



Field Component of the Enforcement Process

What to Expect During a RCRA Inspection

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Statutory Authority For Inspections

Title 22a Chapter 439 Section 22a-6(a)(5) states that an inspector may “ ... enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit...”

Reasons for Being Inspected

- Routine EPA commitment inspection
- Re-inspection due to the closure of a formal enforcement action
- Sector-Based Initiatives including junkyards, marinas, drycleaners, furniture re-finishers, and hospitals.
- Complaints
- Requests and Referrals from other agencies including Department of Motor Vehicles, Department of Public Health, etc.

Re-Inspection Policy

CT DEP's Enforcement Response Policy requires that companies that have previously had a formal enforcement action will be inspected within three years of the date of the closure of that formal enforcement action

Inspector Conducts Pre-Inspection File Review

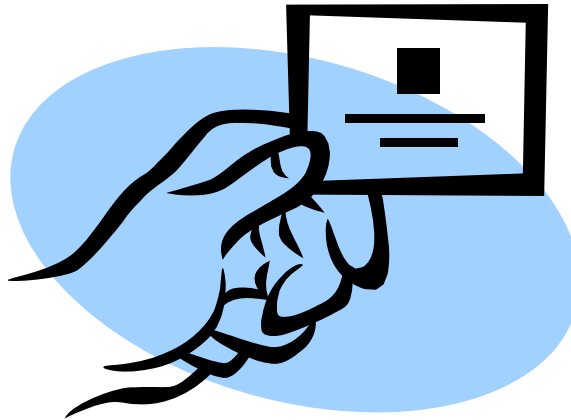
This review can include:

- Review of DEP files
- Review of the DEP manifest database
- Biennial reports
- Internet search



DEP Inspector Arrives at Your Site

- All inspections conducted by the Waste Engineering and Enforcement Division are unannounced
- The inspector will present their credentials and ask to meet with those in charge of environmental affairs

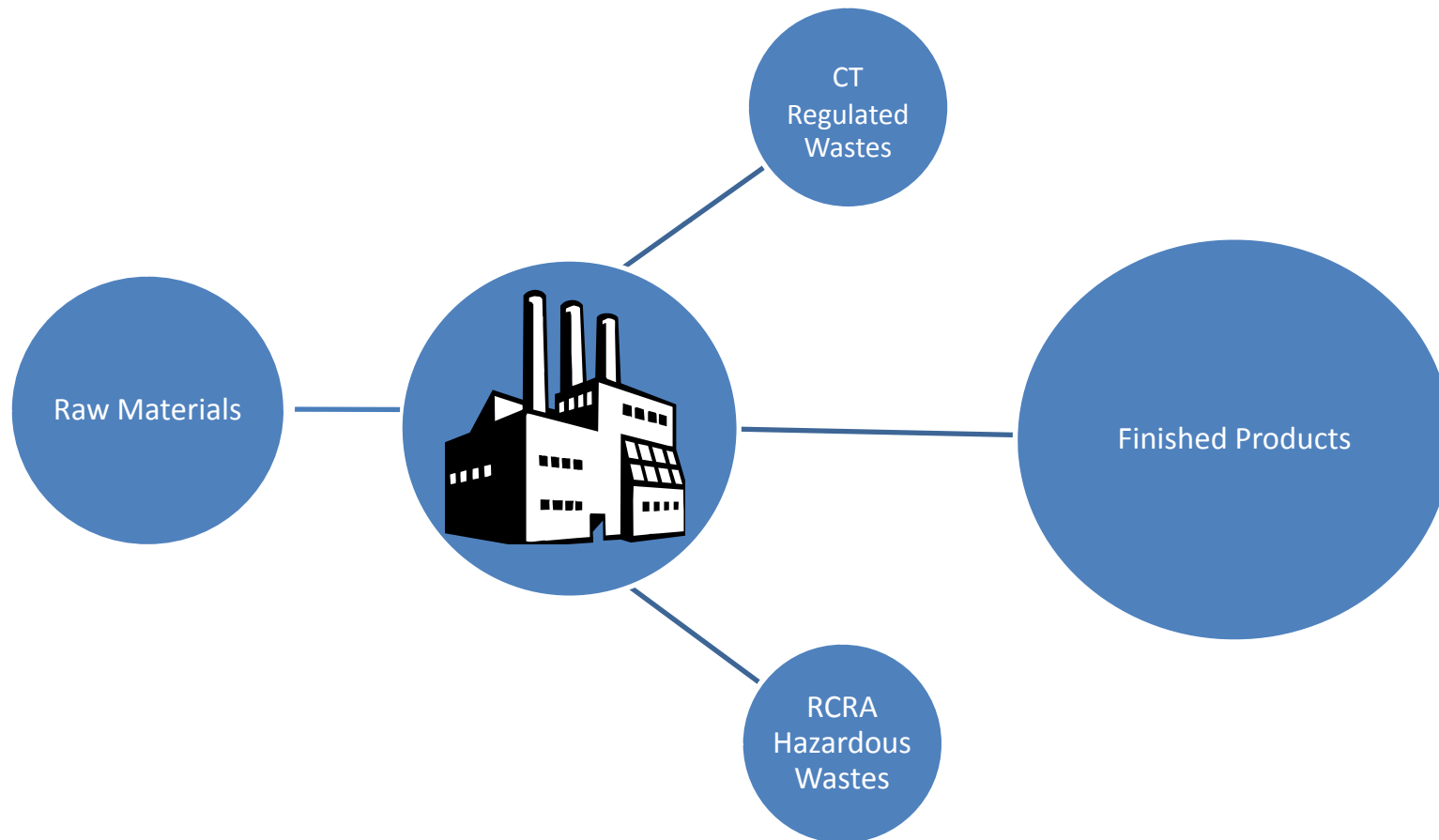


Initial Briefing

The inspector will discuss the reason for the inspection, the areas to be inspected, and what documents will be needed for review.



Discussion of the Company's Manufacturing or Industrial Processes



Tour of the Company

The tour will visit all parts of the plant including:

- Manufacturing Areas
- Maintenance Shops
- Laboratories
- Research and Development Areas
- Satellite RCRA and CT Regulated Waste Accumulation Areas
- All RCRA Hazardous Waste Storage Areas



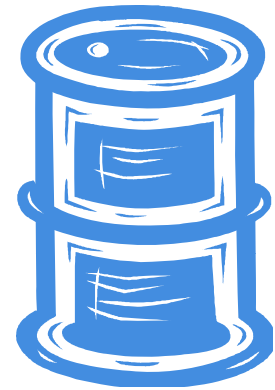
Satellite Storage Areas

- Closed when not in use
- Words “Hazardous Waste”
- Description of the contents
- At or near the point of generation
- Under control of the operator of the process generating the waste



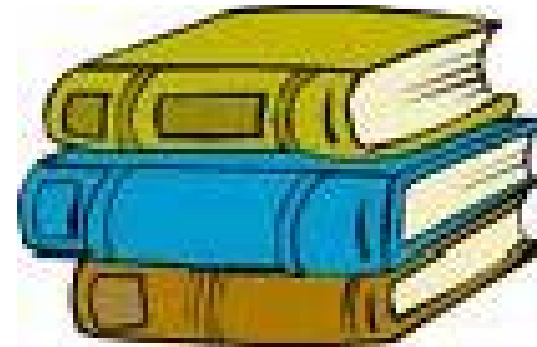
Less than 90-Day Storage Areas

- Containers closed when not in use
- Containers with the words “Hazardous Waste”
- Containers with a description of the contents
- Date of accumulation present
- Segregation of possible incompatibles and co-stored materials
- Secondary containment (10% of total volume or 100% of largest container)
- Impervious Base and Berms
- 50 feet from property line for ignitable or reactive waste



Review of Paperwork

- Contingency plan
- Personnel training records
- Manifests
- Inspection schedule and logs
- Hazardous waste determinations
- Subpart AA, BB, CC documentation
- Closure/post-closure issues
- Financial assurance for closure
- Financial mechanism for liability insurance



Outbriefing

- An outbriefing at the end of the inspection is given with the appropriate company personnel
- This outbriefing will identify any violations known at the time of the inspection
- Issues that may require submission of more information will be identified and discussed
- Ways to come in to compliance will be discussed

Field Enforcement Options

- Field Notice of Violation (“FNOV”) can be issued at the end of the inspection
- 33 Specific violations included in the FNOV
- CT DEP modified the former “Warning Notice” to include hazardous waste determinations and used oil total halogen content determination to the 31 Warning Notice violations

**BUREAU OF MATERIALS MANAGEMENT AND COMPLIANCE ASSURANCE
WASTE ENGINEERING & ENFORCEMENT DIVISION**

FIELD NOTICE OF VIOLATION (HW)

To: _____ Field Notice of Violation No. _____

_____ Date issued: _____
_____ Inspector(s): _____
EPA ID # _____

The purpose of this Field Notice of Violation is to inform you that personnel of the Department of Environmental Protection ("DEP") have made observations or otherwise obtained information indicating that a violation of law has occurred at the property located at _____ in _____, CT. On _____, an inspection was conducted by the Waste Engineering and Enforcement Division of the DEP Bureau of Materials Management and Compliance Assurance. Based upon that inspection, it appears that you have:

Failed to conduct/update annually a hazardous waste determination as required by Section 22a-449(c)-102(a)(2)(A), Section 22a-449(c)-102(c) or Section 22a-449(c)-101(b) of the Regulations of Connecticut State Agencies, incorporating 40 CFR (Title 40 of the Code of Federal Regulations) 262.11, with specified changes. Specifically, a hazardous waste determination has not been conducted/updated annually for the following waste stream(s):

Failed to conduct a total halogen content determination on used oil as required by Section 22a-449(c)-119(b)(1) of the Regulations of Connecticut State Agencies.

The numbers listed below refer to the corresponding violations on the attached page:

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.
 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24.
 25. 26. 27. 28. 29. 30. 31.

Personnel of the Department of Environmental Protection have made observations or otherwise obtained information during the inspection indicating that other violations exist at your facility that are not identified above. These violations may result in the Department pursuing additional enforcement action. Facility contact initial _____

Inspector's Signature: _____ Title: _____
Telephone: _____

This notice was discussed with and a copy was left with the following individual:

Print Name: _____ Title: _____

Signature: _____

1. Failure to post a warning sign with the exact legend "Danger-Unauthorized Personnel Keep Out". (40 CFR 265.14(c))
2. Failure to record the time of inspection on the inspection log. (40 CFR 265.15(d))
3. Failure to record the inspector's full name on the inspection log, however, the individual is identified in some other way. (40 CFR 265.15(d))
4. Failure to have a written inspection schedule; however, all required inspections are conducted and logs are completed. (40 CFR 265.15(b))
5. Failure to conduct all inspections at required frequency; inspections are conducted regularly, but an event was missed. (40 CFR 265.15(b)(1))
6. Failure to maintain complete job titles; however, an otherwise compliant RCRA training program is in place. (40 CFR 265.16(d)(1))
7. Failure to maintain complete job descriptions; however, an otherwise compliant RCRA training program is in place. (40 CFR 265.16(d)(2))
8. Failure to maintain the name of each employee filling each hazardous waste management position; however, an otherwise compliant RCRA training program is in place. (40 CFR 265.16(d)(1))
9. Failure to conduct annual training within twelve months of the previous training; however, training is scheduled to be completed within 60 days of the due date and documentation of such training exists. (40 CFR 265.16(c))
10. Failure to update the contingency plan to reflect changes in the emergency coordinators; however, the position is filled by a qualified person with the required RCRA training. (40 CFR 265.54(d))
11. Failure to include the home phone numbers of the primary and alternate emergency coordinators in the contingency plan. (40 CFR 265.52(d))
12. Failure to maintain a complete emergency equipment inventory list; however, most items are listed in the contingency plan. (40 CFR 265.52(e))
13. Failure to adequately describe all the emergency equipment and their capabilities in the contingency plan. (40 CFR 265.52(e))
14. Failure to include alternate evacuation routes in the contingency plan; however, there is an evacuation plan in the contingency plan and exits are clearly marked. (40 CFR 265.52(f))
15. Failure to describe the signal to begin evacuation; however, there is an evacuation plan in the contingency plan. (40 CFR 265.52(f))
16. Failure to file a recycling registration. (RCSA Section 22a-449(c)-101(c))
17. Failure to maintain appropriate copies of land ban notifications on-site for every shipment; however, most are on-site. (40 CFR 268.7)
18. Failure to place the accumulation date on a container; however, other markings or records accurately indicate the accumulation date. (40 CFR 262.34(a)(2))
19. Failure to place the words "Hazardous Waste" on a container or tank; however, other markings indicate the material is hazardous waste. (40 CFR 262.34(a)(3))
20. Failure to mark containers with words to describe their contents such as the chemical name; however, the container is marked with the words "Hazardous Waste". (RCSA Section 22a-449(c)-102(a)(2)(J))
21. Failure to provide adequate aisle space for emergency equipment to pass; however, containers are well maintained and fully visible for inspection. (40 CFR 265.35)
22. Failure to use the proper manifest form from the appropriate destination state. (40 CFR 262.21)
23. Failure to post a "No Smoking" sign; however, the company has a no smoking policy. (40 CFR 265.17(a))
24. Failure to maintain at least 15 meters (50 feet) from the facility's property line for containers holding ignitable or reactive waste where the volume of waste in that area is less than 1000 kg. and there are no buildings nearby. (40 CFR 265.176)
25. Failure to include the rationale for selection of parameters in the waste analysis plan at a facility which stores its own waste. (40 CFR 265.13(b)(1))
26. Failure to include an estimate of the expected year of final closure in the closure plan. (40 CFR 265.112(b)(7))
27. Failure to display the permit number at least 10 centimeters in size on the waste carrying portion of a vehicle; however, the number is clearly visible. (RCSA Section 22a-449(c)-103(c)(1))
28. Failure to maintain monitoring well casing and collar (cracks, minimal damage or deterioration). (40 CFR 265.90(b))
29. Failure to update the post-closure plan when the contact person during the post-closure care period changes. (40 CFR 265.118(c)(3))
30. Failure to document the refusal of local authorities to enter into preparedness and prevention arrangements with the facility owner or operator. (40 CFR 265.37)
31. For a Small Quantity Generator: Failure to post complete emergency information next to the telephone; however, most information is present. (40 CFR 262.34(d)(5)(ii))

Field Enforcement Options

(continued)

- FNOV will be issued if violations are ONLY those specifically identified in FNOV
- Quickly rectified violations such as:
 - Time on inspection logs
 - Full name of inspector on inspection logs
 - No written inspection schedule, but inspections are being conducted and logged
 - Complete job titles/descriptions
 - Alternate evacuation routes

Field Enforcement Options

(continued)

- Words “Hazardous Waste” on container
 - but must have other markings indicating the material is hazardous waste
- Hazardous waste determinations
- Total halogen content of used oil
- Phone numbers of emergency and alternate emergency coordinators in contingency plan
- SQGs – lack of complete emergency information posted next to telephone

Field Enforcement Options

(continued)

- If all the violations identified are not specifically listed in the FNOV (i.e., one violation listed on the FNOV and one not)
- The FNOV will not be issued and any further enforcement will be handled by WEED enforcement staff
- Conserves both DEP staff and company resources by addressing one enforcement action and reduces timeframe for receipt of notice

Field Enforcement Options

(continued)

- The FNOV follow-up will be handled by the inspector who issues it
- Requires a response within thirty (30) days of submission of a reasonable compliance schedule
- Contact the inspector if not sure or have any questions

CT DEP RCRA inspection report formats are
available at:

[www.ct.gov/dep/lib/dep/waste management and disposal/hazardous waste](http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/hazardous_waste)

or

<http://www.ct.gov/dep/cwp/view.asp?A=2718&Q=416912>



Any Questions?

Waste Engineering and Enforcement Division
(860) 434-3023

Compass (888) 424-4193