste shipped out every 2 weeks

The store is registered in RCRAInfo as an LQG (like all Home Depot stores)

Day to day operates as an SQG in terms of the emergency postings, contingency plan, annual reporting, etc.



Accumulation rarely exceeds even CESQG level.

Getting Responses Post Inspection

Home Depot (Liverpool)

Violation #4. 373-3.3(g)(1)(i): The facility owner or operator has attempted to make arrangements to familiarize police, fire departments, and emergency response teams with the functions and layout of the facility.

Comment: It was stated that the fire department has come to talk to the employees about unrelated safety information. No arrangements or proof of arrangements were provided at the time of the inspection.

Home Depot (Liverpool)

Violation #3. 372.2(c)(1)(iv): All records required under subdivision 372.2(c) were furnished upon request or made available at a reasonable time for inspection.

Comment: Signed manifests were not available for review at the time of the inspection. Written authorization from the designated transporter and designated TSDf were not available for review at the time of the inspection. This violation was resolved over email on December 4, 2023.



2455 Paces Ferry Road, Atlanta, GA 30339

February 8, 2024

DELIVERY VIA ELECTRONIC MAIL

Mr. Charles Fagerquist
New York State Department of Environmental
RCRA Compliance & Technical Support Section
625 Broadway
Albany, NY 12233

RE: Notice of Violation (NOV)
Hazardous Waste Compliance Inspection
Home Depot Store #6153
3861 State Route 31
Liverpool, NY 13090
EPA ID No. NYR000109355

Dear Mr. Fagerquist:

This letter is being provided on behalf of The Home Depot® and in response to the NOV issued on 1/23/24. We have reviewed the notice and provides the following information:

With the transmittal of this letter, it is our understanding that all items listed above have been resolved. If this is not the case, please contact me at (770) 433-8211 ext. 82714.

Sincerely,



Michelle A. O'Brien, CHMM
Manager – Regulatory Compliance

Encl: Aid Notification Letters

cc: Mike Dalton
John Britton

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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">U.S. Postal Service CERTIFIED MAIL - RECEIPT <small>(Domestic Mail Only; No Insurance Coverage Provided)</small></td> </tr> <tr> <td colspan="2" style="text-align: center;">OFFICIAL USE</td> </tr> <tr> <td>Postage \$</td> <td>Postnet Fee</td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Environment Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Environment Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees \$</td> <td></td> </tr> <tr> <td>SHIP TO</td> <td></td> </tr> <tr> <td>Street, Apt. No., or PO Box No.</td> <td>Moyers Corners Fire Dept.</td> </tr> <tr> <td>City, State, ZIP+4</td> <td>7697 Morgan Rd. Liverpool NY 13090</td> </tr> <tr> <td colspan="2" style="text-align: center;">91 7199 9991 7036 2836 7813</td> </tr> </table>	U.S. Postal Service CERTIFIED MAIL - RECEIPT <small>(Domestic Mail Only; No Insurance Coverage Provided)</small>		OFFICIAL USE		Postage \$	Postnet Fee	Certified Fee		Return Receipt Fee (Environment Required)		Restricted Delivery Fee (Environment Required)		Total Postage & Fees \$		SHIP TO		Street, Apt. No., or PO Box No.	Moyers Corners Fire Dept.	City, State, ZIP+4	7697 Morgan Rd. Liverpool NY 13090	91 7199 9991 7036 2836 7813		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">U.S. Postal Service CERTIFIED MAIL - RECEIPT <small>(Domestic Mail Only; No Insurance Coverage Provided)</small></td> </tr> <tr> <td colspan="2" style="text-align: center;">OFFICIAL USE</td> </tr> <tr> <td>Postage \$</td> <td>Postnet Fee</td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Environment Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Environment Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees \$</td> <td></td> </tr> <tr> <td>SHIP TO</td> <td></td> </tr> <tr> <td>Street, Apt. No., or PO Box No.</td> <td>Clay Town Police Dept</td> </tr> <tr> <td>City, State, ZIP+4</td> <td>4483 State Route 31 Clay NY 13041</td> </tr> <tr> <td colspan="2" style="text-align: center;">91 7199 9991 7036 2836 7820</td> </tr> </table>	U.S. Postal Service CERTIFIED MAIL - RECEIPT <small>(Domestic Mail Only; No Insurance Coverage Provided)</small>		OFFICIAL USE		Postage \$	Postnet Fee	Certified Fee		Return Receipt Fee (Environment Required)		Restricted Delivery Fee (Environment Required)		Total Postage & Fees \$		SHIP TO		Street, Apt. No., or PO Box No.	Clay Town Police Dept	City, State, ZIP+4	4483 State Route 31 Clay NY 13041	91 7199 9991 7036 2836 7820	
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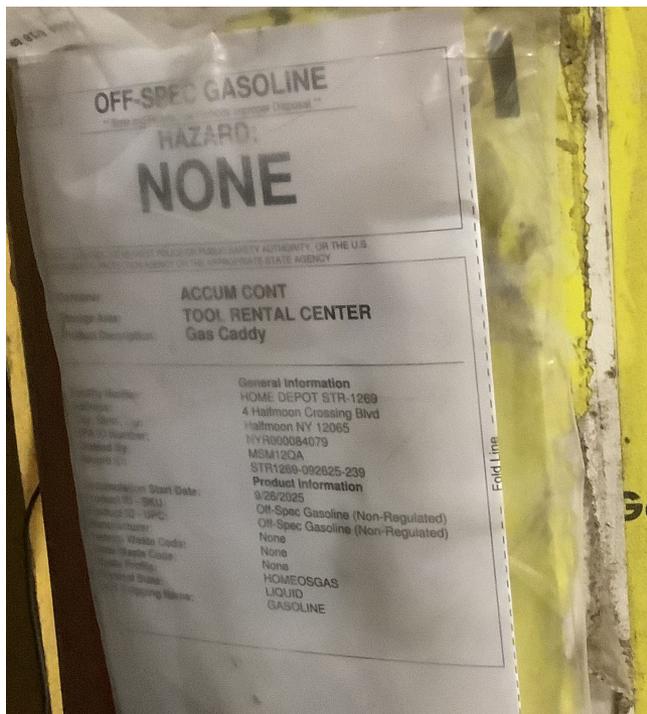
NEW YORK
STATE OF
OPPORTUNITY

**Department of
Environmental
Conservation**

C(7) Notification

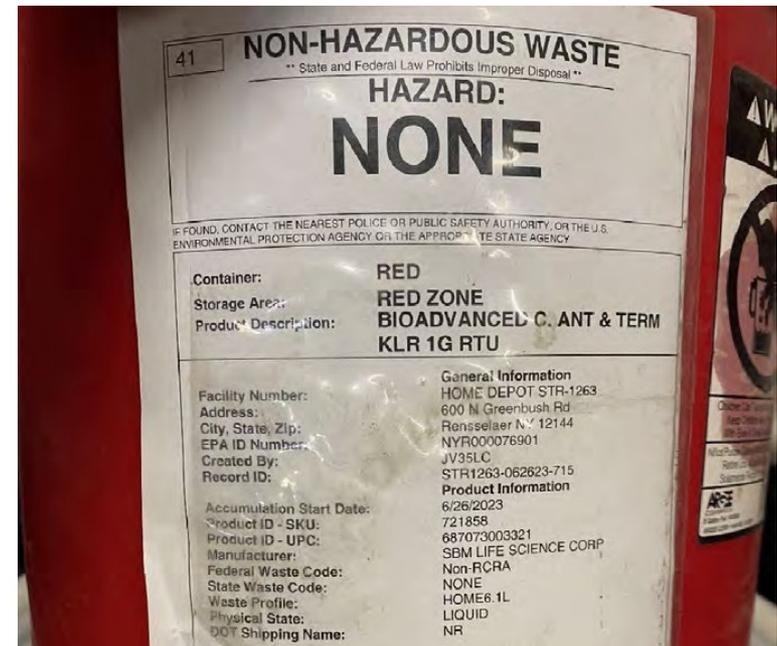
Off-Spec Gasoline drained from tool rentals/other equipment exempt under 371.1(c)(4)(ii)(b), CCP that is fuel burned for energy recovery

Home Depot 1269 (Halfmoon)



Off-Spec Gasoline (Non-Regulated)

Home Depot 1263 (Rensselaer)



Non-Hazardous Waste Liquid Non-RCRA

Conclusion

1. Out of 9 inspections... 8 ended with NOVs.
2. None ended in SNC
3. The inspection with the most Violations:
Home Depot Liverpool with 7.
4. The most common violation was “Failure to
Make Arrangements with Hospital and First
Responders”



Big Ideas, Lessons, and Take Aways

To be successful when inspecting retail Hazardous Waste Generators...

1. Expect to find violations.
2. Don't expect it to be a complete disaster.
3. You are likely to be the first RCRA inspector they have had before.
4. In-store staff will mostly know that special RCRA Hazardous Waste Rules exist.
5. Be prepared to educate and explain RCRA Rules.
6. Responses to your NOV may come from corporate office.

