

The Trouble with Transporters

Southeast District



Introduction

- HW Transporter inspections during past 1-2 years revealed issues related to generator notifications
- Manifest reviews – facilities transporting SQG/LQG quantities of HW from generators
 - without EPA ID number (“FLCESQG” or variant)
 - with wrong EPA ID number
 - using expired temp ID number
 - SQG-LQG amounts of wastes being picked up from “CESQG” notifier
- Led us to look into generator facilities for compliance with notification requirements, where applicable:
 - § 262.12 EPA identification numbers.
 - (a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.
- Comparison of two HW TRA (small vs. large) inspections

Chem Kleen Inspection

- SWD alerted SED to a Broward facility and their Transporter trying to ship 11 drums of HW with “CESQG” on manifest
- HW TRA inspection 2010 – “two-man show”
 - Picking up SQG amounts from non-notifiers identified as “CESQG”
 - Identified generator facilities for separate investigations/enforcement cases
 - Extensive records review performed

Chem Kleen Inspection (ctd.)

- Intensive records review was conducted prior to enforcement
 - A background manifest review was conducted
 - 3 years of manifests received from disposal companies
 - Records entered into spreadsheet, sorted to show disposal amounts within timeframes (month, year) for each serviced facility
 - 26 facilities identified; 10 inspected so far
 - Potential violations:
 - Disposal amounts over notified limits
 - Using wrong EPA ID#
 - Using previous facility's EPA ID#
 - Facility using EPA ID# from another/previous location
 - One was a SQG notifier investigated for LQG disposal amounts
 - Case was validated through inspection
 - Inspection was conducted along with EPA (has lead)

Chem Kleen Inspection (ctd.)

- Violations observed/Findings
 - Ch. 62-710.600(1) – transporting used oil w/o UOT registration (for >500 gallons of used oil annually)
 - Ch. 62-710.600(2)(b), 279.44(a) – halogen testing - transporter did not comply with procedures to properly test used oil
 - Ch. 62-710.600(2)(c) – personnel training record - neither owner nor driver have records to demonstrate appropriate up to date training.
 - 40 CFR Part 262.12(a) – records provided for review showed SQG amounts received from non-notifier (we knew what to look for)
- Results
 - SFCO after completing corrective actions, original penalty \$13,846; paid \$13,154.
 - List of generator facilities to investigate available upon request

Triumvirate Inspection formerly PermaFix

- Routine UOP and HW TRA inspection on 5/12/2011
- Extensive records review was conducted
 - In their HW transfer facility log there were two entries without exit dates, asked for copies of those two manifest to ensure meeting ten day. When received saw that at one of the two facilities the transporter had picked up SQG amount of waste from facility but manifest indicated “CESQG”.
 - Requested every manifest from last three years where picked up more than five drums (1000 kg.) Found every issue (4) listed on Chem Kleen slide. Through establishment of yearly spreadsheets, enumerated how many times each one of these issues were found.

Triumvirate Inspection (ctd.)

- Violations observed/Findings
 - 40 CFR Part 263.20 – Manifest Discrepancies – after extensive document review found 28 times Triumvirate had signed a manifest which indicated the facility was a CESQG when actually had EPA ID number
 - 40 CFR Part 262.12 – HW Transporter Requirements – at least 10 times since May 2009 facility had picked up SQG amounts of waste from facilities without EPA ID numbers (non-notifiers)
 - Ch. 62-737.400(5)(b) – Universal Waste Labeling – two boxes of lamps without labels, only included because repeat from last inspection; added a 20% upper adjustment to penalty amount for this violation

Triumvirate Inspection (ctd.)

- Intensive records review was conducted
 - Review established generator facility list for future inspection (threw out outliers; i.e. one shot deals, worked out over time spans to be CESQG but maybe should visited to say don't hold on to your waste until have five drums (1000 kg.)
 - Review revealed 10 other potential violators ; 3 have since been inspected
- Potential violations:
 - Disposal amounts over notified limits
 - Using wrong EPA ID#
 - Using previous facility's EPA ID#
 - Facility using EPA ID# from another/previous location
 - Facility using temporary ID number for three years running
- Only one of the three target facilities visited so far has enforceable conditions
 - Never inspected SQG; accepting waste from other branch offices (CESQGs)
 - Also, housekeeping left much to be desired
 - Considering directives, will probably look at as CASV, since not egregious
- Results
 - SFCO after completing corrective actions (had to notify both generators and TSDs about every incorrect manifest, original penalty calculation - \$21,939, GFE and different Co. so \$5000.
 - List of generator facilities to investigate available upon request

Findings/Issues

- As a result of these two inspections, we identified 36 never-notified generator facilities that require investigation/follow-up:
 - Generating SQG amounts of HW monthly or with frequency (priority)
 - Manifesting 5 or more drums at a time with some frequency [triggering § 261.5(g)(2)]
 - Episodic generators

Outcomes

- Inspections conducted at generator facilities:
 - Prioritized and spread out over the monthly schedules and among different inspectors
 - Enforcement cases!
- HW TRA increased communication with the DEP – verifying EPA IDs
- HW TRA better service to their customers – assistance with notifications
- Compliance Assistance targets:
 - HW TRA training
 - Potential CASVs at the non-notifier facilities
- Previous inspections of these HW TRA facilities didn't pick-up on this; unknown if (unlikely) it was so deeply scrutinized before.
 - Increased efforts to evaluate and recognize the issue during inspections (current inspectors)
 - Train new inspectors on how to recognize and evaluate the issue

To Boldly Go.....to enforcement.



SQG
Handbook in
dumpster