



# Hazardous Waste Updates

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**ARKANSAS**  
ENERGY & ENVIRONMENT

# What Are We Doing In These Not-So-Normal Times

# Not Your Normal Inspection

- On June 30, 2018, EPA officially launched the e-Manifest system.
- e-Manifest modernized the nation's cradle-to-grave hazardous waste tracking process by transitioning the paper-intensive hazardous waste manifest tracking requirements to a more efficient electronic tracking system.

# Not Your Normal Inspection

- Because e-Manifest is a single hub for one-stop reporting of manifest data, a new innovation in RCRA compliance monitoring has been created: data mining.

# Not Your Normal Inspection

- Data mining is defined as the process of finding anomalies, patterns, and correlations within large data sets to predict outcomes.

# Not Your Normal Inspection

- Data mining is performed as a stand-alone inspection tool to conduct a thorough investigation of records available through the existing Resource Conservation and Recovery Act Information System (RCRAInfo).

# Data Mining

- The Inspector Supervisor assigns facilities to the inspectors for data mining
  - Using data found in RCRAInfo for e-Manifests and Annual Reports
  - Reviewing the data to see if amounts reported and manifested coincide with generator status

# Data Mining

- If anomalies are found, the inspector may request additional information from the facility regarding waste generation type and amount
- A compliance determination may be made to identify any alleged violations or areas of concern



# Data Mining

- Received training on Data Mining from EPA Region 6 in April 2020
- Began the Data Mining process in May 2020

# Data Mining

- As of June 30, 2020, the staff has conducted 21 reviews
- Here's what we've found...

# Data Mining Results

- Number of reviews that identified violations = 3
- Number of facilities that notified incorrectly = 2
- Did their generator status change?
  - No Change = 11
  - VSQG to SQG = 1
  - VSQG to LQG = 1
  - Still under review = 8

# Data Mining Results

- Number of e-Manifests reviewed = 65
- Amount of hazardous waste not reported = 4,434 pounds
- Number of secondary violations = 5

# Data Mining Results

- The secondary violations cited include:
  - 262.20(a)(1) – Failure to use a manifest
  - 262.41 – Failure to submit an Annual Report (cited 2 times)
  - 262.41(d) – Failure to include each transporter on the Annual Report
  - 262.41(e) – Failure to include each hazardous waste generated on the Annual Report

# Data Mining Conclusion

- A different way to make compliance determination
- Allows inspectors to take a deep dive into the data
- Identifies alleged violations at the core of the RCRA program...hazardous waste identification



# TOP VIOLATIONS

# Labeling

- Not marking hazardous waste containers with the words “Hazardous Waste”





# Labeling



# Accumulation Start Dates

- Not marking accumulation start date on containers

**HAZARDOUS WASTE**  
**FEDERAL LAW PROHIBITS IMPROPER DISPOSAL**  
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY AUTHORITY,  
OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERATOR INFORMATION:  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
EPA ID NO(S) \_\_\_\_\_ MANIFEST TRACKING NO. \_\_\_\_\_  
ACCUMULATION START DATE \_\_\_\_\_ EPA WASTE NO(S) \_\_\_\_\_  
D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX \_\_\_\_\_  
HANDLE WITH CARE!

# Multiple Issues Here

No Labels; Not Closed; Lack of Aisle Space



# More Labeling

- Universal Waste labeling



# More Labeling

- Used Oil labeling



# Used Oil



# Waste Identification

- Not identifying all hazardous constituents
- Not identifying all waste generated

# Personnel Training

- Did not include a review of the Contingency Plan
- Did not provide to new employees within 6 months after employment
- No annual reviews



# Contingency Plan

- Not including all the elements
  - Description of arrangements with police, fire, and hospitals
  - List of all emergency equipment AND the location

# Annual Reports

- Not submitting an Annual Report
- Not submitting by March 1<sup>st</sup>



# RULE NO. 23 UPDATE



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# Rule No. 23 Update

- The current proposed changes include:
  - Revised Definition of Solid Waste
  - Generator Improvements Rule
  - e-Manifest User Fee Rule
  - Import/Export federal provisions
  - CCR Exemptions
  - A few technical or typographical corrections

# Rule No. 23 Update

- May 28, 2020
  - Initiated before PC&E Commission
- June 6, 2020
  - Public comment period begins
    - Ends on August 3, 2020
- July 20, 2020
  - Public Hearing

# Rule No. 23 Update

- After comment period ends, we will go back before the Commission for final approval
- Appear before Legislative Committees
- After final adoption, we will prepare an authorization packet to submit to EPA
- Timeline to be authorized...

# Next Up for Changes to Rule No. 23

- Pharmaceutical Rule
- Air Bag Rule
- Aerosol Can Rule (add to Universal Waste)
- Change to Ignitability determinations  
(published July 7, 2020)
  - 85 FR 40594



# FUTURE PLANS

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# What's Next?

- Plan to present training on the new rules being adopted:
  - Revised Definition of Solid Waste
  - Generator Improvements Rule

# Sign Up for Updates

- Hazardous Waste Generator Reminders, updates on deadlines for monitoring, inspection and generation fees, annual reports, and other related issues
- <http://www.adeq.state.ar.us/poa/pi/emaillists.aspx>



# Questions

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