



What to Expect When EPA Shows UP

Routine RCRA Inspections,
Common Violations, and
Enforcement Follow-up

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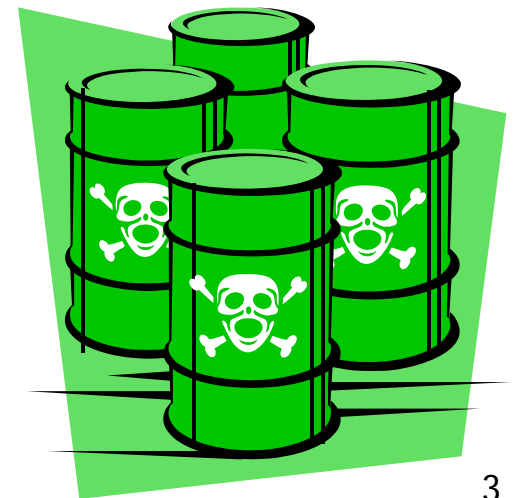
Goals of Enforcement

- Environmental Protection - protect human health and the environment from the hazards posed by waste disposal
- Correction of Violations - return to compliance
- Deterrence
- Fairness – level playing field



Purpose of RCRA Inspection

- Determine generator status
- Determine if the facility is in compliance with the applicable RCRA regulations based on their generator status





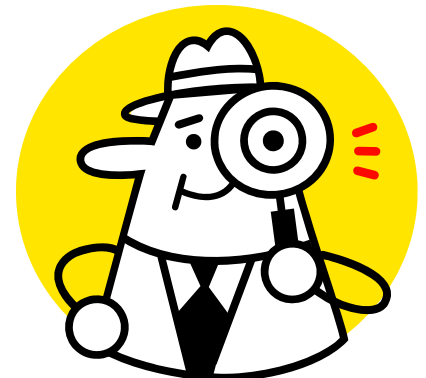
RCRA Inspection Steps

- Conduct desktop file review
- Conduct drive-by surveillance of facility
- Initial facility entry
- Conduct initial interview (general facility information)



RCRA Inspection Steps

- Collect facility process information
- Collect facility waste stream information
- Conduct visual inspection – hazardous waste storage areas and satellite accumulation areas
- Conduct records review
- Conduct exit briefing





Typical Hospital Wastes Areas Visually Inspected

- Clinical Labs (spent solvents - distillation)
- Research Labs (spent solvents, corrosives, off-spec chemicals, unwanted chemicals)
- Facilities - Maintenance, Painting, Grounds, etc. (spent solvents, waste paints, used oil, parts washer solvents, rags, waste pesticides, batteries, mercury wastes, fluorescent lamps, aerosols, stripping wastes)



Typical Hospital Wastes

Areas Visually Inspected

- Pharmacies/Oncology (off-spec drugs, investigatives, chemotherapy hood filters)
- Surgery/Emergency (breathing machine spent media, drugs, unused chemicals, alcohols)
- Housekeeping (autoclave indicator tape, unused chemicals)
- Printing (spent solvents, waste inks)



Typical Hospital Wastes Areas Visually Inspected

- Biomedical (batteries, soldering wastes)
- IT (batteries, soldering wastes, solvent rags)
- Radiology (lead aprons, film developing wastes)
- Chemical Storage Areas (off-spec and unwanted chemicals)
- Dental (trap filters, vacuum line waste, equipment cleaners)

Common Violations

Hazardous Waste Determinations

- What we find...
 - Mischaracterized or uncharacterized wastes
 - Materials that are unused and pending disposal not characterized
 - Changes in processes!!



Common Violations

Satellite Accumulation Container Management

- What we find...
 - Unlabeled satellite containers (In MO, also undated satellite containers and >1yr in area; in KS not having the words "Hazardous Waste")
 - Open satellite containers
 - Containers not at or near the point of generation and under the control of the operator
 - Containers not moved within 3 days of filling (In KS and MO, one container per waste stream)



Common Violations

Storage Container Management

- What we find...
 - Unmarked/unlabeled storage containers
 - Undated storage containers
 - Open/leaking storage containers
 - Incompatibles stored without proper separation



Common Violations

Illegal Treatment, Storage, and Disposal Without a Permit & Offering Hazardous Waste Without a Manifest

- What we find...
 - Evaporation of hazardous wastes
 - Disposal of hazardous waste with non-hazardous waste (i.e. general trash or biomedical waste)
 - Transferring hazardous waste between non-contiguous facilities





Other Types of Common Violations

- Universal waste not properly labeled and length of storage not documented
- LQG – Contingency and training plans not up-to-date
- SQG - posting emergency information
- Not making arrangements with the local authorities

Following the RCRA Inspection

- Following the RCRA Inspection, what should the facility do?
 - Achieve compliance with RCRA ASAP!!!!!!!
 - Provide a response to EPA for the Notice of Violation (NOV)
 - Response is required even if compliance not achieved!
 - Follow-up response should be provided when compliance is achieved



Following the RCRA Inspection

- EPA RCRA Inspection Report
 - Provided to a compliance officer for review to determine enforcement response
 - Typically provided to the facility after it is completed



Informal Enforcement

- Notice of Violation (NOV)
 - Issued by inspector following inspection or
 - Sent via letter
- Letter of Warning
 - Sent via letter and/or
 - May include information request (Section 3007)



Formal Civil Enforcement

- **RCRA Section 3008(a) Order**
 - Usually includes penalty
 - May include compliance measures
- **RCRA Section 3008(h)**
 - RCRA Corrective Action Order
 - Usually includes sampling and monitoring
 - Does not include penalty
- **RCRA Section 3013 Order**
 - Hazardous waste may present a “substantial” hazard to human health or the environment
 - Includes monitoring, analysis, and testing
 - Does not include penalty





Formal Civil Enforcement

- **RCRA Section 7003 Order**

- Solid waste and/or hazardous waste may present a “imminent and substantial” hazard to human health or the environment
- Usually “fast track” response
- Corrective measures, sampling, etc.
- Does not include penalty

- **Referral to Department of Justice (DOJ)**

- Referred if negotiations have stalled
- Referred if facility not complying with Order
- May be referred if multiple facilities are included in the enforcement proceedings

Criminal Enforcement

- Inspection information may be turned over to criminal investigation team if violations appear to be “intentional”
- Criminal and Civil Enforcement may proceed at the same time
- Violator may go to prison





Estimated Hospital RCRA Inspections and Completed Enforcement Actions in the Past 5 Years

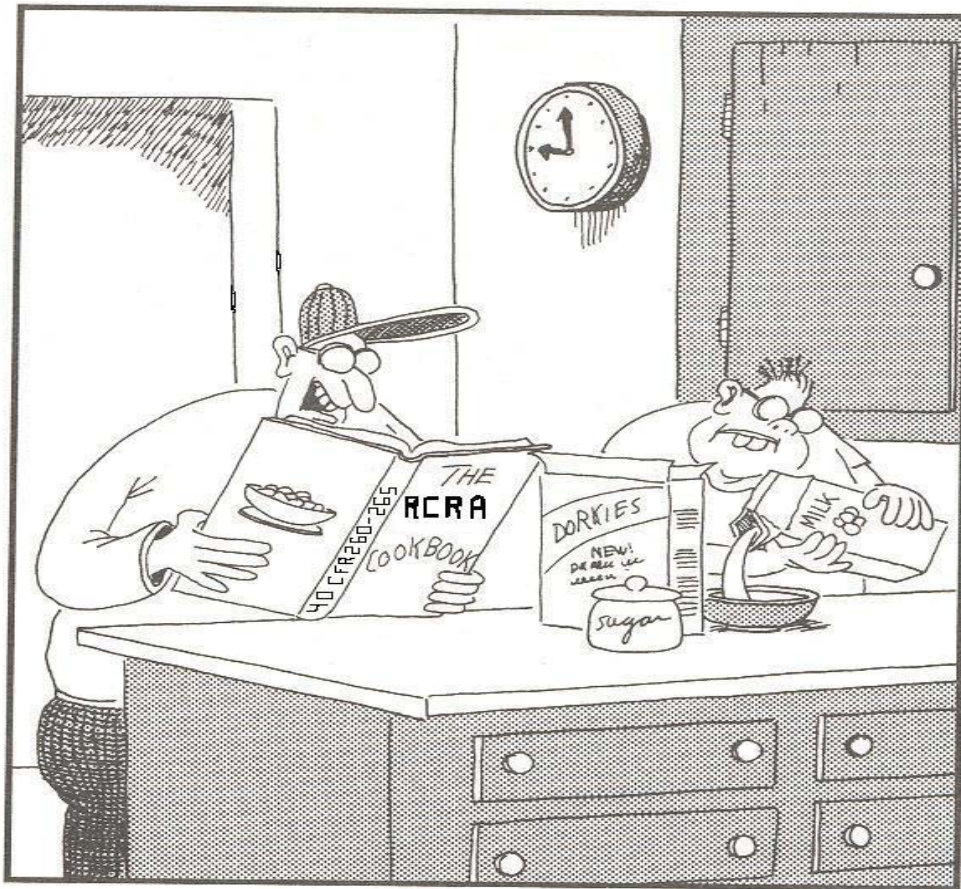
- EPA conducted about 49 hospital inspections
- States conducted about 16 hospital inspections

- EPA Hospital Informal Orders – 33 completed
- EPA Hospital Formal Orders – 7 completed

- State Hospital Informal Orders – 8 completed
- State Hospital Formal Orders – None completed

(These numbers do not include pending orders)

What Can My Facility Do Prior to the RCRA Inspection?



RCRA is not easy!

“Oh, wait! Wait, Cory! ...
Add the cereal *first* and *then* the milk!”



What Can My Facility Do Prior to the RCRA Inspection?

- Obtain the federal and state regulations and become familiar with them
- Be vigilant about compliance – Characterize all waste streams!!!!
- Schedule and maintain employee training
- Contact EPA or State with questions
- Access and use various “tools” from State and EPA websites

COMPLIANCE ASSISTANCE STATE WEB PAGES



- Kansas Department of Health and Environment (KDHE)
 - <http://www.kdhe.state.ks.us/environment/index.html>
- Missouri Department of Natural Resources (MDNR)
 - <http://www.dnr.mo.gov/>
- Nebraska Department of Environmental Quality (NDEQ)
 - <http://www.deq.state.ne.us>
- Iowa Department of Natural Resources (IDNR)
 - <http://www.iowadnr.com/>



COMPLIANCE ASSISTANCE EPA WEB PAGES

- Healthcare Environmental Resource Center (HERC)
<http://www.epa.gov/compliance/assistance/centers/>
- Healthcare Specific Profile Document
<http://www.epa.gov/compliance/resources/publications/assistance/sectors/notebooks/health.html>
- EPA HQ Web Page
www.epa.gov
- EPA Region 7 Web Page
www.epa.gov/region07/
- EPA Region 7 RCRA Web Page
www.epa.gov/region7/waste/index.htm
- EPA Definition of Solid Waste Tool
<http://www.epa.gov/epawaste/hazard/dsw/tool.htm>



What Can My Facility Do Prior to the RCRA Inspection?

- Conduct a self-audit and disclose the violations found to the EPA
 - EPA's Self-Audit Policy (a.k.a. Self-Disclosure)
 - <http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html>
 - Contact Becky Dolph, EPA R7 CNSL at 913-551-7281 or at dolph.becky@epa.gov



Questions

