



**HAZARDOUS WASTE
INSPECTOR HANDBOOK
APPENDICES AND
BIBLIOGRAPHY**

September, 2017

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Appendix 1

Checklist Summary with

Hyperlinks to Checklists

CHECKLIST MASTER SUMMARY

NOTE: Includes checklists revised in September 2017

CHECKLIST #	TITLE	HYPERLINK
CHKLIST 1	SURVEY SHEET	Checklist 1 - Survey Sheet Rev Sept 2017.docx
CHKLIST 2	Permitted Facility	Checklist 2 - Permitted Facility September 2017.doc
CHKLIST 3	Large Quantity Generator	Checklist 3c - LQG September 2017.doc
CHKLIST 3.A	Small Quantity Generator	Checklist 3a - SQG September 2017.docx
CHKLIST 3.B	Conditionally Exempt SQG	Checklist 3b - CESQG Sept 2017.doc
CHKLIST 4	Containers	Checklist 4 - Container September 2017.docx
CHKLIST 5	Health & Safety	Checklist 5 - Health and Safety September 2017.doc
CHKLIST 6	Tanks	Checklist 6 - Tanks (Short) September 2017.doc
CHKLIST 6A	SQG Tanks	Checklist 6a - SQG Tank September 2017.doc
CHKLIST 6B	Tanks – Long Version	Checklist 6b -Tanks Subpart J (Long) September 2017.docx
CHKLIST 7	Used Oil	Checklist 7 - Used Oil September 2017.doc
CHKLIST 7A	Used Oil Transporter	Checklist 7a - Used Oil Transporter Sept 2017.doc
CHKLIST 7B	Used Oil Processor/Re-refiner	Checklist 7b - Used Oil Processor - September 2017.doc
CHKLIST 8	Universal Waste	Checklist 8 - Universal Waste September 2017.docx
CHKLIST 8A	Lamp Crushing 2017	Checklist 8a - Lamp Crushing September 2017.doc
CHKLIST 8B	Lamp Crushing Facilities 2017	Checklist 8b - Lamp Crushing for Facilities' Use 2017.doc
CHKLIST 9	Solvent-Contaminated Wipes	Checklist 9 - Solvent Contaminated Wipes September 2017.docx
CHKLIST 10A	Air Emissions Subpart AA	Checklist 10 a - AA Air Emissions September 2017.doc
CHKLIST 10B	Air Emissions Subpart BB	Checklist 10 b - BB Air Emissions Sept 2017.docx
CHKLIST 10 C	Air Emissions Subpart CC	Checklist 10 c - CC Air Emissions Sept 2017.doc
CHKLIST 11	Transporters	Checklist 11 - Transporter September 2017.doc
CHKLIST 12	Wood Preservers	Checklist 12 - Wood Preserver September 2017.docx
CHKLIST 13	Land Treatment	Checklist 13 - Land Treatment September 2017.doc
CHKLIST 14	Surface Impoundment	Checklist 14 - Surface Impoundment September 2017.doc
CHKLIST 15	Waste Piles	Checklist 15 - Waste Piles September 2017.doc
CHKLIST 16	Landfills	Checklist 16 - Landfills September 2017.doc
CHKLIST 17	Groundwater Monitoring	Checklist 17 - Groundwater Monitoring September 2017.doc
CHKLIST 18	Incinerator	Checklist 18 - Incinerator September 2017.doc
CHKLIST 18a	Incinerator Health & Safety	Checklist 18a - Incinerator h&s September 2017.doc
CHKLIST 19	Waste Minimization	Checklist 19 - Waste minimization September 2017.doc
CHKLIST 20A	Condenser	Checklist 20a - Condenser September 2017.doc
CHKLIST 20B	Thermal Vapor Incinerator	Checklist 20b - Thermal Vapor Incinerator September 2017.doc
CHKLIST 20C	Catalytic Vapor Incinerator	Checklist 20c - Catalytic Vapor Incinerator September 2017.doc
CHKLIST 20 D	Boiler/Process Heater	Checklist 20d - Boiler Process Heater September 2017.doc
CHKLIST 20E	Flares	Checklist 20e - Flares September 2017.doc
CHKLIST 20F	Carbon Adsorbers Regen	Checklist 20f - Carbon Adsorbers Regen September

		2017.doc
CHKLIST 20 G	Carbon Adsorbers Non-Regen	Checklist 20g - Carbon Adsorbers Non-regen September 2017.doc
CHKLIST 20H	Thermal Treatment	Checklist 20h - Thermal treatment September 2017.doc
CHKLIST 21	Closure/Post-Closure	Checklist 21 - General Closure-PostClosure September 2017.doc
CHKLIST 22	Permit vs. Operating Conditions	Checklist 22 - Comparison of Pemit vs Op Cond September 2017.doc
CHKLIST 23	Virginia-specific Requirements	Checklist 23 VA-specific requirements September 2017.doc
CHKLIST 24	Waste Stream Information	Checklist 24 - Waste information September 2017.doc
CHKLIST 25	Land-Disposal Restrictions TSD	Checklist 25 - land disposal restrict-TSD September 2017.doc
CHKLIST 25B	Land-Disposal Restrictions Transporter	Checklist 25b - land disposal restrict - transporter September 2017.doc
CHKLIST 26	DSW - HSM	Checklist 26 - DSW July 2017.doc
CHKLIST 28	Non-notifier Checklist	Checklist 28 -Non-notifier checklist September 2017.doc



Appendix 2

Inspection Letter Models

- a. Model – Deactivation Memo
- b. Model – Deactivation Letter
- c. Model - No Violation Letter
- d. Model – 110 Informal Correction Letter
- e. Model – 119 Warning Letter (WL)
- f. Model – Warning Letter Return to Compliance
- g. Model – 120 Notice of Violation (NOV)

Revised September 2017

DEACTIVATION MEMO FORMAT

[Regional Letterhead]

MEMORANDUM

DATE: [Date]

TO: Kimberlyn Hughes, DEQ, Office of Financial Responsibility & Waste Programs

FROM: [Inspector Name], Hazardous Waste Inspector, [Region] Regional Office

RE: Implementer Action Requested - Deactivation
[Facility Name], [EPA ID #], [Address]

On [Inspection Date], DEQ staff attempted to complete a RCRA Hazardous Waste Compliance Evaluation Inspection at the referenced facility, [Facility Name]. The original hazardous waste notification was submitted on [Date of original notification], and the facility had never been inspected. The address, [Facility Address] is currently a [Current use of the property]. [Include here any necessary further discussion about the property use]. The current owner, [Owner Name], was contacted and indicated that this new company, [New Company Name], does not generate hazardous waste and is not an Other RCRA Handler. [Any other details obtained about the site or the property can be included, such as GPS data from the County website, or an aerial photo from google of an empty lot.]

Based on the DEQ inspection attempt, observation of the current site conditions, and age and generality of the original notification, DEQ staff requests the following action:

Deactivate, with this inspection memorandum, [EPA identification number VADxxxxxxx], [Facility Name], [Facility Address].

A completed RCRAInfo form for this facility is attached. If you have any questions, please let me know.

MODEL DEACTIVATION LETTER

[REGIONAL LETTERHEAD]

[date]

[RP Contact] [Title]

[RP Name]

[RP Address]

[City, State, Zip Code]

Re: **[Current Facility Name] [Facility Location]**
Former [Former Facility Name]
EPA Identification Number [x]

Dear **[Current Facility Contact or Off-site Contact for Former Facility]:**

On **[Inspection Date]**, Virginia Department of Environmental Quality (“DEQ”) staff attempted to conduct a RCRA Hazardous Waste Compliance Evaluation Inspection at the referenced facility, **[Former Facility Name]**, located at **[Former Facility address]**. This facility had been identified in the RCRA Information database as a **[Generator Status in RCRAInfo]** of hazardous waste and previously assigned EPA identification number **[EPA ID#]** following Notification of Hazardous Waste Activity submitted to EPA on **[original notification date]**. The site had not been inspected for hazardous waste management by DEQ.

At the time of the attempted inspection, DEQ staff noted that the location is currently occupied by **[any number of situational possibilities exist. Include facility-specific information, and any details related to contacts made at the facility’s former location, or corporate contacts made to verify closure of the facility at that location]**. According to your response, **[no hazardous waste, used oil or universal waste is generated or managed at this location.]**

With your concurrence, the EPA identification number assigned to **[Former facility name, address], [EPA ID#]**, will be deactivated effective with this letter. No further response is required.

I am your contact at DEQ in this matter. Please direct written materials to my attention. If you have questions or wish to arrange a meeting, you may reach me directly at **[(xxx) xxx-xxxx]** or [\[Contact Name\]@deq.virginia.gov](mailto:[Contact Name]@deq.virginia.gov).

Sincerely,

[Name]
Hazardous Waste Inspector

cc: Facility File
Kim Hughes, OFRWP

NO VIOLATIONS LETTER FORMAT

[Regional Letterhead]

[DATE]

[Responsible Party]

[Responsible Party Address]

RE: RCRA Hazardous Waste Compliance Inspection

[Facility]— EPA ID # [VAXXXXXX]

[Facility Address]

Dear [Responsible Party]:

Thank you for your assistance during the Virginia Department of Environmental Quality (DEQ) hazardous waste compliance evaluation inspection (CEI) conducted at your facility on [inspection date]. During this inspection, the facility was evaluated to determine compliance with the Virginia Hazardous Waste Management Regulations (VHWMR).

This facility had been identified in the RCRA Information System database as a [large quantity generator (LQG), small quantity generator (SQG), conditionally exempt small quantity generator (CESQG)] of hazardous waste, generating [more than 1,000 kg (2,200 lb), between 100 kg and 1000 kg (220 lb to 2200 lb), less than 100 kg (220 lb)] per month. Based on observations and hazardous waste records reviewed during the inspection, DEQ staff noted that the facility was operating as a [LQG, SQG, CESQG] at the time of the inspection, and the facility was inspected for compliance with [LQG, SQG, CESQG] requirements.

Based on observations, personnel interviews, and a review of the documents obtained as a result of this inspection, it appears that your facility was in compliance with the VHWMR requirements. Enclosed are copies of the survey sheet and checklists completed during the inspection.

[Additional Concerns](Optional): [Use this section to highlight any issues of future potential non-compliance and attach appropriate guidance].

Ex 1: The facility occasionally used products in aerosol cans during routine operations. The used aerosol cans would be classified as hazardous waste unless punctured and drained, and would therefore need to be disposed of accordingly. Included with this inspection report is a document on the management of aerosol cans. This document and other helpful hazardous waste guidance can be found on the DEQ website at:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/SolidHazardousWasteRegulatoryPrograms/HazardousWaste.aspx>.

Ex 2: DEQ suggests and requests that the facility submit a revised (subsequent) notification to change its hazardous waste generator status to [LQG, SQG, CESQG]. A RCRA Subtitle C Identification Form (EPA Form 8700-12) is enclosed with this letter and the instructions for preparing and submitting the form may be accessed at the website link:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/SolidHazardousWasteRegulatoryPrograms/HazardousWaste.aspx> If you have any questions, please feel free to contact me at [phone number] or [email address].

Sincerely,

[signature]

[your name]

Hazardous Waste Inspector

Enclosures: [itemize enclosures]

INFORMAL CORRECTION LETTER FORMAT

[Regional Letterhead]

[DATE]

[Responsible Party]

[Responsible Party Address]

RE: RCRA Hazardous Waste Compliance Inspection
[Facility]– EPA ID # [VAXXXXXX]

Dear [Responsible Party]:

On [Inspection Date], Virginia Department of Environmental Quality (DEQ) [Region] Regional Office staff conducted a RCRA Hazardous Waste Compliance Evaluation Inspection [or Focused Compliance Inspection] of [Facility Name] located at [Facility Address]. [Reason for the inspection, if other than routine inspection – example “The inspection was completed in response to a complaint referred to DEQ regarding waste and container management practices at the facility.”] This inspection focused on a review of site operational practices with respect to compliance with the Virginia Hazardous Waste Management Regulations (“VHWMR”). Copies of the Survey Sheet and checklists completed as a part of this inspection are enclosed. This letter and enclosed inspection checklists are not a case decision or fact finding under the Administrative Process Act. VA. Code § 2.2-4001 *et.seq.*

[Facility Name] had previously notified DEQ as a [Generator Status – Large Quantity Generator (LQG), Small Quantity Generator (SQG) or Conditionally Exempt Small Quantity Generator (CESQG)] of hazardous waste. During the site visit, apparent noncompliance with the VHWMR was observed and subsequently corrected by [Facility Name] staff as discussed in detail below. No further response or action is requested by DEQ at this time.

OBSERVATIONS AND LEGAL REQUIREMENTS

The information below outlines the DEQ inspector’s observations and the applicable legal requirements.

- 1. Observation: [Give details of factual observations only; do not describe them in terms of violation(s) or conclusions of law. Then, for each set of observations, state specifically the applicable statutory or regulatory provision that applies in a separate paragraph in bold font. This section should refer to the inspection summary or inspection checklist. Use numbered paragraphs for each factual condition being addressed.]**

Legal Requirements: Title 40 of the Code of Federal Regulations (40CFR) [RCRA Citation] as referenced by Title 9 of the Virginia Administrative Code (9VAC) 20-60-xxx states, “...”

Corrective Action Taken [or Resolution]: [provide a brief description of the corrective action taken by the facility during the inspection or subsequent to but prior to complete of this letter to correct the alleged violation].

AREAS OF CONCERN

[If needed, include here any observations that were not violations, but if not corrected, could become violations. Indicate whether applicable guidance has been attached to the Inspection Report].

No further action is required at this time. If you have any questions or need any additional information, please do not hesitate to contact me at **[e-mail]** or **[phone]**.

Sincerely,

[Inspector]
Hazardous Waste Inspector

Enclosures

cc: Case File

[\[Letterhead\]](#)

SAMPLE WARNING LETTER

[date]

[RP Contact] [Title]

[RP Name]

[RP Address]

[City, State, Zip Code]

WARNING LETTER

Re: WL No. 00-00-RO-000 [if numbered]
[Facility Name] [Facility Location]
EPA Identification Number [x]

Dear [RP Contact]:

The Department of Environmental Quality (DEQ or the Department) has reason to believe that the [RP Name] may be in violation of the Waste Management Law and Regulations at [Facility Name].

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Waste Management Law and Regulations. Pursuant to Va. Code § 10.1-1455(G), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 et seq. (APA). DEQ requests that you respond **within 20 days of the date of this letter**.

OBSERVATIONS AND LEGAL REQUIREMENTS

On [date], DEQ staff conducted a Compliance Evaluation Inspection [or Focused Compliance Inspection] (CEI) [or FCI] of the [Facility Name]. The CEI was conducted to evaluate facility compliance with applicable Virginia Hazardous Waste Management Regulations (VHWMR). The inspection checklists are attached. The following describe the staff's factual observations and identify the applicable legal requirements.

1. *Observations:* [Give details of factual observations only; do not describe them in terms of violation(s) or conclusions of law. Then, for each set of observations, state specifically the applicable statutory or regulatory provision that applies in a separate paragraph in **bold font**. This section should refer to the inspection summary or inspection checklist. Use numbered paragraphs for each factual condition being addressed.]

***Legal Requirements:* Title 40 of the Code of Federal Regulations (40CFR) [RCRA Citation] as referenced by Title 9 of the Virginia Administrative Code (9VAC) 20-60-xxx states, "..."**

2. *Observations:*...

***Legal Requirements:* 40CFR[citation] as referenced by 9VAC[citation] states: ...**

ENFORCEMENT AUTHORITY

Va. Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Waste Management Act, Waste Management Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Waste Management Act, regulation, order or permit condition. In addition, Va. Code § 10.1-1455(G) authorizes the Waste Management Board to issue orders to any person to comply with the Waste Management Act and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Waste Management Act and regulations. Va. Code §§ 10.1-1455(D) and 10.1-1455(I) provide for other additional penalties.

FUTURE ACTIONS

After reviewing this letter, please respond in writing to DEQ **within 20 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter may avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the [Process for Early Dispute Resolution](#), please see Agency Policy Statement No. 8-2005 posted on the Department's website under

"Programs," "Enforcement," and "Laws, Regulations, & Guidance": <http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx> or ask the DEQ contact listed below.

Your contact at DEQ in this matter is **[Contact Name]**. Please direct written materials to **[his/her]** attention. If you have questions or wish to arrange a meeting, you may reach **[him/her]** directly at **[(xxx) xxx-xxxx]** or [\[Contact Name\]@deq.virginia.gov](mailto:[Contact Name]@deq.virginia.gov).

Sincerely,
[Name]
Regional Land Protection Manager

cc: **Facility File**
Hazardous Waste Inspector

SAMPLE INFORMAL CORRECTIONS LETTER

[Letterhead]

[date]

[RP Contact] [Title]

[RP Name]

[RP Address]

[City, State, Zip Code]

Re: Inspection Report Resolutions
[Facility Name] [Facility Location]
EPA Identification Number [x]

Dear [RP Contact]:

On [date of document review], Virginia Department of Environmental Quality (DEQ) staff reviewed the documentation provided by [RP Name] by [response letter or email] dated [date] with respect to the hazardous waste inspection conducted at your facility on [inspection date].

The following summarizes outstanding areas of noncompliance observed during the inspection, and details actions taken to bring your facility back into compliance:

1. **Observation:** [Block and copy the observations and legal requirements detailed in the original Warning Letter]

Legal Requirements: [Block and copy the observations and legal requirements detailed in the original Warning Letter]

Resolution: [provide a brief description of the corrective action taken by the facility to correct the alleged violation noted in the Warning Letter. Cite specific documentation or observations].

2. **Observation:** [Block and copy the observations and legal requirements detailed in the original Warning Letter]

Legal Requirements: [Block and copy the observations and legal requirements detailed in the original Warning Letter]

Resolutions: [provide a brief description of the corrective action taken by the facility to correct the alleged violation noted in the Warning Letter. Cite specific documentation or observations].

The information submitted by your facility adequately addresses the issues noted in the Warning Letter and inspection report dated **[date]**. No further action is required at this time.

Staff appreciates your efforts in correcting the deficiencies. If you have any questions, please contact me at **[(xxx) xxx-xxxx]** or [\[Contact Name\]@deq.virginia.gov](mailto:[Contact Name]@deq.virginia.gov).

Sincerely,

[Inspector Name]
[Title]

cc: Case File

SAMPLE NOTICE OF VIOLATION

[Regional Letterhead]

[date]

[RP Contact] [Title]
[RP Name]
[RP Address]
[City, State, Zip Code]

NOTICE OF VIOLATION

RE: NOV No. [x]
[Facility Name] [Facility Location]
[EPA Identification Number] [x]

Dear [RP Contact]:

This letter notifies you of information upon which the Department of Environmental Quality (Department or DEQ) may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that the [RP Name] may be in violation of the Waste Management Law and Regulations at [Facility Name (if different than RP) and Location].

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Waste Management Law and Regulations. Pursuant to Va. Code § 10.1-1455(G), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA). DEQ requests that you respond **within 10 days of the date of this letter** to arrange a prompt meeting.

OBSERVATIONS AND LEGAL REQUIREMENTS

On [date], DEQ [Regional Office] staff conducted a Compliance Evaluation Inspection [or Focused Compliance Inspection] (CEI) [or FCI] of the [Facility Name] located at [Facility Address]. The CEI was conducted to evaluate facility compliance with applicable Virginia Hazardous Waste Management Regulations (VHWMR). Copies of the inspection checklists are attached. Staff also reviewed documents provided to DEQ during the course of the inspection. The following describe the staff's factual observations and identify the applicable legal requirements:

1. *Observations:* [Give details of factual observations only; do not describe them in terms of violation(s) or conclusions of law. Then, for each set of observations, state specifically the applicable statutory or regulatory provision that applies in a separate paragraph in **bold font**. This section should refer to the inspection summary or inspection checklist. Use numbered paragraphs for each factual condition being addressed.]

Legal Requirements: Title 40 of the Code of Federal Regulations [40CFR] [Fed. Citation] as referenced by Title 9 of the Virginia Administrative Code [9VAC] 20-60-xxx states, “ ...”.

2. Observations:...

Legal Requirements: 40CFR _____ as referenced by 9 VAC 20-60-xxx states,

ENFORCEMENT AUTHORITY

Va. Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Waste Management Act, Waste Management Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Waste Management Act, regulation, order, or permit condition. In addition, Va. Code § 10.1-1455(G) authorizes the Waste Management Board to issue orders to any person to comply with the Waste Management Act and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Waste Management Act and regulations. Va. Code §§ 10.1-1455(D) and 10.1-1455(I) provide for other additional penalties.

FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, [RP Name] may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the [Process for Early Dispute Resolution](#), please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance” (<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Please contact [Enforcement Staff Name] at [(xxx) xxx-xxxx] or [\[Contact.Name@deq.virginia.gov\]](#) within 10 days to discuss this matter and arrange a prompt meeting.

Sincerely,

[Name]

Regional Land Protection Manager

cc: CASE FILE

Regional Enforcement Specialist

HW Inspector

HW Compliance Coordinator

[Regional Letterhead]

INFORMATION REQUEST LETTER

[LETTERHEAD]

[Date]

[Facility Contact] [Title]
[Facility Name]
[Street Address]
[City, State, Zip Code]

REQUEST FOR INFORMATION

RE: [Facility name], [EPA Identification Number]

Dear [Facility Contact]:

This letter seeks your cooperation in providing certain information to the Department of Environmental Quality ("Department") to assist DEQ in its implementation and enforcement of the Waste Management Act and regulations. Please give this matter immediate attention and provide a complete response to this request for information and documents within [insert # of days] days of receipt of this letter.

BACKGROUND

[Provide summary information concerning previous compliance and enforcement actions including the date of relevant inspections, date and content of any Warning Letters or Notices of Violations, and effective date and relevant requirements of any Orders. The summary should provide the factual information based upon which DEQ believes that a violation of the relevant law, regulation, permit or order may have occurred or upon which DEQ has initiated an investigation to determine the Facility's compliance with the law, regulation or order. Do not describe the facts in terms of violations or conclusions of law.]

AUTHORITY FOR REQUEST

While DEQ prefers your cooperation in providing the information requested below, compliance with this information request is required by law. Failure to respond in a timely manner or to supply complete and truthful responses to this request may result in an enforcement action to obtain the requested information, and may result in the imposition of penalties for noncompliance.

Code § 10.1-1402 authorizes the Virginia Waste Management Board ("Board") to collect data necessary to conduct the state waste programs, including data on resource recovery and the

identification of and amounts of waste generated, transported, stored, treated or disposed. The Board is also authorized to require any person who generates, collects, transports, stores or provides treatment or disposal of a hazardous waste to maintain records, manifests, and reporting systems required pursuant to federal statutes or regulation.

Code § 10.1-1458 provides that every person that DEQ has reason to believe is generating, storing, transporting, disposing of, or treating waste shall, on request of DEQ, furnish such plans, specifications, and information as the Department may require in the discharge of its duties under the Virginia Waste Management Act.

Code § 10.1-1409 provides that any permit issued by the Director may be revoked, amended or suspended if the applicant has knowingly or willfully misrepresented or failed to disclose a material fact in applying for a permit or in his disclosure statement, or in any other report or certification required under the law or under the regulations of the Board.

Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Act, any Waste Management Board regulation, any condition of a permit or certification, or order. The same statute provides for a judicially imposed civil penalty up to \$25,000 per day of such violation. Code § 10.1-1455 also authorizes the Board to issue orders to address such violations and impose penalties up to \$25,000 per violation. In addition, Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Act and regulations and to impose a civil penalty of not more than \$10,000.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

Code § 10.1-1455 provides that any person who knowingly makes any false statements or representation in any application, disclosure statement, label, manifest record, report, permit, or other document filed, maintained, or used for purposes of hazardous waste program compliance shall be guilty of a felony punishable by a term or imprisonment of not less than one year nor more than five years and a fine of not more than \$25,000 for each violation, either or both.

Section 3007 of the Solid Waste Disposal Act (42 USC § 6927) provides that, for the purposes of enforcing the provisions of that chapter, any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handles hazardous waste shall, upon request of any duly designated officer, employee, or representative of a State having an authorized hazardous waste program, furnish information relating to such wastes and permit such person at all reasonable times to have access to, and to copy all records relating to such wastes. Virginia has an authorized state hazardous waste program.

[For Permitted Facilities:]

[Check to see if the permit contains a requirement to provide information. If so, reference this also.]

CONFIDENTIALITY OF INFORMATION

Code § 10.1-1458 provides that trade secret information included within any plans, specifications, or information submitted pursuant to that section shall be excluded from the production under the Virginia Freedom of information Act, provided that you: (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought,

(ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. *See* Va. Code § 2.2-3705.6(26). DEQ may disclose such trade secret information to the appropriate officials of the Environmental Protection Agency pursuant to the requirements of the federal Solid Waste Disposal Act, 42 U.S.C. § 3251, *et seq.*, or as otherwise required by law.

If you request all or portion of the information submitted as a trade secret, please see DEQ's Guidance on Trade Secret Protection Requests under the Virginia Waste Management Act. The guidance can be found at: <http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/LawsRegulationsGuidance/Guidance.aspx> The Guidance contains a form that should be submitted along with your information to claim this protection.

REQUEST FOR INFORMATION AND DOCUMENTS

Terms used in this request shall have the meaning set forth in the Virginia Waste Management Act § 10.1-1400 and accompanying regulations at 9 VAC 20-60-10 and 9 VAC 2080-10.

[Identify here the information or documents you are seeking. Questions should be clear and specific and phrased to minimize the likelihood of a nonresponsive submission.]

Your point of contact for this matter is [DEQ staff member] at (XXX) XXX-XXXX. Please submit your response to [her/him] within [thirty] days of the date of this letter. Questions concerning the information requested herein, or other information that DEQ should consider should also be directed to this contact.

Sincerely,

[Name]
[Title]

Cc:



Appendix 3

Links to EPA Guidance

Appendix 3 - Links to EPA Guidance and Websites

Links to EPA Documents related to RCRA Compliance Monitoring

- [RCRA Subtitle C Program Compliance Monitoring Strategy](#)
- [RCRA Enforcement Response Policy](#)
- [RCRA Enforcement Response Policy Addendum](#)
- [RCRA Civil Penalty Policy](#)

- Link to [RCRA Orientation Manual](#) - <https://www.epa.gov/sites/production/files/2015-07/documents/rom.pdf>

Inspection protocol manuals for the RCRA Subtitle C and D programs:

Protocol for Conducting Environmental Compliance Audits of Facilities Regulated under Subtitle D of RCRA Guidance to aid regulated entities in complying with the regulations under Subtitle D of RCRA. <http://nepis.epa.gov/Exe/ZyPDF.cgi/500001QF.PDF?Dockey=500001QF.PDF>

Protocol for Conducting Environmental Compliance Audits of Hazardous Waste Generators under the Resource Conservation and Recovery Act Guidance to explain performance objectives for environmental auditors - summary of environmental regulations under RCRA. <http://www2.epa.gov/compliance/guidance-protocol-conducting-environmental-compliance-audits-hazardous-waste-generators>

Protocol for Conducting Environmental Compliance Audits of Storage Tanks under the Resource Conservation and Recovery Act - Guidance to aid regulated entities in complying with the regulations under RCRA. <http://www2.epa.gov/compliance/guidance-protocol-conducting-environmental-compliance-audits-storage-tanks-under-resource>

Protocol for Conducting Environmental Compliance Audits of Treatment, Storage and Disposal Facilities under the Resource Conservation and Recovery Act Guidance to explain performance objectives for environmental auditors - summary of environmental regulations under RCRA. <http://www2.epa.gov/compliance/guidance-protocol-conducting-environmental-compliance-audits-treatment-storage-and>

Protocol for Conducting Environmental Compliance Audits of Used Oil and Universal Waste Generators under the Resource Conservation and Recovery Act Guidance to aid regulated entities in complying with the regulations under RCRA. <http://nepis.epa.gov/Exe/ZyPDF.cgi/500001UN.PDF?Dockey=500001UN.PDF>

General Information

Biennial Reports - <http://www.epa.gov/osw/inforesources/data/biennialreport/index.htm>

Annual Enforcement and Compliance Reporting Plans - <http://intranet.epa.gov/oeca/oc/etdd/reporting/index.html>

National Priorities - <http://epa.gov/compliance/data/planning/priorities/index.html#priorities>

RCRA Subtitle D - www.epa.gov/epawaste/nonhaz/index.htm
State Review Framework - www.epa-otis.gov/otis/stateframework.html
Watch List - www.epa-otis.gov/watchlist

Link to State Review Framework oversight resources guidance documents:
<https://www.epa.gov/compliance/state-oversight-resources-and-guidance-documents>

Guidance / Memoranda

Guidance for RCRA Core LQG Pilot Projects (Alternative Plans / State Flexibility Plans)
<http://www.epa.gov/compliance/resources/policies/monitoring/rcra/fy08rcraguidancelqgproject.pdf>

National Program Managers Guidance (FY2010)
<http://www.epa.gov/ocfo/npmguidance/index.htm>

Performance Based Strategies for OECA's National Priorities FY2008-2010
<http://intranet.epa.gov/oeca/oc/npmas/priorities/index.html>

RCRA Inspection Manual (Revised, Nov. 1998)
<http://www.epa.gov/compliance/resources/policies/civil/rcra/rcrarevinspman-rpt.pdf>

RCRA State Oversight Inspection Guide (Dec. 1987)
<http://www.epa.gov/Compliance/resources/policies/rcra/rcrastosinspgu-rpt.pdf>

Review of RCRA Inspection Report Practices (2007)
<http://intranet.epa.gov/compliance/oc/caspd>

Role of the EPA Inspector in Providing Compliance Assistance During Inspections (June 25, 2003).
http://kodiak.r07.epa.gov/intranet/enviroprograms/role_of_inspector.pdf

ASTSWMO RCRAInfo User's Manual
http://astswmo.org/files/policies/Hazardous_Waste/2012.09-RCRAInfo_Guide-REVISED-FINAL.pdf

RCRA Orientation Manual 2014
<https://www.epa.gov/sites/production/files/2015-07/documents/rom.pdf>

Here is the link to the RCRAInfo Reporting Tool - https://cfext.epa.gov/RCRARep_MX/login/login1.cfm

Digital Image Guidance for EPA Civil Inspections and Investigations, June 2017:
<https://www.epa.gov/compliance/guidance-digital-image-guidance-epa-civil-inspections-and-investigations>

Protocol for Conducting Environmental Compliance Audits for Hazardous Waste Generators Under RCRA: <https://www.epa.gov/compliance/guidance-protocol-conducting-environmental-compliance-audits-hazardous-waste-generators>



Appendix 4 DEQ Access Forms

Revised September 2017

Hyperlinks to DEQ Forms

DEQNet Form: http://deqnet/programs/admin/ois/forms/documents/Master_Access_Form.pdf

Computer Equipment Request Form:

http://deqnet/programs/admin/ois/forms/documents/Computer_Request_Form.pdf

DEQNet/External Website Access: http://deqnet/programs/admin/ois/forms/documents/DEQNet_Form.pdf

External Agency Access: http://deqnet/programs/admin/ois/forms/documents/Admin_Access_Form.pdf

Special Network : Access Request Form:

http://deqnet/programs/admin/ois/forms/documents/Special_Network_Access_Request_Form.pdf

VITA VCCC Services Procedure:

http://deqnet/programs/admin/ois/vita/documents/VCCC_Request_Process.pdf

Link to Remote Outlook Web Access:

<https://webmail.vita.virginia.gov/owa/auth/logon.aspx?replaceCurrent=1&url=https%3a%2f%2fwebmail.vita.virginia.gov%2fowa%2f>



Appendix 5

Using ECM

APPENDIX 5 USING ECM

Please note, ECM information was obtained from DEQNet. However, much of this information is outdated and has not been updated. Where possible, outdated information has been identified. ECM rules for hazardous waste compliance documents are currently in the process of being developed and will be placed in this section during a future revision.

1. Introduction - What is ECM?

ECM stands for Enterprise Content Management and is the capture, management, storage, preservation and delivery of agency information stored in digital format. This digital information includes permits, spreadsheet, presentations, photos, PDFs and other content. The current ECM system is by IBM FileNet. FileNet includes a record manager component that will be used to track retention schedules and affect record destruction. DEQ's ECM home page can be found at <http://deqnet/programs/ecm/index.asp>.

ECM makes it possible for several DEQ staff to view the same electronic documents from practically anywhere. This helps DEQ to realize its 20% telecommuting goal, and is expected to reduce operating costs through the use of less paper, reduced required lease space, energy savings, and increased efficiency.

OHW began implementation of ECM on May 1, 2009. The initial effort focused on HW permitting, closure, corrective action and groundwater files. Emergency permit files were added in 2010, and transporter permit files are due to be added in early 2011. **Compliance files are being addressed as a separate effort led by the regional offices.** Implementation covers storage and retrieval of existing files as well as incoming and outgoing mail and e-mail. QA/QC procedures are also being implemented. Future enhancements to ECM will go beyond simply storage and retrieval and will include such features as routing incoming mail electronically.

This staff guide captures various elements of the implementation process. It is expected that the guide will be updated and revised based on initial comments as well as future identification of best practices once we have gained some experience with the ECM system.

HW documents to be added to ECM are defined in the program-specific HW Retention Schedule which defines the agency's HW records and their associated retention periods.

2. File Definitions

File storage in ECM is based on the retention schedule (= defines how long to keep a document before destroying it) and file series (= defines a group of related documents) approved by the Library of Virginia for hazardous waste files. Additionally, HW staff defined various general document types that are associated with each file series.

The file series and document types for the hazardous waste program's retention schedule are compiled in the following location: HW Document Type Definitions. This information is necessary to enter documents into ECM. To determine the appropriate file series, please check the definitions first, then seek guidance from the appropriate staff or supervisor.

NOTE: The document types that state “Final...” should only be used upon completion of clean closure and termination of post-closure care at an entire facility. These document types initiate the countdown for disposing of documents in accordance with the retention schedule.

3. Document Rules

- a. The maximum file size currently accepted by ECM is 50 MB. Larger documents should be separated and paperclipped together.
- b. Only final documents should be entered into ECM at the present time (no documents that are works in progress).
- c. Draft permits or other documents that are going out for public comment are considered final documents.
- d. Documents should be in pdf format. Pdfs can be created either directly from MS Office, by using the high-volume Kofax scanners or by using the multi-function Xerox scanners. Pdfs created with the multi-function scanners may not allow “contained in” searches for words or phrases within the document. This should be considered when deciding which method to use.
- e. Pdf files submitted by facilities on CDs should be checked to ensure that they can be searched. If the document is searchable, it can be entered into ECM from the CD. (See “Adding documents to ECM from CDs”)

4. Data Dictionary

The following data dictionary defines the fields needed for entering a document into FileNet, either by scanning a document into ECM using the high-volume scanners, or by adding a document using the Add a Document function in ECM. The HW-specific definitions are provided below:

Division/Media = Hazardous Waste

Office = Central Office or appropriate Regional Office

Doc owner = scanner operator or generally staff adding document to FileNet

Facility number = EPA ID number (VA.... Or VAD....) Note: case sensitive

Doc Date = date of document

Received Date = date of “received” stamp

RS::FS::DT = Retention Schedule::File Series::Document Type

Functional Activity = Permit for all file series except for 9535 – Compliance Files

Program/Permit Type

= RCRAInfo for facilities in RCRAInfo, including CESQGs (may be a lag before facility is entered)

= Provisional for facilities with provisional numbers

- = Emergency for facilities with emergency permits
- = Instate Transporter for facilities with in-state transporter permits
- = OOS Transporter for facilities with out-of-state transporter permits

Case ID

- = emergency permit number for program type emergency
- = transporter permit number for program types in-state transporter/out-of-state transporter
- = [no entry] for program types RCRAInfo and provisional

Doc title = is automatically generated from scanner as [fac id – doc type – date] but the fac ID should be replaced with the facility name to make searches easier; when adding documents electronically, the doc title should also include the facility name and be descriptive but not too detailed; recommended format is fac name – doc type – date to be consistent with scanned documents

5. Additional Indexing Fields

Additional indexing fields can be found under the Add A Document screen and should be entered as follows:

Contributor = Source of document (e.g. Kofax scanner)

Agency contact = gw staff for gw file series, project manager for permitting and CA file series, inspector for compliance file series

Keywords = specify if oversized maps are stored in hardcopy; other additions are up to project staff, for example: treatment technologies, institutional controls, 2020 Baseline, facility lead site, ...

Paperclip = use to connect multiple documents transmitted under one cover letter incl. permit with attachments, workplan with appendices,...

6. Active Files – File Prepping and Scanning Procedures (As of 8/2017, most active files have already been prepped and scanned. This section is included for historic accuracy.)

Active files are existing files that will be scanned and have been defined for each file series as per Attachment 1. Selecting files to be scanned must be consistent with the guidelines in Attachment 1.

- a. File prepping and scanning order for active files should be as follows:
 - 1) Groundwater Annual Reports and associated correspondence - 006144
 - 2) HW permits, including all attachments, and updated to include any permit modifications – 006141
 - 3) Emergency permits – 006146
 - 4) Groundwater Semiannual and Quarterly Reports and associated correspondence – 006143
 - 5) HW closure plans, post-closure plans, etc – 006141
 - 6) HW corrective action files (workplans, reports, etc.) – 006142

- b. Scanning should be done in accordance with the agency scanner guidelines. Each document that has its own date should be scanned as a separate document. Large documents with stand-alone attachments may need to be scanned separately from the attachments if file size gets too large. Permits should be scanned in the most current version so that all permit modifications are reflected in the version of record. Replacement pages for permit modifications must be placed in the document to be scanned.
- c. Technical preparation of files will be performed by admin staff and technical staff in accordance with the draft scanning and prepping guides for each file series. Each document will be marked with the file series and document type. The facility ID number must be present on the document. Physical preparation of files (removal of staples, etc.) will be performed by scanning staff, with support by admin staff and technical staff. If necessary, cubicle 508 (across the 5th floor conference room) may be used as a temporary holding area for files to be scanned.
- d. Black & White scans should be used as a default scanning option. Scanning staff will use best professional judgment in deciding if color scanning is necessary. Color scanning should be used if the B&W scan would result in illegible/meaningless pages, e.g. color maps or graphs that cannot be deciphered without color.
- e. Oversized pages (> 11 x 17) will need to be retained in hard copy and a page inserted into the hard copy to indicate that an oversized page is located in the appropriate file cabinet under the facility name. The placeholder page must stay with the document after scanning. If a document includes such pages, the keyword field, once added to the scanner screen, should include the phrase "oversized page(s)". Attachment 2 includes the page to be used for unscannable pages.
- f. Documents should be placed in accordion folders and maintained until such time as QA/QC has been fully completed and destruction of hard copies has been authorized by the agency. Originals should be clearly marked (e.g. stamped) to indicate that they have been scanned.
- g. An e-mail should be sent to the staff associated with the facility to indicate that the file has been scanned. Supervisors and admin staff should be copied.

QA/QC should be performed by scanner and project staff in accordance with the draft revised QA/QC guidelines. Any questions or concerns about the guidelines should be noted and communicated to the HW User Group Chair for communication to the Content Acquisition expert panel.

7. Incoming Mail Procedures

- a. The primary recipient of the incoming mail is responsible to upload the document to ECM if the document belongs in an ECM file series.
- b. Primary recipient will scan file copies as soon as possible. File copy will be placed back in cubicle 508 until such time as QA/QC has been fully completed and destruction of hard copies has been authorized by the agency. Originals should be clearly marked (e.g. stamped) to indicate that they have been scanned.

- c. If incoming mail includes electronic versions of the submitted documents on CD, project manager should check to see if the format is pdf and if the pdf file can be searched. If so, project manager will indicate on scanner information sheet that file can be uploaded from CD.
- d. Scanner will enter the electronic documents into FileNet using the Add a Document function and the indexing process described in item 3. Upon completion, an e-mail should be sent to the project staff and supervisor. The CD should be retained with the file copy. (See "Adding documents to ECM from CDs")
- e. Scanner will notify project staff of any needed QA/QC checks to ensure that QA/QC guidelines are met. QA/QC responsibilities will rotate among project managers.

8. Outgoing Mail Procedures

- a. Staff responsible for creating the outgoing mail is responsible to upload the outgoing mail, if it is in an ECM file series.
- b. If project managers or inspectors send correspondence via electronic mail, all recipients must be copied and the project manager/inspector must enter the signed document in pdf format into ECM using the Add a Document screen.

9. E-mail Procedures

The sender and primary recipient of an e-mail are responsible for entering their outgoing and incoming e-mail into ECM. To avoid duplication (or more) of emails in ECM, as a general rule, the recipient of the email should place it in ECM. In cases where there are multiple recipients, the first name on the distribution list is responsible for placing the email in ECM. For emails sent to external recipients, the sender is responsible for placing the email in ECM. If you are only copied on an email or on a document, do not enter it into ECM.

The e-mail should be saved as a .msg file (on your computer) and then put into ECM using the "Add a Document" screen. Saving as a .msg file will include any attachments with the message itself. If necessary, attachments can also be added as a separate file to facilitate search and retrieval. E-mails should be entered into ECM at the end of each business day or as soon as possible thereafter.

10. OHW TROUBLESHOOTING

If there are questions during scanning or document entry using the Add a document function, please check the ECM Help pages within ECM, or the users' forum and FAQ pages on DEQNET. If the question has not been previously answered, please send a message to the DEQ Help Desk for assistance.

ATTACHMENT 1 - HAZARDOUS WASTE PERMITTING ACTIVE FILE DEFINITIONS

1. 006141 - Hazardous waste permits (operating, post-closure and Corrective Action permits)/closures- Scan all active permits and closure plans; scan related information in the files dated 01/01/03 to present; follow file retention schedule for the remainder.
2. 006146 - Emergency permits- Scan permits issued over the past year; follow file retention schedule for the rest.
3. 006144 - Groundwater annual reports – Scan most recent report; follow file retention schedule for previous years' reports.
4. 006143 - Groundwater records – Scan all related documents dated 01/01/03 to present; follow file retention schedule for the remainder.
5. 006142 - Corrective action – Scan all related documents dated 01/01/03 to present; follow file retention schedule for the remainder.

ATTACHMENT 2 - PLACEHOLDER SHEET

This page is a placeholder for a document which cannot be scanned.

The document is located in the paper file cabinet.

____Map

____Blueprint

____Diagram

____Picture(s)

____Colored spreadsheet

ECM Frequently Asked Questions

Q: How do I log into ECM?

A: Login to ECM with your DEQ email address and COV network password.

Q: What does ECM stand for and what does it do?

A: ECM stands for Enterprise Content Management. A business or an agency such as DEQ is an enterprise that processes significant volumes of content (files, permits, reports, etc.) that will benefit from efficient handling or management. ECM is the capture, management, storage, preservation, and delivery of material related to our agency processes. ECM allows for the electronic use of agency information regardless of the original format.

Q: What if I receive files on a CD or via email?

A: ECM accepts electronic files, so scanning of those will not be required. All electronic file formats are compatible with ECM, whether they are in .pdf, spreadsheet, picture, images, documents, etc., format.

Q: How are processes standardized?

A: Each process is developed into a workflow that all offices follow. It is necessary for us to streamline and standardize our business processes. One role of the Enterprise Content Management Steering Committee, Expert Panels, and ECM Coordinator is to work with staff to reach consensus.

Q: Why is ECM implemented agency-wide?

The Governor's office has made ECM a mandate for all state agencies.

Q: What are the benefits to state government?

A: Large annual efficiency savings are a major benefit. The primary components of the estimated savings include more efficient staff time, value of floor space now occupied by paper, supplies, and fewer copy machines and printers.

Q: Are we physically disposing our paper files after scanning and quality assurance checks?

A: Yes, the agency is realizing efficiencies and cost savings of this process. Paper files are to be recycled or placed in retention.

Q: Can you please provide definitions to some of the ECM terms?

A: Business Process – A business process is a workflow. It is how a permit, for example is processed from the time we receive the application through public notice and issuance.

Taxonomy – Taxonomy is the practice and science of classification. It provides a method to categorize the products and services of an organization. For example, when you are online at the BestBuy site and the available products are in logical groups like televisions, appliances,

music, movies, etc. Click on televisions and the web site directs you to limited choices such as flat screen, plasma, etc. That is taxonomy as used in ECM. DEQs products fall into categories such as permits, inspections, and compliance activities that are further classified into permit types, inspection reports, and consent orders.

Content Acquisition – Content acquisition describes how information finds its way into IBM-FileNet. The first way of acquiring information into IBM-FileNet will be the transfer of existing Keyfile images. Other ways will include scanning documents directly into IBM-FileNet and directly copying electronic files (Word documents, Excel spreadsheets, pictures, .PDFs, emails, etc.”

Records Management – Records Management is DEQ’s document retention policy.

Quality Assurance – Quality assurance is the step in the process, following content acquisition, which verifies user acceptance and usability. We have all heard the phrase “garbage in, garbage out”. It is simply making sure that the electronic documents are readable and categorized correctly, e.g. to ensure that the electronic document will serve the same purpose as its predecessor paper document.

Metadata – Metadata is information about information; it is the collection of data fields in the document index and describes items like document date, document type, media, facility name, permit number, etc. Metadata is very useful in ECM applications for sorting and searching.

Schema – Schema describes the structure or organization of a database and includes metadata. A schema in general is a specific, well-documented, and consistent plan.

Procedures for the Coordination of the

Freedom of Information Act with Enterprise Content Management

- DEQ's policy may be found at http://degnet/docs/admin/admin_policy/Public%20and%20Regulatory%20Affairs%20Policy/FOIA%20Va%20Freedom%20of%20Info%20Act%20Compliance%202009.pdf
- The Enterprise Content Management system (ECM) makes fulfilling FOIA requests easier and faster and is less costly both to the Agency and to the requester.
- All program documents may not be in the ECM system for various reasons (physical size, type of media, etc., perhaps a map). Therefore, always verify with the program manager that there are no records either in a different storage media or located in other offices (i.e., regional offices or central offices). If there are other sources, they need to be researched before completing the FOIA response.
- When using ECM to search for records, leave the **Agency Office field blank** to capture all of DEQ and, if appropriate, change the **Media field** to a specific one or leave blank. The media field would be left blank if all media are involved in the request.
- Each region, division or office may have need for a "considerations" page for searching respective files. For example, if your office maintains records that contain social security numbers and/or other sensitive information, further coordination with the FOIA coordinator will be needed to prepare a final response. Some records indicate the specific location of threatened or endangered species, the release of which could compromise the species. Unless staff is aware that this information is already in the public domain, it would be withheld under FOIA; i.e., not released in response to FOIA requests when the information could jeopardize the continued existence or integrity of the resource.
- All exempted records must be delineated in a letter explaining what has been withheld and citing what code(s) allow the withholding.

File and Retention Notes on FOIA

- A good practice for maintaining files that contain FOIA-exempt information is to create a second file for records that contain this information, noting it “FOIA Exempt.” This file would contain the exempt information, but have a cover form indicating the legal authority for its withholding. The first file would contain the records with appropriate redactions, as well as the same explanatory form.
- Central Office FOIA Coordinators should keep a simple spreadsheet record of FOIA requests with some detail about the response. This will serve as a reference if there are additional requests for the same records. Attached is the blank form and a sample of the form for your use.



C:\Documents and Settings\dlmonroe\DeSettings\dlmonroe\M

- The spreadsheet should be sent to the FOIA Officer on a quarterly basis. Doing so satisfies the requirement that the officer maintain records of all FOIA requests; i.e., that they were received and processed in accordance with the law and DEQ FOIA policy.
- A file containing the request and the agency’s response must be kept for three years. Although a copy of the records provided need not be included, the response must be worded adequately for a recreation of the records, if necessary, in the future. The retention period for the responsive records will govern how long they available for this potential of recreation.
- At the end of the three-year retention period, the FIOA files which include the request, response, and corresponding spreadsheet for that period may be destroyed after completing an RM-18 Form in accordance with records destruction procedures.

Adding documents to ECM from CDs

1. If the report includes a CD submittal, determine if report is available as a single PDF document (as opposed to multiple files) and if it has less than 50 MB file size
2. Open PDF document and try to select/copy a text passage (as opposed to an image of the text); if possible, document can be uploaded to ECM using the “Add a Document” process.
3. To use the Add a Document process, open ECM, then select Add a Document from the tool bar on the left and log in again.
4. Scroll to the bottom of the page and click the “browse” button, then navigate to My Computer, then the CD and double-click the file to add. Modify the document title to include the facility name. This will allow for easier searches.
5. Enter all the required information on the Add a Document screen until there are no more items **in red font** at the top. This should allow you to select the “Add a document & finish” button at the bottom.
6. Mark the CD with “Added to ECM” and prep any pages for scanning that were not included in the PDF document on the CD (e.g. transmittal slips, cover letters or certification pages). Mark the hard copy of the document with “CD file added to ECM”.

Document Type Definitions – 440-006 – Hazardous Waste Program

NOTE: Shaded fields are documents typically sent to DEQ by companies, facilities or other agencies, e.g. on external letterhead or with an external e-mail address. Un-shaded fields are documents typically sent by DEQ, e.g. on DEQ letterhead or with a DEQ e-mail address. The content of the letter or memo determines the document type. Do not rely on subject lines in letters or memos to determine the document type – subject lines may not reflect the actual content of the letter or memo.

File Series 006141 – Hazardous Waste Facility Permits and Closures	
Application	Permit application package including attachments sent by facility
Approval/Determination	Letters signed by OD about permit modifications, closure plan, closure plan modification, etc. Any approved modification should be paperclipped to the original document.
Call-In	Letters from DEQ requesting permit application from facility
Closure Certification	Certification (letter) by facility that hazardous waste unit has been closed in accordance with closure plan
Closure Inspection	Report (letter) by facility that closed unit has been inspected
Closure Plan	Closure plan submitted by facility detailing how a hazardous waste unit will be closed
Closure Verification	Letter from DEQ verifying closure of hazardous waste management unit
Correspondence - General/Other	Internal DEQ correspondence (e-mails, memos, etc.) from one DEQ person to another
Correspondence – Incoming	Umbrella category for incoming mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Correspondence - Outgoing	Umbrella category for outgoing mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Cost Estimate/Calculation	Information provided by facility about estimated costs for closure or

	post-closure care
Deed Notation	Documentation provided by facility placing use and/or activity restrictions on the facility property
DEQ Guidance	DEQ guidance documents – typically not correspondence
Draft Permit	Draft permit published by DEQ for public comment
Draft Permit Modification	Draft permit modification (Class 2 or 3) published by DEQ for public comment
Extension Request	Letter from facility requesting extension for a deliverable or action
Fact Sheet	Permit fact sheet prepared during the permitting process and part of the public record – typically not correspondence
Final Facility Closure Approval Letter	Letter signed by OD that triggers retention schedule for HW facility (all activities completed) – DO NOT USE unless entire facility is closed
Final Post-Closure Care Termination Letter	Letter signed by OD that triggers retention schedule for HW facility (all activities completed) – DO NOT USE unless entire facility is closed
Financial Assurance Mechanism	Documentation provided by facility on the financial instrument used for financial assurance
Financial Assurance Review	Letter from DEQ OFA stating the financial assurance review has been completed
Meeting Material	Handouts, minutes, public hearing transcripts etc.
Modification Request	Letter from facility requesting modification of permit, closure plan or post-closure plan
NOD - Notice of Deficiency	Letter from DEQ requesting additional or revised information during the permit application or closure process – comment and review letters may be in this category
Notification	Letter from facility notifying DEQ of non-groundwater occurrences at the facility, for example temporary storage areas, non-routine events, ...
Other Plan	Plans submitted in support of closure plan or permit as standalone

	documents, for example QAPP, SAP, ...
Permit	Original permit issued by DEQ (stand-alone, separate from correspondence transmitting the draft permit to recipients)
PN Authorization Form	Letter sent by facility authorizing reimbursement for cost of announcing public notices on radio and in newspapers
Proof of Payment	Submitted by facility to demonstrate that permit application fee has been submitted
Public Notice	Published in newspaper to announce draft permit for public review
Renewal	Renewed permit issued by DEQ (stand-alone, separate from correspondence transmitting the draft permit to recipients)
Report	Closure report or any other non-gw report related to a permit, closure plan or post-closure plan
Revoke/Re-Issue	Revoked/reissued permit by DEQ, (stand-alone, separate from correspondence transmitting the draft permit to recipients)
Supporting Documentation	Information submitted by facility following a DEQ request for additional information
Survey Plat	Submitted by facility to indicate location of closed hazardous waste units, related to but separate from deed notice
Temporary Authorization	Letter by DEQ OD authorizing temporary activities
Termination	Permit termination letter from DEQ
Tracking Spreadsheet	Internal tracking information

NOTE: Shaded fields are documents typically sent to DEQ by companies, facilities or other agencies, e.g. on external letterhead or with an external e-mail address. Un-shaded fields are documents typically sent by DEQ, e.g. on DEQ letterhead or with a DEQ e-mail address. The content of the letter or memo determines the document type. Do not rely on subject lines in letters or memos to determine the document type – subject lines may not reflect the actual content of the letter or memo.

File Series 006142 – Hazardous Waste Facility Corrective Action (CA)	
Approval/Determination	Letters approving CA report, work plan or other CA plan (SAP, QAPP, CRP, ...). If the approval is for a permit modification, use 6141 as the file series.
Correspondence - General/Other	Internal DEQ correspondence (e-mails, memos, etc.) from one DEQ person to another; may also include correspondence between facilities and EPA where DEQ is copied
Correspondence – Incoming	Umbrella category for incoming mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Correspondence - Outgoing	Umbrella category for outgoing mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Cost Estimate/Calculation	Information provided by facility about estimated costs for corrective action activities (usually at final remedy)
DEQ Guidance	DEQ guidance documents on CA
EI Documents	Documents prepared by DEQ to demonstrate environmental indicator (EI) status
Extension Request	Letter from facility requesting extension for a CA deliverable or

	action
Facility Lead Forms	Copies of agreements signed between EPA and the facility that govern CA activities in the absence of a permit or order
Fact Sheet	CA fact sheets prepared periodically by DEQ to provide progress update or fact sheets developed by facility for specific CA activities
Final Decision and Response to Comments Document	Document prepared by DEQ or EPA to document remedy selection decision or CA complete decision
Financial Assurance Mechanism	Documentation provided by facility on the financial instrument used for financial assurance, usually at time of remedy selection
Financial Assurance Review	Letter from DEQ OFA stating the financial assurance review has been completed, usually at time of remedy selection
Institutional Controls	Information provided by facility on use or activity restrictions that are part of the final remedy
Land Revitalization Indicators Form	Land revitalization forms providing update on facility status
Meeting Material	Handouts, minutes, public hearing transcripts etc.
Other Plan	Plans submitted by facility in support of work plan as standalone documents, for example QAPP, SAP, ...
RCRA Site Visit Report	Report developed by EPA or contractor following an initial site assessment and site visit
Remedy Complete Certification	Letter from DEQ certifying the completion of the selected corrective action remedy at the facility
Report	Report submitted by facility; e.g. Phase I RFI report, Phase II RFI report, RFI report, Interim Measures report, CMS report, CMI report, risk assessment report, progress reports, ...
Revised Report	Report submitted by facility incorporating revisions requested by DEQ
Revised Workplan	Workplan submitted by facility incorporating revisions requested by DEQ

SIR – Supplemental Information Request	Letter sent by DEQ requesting additional information or investigation
SOB – Statement of Basis	Document prepared by DEQ or EPA outlining the decision for a remedy selection
Supporting Documentation	Information submitted by facility following a DEQ request for additional information
Tracking Spreadsheet	Internal tracking information
Workplan	Workplan submitted by facility outlining proposed activities, e.g. Phase I RFI workplan, Phase II RFI workplan, RFI workplan, Interim Measures workplan, CMS workplan, CMI workplan, risk assessment workplan, etc.

NOTE: Shaded fields are documents typically sent to DEQ by companies, facilities or other agencies, e.g. on external letterhead or with an external e-mail address. Un-shaded fields are documents typically sent by DEQ, e.g. on DEQ letterhead or with a DEQ e-mail address. The content of the letter or memo determines the document type. Do not rely on subject lines in letters or memos to determine the document type – subject lines may not reflect the actual content of the letter or memo.

File Series 006143 – Hazardous Waste Facility Groundwater Records	
ASD	Alternate Source Demonstration submitted by facility (letter and/or report) showing that a source other than the regulated hazardous waste mgmt. unit caused an impact to groundwater
Correspondence - General/Other	Internal DEQ correspondence (e-mails, memos, etc.) from one DEQ person to another
Correspondence – Incoming	Umbrella category for incoming mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Correspondence - Outgoing	Umbrella category for outgoing mail that does not fit in any specific category, use this as default unless a more specific

	category clearly fits the document
DEQ Guidance	DEQ guidance documents on CA
Engineering Feasibility Plan	Document submitted by facility for potential groundwater remedies, usually required upon transition from detection to compliance monitoring
Groundwater Interim Report	Groundwater monitoring report submitted by facility on a quarterly or semi-annual basis, any GW report that is not an annual report (file series 6144)
Groundwater Monitoring Data	Lab data submitted separately from groundwater monitoring report
Groundwater Monitoring Plan	Plan submitted as part of closure or post-closure process but as a stand-alone document
NOD - Notice of Deficiency	Letter from DEQ requesting additional or revised information regarding a groundwater monitoring report – comment and review letters may be in this category
Notification	Letter from facility notifying DEQ of groundwater-related occurrences at the facility, for example newly detected constituent, new exceedance of GPS, sampling problems, etc.
Remediation/CA Plan	Plan for groundwater remediation or corrective action submitted solely for a regulated unit, i.e. not part of site-wide corrective action (file series 6142)
Supporting Documentation	Information submitted by facility following a DEQ request for additional information

NOTE: Un-shaded fields are documents typically sent by DEQ, e.g. on DEQ letterhead or with a DEQ e-mail address. Shaded fields are documents typically sent in by companies, facilities or other agencies, e.g. on external letterhead or with an external e-mail address. Subject lines in letters or memos may not reflect the actual content of the letter or memo. The content of the letter or memo determines the document type.

File Series 006144 – Hazardous Waste Facility Groundwater Annual Reports	
Correspondence - General/Other	Internal DEQ correspondence (e-mails, memos, etc.) from one DEQ person to another
Correspondence – Incoming	Umbrella category for incoming mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Correspondence - Outgoing	Umbrella category for outgoing mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Groundwater Monitoring Data	Lab data submitted separately from groundwater monitoring report
Groundwater Monitoring Report	Annual groundwater monitoring report submitted by facility on an annual basis for regulated units only (not part of site-wide CA, file series 6142)
Supporting Documentation	Information submitted by facility following a DEQ request for additional information

NOTE: Shaded fields are documents typically sent to DEQ by companies, facilities or other agencies, e.g. on external letterhead or with an external e-mail address. Un-shaded fields are documents typically sent by DEQ, e.g. on DEQ letterhead or with a DEQ e-mail address. The content of the letter or memo determines the document type. Do not rely on subject lines in letters or memos to determine the document type – subject lines may not reflect the actual content of the letter or memo.

File Series 006146 – Hazardous Waste Emergency Permits	
Application	Permit application submitted by facility
Correspondence - General/Other	Internal DEQ correspondence (e-mails, memos, etc.) from one DEQ person to another
Correspondence – Incoming	Umbrella category for incoming mail that does not fit in any specific

	category, use this as default unless a more specific category clearly fits the document
Correspondence - Outgoing	Umbrella category for outgoing mail that does not fit in any specific category, use this as default unless a more specific category clearly fits the document
Permit	Permit issued by DEQ
Proof of Payment	Submitted by facility
Public Notice	Published in newspaper to announce draft permit for public review
Report	Report submitted by facility



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE DIVISION
OFFICE OF HAZARDOUS WASTE

Memorandum

TO: Elizabeth R. Lamp
Chair, ECM Steering Committee

THROUGH: James J. Golden
Director, Waste Division

FROM: Leslie A. Romanchik
Director, Office of Hazardous Waste

COPIES: Waste Program Managers

DATE: March 13, 2009

SUBJECT Request for Approval to Proceed with FileNet Implementation for Hazardous
Waste Permitting Files

The Office of Hazardous Waste (OHW) has determined that hazardous waste permitting files are ready to be entered into FileNet as the official repository for documents of record. This determination is based on the following program preparation elements in the FileNet Implementation Plan dated March 12, 2009:

- 1) Scope – The scope covered by this request extends to Office of Hazardous Waste permitting files, to include transporter and emergency permits, groundwater files, corrective action files, and other permitting and closure files. These files are located in Central Office.
- 2) User Group – A OHW FileNet user group has been established for HW Permitting and has been involved during the last year in providing input during FileNet development. Going forward, the user group will consist of the following members: OHW Director, Groundwater Team Leader, Emergency/Transporter Permit Writer, Operating Permit Writer, Database Administrator, Admin staff and Scanner.
- 3) Active Files – Active Files for OHW have been defined as described in Attachment 1. Documents that have been scanned will be placed in accordion folders and stored by facility in chronological order.
- 4) Document Types – Document types were established and confirmed during the FileNet development process. Current definitions are included as Attachment 2.

- 5) Retention Schedule – Retention schedules and file series were established and confirmed during the FileNet development process. Current definitions are included as Attachment 2.
- 6) Administration – At least one representative from the user group will participate in the Content Acquisition Expert Panel for cross media knowledge sharing.

Additionally, resources are currently available for scanning OHW permit files in Central Office where all OHW permit files are located. Production roles for assigning security levels have been assigned and were reviewed through February 27, 2009. Current designations are included as Attachment 3. Program-specific implementation guidelines, including a user dictionary for indexing, are under development and are currently under review by the user group and other staff. The facility information required for the FileNet CEDS database is currently being refreshed, and a bi-weekly refresh cycle will be initiated. The information will be located at T:\OHW ECM. Revised draft QA/QC rules, scanner guidelines and troubleshooting information will be distributed. OHW is prepared to test and provide feedback on the revised draft QA/QC rules. One or more feedback sessions for all OHW staff involved in scanning and document additions will be scheduled with OIS upon approval of this request.

The Office of Hazardous Waste (OHW) hereby requests approval of the ECM Steering Committee to proceed with FileNet implementation for hazardous waste permitting files. Upon approval of this request, hazardous waste permitting files will be added to FileNet in accordance with the completed implementation procedures. Implementation will involve both active files and daily mail. If you have any questions about this request, please contact me at ext. 4129.

Request Approved	Date
Chair, ECM Steering Committee	

Request Disapproved	Date
Chair, ECM Steering Committee	

List of Attachments:

Attachment 1 – Active File Definitions

Attachment 2 – Retention Schedule, File Series and Document Types

Attachment 3 – Security Roles

Attachment 1 - HAZARDOUS WASTE PERMITTING ACTIVE FILE DEFINITIONS

1. 006140 - Hazardous waste transporter annual reports- Scan the most recent report; follow file retention schedule for the rest.
2. 006141 - Hazardous waste permits (operating, post-closure and Corrective Action permits)/closures- Scan all active permits and closure plans; scan related information in the files dated 01/01/03 to present; follow file retention schedule for the remainder.
3. 006145 - Hazardous waste transporter permits – Scan all active permits; scan related information in files dated 01/01/03 to present; keep the rest in file or archive them.
4. 006146 - Emergency permits- Scan permits issued over the past year; follow file retention schedule for the rest.
5. 006144 - Groundwater annual reports – Scan most recent report; follow file retention schedule for previous years' reports.
6. 006143 - Groundwater records – Scan all related documents dated 01/01/03 to present; follow file retention schedule for the remainder.
7. 006142 - Corrective action – Scan all related documents dated 01/01/03 to present; follow file retention schedule for the remainder.

Attachment 2 - HAZARDOUS WASTE PERMITTING RETENTION SCHEDULE, FILE SERIES AND DOCUMENT TYPES

<p align="center">006141 Hazardous Waste Facility Permits and Closures</p>	<p align="center">006142 Hazardous Waste Facility Corrective Action</p>	<p align="center">006143 Hazardous Waste Facility Groundwater Records</p>
<p align="center">Application</p> <p align="center">Approval/Determination</p> <p align="center">Call-In</p> <p align="center">Closure Certification</p> <p align="center">Closure Inspection</p> <p align="center">Closure Verification</p> <p align="center">Correspondence - General/Other</p> <p align="center">Cost Estimate/Calculation</p> <p align="center">Deed Notation</p> <p align="center">DEQ Guidance</p> <p align="center">Extension Request</p> <p align="center">Fact Sheet</p> <p align="center">Final Facility Closure Approval Letter</p> <p align="center">Final Post-Closure Care Termination Letter</p> <p align="center">Financial Assurance Mechanism</p> <p align="center">Financial Assurance Review</p>	<p align="center">Approval/Determination</p> <p align="center">Correspondence - General/Other</p> <p align="center">Cost Estimate/Calculation</p> <p align="center">DEQ Guidance</p> <p align="center">EI Documents</p> <p align="center">Extension Request</p> <p align="center">Facility Lead Forms</p> <p align="center">Fact Sheet</p> <p align="center">Financial Assurance Mechanism</p> <p align="center">Financial Assurance Review</p>	<p align="center">ASD</p> <p align="center">Correspondence - DEQ and/or Source</p> <p align="center">DEQ Guidance</p> <p align="center">Engineering Feasibility Plan</p> <p align="center">Groundwater Interim Report</p> <p align="center">Groundwater Monitoring Data</p>
	<p align="center">006140 Hazardous Waste Annual Report (Transporter)</p>	<p align="center">006144 Hazardous Waste Facility Groundwater Annual Reports</p>
	<p align="center">Correspondence - General/Other</p>	<p align="center">Correspondence - General/Other</p> <p align="center">Groundwater Monitoring Data</p> <p align="center">Groundwater Monitoring Report</p>
	<p align="center">006146 Hazardous Waste Emergency Permits</p>	<p align="center">006145 Hazardous Waste Transporter Permits</p>
	<p align="center">Application</p> <p align="center">Correspondence - General/Other</p> <p align="center">Permit</p>	<p align="center">Application</p> <p align="center">Certificate</p> <p align="center">Correspondence - General/Other</p> <p align="center">Permit</p>

Attachment 3 – HAZARDOUS WASTE PERMITTING SECURITY ROLES

Media	Office	Username	Name	Working Title	Phase Two / Three	Indexer	Indexer Records Manager	DEQ Staff	HW Permits	HW Compliance	HW Permit Records Manager	HW Compliance Records Manager
Waste - Hazardous	CO	AJALONSO	Angela J Alonso	Environmental Engineer	X	X		X	X			
Waste - Hazardous	CO	CRTOMPKINS	Chris R Tompkins	Permit Writer (Hazardous Waste)	X	X		X	X			
Waste - Hazardous	CO	CSHOUCHENS	Cynthia S Houchens	Administrative Office Manager	X	X		X	X	X		
Waste - Hazardous	CO	EJWEISSBART	Erich J Weissbart	Environmental Engineer Senior	X	X		X	X			
Waste - Hazardous	CO	FZHOU	Fuxing Zhou	Environmental Engineer	X	X		X	X			
Waste - Hazardous	CO	HVAKILI	Hassan Vakili	Environmental Engineer Consultant Senior II	X	X		X	X	X		
Waste - Hazardous	CO	JMKING-COLLINS	Julia M King-Collins	Environmental Engineer	X	X		X	X	X		

Waste - Hazardous	CO	JSCHNEIDER	Jutta Schneider	Ground Water Permit Manager	X	X		X	X	X	X	X
Waste - Hazardous	CO	LAROMANCHIK	Leslie A Romanchik	Director of Office of Waste Permitting	X	X		X	X	X	X	X
Waste - Hazardous	CO	MMSTAPIEN	Matthew M Stepien	Environmental Engineer	X	X		X	X			
Waste - Hazardous	CO	RJCRIQUI	Richard J Criqui	Environmental Engineer Consultant Senior II	X	X		X	X			
Waste - Hazardous	CO	RJKELLY	Ryan J. Kelly	Environmental Engineer Consultant Senior II	X	X		X	X			
Waste - Hazardous	CO	RLMCAVOY	Russell L McAvoy	Environmental Engineer Senior	X	X		X	X			
Waste - Hazardous	CO	WPKEENE	Willard P Keene	Hazardous Waste Compliance Coordinator	X	X		X		X		
Waste - Solid & Haz	CO	KWHUGHES	Kimberlyn W Hughes	Waste Data Specialist	X	X			X	X		
Waste - Solid & Haz	CO	SKTHIRUNAGARI	Sanjay K Thirunagari	Director of OWTS	X	X			X	X		

DESTRUCTION PROCESS of HW paper documents scanned into ECM

STEP 1 - Collection

1. HW Destruction Report #1 includes all facilities with acceptable QA rates through 5/31/10 (see attached)
2. From HW Destruction Report #1, select one Facility in general alphabetical order (to eliminates shifting binders from shelf to shelf.)
3. Check for any random un-scanned files with DEQ person responsible for facility and Office Administrative Manager on 4th floor responsible for filing documents

SELECT ONE:

- A. If newly found, un-scanned documents with document date prior to 5/31/10 are discovered, proceed to STEP 2
- B. If no un-scanned documents with document date prior to 5-31-10 are discovered, proceed to STEP 3

STEP 2 – Newly found documents

1. Have newly found documents with document date prior to 5-31-10 scanned (NOTE: All documents dated 5-31-10 or after will be deferred to later destruction period.)
2. Have newly scanned found documents QA'd (only if necessary, based on QA% in HW Destruction Report #1)
3. Proceed to STEP 3

STEP 3 – Notification

1. Collect materials for selected facility from bookshelves and file cabinets and determine # of documents, compare to # of scanned documents
2. Person performing disposal of materials to fill out a paper "Certificate of Paper Document Destruction" form (see attached)
3. Records Manager to verify materials being destroyed and enter on-line the completed Certificate of Paper Document Destruction
4. Once "approval" has been received from agency records manager, proceed to STEP 4

STEP 4 – Separation and Labeling

1. Separate Permits/Orders to be retained and stored on designated Permit Shelf
2. Begin disassembling materials keeping cover sheet from original binder, CD's & maps
3. Place CD's, oversized maps, drawing, blueprints, etc. in binders labeled by Facility in chronological order for retention
NOTE: Reuse available CD sleeves/document protectors as much as possible
4. Include original binder cover sheet (or create cover sheet) to help identify CD's & maps being kept
5. After binder has been filled, prepare binders with external label indicating beginning volume number, facility name, facility number and identifying contents by date range
EXAMPLE:
Facility Name - #VAD000000000 – Volume 1- From 2003 to 2004
6. New binders are to be placed on 4th floor metal bookshelves next to Men's Room beginning left to right in alphabetical order

STEP 5 – Disposal of materials

1. Scanned papers are to be placed in recycle receptacles
2. Checks to be shredded
3. Separator sheets can be placed in plastic re-cycle receptacles on 4th floor
4. Empty binders are to be placed in the 4th floor cubicle across the elevator

STEP 6 – Proceed to next facility – STEP 1

RESPONSIBILITIES – TBD

Records Manager for backfiles (Leslie or Cynthia)

Records Manager for incoming mail (rotating Leslie or Jutta)

NOTE: Newly created binders are permanent records and should stay separate from permits.



Appendix 6

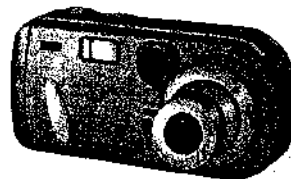
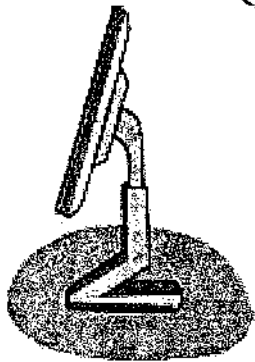
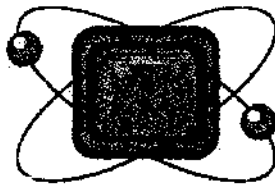
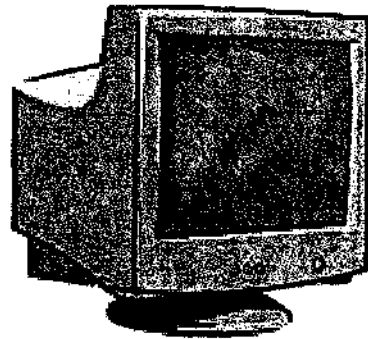
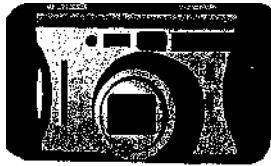
Applicable DEQ and EPA Policies, Memo and Guidance

Revised September 2017



U.S. EPA - Office of Compliance (Mail
Code: 2223A) National Compliance
Monitoring Policy Branch 1200
Pennsylvania Avenue, N.W. Washington,
DC 20460 EPA-305-F-06-002

Digital Camera Guidance for EPA Civil Inspections and Investigations



July 2006

USE OF DIGITAL CAMERAS FOR CIVIL INSPECTIONS AND INVESTIGATIONS

STATEMENT OF GUIDANCE

EPA has determined it is acceptable to use digital cameras/photographs for documenting civil inspections and investigations provided certain requirements are met. This document is for guidance purposes only. Photographs recorded, maintained, or reproduced in a manner other than as described in the recommended steps may nevertheless be used as evidence in developing or going forward with an agency action. However, the person responsible for such photographs should consult with EPA counsel on the appropriate use, handling, and documentation of such photographs. This document is intended for the guidance of EPA staff. It does not set forth requirements that are binding on EPA staff or on third parties or courts. The fact that a particular requirement set forth in this document is not satisfied shall not be relevant to the admissibility or legal force of a particular digital photograph.

INTRODUCTION

EPA inspectors often include photographs taken during the inspection in the inspection report to support their observations. Generally, EPA inspection manuals for specific programs address the use of photographs. In recent years, inspectors have begun to use digital cameras. The use of digital images presents somewhat different issues related to the use of these electronic images as evidence. To be effective, the image should be of sufficient clarity and detail to support the observations, and should represent what the inspector saw with the appropriate level of detail. Credibility of the digital image (as well as any photographic image whether digital or film) and acceptability in court (i.e. evidence) depends on the ability of the photographer (or the witness who was present when the photograph was taken) to authenticate the photograph by answering the simple question: Is this a fair and accurate representation of what you saw? To address potential concerns, this document sets forth EPA's guidance on the use of digital photographs and identifies requirements necessary to ensure the integrity of the pictures.

The document addresses image capturing, storage, and handling. In addition, this document provides an overview of digital camera technology, peripheral equipment, and recommended steps found in Appendix A. Credibility of digital images in court usually depend on reliability, reproducibility, and security. It is acceptable to make changes to digital images such as cropping, enlarging, or making it lighter/darker to improve the sharpness provided the inspector does all the following:

- Records how, when, and where the picture was taken;
- Logs the steps used in processing the image when they include techniques other than those used in a traditional photographic darkroom;

Complies with a written SOP that includes the recommended steps set forth in this document; and

Ensures the preservation of the original digital image.

RECOMMENDED PROCEDURES

Inspectors should take precautions to ensure the integrity of the digital image and resulting photographs because these are easy to manipulate. Appendix B of this document provides technical information and considerations related to digital camera use. Inspectors should ensure they meet the following minimum requirements when using digital photographs to document EPA civil inspections and investigations:

- A. The integrity of the digital image should be preserved:
 - 1. When inspectors use digital photographs as evidence, the person testifying should be able to verify the authenticity of the printed image. This includes knowledge on how the image was acquired, its relevance to the case, and how it corroborates testimony as to issues which may be disputed in the case.
 - 2. The quality of the photograph should be good enough to show details, objects, and relevant information.

- B. Inspectors using a digital camera for inspections should be able to capture, store, print, and handle digital images properly:
 - 1. Inspectors should have equipment which will allow the secure use and storage of the digital images such as storage media, printer, and computer. (The Basic Technical Information Section, Appendix B, provides further details on equipment).
 - 2. The inspector should follow the recommended steps for handling the digital image. Each Regional office with inspection authority using digital cameras should develop recommended steps governing their use. Appendix A of this document contains a model of the recommended steps.
 - 3. The inspector should not delete any digital images while conducting an inspection regardless of whether they are of poor quality.
 - 4. A record of any copies of the digital images given to a facility should be kept in EPA's inspection file. The record should identify and describe the digital images and can be noted in the field notes, on a Photo-Log, or as a separate list.
 - 5. Protect CBI. Digital photos which may contain Confidential Business Information (CBI) should not be sent via e-mail. When taking, storing, using, or transferring

digital photos which contain CBI data inspectors should follow standard CBI procedures regarding use of computers and electronic storage media at all times.

C. Inspectors should maintain an Archival Copy of all images taken:

1. Inspector/photographer should create an archival copy¹ of all original images taken during the inspection as soon as practical after image capture. Inspectors should NOT delete any photographs taken. This archival copy should be labeled and maintained in the inspection file in a secure location. Any enhancements needed on the image should be made only to a working copy.² (NEVER EDIT THE ORIGINAL IMAGES OR ARCHIVAL COPY). Ideally unalterable storage media such as a read-only Compact Disk (CD-R) should be used to create the archival copy. If this option is not available, other storage media (including alterable) may be used for the archival copy, provided the images can be verified and Chain-of-Custody procedures are followed to prevent tampering. When using an alterable storage media, cyclic redundancy check³ software can be used to verify the images.
2. When mailing the archival copy via postal mail, inspectors should place the storage media in a protective jacket, pouch, or equivalent with a custody seal and follow the procedures used for mailing samples to ensure its integrity.
3. If digital images are CBI, CD's containing there images should be stored following appropriate CBI procedures.

D. The inspector should keep a Photo-Log in the inspection file of all the photographs taken including the printed images referenced in the inspection report:

1. The Photo-log is a record of the archival copy, which includes all the photographs taken during the inspections.
2. The record should include: identity of the photographer, date, time, location, [including information identifying the location such as EPA Identification numbers, latitude, and longitude], and a brief description of the pictures, (including anything

¹An archival copy is an unchanged, unedited copy of the original images that will be used as the permanent record. It is the functional equivalent to the "negatives" in film photography.

²The working copy is the "back-up" copy of the original images which may be used to make minor enhancements or edits such as cropping and improving contrast.

³Cyclic Redundancy Check (CRC) is a technique to obtain data reliability. It is used to protect blocks of data called Frames. The CRC performs a mathematical calculation on a block of data and returns a number that represents the content and organization of that data, a checksum. By comparing the checksum of one block of data to another, it

can be determined whether they match.

worthy of special note). This record may be a list of the photos noted as part of the field notes, may be a separate photo list, or a separate Photo-Log.

3. For working copies, If images are transferred from one storage media to another or changes are made to an image, EPA should keep a record in the inspection file of the identity of the person making the transfer/change and the date of transfer or change. The record should include the type of change. Minor edits can be made to the working copy such as cropping, reduction, enlargement, or contrast improvement. Each change should be saved as a separate image file and documented so that all enhancements can be reconstructed, if necessary.
4. The inspection report should contain printed copies of the digital photos referenced in the report. The printed images should be initialed by the inspector and dated when the photo was taken (unless the photo is already imprinted with the date taken).

REFERENCES/ADDITIONAL INFORMATION

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2. Azcarate, Penney, "Digital Imaging Technology and the Prosecutor", Prosecutor, January/February 2000, (34 FEB Prosecutor 26). Available at http://www.paamtrafficsafetv.com/hot_topics/digital.odf.
3. "Guidelines for Field Applications of Imaging Technologies", Scientific Working Group on Imaging Technologies (SWGIT), Version 2.0, June 8, 1999 Forensic Science Communications, Vol. 2, No. 1, January 2000, Available at www.fbi.gov/hq/lab/fsc/backissu/jan2000/swigit.htm.
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6. Keane, James I., "585 Prestidigitalization: Magic, Evidence and Ethics In Forensic Digital Photography", Ohio Northern Law Review, 1999, Twenty-second Annual Law Review Symposium Courtroom 2000: Technology and the Legal System Symposium Article (25 Ohio N U I. Rev.585).
7. Carbine, James E. and McLain, Lynn, "Proposed Model Rules Governing the Admissibility of Computer-Generated Evidence", January 1999, Santa Clara Computer and High Technology Law Journal (15 Santa Clara Computer & High Tech L.J. 1).
8. Lynch, Peter A. "Digital Cameras and the Fire Investigator: A Trap for the Unwary", Cozen & O'Connor, San Diego Regional Office. Available at www.interfire.org/features/camera.aso.
9. Staggs, Steven, "The Admissibility of Digital Photographs In Court". Available at www.crime-scene-investigator.net/admissibilityofdigital.html.
0. Herbert, Rusty and Gigger, Richard, (EPA Region 6), "Background Information for Digital and Photographic Imaging" and "Draft Region 6 Standard Operating Procedure Digital Camera Imaging" June 2001.

11. Blitzer, Herbert L. and Jacobia, Jack, Forensic Digital Imaging and Photography, Academic Press, 2002.

12. TSCA Confidential Business Information Security Manual, Office of Pollution Prevention and Toxics, April 1995.

Websites:

1. www.digital-camerastore.com/digitalinfor2.htm - good basic info and lists of cameras/prices.

2. www.ciiffshade.com/dofwiw/advice.htm — "Advice for first-time digital camera users", — good overview of digital camera use with links to more information.

3. www.cookino-italian-food.com/photograohy.htm — "Digital Camera Guide - Photography Definitions and Terminology", - discussion of resolution, optical/digital zoom, ISO, storage media, and other basic terminology.

4. "An Introduction to Image Compression", - www.debugmode.com/imagecmp/.

5. "Resolution, File Size & Image Quality" - www.haroldsphoto.com/digital.asp.

6. "Frequently Asked Questions on Digital Photography" - www.photodrive.ru/fao6_e.htm.

7. Maresware Forensic and Analysis Software - a list of commercial forensic software, including cyclic redundancy [check. www.dmares.com/maresware/DOCS/press_release.htm](http://www.dmares.com/maresware/DOCS/press_release.htm).

8. "Error Detection and Correction", - description of Cyclic Redundancy Check - www.linktionarv.com/e/error.html.

9. "Understanding Cyclic Redundancy Check" - <http://4d.com/acidoc/CMU/CMU79909.htm>, a description of how the CRC error detection system algorithm works.

10. photoalley.com - on-line digital camera "store".

APPENDIX A**Recommended Steps for the Use of Digital Cameras****A. Creating Digital Pictures**

1. Camera Use

The Inspector should be familiar with the camera's features before using it during inspections. He/she should read appropriate manuals and practice using the camera before an inspection. In addition, the inspector should know the following:

- How to store an image;
- The capacity of the storage media being used;
- How to transfer images from one storage media to another;
- How and what is needed to print good quality images;
- How to use the different settings (resolution choice, digital zoom, close-up, flash, etc.); and
- The camera's limitations (weather, zooming, lighting).

2. Preparing to Take Pictures

Before taking pictures, the inspector should:

Ensure that the camera and supporting equipment are appropriate to the task.

The camera should possess appropriate resolution and capacity for the type of photo required, including close-up or distance photos, if needed;

Ensure that the camera is in working order;

Check the settings — make sure the date/time settings are properly set;

Make sure there is adequate storage media for the projected number of photos needed; and

Make sure that fresh and back-up batteries are available.

B. Photo Image Storage/Handling and Security.

1. Storing/Handling Images.

The inspector should use the following procedures when storing/handling digital images:

Number each Storage Media (storage card, smart media, or other card) sequentially and label it with the name of the facility and date taken. Indicate what pictures from the inspection are contained on each.

Store each incident/inspection's images on one storage media card, if possible, clearly identifying pictures captured for each inspection.

- Images from one incident/inspection should not be split between two electronic storage cards unless the storage media does not have enough memory to store all the images from one inspection/incident.
- Before each inspection create an "end-card" image label and photograph it.
- If images from more than one incident/inspection need to be captured on a single storage card, insert a "blank" image after the "end card" image.
- Ensure that there is adequate space on your hard drive, and as soon as possible after each incident/inspection, download the images from the camera's storage media to the hard drive of the computer, verifying that the images have been successfully transferred. (DO NOT CHANGE THE IMAGES IN ANY WAY).
- Using the downloaded images, copy them to a CD-R or other permanent storage media to create the archival copy. (Do not edit or change the image).
- Label the archival copy with the time, date, name of facility/site, and "Archival Copy".
- File the archival copy with inspection report in a secure location. If the archival copy is on alterable storage media, file it with a Chain of Custody form.
- Once an archival copy is securely filed, the original storage media may be erased and re-used.
- Create a second copy ("Working Images") from the downloaded images to use for enhancements such as cropping or contrast. Label this "Working Images". If any images are changed, save each change as a separate file so that it can be replicated, if necessary.

Note any image changes and record the file numbers on the Photo-Log or photo record and include it with the Inspection Report.

Once the archival copy and a working copy have been made, the images may be removed from the hard drive to free up memory, if needed.

2. Image Security.

The original images and/or archival copy should be stored either with the inspection file, in a locked file cabinet, or in an other secure location. If any of the information is CBI, all CBI procedures should be followed, including use of secure computers, storage media, data

handling, and transmission. See your local Document Control Officer if you have any questions regarding proper CBI procedures.

If the archival copy is kept on alterable storage media (such as USB), each archival copy should have a Chain of Custody form to document access to the images.

The Chain of Custody form should include:

1. The identity of the photographer;
2. The date and location where the photos were taken;
3. The file identification numbers of the photos in the set; and
4. A log to record the identity, signature, date, and time of any person having access to the photos/images.

- If the archival copy is stored on alterable media:
 1. Each person viewing or using the archival copy should sign the Chain of Custody Log; and
 2. To send via postal mail to another location, place it in a jacket, pouch, or equivalent holder with a custody seal and the Chain of Custody form (follow the same procedures used when mailing samples).

The Region should have a file management procedure in place mandated by EPA Records Schedule 211 and EPA Records Management Regulations which can be found at: <http://www.epa.gov/recordstoolicy/schedule/sched/211.htm>.

Inspector should be careful when handling images and avoid extreme temperatures, electricity, x-rays (airports), power surges, or other similar events, which might cause electrostatic interference and thus impact the image quality.

APPENDIX B**Basic Technical Information Section Related to Digital Camera Use**

Digital and film photography share many similarities. Both create an image through the use of a light-sensitive medium. In the case of digital cameras, light falls on a grid of detectors known as a charge coupled device, CCD, and produces a pattern of electrical charges that are measured, converted to numbers, and stored. Each value in the grid corresponds to a picture element, (also known as a pixel) in the digital image.⁴ The electrical output of the CCD is sent to a converter that changes the image to a digital output which is then stored in the camera as a computer data file with each file representing a different photograph.⁵ The following information includes a discussion of some important factors relevant to digital camera use.

Resolution

Digital camera resolution is the amount of sharpness or detail in the image and is dependent on the number of pixels in the image. This is generally determined by the number of pixels across the width and height of the CCD. Pixel count is established by multiplying these numbers. Therefore, it is important to know the maximum CCD resolution (total number of pixels in a camera's sensor) in order to know the film equivalent capability of the digital camera. This is generally stated as "x" Mega Pixels. For example, 1280 x 960 pixels would give the film resolution of a 5" x 7" print and 1600 x 1200 pixels would give the film resolution of a 8" x 10" print.

For higher quality, multi-purpose use, CCD resolution in the 3.1+ mega pixel range is needed. Higher mega pixel levels allows creation of a greater number of images with a high level of detail that will not be lost if the image should be enlarged. This is important where larger photos may be necessary and/or where greater detail is important. It is also important if more than a few high resolution pictures are going to be needed during an inspection.

The quality of a printed photo is only partially dependent on the camera resolution. Printer resolution capability is also an important factor when printing photos.

Photo Storage and Printing

Storage and printing are other important considerations for the use of digital cameras. The computer is most often the mechanism used to store and print digital photos. To transfer images from the digital camera's memory to the computer, the camera is connected to the computer using a Universal Serial Bus (USB) port. Most computers have a USB port that simply

⁴Erik C. Berg, "Legal Ramifications of Digital Imaging in Law Enforcement", *Forensic Science Communications*, October 2000.

⁵Penney Azcarate, "Digital Imaging Technology and the Prosecutor", *Prosecutor*, January/February 2000.

connects to the camera with a plug-in cable and images can be downloaded to the hard drive. If a USB port is not available, a card reader can be connected to the printer port to transfer images to the computer and the images then can be stored on the computer's hard drive. However, if the hard drive were to fail the images could be lost so back-up storage is necessary. Some cameras are also equipped to transfer the images directly from the camera to the computer. The disadvantage of this system is that if the transfer is interrupted some images could be lost.

Images can be printed at the same time they are downloaded, or printed as needed. For truly photographic quality prints, a commercial developer is recommended, particularly if large pictures are required. (Commercial developers have access to a different process that can provide better color and resolution than that afforded by in-house processing). For in-house viewing or most general purposes, a good quality color ink-jet printer using archival inks is recommended, particularly if the photos will be stored for a long period of time. For high quality images, premium glossy photo paper will give a great degree of color accuracy, even under magnification. For general purposes plain paper, photo quality ink-jet paper, premium photo paper, etc. can be selected depending on the necessary quality outcome.

Storage Media/Memory

A digital camera uses and/or contains random access memory (RAM) to store the images. When RAM is used up, it should be restored in order to take more pictures. There are currently several types of storage media used to record digital photos. The most common ones are Smart Media, Compact Flash, and Stick Memory. Also available is another card-sized storage media, an IBM "Microdrive", which fits the Compact Flash Type II card slot and can store up to 1 gigabyte of data when used with a compatible camera. Regardless of the storage media used by the camera, pictures can be downloaded and stored either on the computer's hard drive or on a compact disk (CD) if the computer is equipped with a CD "burner".

The number of photos which can be taken per session is a function of the resolution selected and the amount of memory required. This is somewhat dependent on the file format used. Most digital cameras use a file format which "compresses" the image so that more pictures can be stored on the storage media. There are two file types used to store the digital images on the storage media. A "lossless" file is one where no data is lost. Two file format types frequently used by digital cameras to capture "lossless" images are TIFF (Tagged Image File Format) and RAW (that has not been altered, processed or manipulated in any way). Lossless files or lossless compressed files tend to be quite large. Because these images require so much memory, to store more than one or two digital images in this format requires a very high capacity (and expensive) storage media, so this is primarily used only by professional photographers using high-end equipment.

Another file type in which some data may be lost is known as a "lossy" file. Images stored this way take up less much less room but may lose some data or image quality. However, the resultant "loss" may not be significant to over-all picture quality. One type of "lossy" file format that is currently used by most digital cameras is a standard file format known as JPEG (Joint Photographic Experts Group). This file format is designed to address the known limitations of the human eye and was named for the committee that devised and wrote the standard. At the

highest JPEG resolution, even though there may be some small loss of image quality, it would not be obvious to the human eye. (This is less true for pictures of things like signs or other very hard-edged objects). When the camera saves files in the JPEG format, the amount of compression (image quality) must be decided upon. Most cameras give you the option in the setup menu to choose the JPEG image quality: fine (1:4 compression ratio), normal (1:8 compression ratio), and basic (1:16 compression ratio). The decision is always a compromise between image quality and the number of files that can be fit on a memory card. Unless many images need to be crammed onto the card, or the final quality is not that crucial, it is recommended to always use the camera setting that delivers the highest quality (lowest compression level). In most cases, a high-quality compression setting (fine) produces excellent image quality and generates compact file sizes that will allow many images to be fit onto a storage card. Generally, a 3.1 Mega Pixel (MP) camera using a 16 Mega Byte (MB) storage medium at high resolution could store approximately only two TIFF files, but could store at least 12 JPEG photos with no noticeable image loss.

Most digital cameras come with built-in picture file identifier (which assigns a unique number to each picture), date, and time stamps. This is an important feature which can be helpful for record-keeping purposes.

Power Supply

Because they are electronic, digital cameras require significantly more power than other types. As a result, batteries can drain quickly. This can be true even when batteries are left in the camera and are not in use. Repeated viewing of images through the camera's liquid crystal display (LCD) screen can also rapidly deplete batteries. This is particularly significant for digital cameras because battery depletion can cause the camera settings to be lost, in addition to being problematic if the power suddenly disappears when needed during use.

Most digital cameras use nickel metal hydride (NiMH rechargeable batteries) others use nickel cadmium (NiCd, rechargeable), lithium (non-rechargeable), and of course, alkaline (non-rechargeable). Of these, the NiMH batteries are the most economical because of their basic cost, rechargeability, length of charge, and long service life. (They are also environmentally preferable to the nickel cadmium batteries which are gradually being phased out). The lithium batteries are useful as cold-weather back-ups. Having extra battery sets is essential when using digital cameras for anything more than a few quick shots.

Optical Zoom

Another factor affecting picture quality, particularly for close-ups or distance, is optical zoom. Optical zoom is "true zoom" or telephoto, which makes the image appear closer without losing detail (a 2x optical zoom is roughly equivalent to a 35-70 mm zoom on a film camera). Digital zoom is really just built in image enlargement with some resulting loss of photo detail. Cameras with a higher degree of optical zoom allow for a greater degree of flexibility in use without loss of image quality.

Computer Requirements

If a computer is equipped with a CD "burner", the images can be stored on a read-only CD (CD-R). This has several advantages. Images stored to a CD-R are created by permanently altering the disc with a laser light beam. CD writers cannot delete laser marks, so the images can be stored without alteration and any alteration would be detectable. This is only true for CDR, not CD-RW (read-write). The "original" images could be stored this way to form an

unalterable archive and it is feasible to store large numbers of images in a small amount of space (a typical CD can store hundreds of images). Once the images are archived to a CD-R, copies of the unaltered "originals" can be made from the CD-R and any necessary enhancements, such as improving contrast or "cropping" can be done on the copies and properly noted in a Photo-Log for future reference. Each change should be saved as a separate image file and documented so that all enhancements can be reconstructed, if necessary.

An alternative to using the CD-R is to store the images on a USB Flash Drive or computer hard drive and use commercially available software to perform a "Cyclic Redundancy Check" (CRC) on the stored images. The software performs a calculation that generates a unique number which can be checked later against the stored data to ensure that they match, indicating that the data also matches.

A computer has two types of memory, hard disk storage and Random Access Memory (RAM). The computer's hard disk drive is the memory used to store the digital images before transferring them to another storage medium, such as a CD-R. A high-capacity hard drive is needed if many digital images will be downloaded at one time. A hard disk drive should not be filled to more than 70% of its maximum capacity in order to not cause performance deterioration. A computer with at least a 10 gigabyte hard drive is recommended at a minimum, but the amount of hard drive memory needed will depend on what other programs are resident which use memory, and how many pictures will be downloaded from the camera's storage media before being transferred to CD-R or other permanent storage.

Computer speed is another consideration. Speed is normally measured in millions of cycles per second or MHz. Speed affects how fast the digital images can be downloaded or edited. A speed of at least 233 MHz is recommended, although computers are now available at speeds of 2000 MHz (2Ghz)

Virginia Department of Environmental Quality
Hazardous Waste Program
Aerosol Can Management

April 21, 2015

Purpose

The purpose of this document is to provide compliance assistance to Virginia facilities that generate discarded aerosol cans and information on how those discarded aerosol cans may be managed to meet the requirements of the [Virginia Hazardous Waste Management Regulations](#). The information in this document does not apply to persons generating household hazardous waste as defined in 40 CFR 261.4(b)(1).

A flow diagram, which summarizes the decision points and applicable requirements, has been provided at the end of this document.

This information is provided for compliance assistance purposes only by the Virginia Department of Environmental Quality (DEQ). This is not a regulation and, therefore, does not add, eliminate, or change any existing regulatory requirements. The statements in this document are intended for informational purposes only.

Discussion

Discarded aerosol cans may contain unused product and excess propellant. As a result, discarded aerosol cans may be regulated as a hazardous waste due to the following:

- > The chemical product that was contained within the can;
- > The compressed gas used as the propellant; and/or
- > The can itself (e.g., potential to be reactive).

An intact, discarded aerosol can is considered a hazardous waste if:

- > The can contains a U-listed chemical and/or;
 - > The can contains a P-listed chemical or the residue of a P-listed chemical, and/or;
- > The product, propellant or the can itself exhibits one or more of the characteristics of hazardous waste as defined in Subpart C of 40 CFR 261.

Aerosol cans are considered “RCRA Empty” (40 CFR 261.7) when:

- > The product has been expelled from the can and only residue remains and/or any liquids remaining in the can have been otherwise removed (Note: this does not apply to cans that previously held P-listed chemicals); and

> The pressure in the can approaches atmospheric pressure.

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How to meet the RCRA Empty standard:

In order to meet the requirements above, the conditions below must be met with the second condition being met in all cases.

- > A can is empty when the product has been completely sprayed out as a result of normal use and minimal or no product remains in the can. (Note: Do not deliberately spray out contents to empty the can. Use the product only for the intended purpose.)

AND/OR

- > An aerosol can puncturing device has been used to remove any remaining liquids from the can and/or to depressurize the can. It is recommended that the device:
 - Be designed for the purpose of puncturing aerosol cans and be capable of capturing both liquids and gases that may be released;
 - Be operated according to the manufacturer's specifications; and
 - Be secured on a container that meets all of the container management requirements of 40 CFR 262.34(a), (c) or (d), as applicable.

Accumulating Discarded Aerosol Cans

Unless the discarded aerosol cans have been evaluated and sufficient documentation is available to demonstrate that they are non-hazardous or RCRA empty, it is assumed that discarded aerosol cans are a hazardous waste.

For LQGs and SQGs hazardous waste aerosols must be accumulated in a closed container marked or labeled with:

- > The words "Hazardous Waste"; and
- > The accumulation start date.

LQGs and SQGs must also inspect containers at least weekly and keep them closed except when adding or removing waste.

Refer to 40 CFR 262.34 for complete requirements that apply to large and small quantity generators.

Satellite Accumulation

Hazardous Waste aerosol cans may also be accumulated in compliance with the satellite accumulation rules. Under these rules, up to 55-gallons (non- P-listed wastes) may be accumulated at to near the point of generation or 1 quart of P-listed hazardous wastes). The satellite accumulation provisions may be found at 40 CFR 262.34(c)(1).

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For further facility-specific assistance with proper management of aerosol cans under the VHWMR including satellite accumulation provisions, please contact the appropriate [DEQ Regional Office](#).

Management of aerosol cans after meeting “RCRA empty” Requirements

Once the aerosol can is RCRA empty it may be recycled or disposed of as solid waste. This does not apply to an aerosol can that held P-listed chemicals; these aerosol cans must be disposed as hazardous waste.

Management of Aerosol Can Contents after Puncturing

After puncturing, the liquid contents drain to a container. Generators should ensure that chemicals drained into the same collection container are compatible with one another. In addition, generators must make a hazardous waste determination for any liquids or gases removed from the cans and manage these wastes accordingly, either as hazardous waste or solid waste.

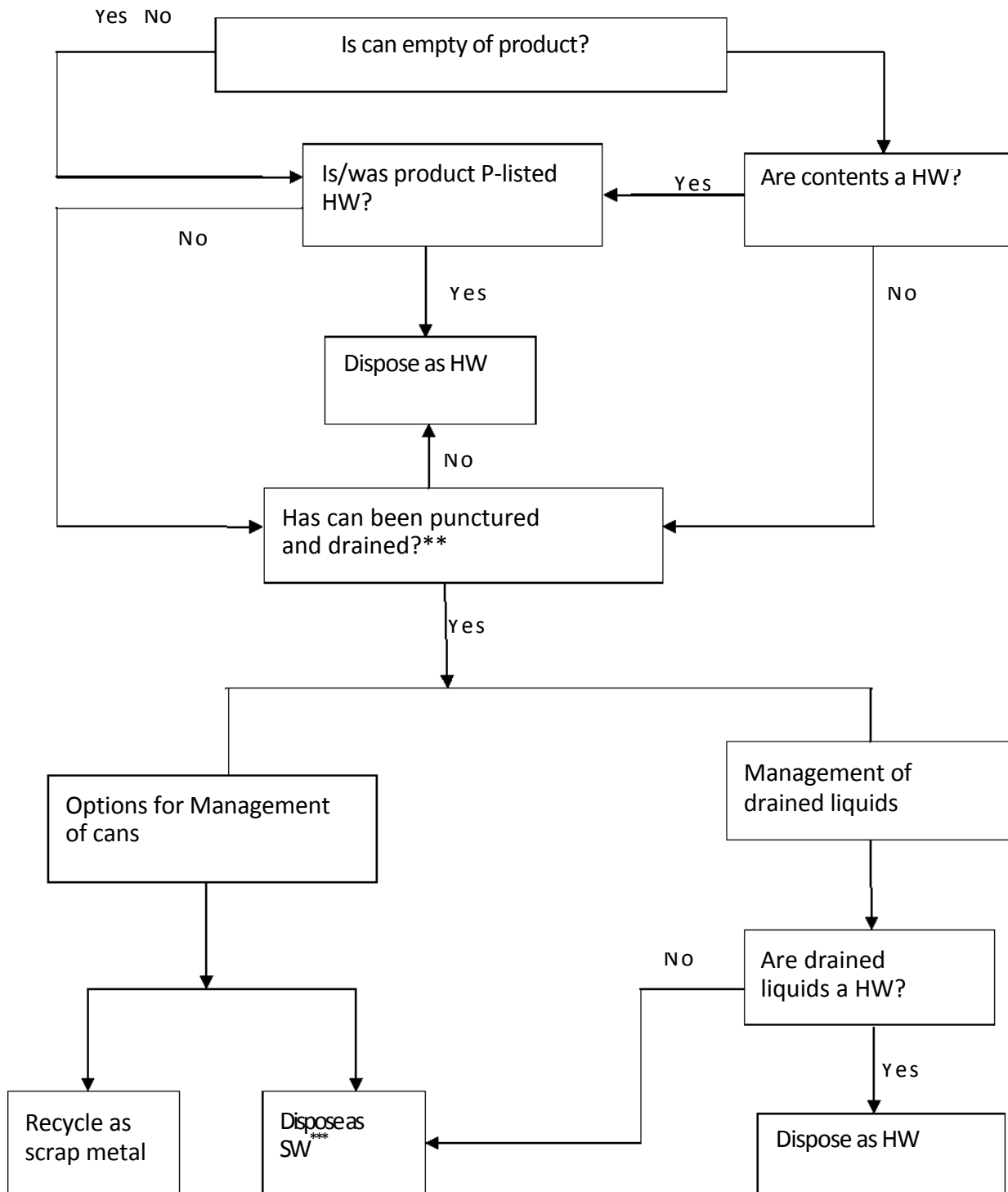
Filters

Most aerosol cans are pressurized with either flammable gases such as propane or isobutene, or with non-flammable gases such as carbon dioxide. Most commercially available equipment for aerosol can puncturing vent these gases through a coalescing/activated carbon filter. When disposed, these filters may be a characteristic or listed hazardous waste. As a result, generators must make a hazardous waste determination for the filters and dispose of them accordingly.

For More Information

Please contact the appropriate [DEQ regional staff](#) if you have any questions regarding applicability of these requirements to your facility.

**Virginia Department of Environmental Quality
Hazardous Waste Program**



Aerosol Can Management

April 21, 2015

** Device used for puncturing must be designed for puncturing aerosol cans that captures both liquids and gases that may be released and must be operated in accordance with manufacturer's specifications.

*** Note: Solid waste landfills cannot accept free liquids. Please check with the landfill on acceptance criteria.

COMMONWEALTH OF VIRGINIA

Department of Environmental Quality

Subject: Land Protection & Revitalization Guidance Memo No. LPR-SW-2013-03 WASTE INFORMATION REQUEST AND TRADE SECRET PROTECTION

To: Regional Land Protection Program Managers and Waste Program Staff

From: Justin Williams, 
Director, Office of Waste Permitting & Compliance

Date: August 15, 2013

Copies: Deputy Director, Land Protection & Revitalization Division Director, Regional Directors, Deputy Regional Directors, Enforcement, FOIA Coordinators

Summary:

This guidance addresses information request authority for the Department under the Virginia Waste Management Act. This guidance also provides overview of trade secret protection of information submitted to the Department under the Virginia Waste Management Act. It outlines procedures for requesting and staff handling of trade secret protected information.

Electronic Copy:

An electronic copy of this guidance is available on Virginia's Town Hall website at

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/LawsRegulationsGuidance/Guidance.aspx>.

Contact Information:

Please contact Justin Williams at (804) 698-4185 or Justin.Williams@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures, for the agency. However, it does not mandate any particular method nor does it prohibit any

alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.



**WASTE INFORMATION REQUEST-. TRADE
SECRET PROTECTION**

I. Introduction

Effective July 1, 2013, the Virginia Waste Management Act provides explicit authority for the Department to request information from people who generate, store, transport, treat, or dispose of waste. This provision also provides for trade secret protection of information submitted by the Department in response to a Freedom of Information Act Request. It does allow further disclosure to the U.S. Environmental Protection Agency (EPA) and where otherwise required by law.

This Guidance addresses information requests issued by the Department as well as trade secret protection request and subsequent handling of trade secret protected information.

II Background

Effective July 1, 2013, the Virginia Waste Management Act provides explicit authority for the Department to request information from people who generate, store, transport, treat, or dispose of waste. This provision also provides for trade secret protection of information submitted by the Department in response to a request.

Department staff will have to properly address requests for trade secret protection and properly manage information protected as a trade secret. Department staff will have to evaluate a claim for trade secret protection. Granting trade secret protection to information will require limiting accessing of this information and excluding this information in response to a FOIA request.

III. Authority

Virginia Code § 10.1-1458 provides that every person that DEQ has reason to believe is generating, storing, transporting, disposing of, or treating waste shall, on request of DEQ, furnish such plans, specifications, and information as the Department may require in the discharge of its duties under the Virginia Waste Management Act.

Virginia Code § 10.1-1458 provides that trade secret information included within any plans, specifications, or information submitted pursuant to that section shall be excluded from the production under the Virginia Freedom of Information Act, provided that you: (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. See Va. Code § 2.2-3705.6(26). DEQ may disclose such trade secret information to the appropriate officials of the Environmental Protection Agency pursuant to the requirements of the federal Solid Waste Disposal Act, 42 U.S.C. § 3251, *et seq.*, or as otherwise required by law.

IV. Definitions

The definitions in § 10.1-1400 of the Code of Virginia (Virginia Waste Management Act), § 59.1-336 (Uniform Trade Secrets Act), and § 2.2-3701 (Virginia Freedom of Information Act), respectively, apply to this guidance document except as otherwise noted:

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Person" includes an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

"Trade secret" means information, including but not limited to, a formula, pattern, compilation, program, device, method, technique, or process, that:

1. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and
2. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

V. Guidance Document

The following outlines the basis for a request for trade secret protection submitted to the Department. It also outlines the decision process for a request for trade secret protection as well as staff management of trade secret protected information. This statute also provided clear statutory authority for the Department to request information. A template Information Request Letter is provided in Attachment A.

A. Request for Trade Secret Protection

There are three requirements that must be met in order for information to be protected as a trade secret. First, the requesting party must invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought. Second, the requesting party must identify the data or materials for which protection is sought. Third, the requesting party must state the reasons why protection is necessary.

In order to invoke the protection, the requesting party must do so at the time the information is provided. Therefore, the party should include the request along with the information being submitted to the Department. This can be accomplished by providing a completed Trade Protection Request Form (Attachment B) in the information submittal. If a form is not provided, the requesting party should at minimum provide written notification clearly and explicating stating that trade secret protection is being sought.

The requesting party must also be clear on what portions of the information are to be protected. This should not be a generic statement that "all or some information contained should be protected." Rather, the requesting party should clearly indicate what pages, portions, sections, etc. are being

sought to be protected. For example, a requesting party may submit a 20 page information request response and indicate that the information on pages 5-10 are being sought to be protected. Additionally, in a permit application, the requesting party may state the portions of a particular section which includes information sought to be protected.

By providing a redacted response excluding the information sought to be protected along with a full response, this can provide the clearest demonstration of the information sought to be protected.

As this is a FOIA exemption, it should be narrowly construed and therefore a requesting party should not request protection for any more information than is necessary or seek to have any and all information submitted to the Department to be protected unless it is clearly needed.

The requesting party should be clear as why this information qualifies as a trade secret. This basis should speak directly to how the information meets the definition of a trade secret. A statement that the information is "confidential," "priority," or "not well-known" is not sufficient.

Each of the elements is provided for in the attached Trade Secret Protection Request Form (Attachment A). The requesting party should utilize this form in making a request. The requesting party should also submit two responses: 1. A redacted response which excludes the information sought to be protected and 2. A full response which includes all information.

B. Scope of Trade Secret Protection

Given that the trade secret protection is a FOIA exemption, it will be narrowly construed by the Department. Only that information which is essential to be protected and clearly meets the definition of a trade secret as demonstrated by the requestor will be granted protection.

Examples of information that would not be granted protection include, but are not limited to, emissions, compliance, or reporting data such as information required to be provided under the Superfund Amendment and Reauthorization Act, groundwater monitoring data submitted in a groundwater monitoring report, the results of a contamination investigation due to a release, a hazardous waste manifest, and similar information, and information that had been previously disclosed in a patent application and is viewable by the public.

Examples of information that may be granted protection include, but are not limited to, the formula used to derive a product that is examined during an inspection or provided during a permit process, waste management contract information detailing customers and negotiated contract prices, or information regarding a recovery or product process that are unique, specific to the entity, and not known or reproducible by others.

As indicated in the statutory provision, the Department may disclose information protected as a trade secret to EPA pursuant to the federal Solid Waste Disposal Act, 42 U.S.C. § 3251, *et seq.*¹

¹ The Federal Solid Waste Disposal Act (SWDA) was originally codified at 42 U.S.C. § 3251. The Resource Conservation and Recovery Act amended the SWDA and is codified at 42 U.S.C. § 6901. Therefore, disclosure to EPA would include any disclosure required under RCRA.

The Department implements a delegated program for the Resource Conservation and Recovery Act (RCRA) Subtitle C and has an approved RCRA Subtitle D program. Pursuant to this, the Department may be required to provide information to EPA. An example of this requirement is for review of RCRA Subtitle C hazardous waste permits or pursuant to a file review under the State Review Framework. EPA has its own regulations under RCRA governing confidential business information. When trade secret information is provided to EPA, the Department will notify EPA that it contains such information and coordinate its transmission.

Additionally, as noted in the statute, the protection is only extended to information submitted pursuant to the statute. The Department will not retroactively apply trade secret protection to information previously submitted. Only new information submitted to the Department as requested or required will be eligible for the protection.

C. Decision Process and Staff Management Of Trade Secret Request and Information

Department staff who receives a trade secret protection request should forward the request to the Office of Waste Permitting and Compliance (OWPC) along with the information that is being sought to be protected. Department staff should request that the party provide the request using the Trade Secret Protection Request Form (Attachment B) and to provide a redacted copy of the submission, if the party did not already do so.

OWPC will then evaluate the protection claim and make a decision regarding whether the information should be protected. OWPC will notify the requestor and the region of the decision regarding whether the trade secret protection request applies, the basis for the decision, and the next steps, if any, a party may take regarding the decision.

At all times during this process, access to the information should be limited. Regional office staff may maintain a copy of the information but should do so only to the extent necessary and should limit the staff that has access to the information.

If the request was submitted electronically, then once regional office staff have finished reviewing the necessary information, the information should be deleted. OWPC will maintain a copy of the information and request long-term as described below. If the request was submitted in hard-copy, then the regional office may copy the submission but should forward the original to OWPC. The copy should be deleted or destroyed once the regional office no longer needs to review the information.

Regional office staff should not scan into ECM any information that is subject to a trade secret protection request. Scanning should only occur after a decision on the request has occurred and only redacted copies of submission should be scanned into ECM with the cover sheet provided (Attachment C) in the region. Hard copies of the protected information will be tagged as appropriate and scanned into ECM with the cover sheet provided.

VI. Collaboration Process

No project team was formed to develop this guidance.

VII. Attachments

- A. Template Information Request Letter
- B. Trade Secret Protection Request Form
- C. Cover Sheet for Redacted Documents for ECM
- D. Cover Sheet for Non-redacted Documents for ECM

ATTACHMENT A

INFORMATION REQUEST LETTER
[LETTERHEAD]

[Date]

DELIVERY CONFIRMATION #

[Facility Contact]
[Facility Name]
[Street Address]
[City, State, Zip Code]

REQUEST FOR INFORMATION

RE:

[Facility name]

[DEQ Identification Number]

Dear [Facility Contact]:

This letter seeks your cooperation in providing certain information to the Department of Environmental Quality ("Department") to assist DEQ in its implementation and enforcement of the Waste Management Act and regulations. Please give this matter immediate attention and provide a complete response to this request for information and documents within [insert # of days] days of receipt of this letter.

BACKGROUND

[Provide summary information concerning previous compliance and enforcement actions including the date of relevant inspections, date and content of any Warning Letters or Notices of Violations, and effective date and relevant requirements of any Orders. The summary should provide the factual information based upon which DEQ believes that a violation of the relevant law, regulation, permit or order may have occurred or upon which DEQ has initiated an

[Facility Name]

Request for Information
Page 2

investigation to determine the Facility's compliance with the law, regulation or order. Do not describe the facts in terms of violations or conclusions of law.]

AUTHORITY FOR REQUEST

While DEQ prefers your cooperation in providing the information requested below, compliance with this information request is required by law. Failure to respond in a timely manner or to supply complete and truthful responses to this request may result in an enforcement action to obtain the requested information, and may result in the imposition of penalties for noncompliance.

Code § 10.1-1402 authorizes the Virginia Waste Management Board ("Board") to collect data necessary to conduct the state waste programs, including data on resource recovery and the identification of and amounts of waste generated, transported, stored, treated or disposed. The Board is also authorized to require any person who generates, collects, transports, stores or provides treatment or disposal of a hazardous waste to maintain records, manifests, and reporting systems required pursuant to federal statutes or regulation.

Code § 10.1-1458 provides that every person that DEQ has reason to believe is generating, storing, transporting, disposing of, or treating waste shall, on request of DEQ, furnish such plans, specifications, and information as the Department may require in the discharge of its duties under the Virginia Waste Management Act.

Code § 10.1-1409 provides that any permit issued by the Director may be revoked, amended or suspended if the applicant has knowingly or willfully misrepresented or failed to disclose a material fact in applying for a permit or in his disclosure statement, or in any other report or certification required under the law or under the regulations of the Board.

Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Act, any Waste Management Board regulation, any condition of a permit or certification, or order. The same statute provides for a judicially imposed civil penalty up to \$25,000 per day of such violation. Code § 10.1-1455 also authorizes the Board to issue orders to address such violations and impose penalties up to \$25,000 per violation. In addition, Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Act and regulations and to impose a civil penalty of not more than \$10,000.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

[Facility Name]

Request for Information
Page 3

[Also include this for Hazardous Waste cases:1

Code § 10.1-1455 provides that any person who knowingly makes any false statements or representation in any application, disclosure statement, label, manifest record, report, permit, or other document filed, maintained, or used for purposes of hazardous waste program compliance shall be guilty of a felony punishable by a term or imprisonment of not less than one year nor more than five years and a fine of not more than \$25,000 for each violation, either or both.

Section 3007 of the Solid Waste Disposal Act (42 USC § 6927) provides that, for the purposes of enforcing the provisions of that chapter, any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handles hazardous waste shall, upon request of any duly designated officer, employee, or representative of a State having an authorized hazardous waste program, furnish information relating to such wastes and permit such person at all reasonable times to have access to, and to copy all records relating to such wastes. Virginia has an authorized state hazardous waste program.

[For Permitted Facilities:]

[Check to see if the permit contains a requirement to provide information. If so, reference this also.]

CONFIDENTIALITY OF INFORMATION

Code § 10.1-1458 provides that trade secret information included within any plans, specifications, or information submitted pursuant to that section shall be excluded from the production under the Virginia Freedom of information Act, provided that you: (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. See Va. Code § 2.2-3705.6(26). DEQ may disclose such trade secret information to the appropriate officials of the Environmental Protection Agency pursuant to the requirements of the federal Solid Waste Disposal Act, 42 U.S.C. § 3251, *et seq.*, or as otherwise required by law.

If you request all or portion of the information submitted as a trade secret, please see DEQ's Guidance on Trade Secret Protection Requests under the Virginia Waste Management Act. The guidance can be found at:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/LawsRegulationsGuidance/>

[Facility Name]

Request for Information
Page 4

[Guidance.aspx](#). The Guidance contains a form that should be submitted along with your information to claim this protection.

REQUEST FOR INFORMATION AND DOCUMENTS

Terms used in this request shall have the meaning set forth in the Virginia Waste Management Act § 10.1-1400 and accompanying regulations at 9 VAC 20-60-10 and 9 VAC 2080-10.

[Identify here the information or documents you are seeking. Questions should be clear and specific and phrased to minimize the likelihood of a nonresponsive submission.]

Your point of contact for this matter is [DEQ staff member] at (XXX) XXX-XXXX. Please submit your response to [her/him] within [thirty] days of the date of this letter. Questions concerning the information requested herein, or other information that DEQ should consider should also be directed to this contact.

Sincerely,

[Name]

[Title]

cc:



ATTACHMENT B

Trade Secret Protection Request
Virginia Waste Management Act

I. REQUESTOR INFORMATION

A. Requestor Information			
Name:			
Address:			
City:			ip
B. Contact Information			
Contact Person:		Title:	
Contact Phone:		E-mail:	
Facility Information (if applicable)		SWP#/EPA HW ID#	
Facility Name:			
Address:			
City:	State:	Zip:	

II. BASIS FOR REQUEST

A. Information Sought to be Protected

B. Reason Information Qualifies as a **Trade Secret**

C. Additional Information/Certification

This information derives independent economic value by virtue of being protected as a trade secret

FINO EYES

This information is not a part of the public domain or otherwise easily ascertained by the public

N O n Y E S

Has this information has been deemed a trade secret by another agency, court, or governmental/judicial entity:

N/A

ENO:

EYES: _____

This **information** is covered in a registered trademark or patent:

N/A rNO _____ rYES:

III. REQUESTOR SIGNATURE

I certify under penalty of law that this document **and all** attachments were prepared under my direction or supervision in accordance with a system designed to assure ~~that~~ qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief **true**, accurate, and **complete**.

Name: _____

Title: _____

Signature:

Date:

PLEASE INCLUDE WITH INFORMATION SUBMITTED

INCLUDE A REDACTED COPY OF SUBMISSION WITHOUT TRADE SECRET INFORMATION

ATTACHMENT B

Instructions for Completing DEQ Form Trade Secret Protection

I. REQUESTOR INFORMATION

A. Requestor Information

Name: Enter the name of the requestor. This name should be the name as registered with the State Corporation Commission if the requestor is a corporation or other entity and not an individual or agency. This person should be the individual who owns or controls the information requested to be protected.

Address, City, State, and Zip: Provide the address of the requestor.

Contact Phone Number, and Email: Provide contact information for the requestor.

B. Contact Information

Contact Name, Title, Phone Number, and Email: Provide contact information for the person responsible for submitting this request. DEQ will consider the person listed as the main contact for correspondence relating to the request.

C. Facility Information (if applicable):

SWPVEPA HW ID#: If the information is being submitted related to a facility with a Solid Waste Permit or EPA Hazardous Waste ID number, include that number here.

Name, Address, and Phone: Provide name and address of the facility associated with the information being submitted.

II. BASIS FOR REQUEST

A. Information Sought to be Protected: Please specifically identify what information in the submission is sought to be protected. The request should be as narrow as possible and only seek to protect that information which qualifies. For example, if the information being submitted is 100 pages but only 20 pages contain information sought to be protect then identify those pages in this section. Do not include actual information that is being sought to be protected. For example, do not include in this section the formula that is the subject of the requested protection.

B. Reason Information Qualifies as a Trade Secret: Please indentify how this information meets the definition of a trade secret. This section should indicate whether the information is a formula, pattern, compilation, program, device, method, technique, or process. It should also indicate what the formula, pattern, compilation, program, device, method, technique, or process accomplishes and how it has independent economic value. For example, if a formula is sought to be protected, this section could identify "the information is a formula which produces the end product of X which is used commercially as an industrial solvent. The formula is not a common formulation or otherwise used or produced in the marketplace."

C. Additional Information/Certification:

This information derives independent economic value by virtue of being protected as a trade secret. Please check the appropriate box.

This information is not a part of the public domain or otherwise easily ascertained by the public. Please check the appropriate box.

Has this information has been deemed a trade secret by another agency, court, or governmental/judicial entity. Please check the appropriate box. If no other agency, court, or governmental/judicial entity has reviewed this information to determine if it qualifies as a trade secret, check "N/A." If another agency, court, or governmental/judicial entity has review this information and made determination as to whether it is a trade secret,

check "YES" or "NO" depending on the result. Also, include with "YES" or "NO," the another agency, court, or governmental/judicial entity that made the determination.

This information is covered in a registered trademark or patent.

Please check the appropriate box. If the information is not the subject of a registered trademark or patent, check "NO." If is the information is the subject of a registered trademark or patent, check "YES" and provide the registered trademark No. or Patent No.

III. REQUESTOR SIGNATURE

This form must be signed by the requestor or if the requestor is a legal entity other than individual, a responsible official of the requestor. A responsible official is:

1. For a business entity, such as a corporation, association, limited liability company, or cooperative: a duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more operating facilities applying for or subject to a permit. The authority to sign documents must be assigned or delegated to such representative in accordance with procedures of the business entity;
2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
3. For a municipality, state, federal, or other public agency: a duly authorized representative of the locality if the representative is responsible for the overall operation of one or more operating facilities applying for or subject to a

permit. The authority to sign documents must be assigned or delegated to such representative in accordance with procedures of the locality."

COMMONWEALTH OF VIRGINIA

Department of Environmental Quality

NOTICE

REDACTED INFORMATION

Please be advised that the following document has had portions redacted due to protection as a trade secret. The redacted information is not included pursuant to Va. Code § 2.2-3705.6(26).

The redacted portion includes approximately _____ pages.

If you have any questions regarding this redaction, please contact the Office of Waste Permitting

and Compliance.

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality

NOTICE-TRADE SECRET PROTECTED INFORMATION

Please be advised that the following document contains information that is protected as a trade secret. This information should **not** be released under a FOIA request pursuant to Va. Code § 2.2-3705.6(26). A redacted version of this document which can be released under FOIA has been scanned into ECM as well.

If you have any questions regarding the protection and the handling of this information, please contact the Office of Waste Permitting and Compliance.



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY AGENCY POLICY STATEMENT NO. 2-2016

SUBJECT: DEQ Logo Policy

EFFECTIVE: Upon Signature

PURPOSE

The logo designed for the Virginia Department of Environmental Quality is intended to produce a strong identity for DEQ, while combining visual images for air, land and water resources. This policy ensures that the logo appears with consistency in publications and other uses, and promotes the continued identification of the agency with the logo.

The DEQ Office of Public Information and Outreach is available to provide assistance with use of the logo.

This policy replaces the DEQ logo policy issued March 28, 1994.

LOGO USE

Agency forms, publications and presentations intended for public distribution or viewing should include the DEQ logo. No other versions of the agency logo or individual program logos should be used unless one is produced for official agency business in conjunction with this policy.

- The DEQ logo does not need to be added to a form or publication that already exists, unless the form or publication is being modified.
- When a new form or publication is being created, the DEQ logo should be used.
- The DEQ logo is not required on forms, publications or other documents that contain the state seal, such as letterhead used for correspondence, permits or consent orders.
- The DEQ logo is not required when a form or publication is intended for incorporation into a form or publication of another agency.
- The DEQ logo should not be used on agency email.

LOGO SIZE AND RESOLUTION

When resizing the logo, avoid stretching or compressing it. To resize the logo, press the “shift” key while dragging a corner of the logo. When the desired size has been reached, release the corner first. Then release the “shift” key.

The logo should not appear distorted or pixilated. All components of the logo should be clearly visible and have the highest resolution possible. Only the approved colors described in this policy should be used, and the logo segments should not be altered, moved or removed.

The size of the logo should be appropriate for the design of the document or publication. It should neither dominate as a graphic element, nor should it be too small to be legible.

LOGO PLACEMENT

The logo always should be free-standing. It should not be boxed or have any type or design superimposed on it.

The DEQ Office of Public Information and Outreach makes available templates that incorporate appropriate placement of the logo in a variety of publications. The template options include reports, brochures and presentations. Recommended versions of the logo and the templates are available to DEQ staff on [DEQnet](http://deqnet/programs/pao) (<http://deqnet/programs/pao>).

ONE-COLOR LOGO USE

The black-and-white logo should be used with electronic files that are intended to be photocopied or computer-printed in black and white.

For projects that are produced by a professional printer, there are three approved options for one-color reproduction of the logo:

- Printed at 100 percent black.
- Printed at 100 percent PMS 301 (blue). (PMS, followed by a number, refers to a specific Pantone Matching System color used in printing or other artwork.)
- Printed in reverse from a solid-color background. For example, the logo could appear in white on an all-black brochure cover or poster background.

TWO-COLOR LOGO USE

The two-color logo should be used with electronic files that are intended for display on a computer or printed from a color printer. The two-color logo also should be used when it appears on apparel, such as shirts, caps and hardhats.

For projects that are produced by a professional printer or other service provider, there is one approved option for two-color reproduction of the logo:

- The two land segments of the illustration and the large letters “DEQ” appear at 100 percent PMS 341 (green). The water and air segments of the illustration, plus the words “Virginia Department of Environmental Quality,” appear at 100 percent PMS 301 (blue).

The RGB (red, green and blue for electronic use) values for the logo are:

- blue – R 0, G 103, B 165
- green – R 0, G 127, B 97

LOGO USE BY DEQ PROGRAMS

Approved DEQ program logos are always to be used in conjunction with the DEQ logo to identify DEQ as the agency sponsor.

LOGO USE BY NON-DEQ ENTITIES

The logo is only for use in official agency business or other DEQ-authorized activity.

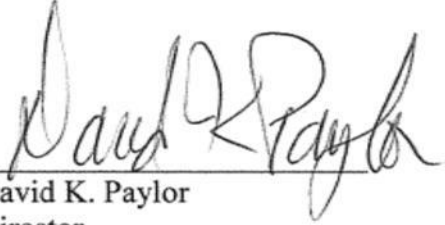
Non-DEQ entities, including local, state or federal government agencies in partnership with DEQ or other entities in formal partnership with DEQ, may be authorized to use the agency logo on a case-by-case basis. Requests should be directed to the DEQ Office of Public Information and Outreach. Non-DEQ entities may be authorized to use the agency logo only with the written consent of the DEQ Director.

If DEQ employees learn of an instance of unauthorized use of the logo, they should inform the DEQ Policy Director.

The logo should not be used by DEQ permittees or those involved with regulatory actions by DEQ.

LOGO AVAILABILITY

The DEQ logo is kept by the DEQ Office of Public Information and Outreach on [DEQnet](#). It is available to DEQ staff in electronic format for use in accordance with this policy.



David K. Paylor
Director

This policy is approved and is effective on the following date: 5/10/2016.

VIRGINIA FREEDOM OF INFORMATION ACT

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I. PURPOSE:

This policy establishes procedures for assisting employees of the Department of Environmental Quality (hereinafter "DEQ") in complying with requests pursuant to the Virginia Freedom of Information Act (VFOIA); see www.deq.virginia.gov/info/foia.html. It is intended for use in conjunction with the VFOIA. The entire VFOIA, searchable as one file, can be found at <http://www.foiacouncil.dls.virginia.gov>.

II. BACKGROUND:

The VFOIA gives the people of the Commonwealth ready access to records in the custody of public officials and free entry to meetings of public bodies in which the business of the people is conducted. Such access is provided to any citizen of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth according to the provisions of the law, regardless of the reason for the request (collectively, "citizens"). The provisions of the law will be liberally construed to promote an increased awareness by citizens of governmental activities and to afford every opportunity for citizens to witness the operations of government.

Any exception or exemption from applicability shall be narrowly construed. In compliance with the VFOIA statute, DEQ will treat every written, electronic or oral request for records as a request under the VFOIA, whether or not that law is explicitly cited in the request. The VFOIA does not apply to requests made by individuals who are not citizens of the Commonwealth of Virginia. However, DEQ will make every attempt to honor such requests from outside the Commonwealth within a reasonable time.

Whenever the General Assembly amends the VFOIA so that any portion of this policy is inconsistent with the amended law, this policy will be interpreted in a way consistent with the amended law. The responsibility for interpreting the provisions of these procedures belongs to the DEQ FOIA Officer in consultation with the Director of DEQ (hereinafter "the Director").

When records are requested from a public body pursuant to a subpoena, the Rules of the Supreme Court of Virginia, not VFOIA, apply. (Virginia Freedom of Information Advisory Council AO-05-03)

III. STATEMENT OF POLICY:

DEQ is committed to ensuring that Virginia citizens have access to all agency information to which they are entitled under the VFOIA. We understand that an informed public can better assist us in our mission to protect and improve the environment for the well being of all Virginians. Following are the details on how this policy is implemented.

IV. REQUIREMENTS:

A. What must be disclosed:

1. Except for certain types of records explained in the following subsections or as otherwise provided by law, all records held by DEQ staff pertaining to DEQ business are considered official government records ("public records") and are subject to mandatory disclosure under the VFOIA. Such records include but are not limited to the following: books, papers, letters, notes, data and databases, presentations, reports, forms, documents, meeting minutes, video and audio records, telephone logs, electronic mail transmissions, electronic data and databases, contracts, position descriptions, job classifications, payment records,¹ maps, charts, diagrams, or graphs. Any version of any such record, whether preliminary or final (*including drafts*), shall be disclosed upon request. Such records may exist in any format, including but not limited to print, handwriting, facsimile transmission, photocopy, electronic computer file, film, audiotape, videotape, photograph, or transparency. Records that are not prepared for or used in the transaction of public business are not public records. Business emails are handled under the same retention policies as other public records.

2. In some instances, the Code specifically requires that certain information always be made available to the public on request. Such information includes:

a. "Emissions data" as provided in §§ 10.1-1314 and 10.1-1314.1 means the information gathered by, or submitted to, DEQ regarding the amount of pollutants emitted by sources of air pollution;

b. "Effluent data" as provided in § 62.44.21 means the information gathered by, or submitted to, DEQ regarding the amount of pollutants emitted by sources of water pollution; and

c. Any other information required by law to be made available to the public.

B. What may be disclosed or withheld:

Certain records are not subject to mandatory disclosure under the VFOIA. These may be disclosed or withheld at the discretion of the custodian of the requested records after consultation with the DEQ FOIA Officer. If necessary, the DEQ FOIA

¹These include records of salaries for employees earning more than \$10,000 per year, per diem allowances, and reimbursement of expenses.

Officer will consult with the Director, or his designee, and the Office of the Attorney General (OAG) to determine the appropriate course of action.

Exclusions of general application to public bodies (5 2.2-3705.1):

1. Personnel records containing information about identifiable individuals (§ 2.2-3705.1 (1));
2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies and any other records protected by the attorney-client privilege (§ 2.2-3705.1-(2));²
3. Legal memoranda and other work products compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter which is properly the subject of a closed meeting under § 2.2-3711 (§ 2.2-3705.1(3));³
4. Any test or examination used, administered, or prepared for purposes of evaluation of any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion with DEQ, or qualifications for any license or certificate issued by DEQ (§ 2.2-3705.1-(4));⁴
5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711 (§ 2.2-3705.1(5));
6. Vendor proprietary information software (§ 2.2-3705.1(6));
7. Computer software developed by or for a state agency (§ 2.2-3705.1(7)); and

² Such writings include (1) records (letters, memoranda, notes of meetings and telephone calls) in which DEQ personnel seek legal advice from the OAG, (2) any written advice received and (3) internal documents reflecting either such written advice or any oral advice received. Records may not be protected by the attorney-client privilege if they have been disclosed to third parties. The attorney-client privilege belongs to DEQ, not to the attorney, and can be waived through disclosure by the client to others. Questions about the application of the attorney-client privilege should be referred to the DEQ FOIA officer who will, if necessary, contact the OAG.

³ This section includes, but is not limited to, any document specifically prepared at the request of the OAG.

⁴ The scoring key or any other document that would jeopardize the security of the test is also exempt from mandatory disclosure. Test scores, however, shall be disclosed. Any person who has taken an employment test shall be entitled to inspect all documents relative to his or her performance on the test.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such transaction (§ 2.2-3705.1(8)).

Exclusions relating to public safety (§ 2.2-3705.2):

1. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the building code in obtaining a building permit which would identify specific trade secrets or other information, the disclosure of which would be harmful to the competitive position of the owner or lessee. Such information shall be exempt only until the building is completed and information relating to safety or environmental soundness of any building shall not be exempt from disclosure (§ 2.2-3705.2(2));

2. Documentation or other information which describes the design, function, operation, or access control features of any manual or automated security system which is used to control access to or use of any automated data processing or telecommunications system (§ 2.2-3705.2(3)); and

3. Plans and information to prevent or respond to terrorist activity, the disclosure of which would jeopardize the safety of any person, including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training manuals, and staff meeting minutes or other records; and (iii) engineering or architectural records, or records containing information derived from such records. The same categories of records of any governmental or nongovernmental person or entity submitted to a public body for the purpose of antiterrorism response planning may be withheld from disclosure if such person or entity in writing (a) invokes the protection of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records is necessary to meet the objective of antiterrorism planning and protection (§ 2.2-3705.2(4)).

Exclusions relating to administrative investigations (§ 2.2-3705.3):

1. Investigator notes, correspondence, and information furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resources Management. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form which does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation (§ 2.2-3705.3(3));

2. Investigative notes, correspondence, and information furnished in confidence with respect to an investigation or conciliation process involving an alleged

unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) (§ 2.2-3705.3(5)); and

3. Investigative notes, correspondence, and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute provided by or for the (i) Auditor of Public Accounts; (h) Joint Legislative Audit and Review Commission; or (iii) Office of the State Inspector General with respect to an investigation initiated through the State Employee Fraud, Waste and Abuse Hotline (§ 2.2-3705.3(7)).

Exclusions relating to educational records and certain records of educational institutions (§ 2.2-3705.4):

1. Data, records, or information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented (§ 2.2-3705.4(4)).

Exclusions relating to proprietary records and trade secrets (§ 2.2-3705.6):

1. Financial statements not publicly available that are filed with applications for industrial development financing in accordance with Chapter 49 (§ 15.2-4900 et seq.)(§ 2.2-3705.6(2)); and

2. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992 (§ 2.2-3705.6(4));⁵

3. Documents and other information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

4. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1336 et seq.), provided to DEQ pursuant to § 10.1-1458 (request for plans, specifications and information regarding waste management activities) (§ 2.2-3705.6(26)). Trade secrets that meet the criteria for protection under this subdivision are excluded from VFOIA and may not be disclosed, except to appropriate officials of the Environmental Protection Agency (EPA) pursuant to the requirements of the federal Solid Waste Disposal Act, 42 U.S.C. § 3251, et seq., or as otherwise required by law.

⁵ A 1992 amendment deleted "authorized disclosure" and "confidential information."

Exclusions regarding records of specific public bodies and certain other limited exemptions (§ 2.2-3705.7):

1. Working papers and correspondence of the Office of the Governor, Lieutenant Governor, the Attorney General; the members of the General Assembly or the Division of Legislative Services; the mayor or other chief executive officer of any political subdivision of the Commonwealth, or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence (§ 2.2-3705.7(2));

2. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement (§ 2.2-3705.7(9));

3. Records containing information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archeological sites if disclosure would jeopardize the resource. This exemption does not apply to requests from the owner of the land upon which the resource is located (§ 2.2-3705.7(10)); and

4. Records of DEQ, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the Director of the agency or his designee. *This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred, or similar documents* (§ 2.2-3705.7(16)). See attachment D for supplemental enforcement guidance.

Exclusions regarding criminal records (§ 2.2-3706):

1. Complaints, memoranda, correspondence, case files or reports, witness statements, and evidence related to a criminal investigation or prosecution, other than criminal incident information as defined in § 2.2-3706, subsection A (§ 2.2-3706.F.(1)).

Exclusions to any other records which may be withheld from mandatory disclosure under § 2.2-3705.1- .7 and § 2.2-3706:

DEQ shall honor the confidentiality determinations of other governmental agencies of the Commonwealth or of agencies of federal or local government only if confidentiality is required by state or federal law. If another agency transmits to DEQ a record which that agency has exempted from disclosure but which is not required to be kept confidential under law, DEQ shall make its own determination of whether the record in question qualifies for an exemption before exempting that record from disclosure.

C. What must be withheld:

1. The VFOIA does not mandate the withholding of any public record. Some records subject to mandatory withholding fall under other laws or regulations as follows:

a. The Air Pollution Control Law states that any information, **except emission data**, as to secret processes, formulae, or methods of manufacture or production shall be kept confidential (§§ 10.1-1314 and 1314.1). The Regulations for the Control and Abatement of Air Pollution further articulate this principle (9 VAC 5-170-60, "Availability of Information"), and it is the responsibility of the source providing confidential information, not that of DEQ, to identify the information as confidential and seek DEQ's acquiescence in that designation. DEQ is responsible for keeping such designation confidential;

b. The Water Control Law states that any information, **except effluent data**, as to secret formulae, processes, or secret methods shall be kept confidential (§ 62.1-44.21). It is the responsibility of the source providing confidential information, not that of DEQ, to identify the information as confidential and seek DEQ's acquiescence in that designation. DEQ is responsible for keeping such designation confidential;

c. The Water Control Law for the Virginia Stormwater Management Program (VSMP) states that any personal information shall not be disclosed except to an appropriate official of the Board, DEQ, EPA, or VSMP authority or as may be authorized pursuant to VFOIA. The law also prohibits disclosure of any secret formulae, secret processes, or secret methods used by any VSMP permittee or under that permittee's direction (§ 62.1-44.15:40).

d. DEQ will withhold information claimed confidential [U.S. Code Title 42, Subchapter III, Section 11044(a)] to the extent required by the Superfund Amendments Reauthorization Act (SARA) Title III statute;

e. DEQ will withhold the social security number or other identification numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that were supplied to the agency for the purpose of paying fees, fines, taxes or other charges collected by DEQ. The prohibition shall not apply where the disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order (§ 2.2-3808.1); and

f. DEQ will not require an individual to disclose or furnish his social security account number not previously disclosed or furnished, for any purpose in connection with any activity, or to refuse any service, privilege or right to an individual wholly or partly because the individual does not disclose or furnish such number, unless the disclosure or furnishing of such number is specifically required by federal or state law (§ 2.2-3808).

g. DEQ will withhold personal information, as defined in § 2.2-3801, including electronic mail addresses, furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. However, access shall not be denied to the person who is the subject of the record.

h. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

i. Records relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records would adversely affect the bargaining position or negotiating strategy of the public body. Such records shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of records relating to such transactions shall be governed by the Virginia Public Procurement Act.

j. Those portions of records that contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the record. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

2. Certain records deemed confidential, limited distribution, or restricted use by other law or regulation. The custodian should consult with the DEQ FOIA Officer before withholding any information.

3. DEQ will use its best efforts to identify and designate materials it receives as confidential upon adequate prior written notice from the person providing those documents. But in the event of error, and even as to those documents so designated, if DEQ receives a request under FOIA which covers those documents, their exempt or non-exempt status will be examined under the provisions of FOIA itself, as

well as any other relevant law by the records custodian, in consultation with the DEQ FOIA Officer, if necessary.

D. Nonexistent records:

No DEQ coordinator is required to create or prepare a particular record if it does not already exist. This includes the need to abstract or summarize information, to provide records if those records do not exist at the time of the request, to provide records that are not in the coordinator's custody at the time of the request, or to convert a record from one form into another. The coordinator, however, shall make a reasonable effort to reach an agreement with the requester concerning the production of the requested records. For electronic databases, the excision of exempt fields of information from an electronic database or the conversion of data from one available format to another shall not be deemed the creation, preparation or compilation of a new public record.

V. PROCEDURES:

A. Records disclosure procedures:

1. Requests for records

If a citizen of the Commonwealth of Virginia wishes to inspect or be provided with copies of any DEQ record, the request should be made to the DEQ FOIA Officer or to one of the DEQ coordinators (see Appendix

[http://decinet/docs/admin/admin_policy/Public and Regulatory Affairs Policy/CustAndCoordList.pda](http://decinet/docs/admin/admin_policy/Public_and_Regulatory_Affairs_Policy/CustAndCoordList.pda) The DEQ FOIA Officer or the coordinator of the requested records may request that he or she issue his or her request in writing using DEQ's www.dea.virginia.gov/Connect with DEQ/Freedom of Information Act/request form). Should the requester decline to make a written request or the coordinator choose to do so, a verbal request shall be accepted. Such requests shall be documented in writing by the coordinator to include the following: name and legal address of the requester, information requested and the date the request was received (Attachment A). This request must be phrased with reasonable specificity (§ 2.2-3704.B). Facsimile and email requests are acceptable; no original signature is necessary for a request to be valid. The request does not have to refer specifically to the VFOIA in order to be covered by the law and by this policy.

2. Responses to requests for records

VFOIA directs that all public bodies and their officers and employees make reasonable efforts to reach an agreement with a requester concerning the production of the records requested. An initial response must be sent to the requesting party within five working days of the agency's receipt of the request. "Forwarding" or "receiving" a FOR request to or from another division/section/office of DEQ does not change the date for which a response is due. Failure to respond in one of the following ways may be deemed a denial of

the request and therefore a violation of the law. Written responses may be made via email to increase the timeliness of responses.

Within five working days after receipt of the request (not counting the date of receipt) by DEQ, the coordinator of the records requested shall respond in writing in one of the following ways:

a. If the cost of providing the records is less than \$10.00, the coordinator shall release the requested records within five working days at no cost to the requester; (sample letter paragraph 2)

b. If the cost of providing the records is \$10.00 or more, the coordinator shall inform the requester of the costs to be recovered in complying with the request and proceed with providing the records; (sample letter paragraph 5)

c. If the cost of providing the records is determined in advance to likely exceed \$200.00, before continuing to process the request, DEQ will require the requester to pay a deposit, not to exceed the amount of the estimate. This deposit will be credited toward the final cost of supplying the requested records. The response period within which DEQ shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester. Upon receipt of the deposit, the coordinator shall process the request and proceed with providing the records; (sample letter paragraph 9)

d. If the coordinator determines that it is not possible to provide the requested records, to determine the specific records requested, or to determine the cost of releasing the records within the five working-day period, he or she shall specify in writing the conditions that make a response impossible. The coordinator shall have an additional seven working days in which to provide one of the previous responses or make records available for inspection if acceptable to the requester; (sample letter paragraph 6)

e. If the coordinator determines that the volume of the requested records is extraordinary; an extraordinarily lengthy search would be required to identify the records; or that their release within the additional seven working days would prevent his or her division, region or office from meeting its operational responsibilities, he or she shall call the requester and attempt to reach an agreement on an extension of the time limit. If such an agreement can be reached, the coordinator shall send the requester a letter confirming the arrangement. If such an agreement cannot be reached, the DEQ FOIA Officer shall discuss with the OAG the possibility of petitioning an appropriate court for additional time in which to respond. Any such discussion with the OAG must be held within sufficient time for any such petition to be filed before the statutory deadline expires and default occurs; (sample letter paragraph 7)

f. If the coordinator deems all or part of the requested records to be subject to *mandatory* withholding under section IV C of this policy, the requester shall be notified. The requester shall be provided with a list of the withheld documents, and the specific exemption which is claimed as to each category must be cited; (sample letter paragraph 3 or 4)

g. If the coordinator deems all or part of the requested records to be subject to *discretionary* withholding under IV B of this policy, or is unsure as to the appropriate action, he or she shall immediately consult with the DEQ FOIA Officer. If necessary, the DEQ FOIA Officer shall contact the Director (or his designee), and the OAG to ascertain the appropriate course of action. If all or parts of the requested records are determined to be subject to withholding, the coordinator shall so inform the requester. The requester shall be provided with a list of the withheld documents and the specific exemption, which is claimed as to each category must be cited. The coordinator shall release that portion of the requested records not subject to withholding. (sample letter paragraph 3 or 4)

h. If the requested records could not be found or do not exist in DEQ files, the coordinator shall so inform the requester. However, if the staff person or coordinator who received the request knows that another public body has the requested records, the response shall include contact information for the other public body. (sample letter paragraph 8). In the event DEQ has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, DEQ shall remain the custodian of such records for purposes of responding to requests for records and shall be responsible for retrieving and supplying such records to the requester. This ownership and responsibility shall not apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records.

Any DEQ employee who receives a request for records which are in the physical possession of his or her division, region or office shall immediately route that request to the appropriate DEQ FOIA coordinator of the records for that division, region or office. Any DEQ employee who receives a request for records which are not in the physical possession of his or her division, region or office shall immediately route that request to the attention of the DEQ FOIA Officer or the appropriate coordinator, if known.

If the requester is not a citizen of Virginia, the response will explain that although the legal requirements of the VFOIA do not apply, it is DEQ's policy to respond to such requests within a reasonable time. In the case of an out-of-state firm representing a Virginia client, the coordinator will treat the request as one from a citizen of the Commonwealth.

The coordinator shall maintain a copy of the response cover letter or record of electronic response for at least three years following the date of the letter, as required by General Records Retention and Disposition Schedule No. 101 of the Virginia State Library and Archives. The attachments do not need to be maintained in the same file as the cover letter as long as they can be clearly identified in the cover letter and can be readily retrieved.

3. Form of release of requested records

a. Inspection of records

If the requester wishes to inspect the original records, he or she may do so during the regular working hours of the coordinator of those records at a time mutually agreed upon by the requester and the coordinator. The coordinator shall contact the requester confirming the arrangement and document appropriately. The coordinator is not obliged to allow a requester to inspect records during an unannounced visit. The coordinator shall take all necessary precautions for the preservation and safekeeping of the records while they are being inspected, assigning an employee to monitor the inspection, if necessary. If the citizen wishes copies made of any of the inspected records, the coordinator may make such copies available according to the provisions specified below. The coordinator is not required to provide the requester with copies of the records at the time of the inspection visit. In the spirit of open government and good customer service, DEQ staff may be willing to discuss with a requester the agency's policies and procedures as well as the laws and regulations it is charged with enforcing; however, under VFOIA no DEQ employee is required to interpret, describe, summarize or answer questions for or from the requester or to any other person regarding the purpose or contents of any record produced for inspection or copying.

b. Copies of records

If the requester does not wish to inspect the original records but wishes to be provided with copies of the requested records, the requester may arrange to produce his own copies. However, steps must be taken to ensure that the integrity of the original records is retained. If the custodian and requester agree, the coordinator will make copies of such records available within the statutory time limits, or an agreeable time.

The coordinator is not required to have the records delivered to the requester by any means (mail, courier service, facsimile transmission, email, etc.) but may do so at his or her discretion. If the coordinator chooses not to have the records delivered to the requester, it shall be the requester's responsibility to obtain the records from the coordinator.

c. Request for large volumes of records

For large volume requests, the agency suggests that the requester inspect the records first. This would help to eliminate unwanted records by ensuring that the requester is receiving and paying for only the records asked for,

resulting in a possible cost savings to the requester. If the records are voluminous, the agency may fulfill its obligations by allowing the requester to contract with a private copying service to produce the requested records. In such instances, however, steps must be taken to ensure that the integrity of the original records is retained. If a private copying service is used, direct payment to the company is the responsibility of the requester and the cost per page will not be assessed by DEQ. DEQ now has the option of VITASHARE, a system intended to provide an enhanced form of email based communication which permits very large files to be exchanged and downloaded. The design of this system supports rapid and simple one-time large file exchanges. VITASHARE should be used for files over 10MB since most email systems will not permit the attachment of files over this size.

4. Costs for provision of records

DEQ may make reasonable charges for its actual costs incurred in accessing, duplicating, supplying, or searching for the requested records. DEQ shall not impose any extraneous, intermediary or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the agency. *Any duplicating fee charged by the Agency shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the requester.*

The policy of recovering the costs associated with responding to FOIA requests will typically not be applied to other government agencies. However, DEQ reserves the right to seek reimbursement or make other arrangements when costs become onerous.

Before processing a request for records, the coordinator shall require the requester to pay any amounts owed to DEQ for previous requests for records that remain unpaid 30 days or more after billing.

Each DEQ coordinator shall recover the costs of providing the requested records when that cost is \$10.00 or more. This policy is designed to offset actual costs incurred by DEQ in processing responses to information requests and is not necessarily full cost recovery. This cost includes accessing, duplicating, supplying or searching for the requested records. The coordinator shall calculate the cost for complying with each request (Attachment A) and shall maintain that calculation in his file along with the request. It is incumbent upon the coordinator to accurately calculate the cost of preparing the response. When reimbursement is requested, a copy of **Attachment A** shall be sent to DEQ's Fiscal Office.

Requesters shall be encouraged to reimburse DEQ by check rather than cash. Cash payments can be accepted at the discretion of the Director, Regional Director or their designees. Checks should be made payable to the **Treasurer of Virginia** and mailed to the Department of Environmental Quality, Receipts Control, Post Office Box 1104, Richmond, Virginia 23218, or the appropriate regional office. In instances where the estimated cost of providing records exceeds \$200, the Receipts

Control office shall notify the FOIA coordinator when the entire estimated payment has been received, after which the coordinator will process and release the requested records. In instances where the estimated cost is less than \$200, the Receipts Control office shall notify FOIA coordinators of receipt of payment for the coordinators' files.

a. Photocopied records

DEQ's basic charge for photocopying existing paper records is (see Appendix E) per 8 1/2" x 11" page. When the request involves hundreds of pages, the staff may estimate the pages using the formula, 2 inches equals 500 pages (1 inch equals 250 pages, etc.) which is based on the standard size of a ream of paper. This charge includes the cost of materials, equipment, and equipment maintenance. The cost of staff time expended in searching for, copying, and assembling the records is calculated separately and added to the basic charge, if applicable.

The cost of packing and postage, if applicable, is also calculated separately and added to the basic charge.

b. Facsimile charges

DEQ's charge for providing records via facsimile is (see Appendix II) cents per page.

c. Technical staff time

DEQ's charge for providing computer data, except ECM, which involves applying knowledge of database software and record structure, including the ability to establish filters and parameters and query one or multiple databases to retrieve specific records that meet the search criteria is (see Appendix E) per half-hour, with any portion of a half-hour being charged at the full, half-hour rate. This is based on the average technical position salary.

If a database containing DEQ data is owned and operated by a consultant under contract to DEQ, the charge for providing the computer data in either electronic form or paper format is the cost to DEQ charged by the consultant.

d. Administrative staff time

DEQ's charge for administrative staff time involved in retrieving, copying and assembling records pursuant to an information request shall be (see Appendix II) per half-hour. This rate is based upon the average salary for classified administrative support staff and is defined as ministerial duplication of original records or copy of a record by copier machine or to a CD or email via scanner. It may also include retrieval from internal, on-line file system (ECM) through searches with parameters specified by the requester. The time shall be determined in half-hour increments. This charge includes the actual cost of materials, equipment, equipment maintenance and staff time expended in searching for, compiling and printing the

records or copying them onto a diskette. No staff time will be charged for the redaction of records or parts of records.

B. Assignment of records disclosure responsibilities

1. Custodians

a. Each director of a DEQ division or region is the *ex officio* custodian for the records in the physical possession of his or her division, region or office.

b. The Director of Administration is the custodian for DEQ records that do not fall under any of DEQ's divisions, regions or offices.

c. Each division and region *ex officio* custodian shall designate a coordinator and an alternate coordinator for his/her respective division, region or office to track requests that are received by that office to ensure compliance with the VFOIA and with DEQ policy, and consult with DEQ's FOIA Officer as needed. This designation shall be in writing and shall be filed with the DEQ FOIA Officer.

d. Each employee is custodian of records, both paper and electronic, in his or her possession.

e. No custodian shall either disclose or withhold records subject to discretionary disclosure under Part IV B without prior consultation with the DEQ FOIA Officer.

2. Coordinators

a. Each coordinator shall receive information requests appropriate for their respective division, office or region.

b. Each coordinator shall track all received information requests to ensure compliance with the VFOIA.

c. Each coordinator shall maintain a file of the information requests that they received and responded to, including the tracking system.

d. Each coordinator shall notify the VFOIA Officer of any failure to adhere to the VFOIA.

3. DEQ FOIA Officer

The DEQ FOIA Officer shall be appointed by the Director. DEQ's FOIA Officer shall perform the following functions:

a. Update this policy as necessary in accordance with changes made by the Virginia General Assembly to the VFOIA or with other changes;

b. Maintain a complete written record of DEQ's custodians, coordinators and alternate coordinators for VFOIA purposes;

c. Provide copies of DEQ's VFOIA policy to all appropriate state boards and DEQ custodians as necessary;

d. Report to the Director instances of non-timely response, unauthorized denial of access, or other violations of law or policy;

e. Consult with the Director and, when necessary, the OAG to ascertain the appropriate course of action when the custodian deems all or a part of a requested set of records to be subject to discretionary withholding; and

f. Coordinate responses for multi-regional and multi-program requests to ensure compliance with the Virginia Code and related DEQ policies.

4. All DEQ employees

FOIA responses are time sensitive and required by law. If a FOIA is forwarded to you in error, inform the FOIA coordinator *IMMEDIATELY*. If, however, a FOIA request is appropriately forwarded to your division, section or office, then it is your responsibility to answer the request within the time lines established by the Virginia Freedom of Information Act and DEQ policy.

Every DEQ employee shall adhere to the procedures established in this policy and shall assist his or her custodian in complying with the provisions of the law.

Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of the FOIA (§ 2.2-3704.E).

Any deviation to this policy must comply with the VFOIA and have prior approval of the DEQ FOIA Officer.

C. Penalties for violation

Employees may be held personally responsible for violations of the Virginia Freedom of Information Act. The legal consequences for a DEQ employee's violation of the VFOIA are potentially severe, since any citizen denied his rights under the VFOIA has ready access to the courts via petition of mandamus or injunction. If a proceeding is commenced against any officer or employee of DEQ for a violation of the VFOIA and the court finds that a violation was willfully and knowingly made, the court shall impose upon such officer or employee of DEQ a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000 (§ 2.2-3714).

VI. RESCISSION:

This document rest _____agency Policy 4-2013 and supersedes any previously issued documents except for regulations relative to this matter.

Approved: Date:

ATTACHMENTS



VIRGINIA FREEDOM OF INFORMATION ACTION FORM

1. DEQ COORDINATOR: _____ 2. PHONE NO.: _____ 3. FAX NO.: _____

PLEASE PRINT

4 .

REQUESTER	
COMPANY	
ADDRESS	
PHONE NO.	VA CITIZEN OR REPRESENTING VA COMPANY? YES OR NO

11. INFORMATION REQUESTED TO REVIEW AND/OR COPY (INCLUDE NAME, ADDRESS, PERMIT/ID NUMBERS):

6. DATE REQUEST RECEIVED OR FORM COMPLETED: Verbal/phone:	12. REIMBURSEMENT - (CHECKS PAYABLE TO: TREASURER OF VIRGINIA)
Written:	NO. PAGES _____ X _____ 0 (SINGLE-SIDED)=
7. DATE RESPONSE DUE:	NO. FAX PAGES _____ X _____ =
5 working days after receipt	NO. IA HRS ADMINISTRATIVE STAFF TIME _____ X \$ _____ =
(FINAL)	NO. 1/2 HRS TECHNICAL STAFF TIME _____ X \$ _____ =
NUMBER OF DAYS TO RESPOND: (ATTACH RESPONSE LETTER, EMAIL OR FAX CONFIRMATION, ETC.)	EMPLOYEE NAME(S):
REFERRED: YES NO	OTHER SUPPLIES:
WITHHELD INFORMATION: YES NO	POSTAGE/SHIPPING:
REASON:	TOTAL REIMBURSEMENT REQUIRED =
10. VISIT (CIRCLE ONE): SCHEDULED OR UNSCHEDULED	COST CODE _____ FUND _____
DATE: _____ TIME: _____	PROGRAM _____
11. IF NO REIMBURSEMENT, NO. OF PAGES:	FISCAL OFFICE INFORMATION
	DATE _____ CHECK NO _____
	AMOUNT _____ RCD. BY _____
MY SIGNATURE ACKNOWLEDGES THAT DEQ HAS ATTEMPTED TO PROVIDE ME WITH ALL OF THE AVAILABLE INFORMATION.	

REQUESTERS SIGNATURE/DATE (OFFICE VISIT)

DEQ EMPLOYEE'S SIGNATURE/DATE

DEQ REVIEWER'S INITIALS

RESPONSE DOCUMENTATION

DATE: _____

DATE: _____

DATE: _____

DATE:



VIRGINIA FREEDOM OF INFORMATION ACT RESPONSE FORM

DATE:

Four horizontal lines for date entry.

Dear _____

The Department received your Freedom of Information request on _____ In order to respond to your request in an expeditious manner, we have developed this form letter for our use.

Some/all of the records you have requested are not physically located at this office. Your response has been forwarded to the following departmental custodian for a response:

Custodian:

Phone No.

Please feel free to contact the custodian if you have any questions or wish to discuss your request in further detail. Any additional action by this office will be indicated below.

The Department has reviewed your request and determined it is not specific enough for us to identify exactly what records you are requesting. Please submit a new request, specifying exactly what records you would like to receive/inspect.

Attached please find the records you requested. Because the time expended and the number of copies were minimal, there were no costs associated with providing you these records.

The Department has conducted a review of our files and determined the records you requested cannot be found or do not exist in DEQ files.

The Department reviewed our files and determined there are approximately _____ records available. Because of the volume of material, we are requesting you visit the office to evaluate the records. You may then copy any records you would like, and any associated charges will be in accordance with our reimbursement policy.

The Department's policy is to recover the cost of providing records, when that cost is \$10.00 or more (administrative staff time @ \$ ___ per half hour, including accessing, duplicating, supplying and searching for the requested records, five cents per page and \$ ___ per half hour for technical staff time, researching and retrieving electronic data). We have processed your request and estimated that our

cost in providing the requested records to you will be approximately \$ _____. Our invoice is enclosed. If you wish us to mail the requested records, please contact me regarding additional charges.

It has been determined that the cost of fulfilling your request is likely to exceed \$200.00; therefore,

will require payment in the full amount of the estimate, which is \$ _____ , before processing your request. Upon completion of processing your request, any payment due will be billed, and any overage paid will be refunded to you.

We are currently processing your request. As a practical matter, it is not possible for us to provide the requested records within five (5) working days due to _____. We anticipate, however, that we will be able to do so by _____ (date not to exceed twelve (12) working days after receipt of request).

Pursuant to our telephone conversation on _____, we have been unable to process your request as anticipated. As agreed in our discussion, we should be able to release the records by _____.

The Department has elected to withhold specific records from release. A list of the records withheld and the statutory grounds for withholding is attached. Please find the releasable records enclosed.

Your request to visit our office to inspect records subject to VFOIA has been confirmed. Following is the agreed upon date and time:

Date: _____ Time: _____

_____ You may copy any records you would like, and any associated charges will be in accordance with our policy.

_____ Your payment has been received, and the records you requested are enclosed.

~~_____ It has been noted that you/your company has an unpaid balance of \$ _____. owed to DEQ for previous fulfillment of FOIA request(s); therefore, we cannot proceed with this request until the balance has been paid in full.~~

Other:

It should also be noted that the VFOIA pertains only to records requested by citizens of the Commonwealth of Virginia or their representatives, representatives of newspapers and magazines with circulation in the Commonwealth and representatives of radio and television stations broadcasting in or into the Commonwealth. However, it is DEQ's policy to respond to all such requests within a reasonable time.

I am the (*region or division*) coordinator of records. If you have any questions, please do not hesitate to contact me at (*email and phone number*).

Very truly yours,
DEQ FOIA Coordinator

Attachment C

Letter Template for Various Responses - choose appropriate paragraphs; all letters should include first and last paragraphs.

Must be mailed no later than five working days after receipt of request

Dear [requester]:

1. Thank you for your request for records made in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq). You have requested records relating to *(describe the records sought by the requester)*.

2. Enclosed are the records you requested. Because the time expended and the number of copies were minimal, there were no costs associated with providing you the records. Therefore, these records are provided to you free of charge.
- , Please be advised that portions of the records you have requested relating to *(describe the exempt portions generally)* are exempt from disclosure under *(cite specific provision in § 2.2-3705 or other applicable Code of Virginia citation)*. Therefore, these portions have been redacted from the records being released to you.
4. This office has *(describe with reasonable particularity the volume or amount of records being withheld; i.e. 20 pages of records, over 1,000 pages of records, a large database, etc.)* responsive to your request. Please be advised, however, that these records are exempt from disclosure under *(cite specific provision in § 2.2-3705 or other applicable Code of Virginia citation)* and therefore will not be released.
5. We have determined that the cost of providing you with the requested records will be [\$--]. Our cost invoice is attached. The requested documents will be ready for pickup at *[location/time]*. If you would like the records mailed, please contact me regarding additional charges.* **
6. Please be advised that it is not possible to provide the requested records or determine whether they are available within the five working days required by FOIA because *(specify the conditions that make a five-day response impossible; i.e., voluminous request, insufficient staff this week, several regions/offices involved in the research, etc.)*. Therefore, we are invoking subsection B4 of § 2.2-3704 to provide us with seven additional working days to respond to your request.
7. We are unable to release the requested records within twelve working days due to _____ . However, as agreed during our conversation on _____ , we will be able to do so by _____

DEQ has no records responsive to your request. *(Explain the circumstances; e.g., the records do not exist because they were never created by the public body, the records do not exist because they were destroyed according to the retention schedule under the Virginia Public Records Act, the records were destroyed in a flood or fire, the records cannot be found, etc.)*. *(If another public body is known to have the requested records, add these lines in a new paragraph)*.

You may wish to contact *(name of contact person)* at *(name of the public body that has or may have the records)*. *(He/she)* may be reached at *(telephone number, electronic mail address, or other contact information)*.

9. It has been determined that the cost of fulfilling your request is likely to exceed \$200.00; therefore, DEQ will require a deposit of the full amount of the estimate, which is \$ _____ before processing your request. This deposit will be credited toward the final cost of supplying the requested records and, when the request has been completed, any overage will be refunded and any additional cost invoiced.
10. I am the coordinator of the records that you have requested. Should you have any further questions or requests, please contact me at *(phone and email)*.

Sincerely,

DEQ Fiscal Office:

A COPY OF ATTACHMENT A (cost invoice) MUST BE SENT TO DEQ'S FISCAL OFFICE ALONG WITH A COPY OF THIS LETTER.

if the requester does not pick up the records, the coordinator must inform DEQ's Fiscal Office that there is no oalance due.

** If the requester no longer wants records because of the cost, the coordinator must inform DEQ's Fiscal Office that there is no balance due (provided that the coordinator has already sent the "invoice' to Fiscal).

CONFIDENTIALITY OF ENFORCEMENT DOCUMENTS

The Virginia Freedom of Information Act ("FOIA") provides that certain enforcement records of DEC), the State Water Control Board, the State Air Pollution Control Board, and the Virginia Waste Management Board (collectively, "DEQ Records") are exempted from mandatory disclosure under FOIA, as follows:

Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of DEQ. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents. Va. Code § 2.2-3705.7(16)

Water Control Law for the VSMP contains nearly identical language, but adds that it does not protect from disclosure documents detailing the nature of any land-disturbing activity that may have occurred, or similar documents (§ 62.1-44.15:40)

A. Active Federal Enforcement Actions

Federal documents pertaining to a federal enforcement action and in the possession of DEQ are not subject to disclosure under FOIA if: (1) the enforcement action is active (i.e., ongoing), and (2) the documents are considered confidential under federal law. Whether the documents are considered confidential under federal law is based upon their designation as such by the federal agency or its counsel providing the documents. State documents and data that are otherwise subject to disclosure under FOIA are not made subject to the Active Federal Enforcement Action exemption by virtue of their use or potential use in a federal action.

B. DEQ Enforcement Strategy Documents

FOIA creates a temporary exemption for DEQ Records documenting "enforcement strategies, including proposed sanctions for enforcement actions." Such documents are exempt from mandatory disclosure under FOIA, but only until "a proposed sanction resulting from an investigation has been proposed to the Director of DEQ."

For purposes of this statute, "sanctions" refer to any injunctive relief, revocation of a permit or other authorization, civil charges or other monetary penalties authorized by statute that may be imposed against a person or entity in an enforcement action, whether administrative or judicial.

DEQ enforcement strategy documents that are temporarily exempt from disclosure under this provision include, but are not limited to: enforcement recommendation and plan documents ("ERPs"); memoranda, emails and other documents dedicated to the discussion of appropriate enforcement

strategy and its progress; documents and proposals drafted and/or received in the course of enforcement action settlement negotiations and pertaining directly thereto; draft orders, including draft findings of fact and conclusions of law; civil charge or civil penalty worksheets and documents

prepared as part of the active prosecution of adversarial administrative and judicial enforcement actions.

The language of FOIA specifically excludes certain agency documents from the temporary enforcement strategies exemption. These other documents are expressly or implicitly not exempt as DEQ enforcement strategy. They are open to Virginia citizens in accordance with the statute and this Policy, unless another FOIA exemption applies. These documents include warning letters, notices of violation, inspection reports, documents detailing the nature of any environmental contamination, and other documents, information or compilations created in DEQ's ordinary course of business.

DEQ enforcement strategy exemption is only temporary, and it ends when "a proposed sanction resulting from an investigation has been proposed to the Director of DEQ." A sanction is "proposed to the Director of DEQ" or his designee as follows:

- (1) For consent orders that are not subject to public comment — at the presentation of a consent order for final approval and proposed execution by the Director or his designee;
- (2) For consent orders and consent special orders that are subject to public comment —when the Director or his designee approves the order for public comment; and
- (3) For proposed administrative orders resulting from an adversarial administrative proceeding such as a formal hearing or informal fact-finding — at the presentation for final approval and proposed execution of the order by the Director or his designee, following any review requested by the Director or his designee.

After the sanction is proposed to the Director, DEQ enforcement strategy documents are available under FOIA unless another FOIA exemption applies.

DEQ FOIA Charges Summary

Cost Category	Charge	For Reference Only
Administrative Staff Time per 1/2 Hour	\$ 8.45 per 1/2 hr	\$16.90 per hour
Technical Staff Time per 1/2 Hour	14.30 per 1/2 hr	28.60 per hour
Copies per side	.05	
Fax pages	.05	

Administrative staff time

DEQ's charge for administrative staff time involved in retrieving, copying and assembling records pursuant to an information request shall be (see current chart at [\(insert link\)](#)) per half-hour. This rate is based upon the average salary for classified administrative support staff and is defined as ministerial duplication of original records or copy of a record by copier machine or to a CD or email via scanner. It may also include retrieval from internal, on-line file system (ECM) through searches with parameters specified by the requester. The time shall be determined in half-hour increments. This charge includes the actual cost of materials, equipment, equipment maintenance and staff time expended in searching for, compiling and printing the records or copying them onto a diskette. No staff time will be charged for the redaction of records or parts of records.

Technical staff time

DEQ's charge for providing computer data, except ECM, which involves applying knowledge of database software and record structure, including the ability to establish filters and parameters and query one or multiple databases to retrieve specific records that meet the search criteria is (see current chart at [\(insert link\)](#)) per half-hour, with any portion of a half-hour being charged at the full, half-hour rate. This rate is based upon the average salary for technical positions.

If a database containing DEQ data is owned and operated by a consultant under contract to DEQ, the charge for providing the computer data in either electronic form or paper format is the cost to DEQ charged by the consultant.



Emergency Action Plan

[LAST UPDATED: Feb. 10, 2016]

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Scope

The Emergency Action Plan addresses safety and security of personnel within every office of the Virginia Department of Environmental Quality (DEQ) as required by the **Governor's Office** of Commonwealth Preparedness. This plan largely expands on specific issues outlined in the [DEQ Safety Manual](#).

The Emergency Action Plan covers all employees, interns, sub-contractors and visitors. **DEQ's goal is to reduce** or eliminate the potential for injury or illness to those individuals within the confines of each office and to minimize any negative impacts to agency property. The contents of this plan may be modified as necessary based upon the immediate needs of DEQ.

The Emergency Action Plan is designed to:

- Detail how to evacuate the building
- Detail how to Shelter-in-Place within the building
- Provide proper procedures to follow in case of any emergency
- Explain day-to-day security measures for all agency staff
- Identify all necessary resources available in the event of an emergency

This plan is not designed to detail the recovery of operations or how the agency will conduct its continuous business operations and plans during a long term emergency. A separate Continuity of Operations Plan (COOP) has been developed with agency wide guidance and is consistent with other information required and provided by the Commonwealth of Virginia.

Employee and Visitor Control System

In order to control access to our facilities and maintain overall security; each building has initiated an employee/visitor control policy including the following requirements:

- The reception area will be continuously staffed during specific business hours.
- Entrance into any facility before/after normal work hours shall require the utilization of the electronic access card issues to each employee.
- All DEQ **employees shall readily display their agency provided ID's and** continue to wear their agency issued ID badge while in agency buildings to ensure the integrity of this policy.
- Non-DEQ employees are required to sign in with the receptionist and upon their signature are given a visitors name tag which must be worn at all times while in agency buildings. The receptionist will then call the responsible party who shall: 1) come to the lobby; 2) escort the visitor to the place of meeting, and 3) return the visitor to the lobby when the meeting has been completed.

In the event of any emergency, all agency employees shall be responsible for assisting their guests and for having their guests follow the appropriate procedures in accordance with this plan or other agency safety and health guidelines.

Security within the Office Facility

The entrance doors of all buildings will remain locked and only accessible by the use of the security access cards that are currently available and currently utilized within the regional/satellite offices. All other exterior doors not controlled by security access cards must not be unattended while open (this includes boat bays and warehouses).

Deliveries and/or shipments are usually delivered and handled by the Mail Room/Supply Room unless no-one is available and then the packages are delivered to the main lobby receptionist who will e-mail the recipient and advise them of their package. At no time will any delivery agent proceed to any floor or area of any building. (In the central office the Mail Room/Supply Room will retrieve any unclaimed packages from the first floor if they have not been picked up).

Security and Safety while in the field

- Field personnel are responsible for remaining alert to their surroundings and to report any suspicious activity or unsafe conditions immediately to their supervisor.
- Each employee will be responsible for keeping their calendars current and for sharing their schedules with their immediate supervisor.
- Should any emergency occur while any agency employee is working in the field, executive management will attempt to contact those affected employees to inform them of the current situation and offer guidance based upon the conditions and current policy.
- All agency employees should also attempt to contact their offices immediately upon learning of a natural or man-made disaster or emergency incident.

Identification and Assessment of Risks

The Safety Committee, comprising of General Services Manager, Central Office and Regional Office Safety Officers, and office (area) Floor Wardens will monitor office buildings and operations for potential risks; and make such recommendations as necessary to ensure the safety and security of all employees and property.

The agency may solicit the help of State and local Police and local Fire/EMS Departments in assessing the possibility of (Natural and Man-made) threats to our building and to gain a better understanding of how our emergency responders will react to an actual emergency.

At least annually, evacuation plans (see [Appendix B](#)) will be reviewed, updated, evaluated, and tested as necessary. In addition, the building occupants will be tested in complete building evacuation, and shelter-in-place.

Loss of Building Utilities

If power failure occurs, the Regional Director / Director of Administration (or their designees), will make the decision about the continued use of the building. If the building will remain without power for an extended period of time, then the ranking manager will decide to continue building operation or shut it down and send all employees home, until normal service has been reestablished or COOP implemented.

At no time shall anyone use candles or any other item that requires combustion to illuminate any work area. Upon notification to vacate the building, all available personnel will exit in an orderly fashion and any individuals responsible for helping an employee with mobility restrictions should proceed to their assignments.

Fires

All fire alarms or fires shall be reported to management and immediate action taken to evacuate employees. Under no circumstance shall any employee attempt to stay and fight any type of fire.

Medical Emergency Procedure

- Render first aid only if you have been trained
- AED machines are located in each building/facility in conspicuous locations (see [Appendix A](#)).
- Stay with the person or have someone stay with them to keep them calm.
- Send someone to meet the emergency responders and to bring them directly to the patient.
- Have someone call 9-911 and report the situation.
- Answer all questions that the 911-dispatcher asks.
- Notify your supervisor of the situation and that you have called 911, and ensure that the receptionist is alerted to the fact that EMS may be arriving at our facility.

- Ask someone familiar with your floor to escort the emergency medical personnel to that floor and person.

Evacuation Plan

All employees are responsible for timely evacuation of their workplace. Central Office floor wardens will become the emergency lead for their respective floors, and Regional Safety Officers are leads for their office. Training and practice drills are to be completed annually to maintain readiness for emergency events. (See [Appendix B](#) for further information).

People with Disabilities

The first line supervisor is assigned the responsibility to assist people with disabilities under their supervision with other assistants chosen by that supervisor.

- Assistants report to their assigned person, to either assist in evacuation or to assure that the person is removed from danger.
- Supervisors, alternates, and the person with a disability will be trained on available escape routes, available equipment and methods of escape.
- A list of people with disabilities should be kept on file in the Human Resources Office.
- Visitors who have disabilities will be assisted in a manner similar to that of agency employees and the host of the person with disabilities will assist in their evacuation.

Shelter-in-Place

Tornados, floods, earthquakes and certain types of terrorist attacks may require employees to shelter-in-place within the confines of the buildings. Personnel shall seek safety within an interior room without windows. No employee shall exit any safe area or evacuate until an audible all-clear signal is given by the emergency coordinator. Each office shall develop a specific plan detailing where to go for safe refuge within the building (see [Appendix C](#) for checklists).

Weather/Natural Disasters

If weather conditions warrant, the Regional Director / Director of Administration (or their designees) will monitor the local National Weather Service/ NOAA weather radio emergency notification frequency for possible tornado/severe weather warning. Not all DEQ facilities have public addressing systems, therefore should a tornado warning be issued or weather conditions dictate, notification to employees and visitors will occur via e-mail and also by the Floor Wardens or designee.

Earthquakes

All employees shall shelter-in-place during an earthquake. The following guidelines issued from [FEMA](#) are to be utilized for your protection during an earthquake.

- If you are inside a building – Drop to the floor; take cover by getting under a sturdy table or other piece of furniture. Stay away from glass, windows, outside doors and walls, light fixtures, and anything that could fall. Use a doorway for shelter only if it is in close proximity to you and if you know it is a strongly supported, load bearing doorway. Stay inside until the shaking stops and it is safe to go outside, as indicated by audible all-clear signal. DO NOT use the elevators.
- Report to your designated evacuation area outside once it is safe to go outside.
- If you're outside in an earthquake, stay outside. Move away from buildings, trees, streetlights, and power lines. Crouch down and cover your head.
- Be on the lookout for fires. This is the most common earthquake-related hazard, due to broken gas lines, damaged electrical lines or appliances, and previously contained fires or sparks being released.
- Earthquakes can cause fire alarms or fire sprinklers to go off and you won't be certain if fire threat is

real. **Floods**

Floods and flooding can affect our day-to-day operations and also cause a major impact to our environment. As situations warrant and with the utmost concern for employee safety and health DEQ will continue to operate only those critical services required to render aid and help to other state agencies and the general public in the aftermath of a major flood. Care shall be exercised during any stage of a flood as it progresses throughout the Commonwealth.

Hurricanes

Hurricanes are powerful storms formed at sea that have sustained winds in excess of 74 miles per hour. Due to the size of hurricanes, they are easily spotted and can be tracked for days prior to hitting a given area. Hurricanes are often accompanied by tidal surges and flash floods, which typically cause more damage than the hurricane's wind. A severe or prolonged hurricane could result in some level of COOP implementation.

Tornados

Unlike hurricanes, tornados form quickly and travel in very unpredictable directions. DEQ employees shall seek safe refuge or shelter-in-place within agency offices during any tornado activity and until the tornado and its winds have sufficiently reduced in velocity and severity and to then proceed with extreme caution and with due regard for the safety and welfare of themselves and any other state employee or public citizen or public property.

Manmade Incidents

Bomb Threats

(See: [Appendix D](#) for information)

Disruptive Employee/Visitor

The regional/unit manager (or designee) must be immediately notified if any person becomes disruptive, abusive or is a threat to the safety, health or welfare of any agency employee, or visitor. As soon as possible, the manager should inform the Human Resource Director (or designee) of the situation so that all necessary and appropriate action(s) can be taken. As appropriate, local law enforcement and/or state police may be notified.

Active Shooter

The following steps should be taken by all staff.

- Do NOT sound the alarm
- Isolate yourself from the shooter as much as possible.
- Call 911 immediately
- Turn off all cell phones
- Stay calm and avoid taking any risks

Terrorist Alerts from the US Department. of Homeland Security

DEQ will modify its security and responses depending upon any alert issued by the US Department of Homeland Security.

What to do if you spot suspicious terrorist activity!

Do NOT confront the individual; call the State Terrorism Hotline at: 1-866-488-8554.

Signs of terrorist activity may include:

- Someone bragging or talking about plans to harm citizens in violent attacks or who claims membership in a terrorist organization that espouses killing innocent people.
- Suspicious packages, luggage, or mail that have been abandoned in a crowded place like an office building, an airport, a school, or a shopping center.

- Suspicious letter or package that arrives in your mailbox. (Stay away from the letter or package and don't shake, bump or sniff it; wash hands thoroughly with soap and water.)

- Someone suspiciously exiting a secured, non-public area near a train or bus depot, airport, tunnel, bridge, government building, or tourist attraction.
- Any type of activity or circumstance that seems frightening or unusual within the normal routines of your neighborhood, community, and workplace.
- Someone suspiciously watching, mapping or photographing a landmark, airport, tunnel, bridge, government building, business, or tourist attraction.
- Someone unfamiliar loitering in a parking lot, government building, or around a school or playground.
- Someone using or threatening to use a gun or other weapon, place a bomb, or release a poisonous substance into the air, water, or food supply.
- Strange odors, smoke, fire, or an explosion.
- Abandoned vehicles.

Appendix A – AED Locations

Building/Facility	LOCATION
Central Office	2 nd Floor; near Elevator
Central Office	5 th Floor; near Elevator
Central Office	8 th Floor; near Elevator
Central Office	11th Floor; near Elevator
AQM	Data room; next to training room
BRRO-Lynchburg	2 nd floor; top of the steps
BRRO-Roanoke	Employee break room
NRO	Main Lobby @ Front Entrance
Office of Surface Water (C'ville)	1 st Aid Room; Main DOF Lobby
PRO	Main Entrance, near receptionist
SWRO	Employee break room
TRO	Copier Room; behind receptionist
VRO	Employee break room

Appendix B – Evacuation Plan

I. Purpose

This plan provides instructions to be used during emergency evacuations for the protection and safety of all employees.

IV. Scope

This plan is designed to handle evacuation procedures for the DEQ Central Office located at 629 East Main Street, Richmond, VA but generalized enough to apply to any DEQ facility. The following procedures will be carried out by the Safety Officer (or agency designee) and Floor Wardens in the event the building should be evacuated, regardless of reason. When emergency conditions exist, the Safety Officer, local Police, and the Fire Chief may make any changes to this plan as deemed necessary to provide for a safer evacuation or safer conditions for the building occupants. This plan is prepared for emergency evacuation arising from fire, bomb threats, civil disorders, storms, and other threats to the safety of life and property.

V. Organization

The Safety Officer (or agency designee) will be responsible for developing and implementing the evacuation plan. The Safety Officer (or agency designee) will chair the Emergency Crisis Team and coordinate the planning and implementation of the evacuation plan.

The Emergency Crisis Team is comprised of a Safety Officer and his/her alternates. Where there are multiple floors, it also comprises: a Floor Warden and his/her alternate, two Zone Wardens and his/her alternates for each floor that is occupied), a Stairway Monitor and his/her alternate (for each stairwell on each floor occupied).

The director of administration or designee will chair the Emergency Crisis Team and coordinate the planning and implementation of the evacuation plan. The Emergency Crisis Team is comprised of the director of administration or their designee, a Floor Warden and his/her alternates, and two Zone Wardens and his/her alternates for each floor that is occupied), a Stairway Monitor and his/her alternates (for each stairwell on each floor occupied).

VI. Emergency Crisis Team

A. RESPONSIBILITIES

1. Publish an evacuation plan, which will provide for the safe and orderly evacuation of the building. A floor plan showing each evacuation route for each individual floor is conspicuously located near the elevators and exit to the stairwells of each floor.
2. Distribute the evacuation plan to all employees.
3. Coordinate training sessions with the local Fire Department or other sources, to train all Floor Wardens in evacuation procedures and procedures for evacuating “special needs personnel” and obtaining emergency medical assistance for all personnel.

4. Select from the occupants of each floor, personnel to serve as Floor Wardens, Zone Wardens, and Stairway Monitors.
5. Maintain a list of all personnel that may need some type of special assistance during emergency evacuations. This may range from a non-ambulatory person, to a person with cardiovascular disease. They are referred to throughout this plan as "special needs personnel."
6. Designate an assembly area(s) for evacuees outside and away from the building.
7. Upon notification of a fire alarm or bomb threat evacuation, the COOP coordinator and/or building manager will position him/herself at the main entrance to the building, so as not to interfere with arriving emergency personnel. The building manager receive reports from the Floor Wardens that each floor has been evacuated, inform the appropriate local official upon their arrival of any unaccounted personnel and to act as a liaison between the fire department and building personnel.

B. FLOOR WARDEN or Regional Safety Officer (RSO) RESPONSIBILITIES (see checklist in appendices)

1. Become familiar with all aspects of his/her assigned floor, such as special hazards, exit locations and locations of all "special needs personnel," etc.
2. Maintain a roster of all personnel assigned to his/her floor, identify and locate all "special needs personnel" and persons assigned to assist in their evacuation, and assure that this roster is kept up-to-date at all times.
3. Designate and train an alternate Floor Warden to take over responsibilities during his/her absence.
4. Provide the agency designee with a list of personnel that have been assigned duties and maintain an up-to-date record on all assignment and changes of assignments for his/her floor.
5. Complete the appropriate checklist (see appendices) and turn into the appropriate building manager.

1. RESPONSIBILITIES DURING EMERGENCY

- a. The Floor Warden has ABSOLUTE AUTHORITY over ALL personnel on that floor

- b. Upon the receipt of an alarm signal, the Floor Warden will oversee the orderly evacuation of all offices on that floor. The Floor Warden will receive reports from the two Zone Wardens that all personnel from their assigned areas have vacated and are advised of any “special needs personnel” that are present and will need assistance.

C. ZONE WARDEN RESPONSIBILITIES

1. Assist the Floor Warden in overseeing the safe evacuation of people for the area within each floor.
2. Become familiar with all aspects of his/her assigned zone such as special hazards, exit locations, and working locations of all "special needs personnel" etc.
3. Maintain a roster of all personnel assigned to his/her zone, identify and locate all "special needs personnel" and personnel assigned to assist in their evacuation, and maintain an up-to-date roster at all times. This list should be given to both the Floor Warden and the Safety Officer.
4. Upon receipt of an alarm signal, the Zone Warden will oversee the orderly evacuation of ALL offices in his/her area. If there is no immediate danger, the Zone Warden will check all file rooms, conference rooms, bathrooms, offices, etc. to be sure that every room is empty; closing all doors as he/she leaves.
5. The Zone Warden will report to the Floor Warden that all personnel from their assigned areas have been vacated or confirm that any "special needs personnel" are present or need further assistance.
6. The Zone Warden and Floor Warden will then vacate the floor making sure the stairway doors to their floor shut behind them.

D. STAIRWELL MONITOR

1. The Stairwell Monitor is to assist in the orderly use of the assigned stairwell in the evacuation of his/her floor.
2. Upon receipt of an alarm signal, Monitors will proceed to their assigned stairwell to ensure that all personnel evacuate the floor in an orderly manner. During an evacuation there is to be no pushing or shoving. The Monitor will watch for any signs of panic and, should such signs become apparent, move quickly to correct the situation and maintain order. Stairwell monitors will make sure that all personnel that are evacuating the floors should keep to the right on the stairs so as not to interfere with any emergency personnel responding to the emergency.
3. Stairwell Monitors will have the responsibility of assuring that stairwell doors are kept closed except when being used to evacuate the floor.

IV. ELEVATORS

Elevator shaft air currents encourage the spread of fire; as such the use of an elevator in an actual fire emergency is extremely dangerous.

When the Fire Alarm and Warning signals are activated the elevators at 629 East Main will automatically go to the basement level and open and should remain there.

V. FIRE ALARM AND AUDIBLE SIGNALS

A. Fire Alarms

BRRO-Lynchburg

The building at 7705 Timberlake Road is equipped with residential type fire/smoke detectors throughout the building. The building has no centralized system and there is no sprinkler system. Emergency services must be contacted by phone(9-911 from BRRO-L phones). Smoke detectors are individually tested during the monthly building safety inspections.

BRRO-Roanoke

The regional office is located at 3019 Peters Creek Road; Roanoke, VA 24019 and is equipped with a first alert alarm which is smoke activated and has heat sensors located in our lab. The system can be activated manually at 12 Fire Pull Down stations located throughout the building Fire system is tied into BRRO-R Entrapass Security System. When fire alarm is activated, the signal goes to Security Central and Security Central notifies the Fire Department.

Central Office

The building at 629 East Main Street is equipped with fire/smoke sensors throughout the building that automatically activate the alarm system when smoke or fire is detected. This system automatically contacts the building security system (Sonitrol) which in turn automatically dispatches the fire department and police department. The main Sonitrol panel located in the basement property manager's office will indicate what floor and location on the floor where the fire is located.

NRO

The regional office at 13901 Crown Court, Woodbridge, VA 22193, is equipped with fire/smoke sensors throughout the building that automatically activate the alarm system when smoke or fire is detected. Additionally, there are pull stations located throughout the building which will activate the alarm. This system automatically contacts the building security system (Sonitrol) which in turn automatically dispatches the fire and police departments. The fire alarm panel located in the front entranceway will indicate in which zone the fire is located.

PRO/AQM

The building located on Cox Road (Innsbrook) in Glen Allen, VA is equipped with fire/smoke sensors throughout the building that automatically activate the alarm system when smoke or fire is detected. This system automatically contacts the building security system (Sonitrol) which in turn automatically dispatches the fire department and police department.

SWRO

The building located at 355 Deadmore Street, Abingdon, VA is equipped with a water sprinkler fire suppression system that activates in the event of fire. The system is maintained by Bristol

Telephone and Security. The system has sensors that detect activation and automatically notify Bristol security through the office's electronic security system and they, in turn, notify the fire department.

TRO

The building at 5636 Southern Blvd., Va. Beach, VA is equipped with fire/smoke sensors throughout the building that automatically activate the alarm system when smoke or fire is detected. This system automatically contacts the Property Management security system which in turn automatically dispatches the fire department and police department. The main Security System panel is located in warehouse workshop area.

VRO

The building at 4411 Early Rd., Harrisonburg, VA is equipped with a Fire-Lite Alarms Inc system, which is heat and smoke activated. There are no water sprinklers; only fire extinguishers. The alarm system is monitored by Fire-Lite Alarms Inc. When the alarm is activated, Fire-Lite is notified and they in turn notify the fire company.

When the fire alarm is activated, employees should exit the building per the evacuation plan and go to the designated assembly area once outside the building. A count of personnel will be made at the assembly area. Personnel should not leave the designated assembly area without permission. If a later count is made and is different from the first, it may cause an unneeded search for that person(s).

B. Audible Signals

In the case a non-fire incident or emergency (such as a chemical spill or after an earthquake has ceased), the staff associated with evacuation should use an audible signal to alert staff of the need to evacuate the building. It is suggested staff/coordinator use whistles (or air horn) as a means to signify a necessary building evacuation for non-fire incidents.

VII. TRAINING AND DRILLS

The general services manager (or agency designee) will plan and coordinate training and develop proficiency in building/floor evacuations. Each office *should* conduct at least two evacuation drills a year.

DRILL PREPARATIONS AND DRILL PROCEDURES

The agency designee will notify the tenants and employees of the fire drill time and date.

The agency designee will notify the property management to activate and reset the fire alarm system; as well as notifying the: building security alarm vendor; police department; and local Fire Department.

Occupants should leave the floor via the nearest stairwell and follow their evacuation plan.

After the fire Drill is concluded, the agency designee will meet with the evacuation team to discuss whether all systems and plans functioned properly and to determine the overall effectiveness of the drill.

VIII. EVACUATION INSTRUCTIONS FOR EMPLOYEES

When directed by the Floor Warden (or regional coordinator) to evacuate the building or when the building Fire Alarm system is activated, each individual shall proceed to the nearest exit. Elevators shall not be used. Anyone observing the need for first aid treatment shall immediately advise the Floor Warden.

Employees must comply with the following procedures:

Go to the hall and leave the office door open as you leave.

Proceed to the stairways, ***down the steps using the right side only***; this leaves the left side open for fire or police personnel.

No running, pushing, or passing on the stairways. The doors at the stairwells are fire rated and it is extremely important to keep doors closed.

When exiting the back stairwell, at the exit door to the outside there is a weighed stairwell above the alley. To activate, open turn the metal gate by pushing it open toward the metal steps, this will release the latch to the metal stairs. Proceed slowly down the steps, as you proceed slowly down steps, the stairs will start to descend, stop and wait until it touches the ground, then continue on down the steps.

After evacuating the building go to the designated meeting location and wait for instruction from the Floor Warden/RSO. The Floor Warden will check the roster to make sure all employees are accounted for from his/her designated floor and complete the appropriate checklist.

No one will re-enter the building until the "all clear" signal has been given.

After the "all clear" signal has been given, by either the Fire Chief or other officer in charge, or by the police, the DEQ administering official will then give the "All Clear" signal and all personnel will return to their work stations.

AUTHORITY OF THE BUREAU OF FIRE PERSONNEL

On arrival, the Police or Fire representative will assume full command; this is state law. When all dangers are clear and the building is safe to enter, the Bureau of Fire representative will

make the report to the agency designee, who will report to the Floor Wardens that personnel may return to their floors.

Appendix C – Incident Check Lists

Check List for Suspicious Package

To be completed by floor warden or regional safety officer

Action	<input type="checkbox"/>	Comments
Was the package/envelope covered or isolated by closing the door?		
Was any staff member directly exposed to the package contents (i.e. white powder on staff clothing)?		
+ If yes, did the staff member: a) remove clothing which was exposed to the substance and b) dispose in trash can?		
+ If exposure was limited to hands, did the staff member wash hands w/ soap		
For white powder incident, has the staff member been isolated in a designated location?		
Has OPGS (Jay Gutshall or Vikki Logan) been notified?		
Has the floor/area been secured to prevent any other persons from entering the area?		

To be completed by OPGS or Office Manager

Action	<input type="checkbox"/>	Comments
Was 911 called?		
Has agency & building management been notified of the incident?		

Was the HVAC system shut down to prevent potential contamination or distribution?		
If building conditions warrant, (i.e. excessive heat, etc.) has staff been evacuated to a designated spot(s)?		
Was a list of all persons exposed to the substance created, along with person's contact information, nature/duration of exposure, etc.?		
Has a person been designated to meet law enforcement & escort them?		

Check List for Fire Drills

To be completed by floor warden or regional safety officer

Action	(Comments
All staff was removed from the building/floor?		
All staff office doors were closed before exiting the floor/building?		
Floor warden or RSO was the last to exit the floor/building?		
Did staff meet at the designated check point?		
All staff was present or accounted for?		
Identify staff not accounted for by name in the comment section to the right.		
Provide this completed checklist to CO administration or the RO manager?		

Check List for Tornado Drills

To be completed by floor warden or regional safety officer

Action	(Comments
All staff relocated to an interior portion of the building and away from any windows?		
All staff office doors were closed during the drill?		
All staff was present or accounted for?		
Identify staff not accounted for by name in the comment section to the right.		
Provide this completed checklist to CO administration or the RO manager?		

Check List for Earthquakes

To be completed by floor warden or regional safety officer

Action	<input type="checkbox"/>	Comments
All staff took cover away from exterior walls and windows until the shaking stopped?		
All staff office doors were left open during the drill?		
All staff exited the building when safe to go outside ?		
Did staff meet at the designated checkpoint?		
All staff was present or accounted for?		
Identify staff not accounted for by name in the comment section to the right.		
Provide this completed checklist to CO administration or the RO manager?		

Appendix D – Bomb Threat

In the event of a bomb threat, the person taking the call shall:

Get an accurate message and try to write down the message word for word.

Try to collect the following information.

- A. Is the voice – male or female?
- B. Is there an accent or dialect?
- C. Does the caller appear sober?
- D. Is caller's speech and message – erratic or firm and emphatic
- E. What background noises or conversations can be heard?
- F. Ask the caller where the bomb is located and when it is set to go off.
- G. Ask the name of the caller or organization?
- H. Try to determine the length of call.

The person receiving the call 'SHALL NOT BROADCAST' the matter and cause panic. The person that received the call should call the state police at 9-911. Then follow the instructions given to them by the Police Officer. The State Police or the Fire Chief will make the decision to evacuate the building.

Report the call to your supervisor.

If it has been determined that an evacuation of the floor/building is required, you will be notified by your Floor Warden or by the activation of the building fire alarm system. **NO ELEVATORS WILL BE USED FOR EVACUATION PURPOSES.**

Before leaving the office area each person shall look around their area for any strange or unusual packages, and if suspected report it to the Zone Warden.

All persons will leave the building, and unless otherwise instructed to the area designated in the Evacuation Plan and remain there until the Police or Fire Chief allow you to leave

Appendix E - Floor Plans

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Each Region and Central Office should keep their floor plan copies updated.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Molly Joseph Ward
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219 Mailing
address: P.O. Box 1105, Richmond, Virginia 23218
www.deq.virginia.gov

David K. Paylor
Director

(804) 698-4000

1-800-592-5482

TO: Land Protection Program Managers
Hazardous Waste Compliance Inspectors

FROM: Lisa Ellis, Hazardous Waste Compliance Coordinator

Copy: Leslie Romanchik
Leslie Beckwith

DATE: February 15, 2017

RE: FY17 Grant Work Plan Goals and Measures

In response to questions from the regions about the FY17 Grant Work Plan and whether inspections will count toward the FY17 Grant Work Plan Goals, the following guidance has been developed. An explanation of the Compliance Monitoring Strategy and the FY17 Grant Work Plan Goals are provided as the framework for determining when an inspection may or may not count toward the goals.

As a state, our primary HW inspection goal will be to inspect the required TSD and LQG facilities based on the required frequency and the date of the last inspection. We will also continue to reduce the number of SQG-NI facilities statewide. For regions that have depleted their SQG-NI population, four alternatives for inspections to meet the regional SQG numbers are as follows:

1. Perform SQG-NI inspections in NRO, TRO or PRO after approval from that region's LPM;
2. Inspect CESQGs that have notified but never been inspected;
3. Inspect non-notifier facilities that may possibly be hazardous waste generators; and
4. Renegotiate the Alternate Plan with EPA to include Used Oil and Universal Waste facilities that do not generate hazardous waste. [Note: To explore this option, the LPM must communicate to Central Office hazardous waste staff by March 31 of the fiscal year.]

The attached Goals and Measures document details specifically how each type of inspection will be counted.

If anyone has questions about the guidance, please contact me at 804-698-4237 or lisa.ellis@deq.virginia.gov.

Attachment

FY17 Goals and Measures

Compliance Monitoring Strategy

As part of RCRA's compliance monitoring program, EPA Region 3 and the DEQ negotiate inspection goals annually. Guidance for establishing inspection goals is provided by EPA's Office of Enforcement and Compliance Assurance (OECA) in the [Compliance Monitoring Strategy for the Resource Conservation and Recovery Act \(RCRA\) Subtitle C Program \(September 2015\)](#) ("CMS") and the [National Program Managers Guidance \("NPMG"\)](#).

RCRA imposes inspection requirements for TSDFs, and OECA's NPMG establishes corresponding expectations for those and other regulated operations.

- The statute mandates minimum inspection frequencies for TSDFs: annually for government owned or operated TSDFs, and biennially for non-government TSDFs. OECA has established corresponding annual commitments, e.g., annually for government owned or operated TSDFs and biennially for non-government TSDFs.
- OECA has set minimum annual inspection requirements for LQGs: at least 20 percent of the universe.

[NOTE: States may elect to inspect SQG/CESQGs, Transporter, Non-Notifier, and/or Other RCRA Handler facilities, in lieu of inspecting 20 percent of their LQG universe, under OECA's policy for State Alternative Plans (or "State Flexibility Plans").]

The above minimum inspection requirements are met through the negotiated planning process between EPA Region 3 and the DEQ. If a state decides to develop and work under an Alternative Plan, the EPA and the state will negotiate the details of the Grant Work Plan and an Alternative Plan prior to the start of the fiscal year.

FY17 Grant Work Plan

For FY17, the DEQ negotiated the Grant Work Plan goals, which includes an approved Alternative Plan¹. (See Table 1) The DEQ must meet the inspection numbers committed for each area of regulated operations (i.e., TSDFs, LQGs, and SQG/CESQGs) to fulfill its commitments to the goals.

¹ The highlights of the Grant Work Plan goals are summarized in Table 1. To view the full goals, see the full Virginia Department of Environmental Quality, FY2017-2018 Final Grant Work Plan, FY2017 (Revised November 15, 2016).

Table 1 – FY17 Inspection Goals

Regulated Operations	Baseline Number of Facilities in Virginia	Goals	Commitments
TSDFs	6 Fed TSDs & 3 Private TSD	Inspect each government owned or operated TSDF annually. Inspect each private TSDF biennially.	3 (FCIs at RAAP, NSWC Dahlgren, and NASA Wallops) & 1 (Private TSD)
LQGs	390	OECA Minimum: Inspect at least 20% of the universe. FY17 State Agreement: Will inspect every LQG once every 5 year. Alternate Plan: As part of the state’s alternate plan, will substitute 1 LQG inspection for 2 SQG inspections to make up the difference between which LQGs are required to be inspected, and 20% of the total numbers of LQGs in the baseline ^A	46
SQGs/ CESQGs ^B	3,200 SQGs, 5,782 CESQGs	Continue to reduce the “Never Inspected” Universe of generators at all levels of generation	284 total, at least 64 of which must be SQG.

^A The substitution of 2 SQGs for 1 LQG was used to develop the inspection commitments for the Alternate Plan during the negotiated development of the Grant Work Plan. Once the work plan is approved by EPA, similar substitutions may not be made during the fiscal year.

^B For the purposes of the FY17 Grant Work Plan, CESQGs are included; however, regions that still have large numbers of SQG-NI facilities should continue with the SQG-NI initiative.

FY17 Measures

To measure progress against the goals contained in the FY17 Grant Work Plan, inspection activities will be tracked throughout the fiscal year. Based on actual regulated operations observed during the inspection, inspections may or may not count toward the grant work plan goals.

To determine which inspections will count toward the goals, staff will check the Handler Universe as entered in RCRAInfo and evaluate the actual regulated operations at the time of inspection. Staff will complete the appropriate checklists associated with the Handler Universe for the actual regulated operations. This information will be evaluated against the goals identified in Table 1. If the combination of Handler Universe, as identified in RCRAInfo, and the actual Handler Universe observed during the inspection match one of the grant work plan goals, the state will receive credit for the inspection. The remaining part of this section and Table 2 explain in greater detail which inspections will receive grant credit and which ones will not.

Credit toward the grant work plan goals will be given for the following inspections:

- **Federal Facilities:** Conduct FCI for identified focus area and complete associated checklists.
- **Private TSDs:** Conduct CEI for all regulated operations (e.g., permitted, generator, and other handler activities) and complete associated checklists.
- **Generators:** Conduct a CEI at facility notified as a HW generator (e.g., LQG or SQG/CESQG) and complete appropriate checklists for generator category. Receive inspection credit for either the Handler Universe identified in the most recent notification or the actual category identified during the inspection, whichever is the higher category.
- **Non-Notifiers:** Where a facility is a generator of hazardous waste but has not notified of regulated operations as required, conduct CEI for all of the regulated activities and complete appropriate checklists for grant category.

For inspections conducted of **Other RCRA Handlers**,² credit toward the grant work plan may not be available for the FY17 grant. The following guidelines apply:

- If a facility is notified as a HW generator (e.g., LQG or SQG/CESQG) but does not generate HW, inspection credit toward the grant work plan goals *is* available when the facility generates used oil or universal waste. Conduct the CEI and complete the appropriate checklists. The state will receive inspection credit for the Handler Universe identified in RCRAInfo.
- If a facility is a Non-Generator but generates used oil or universal waste, conduct an “Other RCRA Handler” inspection and complete the appropriate checklists. The inspection will not be counted toward the grant work plan goals for FY17; however the inspection will be counted as an “Other” inspection inspections in the DEQ’s report to EPA at the end of the grant year. The data will be used to inform future grant work plan negotiations.

Inspections at **Transporter** facilities will not be given credit toward the grant work plan goals unless the Transporter is also a TSDF or Generator (e.g., LQG or SQG/CESQG).

Inspections at **Non-Generator** facilities will not be given credit toward the grant work plan goals unless they were identified in RCRAInfo prior to the inspection as a higher level.

² “Other RCRA Handlers” means Used Oil Facilities, Universal Waste Handlers, entities involved in reclamation of Hazardous Secondary Materials, and any other type of facility, operation, entity or handler subject to Subtitle C other than a Generator, Transporter, or Treatment, Storage, and Disposal facility (TSDF). See EPA’s Office of Enforcement and Compliance Assurance (OECA) in the Compliance Monitoring Strategy for the Resource Conservation and Recovery Act (RCRA) Subtitle C Program (September 2015).

Table 2 – Inspection Measures & Credits

CMS Core Program - Notification per RCRAInfo	Regulated Operations Match RCRAInfo	Regulated Operations Do NOT Match RCRAInfo	Non-Generator	Out of Business
TSDF	Grant Credit ^B (FCI at Fed Facs / CEI at Private TSDs)	--	--	-
Generators (LQG, SQG, CESQG)^A	Grant Credit ^B (CEI)	Grant Credit ^B (CEI)	Grant Credit ^B (CEI)	No Credit ^D (FCI-ISI)
Non-Notifier	--	If a TSDF or Generator, Grant Credit ^B (CEI)	No Credit ^D	-
Transporters	Other ^C (CEI)	If also a TSD or Generator Grant Credit ^B	--	-
		If Non-Generator Other ^C (CEI)		
Other RCRA Handlers (Used Oil, Universal Waste)	Other ^C (CEI)	If also a TSD or Generator Grant Credit ^B (CEI)	No Credit ^D (FCI)	No Credit ^D
		If Non-Generator Other ^C		

^A For the purposes of the FY17 Grant Work Plan, a Generator is a LQG, SQG, or CESQG.

^B The inspection counts toward the FY17 Grant Work Plan goals for highest category.

^C The inspection does not count toward the FY17 Grant Work Plan goals. However, the DEQ will report “Other” inspections in its end of year grant report to EPA.

^D The inspection does not count toward the FY17 Grant Work Plan goals.



Division of Enforcement

Memorandum

SUBJECT: Enforcement Guidance Memorandum No. 1-2011

Access to Private Property for Inspections and Investigations, Denial of Access,
and Obtaining Administrative Inspection Warrants

TO: Regional Directors and Division Directors

FROM: Melanie D. Davenport, Director
Division of Enforcement

A handwritten signature in black ink, appearing to read "MDD", is positioned to the right of the "FROM:" line.

DATE: March 3, 2011

COPIES: Rick Weeks, James Golden, Regional Deputy Directors, Central Office and Regional Air, Water, and Land Protection Program Managers, and Central Office and Regional Compliance & Enforcement Managers

Summary: This guidance establishes procedure and describes limits to Virginia Department of Environmental Quality ("DEQ") staff's authority to access private property to conduct environmental investigations and inspections pursuant to applicable law, establishes what DEQ will consider a denial of access to property, and establishes general procedures for obtaining an administrative inspection warrant ("inspection warrant").

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET at <http://degnet/programs/enforce/AgencyEnfGuidance.asp>, and for the public on the DEQ website at: <http://www.deq.virginia.gov/enforcement/manual.html>

Contact information:

For more information, please contact Justin Williams, Division of Enforcement, at (804) 698-4185, or e-mail: Justin. Williams @[deq.virginia.gov](mailto:Justin.Williams@deq.virginia.gov)

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular action for the Department or its employees nor does it prohibit any particular action that is within applicable law. This guidance is intended only to provide a guide for policies and

procedures for the Department and its employees. Facts and circumstances may dictate varying from this policy as appropriate.

I. Purpose

This guidance establishes the general policy and procedure for staff to access private property to conduct investigations and inspections. It also establishes general procedures to obtain consent prior to accessing private property, procedures to be followed if consent cannot be obtained or if access is denied, and general procedures for obtaining an inspection warrant.

II. DEQ Policy and Procedures for Accessing Private Property

General Procedures: To carry out the mission of DEQ and meet the statutory mandates to protect human health, safety, and the environment, DEQ staff ("staff") often must enter onto private property' to conduct inspections and investigations, or respond to environmental contamination, threats, or hazards. In order to insure that such inspections, investigations, and responses would be legally defensible in court, they should be conducted within the confines of all laws as well as DEQ's policies and procedures.

It shall be the policy and procedure of DEQ for staff to obtain consent from the property owner or an authorized representative of the property owner prior to or at the time of conducting an inspection or investigation on private property, absent urgent circumstances.

Often, permits issued by DEQ or one of its citizen boards include right of entry and inspection provisions. Staff should review these permit provisions prior to conducting an inspection or investigation at a permitted facility. Additionally, rights of entry and inspection provisions are found in several sections of the Virginia Code.²

Also, staff is encouraged to use public spaces such as parks and roadways to perform their duties.

Staff may enter a private property in cooperation with other local, state, or federal authorities if the purpose of the site inspection or visit is administrative or civil in nature and the subject of the inspection is within the authority of DEQ or one of the citizen boards.³

Private property, as used in this guidance, means property that is not owned by a governmental entity but rather a private citizen or legal entity such as a company.

²Appendix A provides the statutory language found in the Virginia Code that allows DEQ to inspect or conduct investigations.

³Generally, staff is carrying out administrative or civil functions and not criminal functions. Different legal requirements and policies govern entry onto private property for criminal investigations. This guidance only covers access to private property for routine program inspections or administrative inspections and not criminal investigations or warrants obtained pursuant to a criminal investigation or criminal enforcement proceedings. These procedures should not be used to attempt to obtain criminal evidence or for criminal investigations. If a criminal

investigation is underway, staff must not use a civil or administrative inspection or investigation to collect or identify information or evidence for a criminal investigation.

Inspections of Permitted and Non-Permitted Properties: Upon arrival at the site, staff must locate the property owner or authorized representative⁴, present his or her DEQ credentials⁵, and identify the reason for being on the property.

Staff must then obtain the consent of the property owner or authorized representative of the property owner. This step is not required if previous permission has been granted to enter the property and to conduct the inspection. Also, if staff is conducting an unannounced inspection, consent should be obtained upon arrival at the site but not in advance.

For leased properties, staff must obtain consent from the person who leases the property or authorized representative, and ensure that the representative granting consent has authority to grant consent on the lessee's behalf.

Staff should conduct the inspection during regular business or operating hours. Staff should maintain a professional, courteous demeanor while gaining access and should not threaten, harass, coerce, or otherwise act unreasonable when seeking entry.

Staff may enter upon property, even property that is marked with "No Trespassing," only to determine if the property owner or authorized representative is on-site and to obtain consent. Staff should never enter onto or remain on property where a risk to his or her safety or health is present or possible.

Upon arrival, if staff cannot locate the property owner or an authorized representative and prior permission has not been given to enter the site, staff shall not continue to conduct an inspection and must exit the property.

If staff cannot locate the property owner or authorized representative, after exiting the property, staff should discuss their findings with their immediate supervisor to determine next steps, which may include:

- searching governmental agencies' websites or databases to determine if an entity is still operating or exists
- searching local property records to determine who the legal owner of the property is
- using public access points or property to observe and document issues
- asking adjoining property owners for access to make observations from adjacent properties
- petitioning the appropriate Circuit Court for access to abandoned waste sites
- issuing a NOAV, which cites permit provisions for the Department to be able to conduct inspections or other permit requirements such as a requirement that certain individuals to be on-site

⁴ An authorized representative is an individual other than the property owner who has the authority to grant access to the site. For example, environmental managers usually have the authority to allow staff on-site to conduct inspections. Other examples would include spouses, corporate officers, managers, waste water treatment plant operators, and landfill operators. If staff is not sure if the individual has such authority, staff should inquire of the individual.

⁵ Credentials are the employee's state-issued DEQ identification.

Additionally, staff may consider using the procedures outlined in Section IV to obtain an inspection warrant.

Once consent has been obtained, staff does not have to be accompanied by the property owner or an authorized representative during the inspection unless it is called for under media-specific guidance, but should be accompanied by facility personnel when possible. If the property owner or authorized representative demands to be present during the inspection but is unavailable to accompany staff at the time, then staff should consult with their supervisor and may consider returning when the property owner is available or pursuing an administrative inspection warrant using the procedures outlined in Section IV, depending upon the circumstances and urgency for the inspection.

Apparent Violations or Circumstances Requiring Immediate Action Including Fish Kills and Suspected Spills of Hazardous or Toxic Substances: If an obvious and immediate damage to human health or the environment has occurred or is about to occur and an immediate investigation or other action to determine the source and/or mitigate its effects may be warranted, such as investigating a fish kill or spill/release of a hazardous or toxic substance, staff should immediately notify their Regional Director or designee. After notification to the Regional Director or designee, staff will notify the property owner or an authorized representative and seek immediate access to the site. If the property owner or an authorized representative cannot be reached, staff may enter the property to conduct a limited investigation to determine immediate risks to human health and the environment if the violations or circumstances involve air or water violations. However, staff should make repeated attempts to contact the property owner or an authorized representative and notify the property owner or an authorized representative after exiting the site as soon as possible.

If the apparent violations or circumstances involve waste media, staff should consult with the Central Office Division of Enforcement ("DE") prior to entering the site.

Staff should not enter the property if a risk is present to the employee's health and safety. If staff has a concern about the safety of a site, they should consult with their supervisor. If appropriate, staff should notify the proper emergency or first responders, if not already present on-site, and wait for proper clearance to enter the site.

If a property owner or authorized representative objects to staff entering their property, staff should exit the property and notify their Regional Director of the hazard, threat, damage, and other observations. Staff should then follow the procedures outlined in Section IV and discuss available options with DEQ Central Office management.

III. Denial of Access

In an attempt to conduct an investigation or inspection, DEQ may consider the following a denial of access:

- Expressed denial of access to the property to conduct an investigation or inspection.

- Limiting the scope of inspection to exclude areas that are necessary to properly conduct an inspection or investigation.

- Requiring staff to sign waivers of liability or waivers limiting liability including register logs or badges which contain such language. However, staff may sign a sign-in sheet at the facility so that facility is aware of who is on-site as long as the sheet does not contain a waiver of liability or a confidentiality agreement. In this case, staff should request the ability to sign-in on a separate document or if possible strike through the waiver language and initial over the strike through.
- Requiring staff to sign confidentiality agreements.
- Denial of ability to take photographs of items that are reasonably related to the inspection or investigation or are evidence of non-compliance. Staff should check with the Media Compliance Manager and Media Enforcement Manager if a question arises as to the ability to protect information as confidential.
- Refusing or limiting staff's ability to use equipment necessary to conduct the inspection.
- Refusing or limiting staff's ability to take samples or conduct monitoring necessary to conduct the inspection.
- Refusing or limiting staff's ability to view documents necessary to conduct the inspection.
- Unreasonably delaying staff conducting the inspection. Whether a delay is unreasonable depends on the circumstances such as length, reason for the delay, urgency that the inspection needs to be conducted, and other circumstances which must be examined on a case-by-case basis.
- Making threats, intimidating, harassing, or coercing staff.
- Other unreasonable actions or conditions placed upon staff.

If an individual other than the property owner or authorized representative denies access, staff should attempt to make contact with the property owner or an authorized representative to gain access. In the case of a leased property, if a person other than the person who leases the property denies access, staff should attempt to make contact with the person who leases the property to gain access.

In the event that staff is denied access to a property, staff may ask why the individual is denying access and discuss the denial with the individual in attempt to resolve the situation. Staff should inform the individual the basis of the inspection and the Department's authority to conduct inspections. However, staff should not in any way threaten or attempt to coerce an individual who denies access. Staff should not imply any penalties, repercussions, or actions that may result against the individual or the facility if access is denied.

In the event of a denial of access, staff should note the denial and the reasons provided by the individual, and exit the property immediately. Upon exiting the property after a denial, staff should notify his or her immediate manager of the denial. In the event of a denial of access, staff should discuss next steps with his or her immediate manager, including possible actions such as using public access points or public property to observe issues of non-compliance, rescheduling the inspection, issuing an NOAV, or obtaining an inspection warrant as outlined in Section IV.

IV. Inspection Warrants

The ability to inspect and investigate regulated facilities and possible non-compliant activity is essential to DEQ's mission. On the rare occasion that a DEQ employee is denied access or unable to gain access to a property, staff may obtain an inspection warrant to conduct the inspection or investigation.

An administrative inspection warrant is a warrant issued to conduct a regulatory inspection or investigation and is not the same as a criminal warrant to search a property or seize evidence to be used in a criminal investigation or trial.⁶ Outlined below is the basis for obtaining an inspection warrant and the procedure staff should follow to attempt to obtain an inspection warrant.

Basis for Obtaining Administrative Inspection Warrants: An inspection warrant may generally be obtained under two circumstances. First, an inspection warrant may be granted by a court where the inspection or investigation and actions to be undertaken during the inspection are being conducted pursuant to reasonable "legislative or administrative standards."⁷ Usually, this criterion is satisfied where a facility is being inspected pursuant to routine permitting, monitoring, or federal grant commitments.

Second, an inspection warrant may be granted where probable cause exists to believe that a noncompliant activity is occurring.⁸ Usually, this criterion is satisfied where probable cause exists to show a violation of one of the laws or regulations under the purview of one of the citizen boards served by DEQ.

In addition to these two circumstances, staff must have either been refused admission to the property or demonstrate to the court that facts or circumstances warrant the court issuing the inspection warrant without DEQ staff having consent to enter the property. This later condition is generally satisfied where facts or circumstances indicate that evidence may be lost or destroyed if consent is first attempted to be obtained or that other actions may occur that undermine DEQ's ability to effectively enforce laws or regulations.⁹

Procedures to Obtain Administrative Inspection Warrants: The first step in obtaining an inspection warrant to conduct the inspection or investigation is to discuss the need for the inspection warrant with the Regional Media Program Manager. The reason may be due to a

⁶ "An inspection warrant['] is an order in writing, made in the name of the Commonwealth, signed by any judge of the circuit court whose territorial jurisdiction encompasses the property or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, testing or collection of samples for testing required or authorized by state or local law or regulation in connection with the manufacturing, emitting or presence of a toxic substance, and which describes, either directly or by reference to any accompanying or attached supporting affidavit, the property or premises where the inspection, testing or collection of samples for testing is to occur." Va. Code § 19.2-393.

Va. Code § 19.2-394 describes the circumstances under which a Circuit Court may issue an inspection warrant. These criteria must be demonstrated to the court.

⁸ Va. Code § 19.2-394 describes the circumstances under which a Circuit Court may issue an inspection warrant. The court will determine if probable cause exists based upon the information provided to the court.

⁹ Va. Code § 19.2-394

denial of access, as discussed in Section II, or circumstances that indicate a preemptive inspection warrant may be needed. If staff believes that, under the circumstances, an inspection warrant may be needed; staff should implement these procedures as soon as possible.

If the Regional Media Program Manager believes an inspection warrant should be obtained, staff and the Regional Media Program Manager should discuss the issue with regional management.

Upon agreement by regional management, the regional office should contact the DE in the Central Office and Central Office Media Program Managers to discuss the basis and appropriateness for the inspection warrant and next steps, including the drafting of necessary court documents.

Upon agreement that an inspection warrant should be obtained, DE will contact and coordinate with the Office of the Attorney General ("OAG").

Obtaining an inspection warrant will require the staff member who is seeking to conduct the inspection to complete an affidavit which indicates the basis for the inspection, what is to be inspected, and whether the inspection warrant is being sought due to a denial of access or circumstances where consent should not be requested prior to the inspection.¹⁰ Template affidavits, applications for warrants, and warrants are available from the DE.

After coordination with the OAG, staff and the OAG will present the affidavit, application for warrant, and the warrant to the Circuit Court in the jurisdiction where the inspection is to occur.

Upon Circuit Court approval, staff will immediately execute the warrant. An inspection warrant only remains valid for 10 days.⁰ If staff cannot execute the warrant within the time indicated in the inspection warrant, staff should notify DE, and DE will coordinate with the OAG to request an extension.

Staff may request that the warrant be served by a local or county sheriff or other law enforcement personnel. Staff may also request that a local or county sheriff or other law enforcement personnel accompany them on the inspection. Staff shall not use force to execute the inspection warrant.¹²

Staff must conduct the inspection or investigation as prescribed or limited in the inspection warrant and strictly adhere to any terms in the inspection warrant.

Staff should coordinate with DE and the OAG to file a return of service¹³ after execution of the inspection warrant in the Circuit Court where the inspection warrant was obtained.¹⁴

¹⁰ Va. Code § 19.2-394 outlines what must be contained in an affidavit to the Circuit Court.

¹¹ Va. Code § 19.2-395

¹² Va. Code § 19.2-396 prohibits use of force to execute an inspection warrant unless specifically authorized by the court under special circumstances.

¹³ A "return of service" is a document filed with the court affirming that the warrant has been served.

Appendix A

State Statutes on Right of Entry by DEQ

DEQ

§ 10.1-1197.10. Right of entry to inspect, etc.; warrants.

Upon presentation of appropriate credentials and upon consent of the owner or custodian, the Director or his designee shall have the right to enter at any reasonable time onto any property to inspect, investigate, evaluate, conduct tests or take samples for testing as he reasonably deems necessary in order to determine whether the provisions of any law administered by the Director or the Department, any regulations of the Department, any order of the Department or Director or any conditions in a peiiiiit by rule, license or certificate issued by the Director are being complied with. If the Director or his designee is denied entry, he may apply to an appropriate circuit court for an inspection warrant authorizing such investigation, evaluation, inspection, testing or taking of samples for testing as provided in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2.

Air Pollution Control Law

The Executive Director or an authorized DEQ staff member may use the following authority for air quality inspections:

Vac. Code § 10.1-1307.3. Executive Director to enforce laws.

A. The Executive Director or his duly authorized representative shall have the authority to:

1. Supervise, administer, and enforce the provisions of this chapter and regulations and orders of the Board as are conferred upon him by the Board;
2. Investigate any violations of this chapter and regulations and orders of the Board;
3. Require that air pollution records and reports be made available upon request, and require owners to develop, maintain, and make available such other records and infoiination as are deemed necessary for the proper enforcement of this chapter and regulations and orders of the Board;
4. Upon presenting appropriate credentials to the owner, operator, or agent in charge:
 - a. Enter without delay and at reasonable times any business establishment, construction site, or other area, workplace, or environment in this Commonwealth; and

¹⁴ Va. Code § 19.2-395

b. Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, without prior notice, unless such notice is authorized by the Director or his representative, any such business establishment or place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any such employer, officer, owner, operator, agent, or employee. If such entry or inspection is refused, prohibited, or otherwise interfered with, the Director shall have the power to seek from a court having equity jurisdiction an order compelling such entry or inspection;

B. The Executive Director or his duly authorized representative may pursue enforcement action for a violation of opacity requirements or limits based on (i) visual observations conducted pursuant to methods approved by the U.S. Environmental Protection Agency, (ii) data from certified continuous opacity monitors, or (iii) other methods approved by the U.S. Environmental Protection Agency.

Va. Code § 10.1-1315. Right of entry.

Whenever it is necessary for the purposes of this chapter, the Board or any member, agent or employee thereof, when duly authorized by the Board, may at reasonable times enter any establishment or upon any property, public or private, to obtain information or conduct surveys or investigations.

Virginia Waste Management Act

The Executive Director or an authorized DEQ staff member may use the following authority for waste inspections:

Va. Code § 10.1-1456. Right of entry to inspect, etc.; warrants.

Upon presentation of appropriate credentials and upon consent of the owner or custodian, the Director or his designee shall have the right to enter at any reasonable time onto any property to inspect, investigate, evaluate, conduct tests or take samples for testing as he reasonably deems necessary in order to determine whether the provisions of any law administered by the Board, Director or Department, any regulations of the Board, any order of the Board or Director or any conditions in a permit, license or certificate issued by the Board or Director are being complied with. If the Director or his designee is denied entry, he may apply to an appropriate circuit court for an inspection warrant authorizing such investigation, evaluation, inspection, testing or taking of samples for testing as provided in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2.

Va. Code § 10.1-1418.4. Removal of waste tire piles; cost recovery; right of entry.

Notwithstanding any other provision, upon the failure of any owner or operator to remove or remediate a waste tire pile in accordance with an order issued pursuant to this chapter or § 10.1-1186, the Director may enter the property and remove the waste tires. The Director is authorized to recover from the owner of the site or the operator of the tire pile the actual and

reasonable costs incurred to complete such removal or remediation. If a request for reimbursement is not

paid within 30 days of the receipt of a written demand for reimbursement, the Director may refer the demand for reimbursement to the Attorney General for collection or may secure a lien in accordance with § 10.1-1418.5.

Va. Code § 10.1-1406.1. Access to abandoned waste sites.

A. For the purposes of this section, "abandoned waste site" means a waste site for which (i) there has not been adequate remediation or closure as required by Chapter 14 (§ 10.1-1400 et seq.) of this title, (ii) adequate financial assurances as required by § 10.1-1410 or § 10.1-1428 are not provided, and (iii) the owner, operator, or other person responsible for the cost of cleanup or remediation under state or federal law or regulation cannot be located.

B. Any local government or agency of the Commonwealth may apply to the appropriate circuit court for access to an abandoned waste site in order to investigate contamination, to abate any hazard caused by the improper management of substances within the jurisdiction of the Board, or to remediate the site. The petition shall include (i) a demonstration that all reasonable efforts have been made to locate the owner, operator or other responsible party and (ii) a plan approved by the Director and which is consistent with applicable state and federal laws and regulations. The approval or disapproval of a plan shall not be considered a case decision as defined by § 2.24001.

C. Any person, local government, or agency of the Commonwealth not otherwise liable under federal or state law or regulation who performs any investigative, abatement or remediation activities pursuant to this section shall not become subject to civil enforcement or remediation action under this chapter or other applicable state laws or to private civil suits related to contamination not caused by its investigative, abatement or remediation activities.

D. This section shall not in any way limit the authority of the Board, Director, or Department otherwise created by Chapter 14 of this title.

§ 10.1-1425.3. Inspection of battery retailers; penalty.

The Department shall produce, print, and distribute the notices required by § 10.1-1425.2 to all places in the Commonwealth where lead acid batteries are offered for sale at retail. In performing its duties under this section, the Department may inspect any place, building, or premise subject to the provisions of § 10.1-1425.2. Authorized employees of the Department may issue warnings to persons who fail to comply with the provisions of this article. Any person found guilty of failing to post the notice required under § 10.1-1425.2 after receiving a warning to do so pursuant to this section shall be punished by a fine of not more than fifty dollars.

State Water Control Law

The Executive Director or an authorized DEQ staff member may use the following authority for water inspections:

Va. Code § 62.1-44.20. Right to entry to obtain information, etc.

Any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this chapter.

State Ownership of Sub-Aqueous Bottoms, State Waters, and Aquatic Life

The Executive Director or an authorized DEQ staff member may use the following authority for inspection of water features and aquatic life:

Va. Code § 28.2-1200. Ungranted beds of bays, rivers, creeks and shores of the sea to remain in common.

All the beds of the bays, rivers, creeks and the shores of the sea within the jurisdiction of the Commonwealth, not conveyed by special grant or compact according to law, shall remain the property of the Commonwealth and may be used as a common by all the people of the Commonwealth for the purpose of fishing, fowling, hunting, and taking and catching oysters and other shellfish. No grant shall be issued by the Librarian of Virginia to pass any estate or interest of the Commonwealth in any natural oyster bed, rock, or shoal, whether or not it ebbs bare.

NOTE: The statute indicates the identified bays, rivers, creeks, and shores of the sea within the jurisdiction of the Commonwealth are public property and subject to uninterrupted entry by the Executive Director or an authorized DEQ staff member. All streambeds east of the Appalachian Mountains are public property. Some streams west of the mountains, e.g. the Jackson River, are the subject of crown grants and are privately owned. To further complicate matters, the Jackson is navigable, so staff may access the river by boat, albeit they might require landowner permission to wade in that river. See Kraft v. Burr, 252 Va. 273 (1996).

Appendix B

State Statute on Administrative Inspection Warrants

Va. Code § 19.2-393. Definitions.

An "inspection warrant" is an order in writing, made in the name of the Commonwealth, signed by any judge of the circuit court whose territorial jurisdiction encompasses the property or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, testing or collection of samples for testing required or authorized by state or local law or regulation in connection with the manufacturing, emitting or presence of a toxic substance, and which describes, either directly or by reference to any accompanying or attached supporting affidavit, the property or premises where the inspection, testing or collection of samples for testing is to occur. Such warrant shall be sufficiently

accurate in description so that the official executing the warrant and the owner or custodian of the property or premises can reasonably determine from the warrant the activity, condition,

circumstance, object or property of which inspection, testing or collection of samples for testing is authorized.

For the purposes of this chapter, "manufacturing" means producing, formulating, packaging, or diluting any substance for commercial sale or resale; "emitting" means the release of any substance, whether or not intentional or avoidable, into the work environment, into the air, into the water, or otherwise into the human environment; and "toxic substance" means any substance, including (i) any raw material, intermediate product, catalyst, final product and by-product of any operation conducted in a commercial establishment and (ii) any biological organism, that has the capacity, through its physical, chemical, or biological properties, to pose a substantial risk to humans, aquatic organisms or any other animal of illness, death or impairment of normal functions, either immediately or over a period of time.

Va, Code § 19.2-394. Issuance of warrant.

An inspection warrant may be issued for any inspection, testing or collection of samples for testing or for any administrative search authorized by state or local law or regulation in connection with the presence, manufacturing or emitting of toxic substances, whether or not such warrant be constitutionally required. Nothing in this chapter shall be construed to require issuance of an inspection warrant where a warrant is not constitutionally required or to exclude any other lawful means of search, inspection, testing or collection of samples for testing, whether without warrant or pursuant to a search warrant issued under any other provision of the Code of Virginia. No inspection warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, things or persons to be inspected or tested and the purpose for which the inspection, testing or collection of samples for testing is to be made. Probable cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting such inspection, testing or collection of samples for testing are satisfied with respect to the particular place, things or persons or there exists probable cause to believe that there is a condition, object, activity or circumstance which legally justifies such inspection, testing or collection of samples for testing. The supporting affidavit shall contain either a statement that consent to inspect, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the state or local law or regulation which authorizes such inspection, testing or collection of samples for testing. The issuing judge may examine the affiant under oath or affirmation to verify the accuracy of any matter indicated by the statement in the affidavit.

Va. Code § 19.2-395. Duration of warrant.

An inspection warrant shall be effective for the time specified therein, for a period of not more than ten days, unless extended or renewed by the judicial officer who signed and issued the original warrant, upon satisfying himself that such extension or renewal is in the public interest. Such warrant shall be executed and returned to the judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of such time, the warrant, unless executed shall be void.

Va. Code § 19.2-396. Conduct of inspection, testing or collection of samples for testing; special procedure for dwelling.

An inspection, testing or collection of samples for testing pursuant to such warrant may not be made in the absence of the owner, custodian or possessor of the particular place, things or persons unless specifically authorized by the issuing judge upon a showing that such authority is reasonably necessary to effectuate the purpose of the law or regulation being enforced. An entry pursuant to this warrant shall not be made forcibly, except that the issuing judge may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of an immediate threat to public health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. In the case of entry into a dwelling, prior consent must be sought and refused and notice that a warrant has been issued must be given at least twenty-four hours before the warrant is executed, unless the issuing judge finds that failure to seek consent is justified and that there is a reasonable suspicion of an immediate threat to public health or safety.

Va. Code § 19.2-397. Refusal to permit authorized inspection; penalty.

Any person who willfully refuses to permit an inspection, testing or collection of samples for testing lawfully authorized by warrant issued pursuant to this chapter shall be guilty of a Class 3 misdemeanor.

Virginia Department of Environmental Quality
Hazardous Waste Program
Management of Automotive Airbags

March, 2016

Purpose

The purpose of this document is to provide compliance assistance to Virginia facilities that generate hazardous waste and how such hazardous waste should be managed to meet the requirements of the [Virginia Hazardous Waste Management Regulations](#). The information in this document does not apply to persons generating household hazardous waste as defined in 40 CFR 261.4(b)(1).

This information is provided for compliance assistance purposes only by the Virginia Department of Environmental Quality (DEQ). This is not a regulation and, therefore, does not add, eliminate, or change any existing regulatory requirements. The statements in this document are intended for informational purposes only.

Discussion

Is an Undeployed Airbag a Hazardous waste?

Whether an undeployed airbag is a hazardous waste or not depends on its subsequent management. If it is intact and is to be reused/re-installed as a commercial product, then it would not be a “solid waste” by 40 CFR Part 261 definition and therefore, would not be considered a hazardous waste. This is conditional on legitimate re-use as intended as a product rather than it being abandoned, accumulated without intent of use, or otherwise managed in a waste-like manner.

Alternatively, if the metal components of the airbag are to be reclaimed, then the airbag may qualify as exempt hazardous waste scrap metal being sent for reclamation/recycling. As such, it would be exempt from the hazardous waste management requirements.

In both scenarios above, the generator must be able to document that the material is not a waste, or is exempt from regulation (40 CFR 261.2(f)).

If the airbag is to be disposed of or otherwise managed as a “solid waste” per 40 CFR Part 261.2 definition, then it would likely be regulated as a hazardous waste due to the Reactivity characteristic (Waste Code D003). It would not be considered a listed hazardous waste due to

the presence of an azide chemical initiator because the azide is part of the product and does not meet the listing description, but the entire discarded product could be considered a

Virginia Department of Environmental Quality
Hazardous Waste Program
Management of Automotive Airbags

March, 2016

reactive characteristic waste under 40 CFR Part 261.23. In addition, since the airbag may contain potassium nitrate and other boosters that are oxidizers, the airbag could also be considered a hazardous waste due to meeting the characteristic of Ignitability (Waste Code D001).

If the air bags are managed as a waste and considered a characteristic hazardous waste, then all applicable provisions for hazardous waste management would apply. Specific hazardous waste management requirements will depend on the quantity of hazardous waste generated in a calendar month and the amount of hazardous waste accumulated onsite. For more hazardous waste information, go to the [DEQ's hazardous waste web page](#).

Is a Deployed Airbag a Hazardous Waste?

A deployed airbag would only be considered a hazardous if it continues to exhibit a hazardous waste characteristic (i.e., characteristic other than reactivity). It is up to the generator to determine if the deployed airbag is a hazardous waste. This determination can be made based on either testing or knowledge. If the deployed airbag is not a hazardous waste it can be disposed as solid waste or it can be sent for reclamation/recycle as scrap metal.

Is Deploying an Airbag considered "Treatment"?

If the air bag meets the definition of a solid waste and a reactive hazardous waste and will be sent for disposal, then intentionally deploying them as a means of rendering them less hazardous would be considered a treatment as defined under 40 CFR Part 260.10. Such treatment would only be allowable under a hazardous waste management facility permit.

Deployment while in a vehicle that is destined for recycling as scrap metal would be exempt as deployment could be considered part of the reclamation process. Likewise, airbag components that are deployed and recycled separately would also be exempt.

Deploying airbags canisters accidentally or intentionally is not considered hazardous waste treatment subject to licensing if components of the airbag are recycled separately or with the vehicle. Once deployed, materials from the airbag module, such as scrap metal and plastic can be safely removed for reclamation.

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Is a Deployed airbag considered a Solid Waste?

If the deployed airbag does not exhibit a characteristic of a hazardous waste, then it would require management as a solid waste when disposed. However, if applicable, it may be recycled or reclaimed as scrap metal.

What about Seatbelt Pretensioners?

Vehicles can also be equipped with seatbelt pretensioners which may contain sodium azide. The same information provided above for airbags may also apply to seatbelt pretensioners. Undeployed seatbelt pretensioners containing reactive propellants or oxidizers destined for disposal must be managed as a hazardous waste.

For More Information

Please contact the appropriate [DEQ regional staff](#) if you have any questions regarding applicability of these requirements to your facility.

Virginia Department of Environmental Quality

Mission Statement and Code of Ethics

Mission Statement

The Department of Environmental Quality (DEQ) protects and enhances Virginia's environment, and promotes the health and well-being of the citizens of the Commonwealth.

Code of Ethics

As employees:

1. We are committed to support each other and the mission and values of the Agency.
2. We work together and with the community to accomplish our tasks.
3. We apply laws and regulations and provide public services uniformly throughout the Commonwealth.
4. We evaluate and solve problems professionally, courteously and responsively with citizens, the regulated community and our co-workers.
5. We exchange information openly and freely with each other and with the public.
6. We provide clear, accurate, and timely information and evaluation.
7. We follow through to resolve issues effectively and on time.

These are the [7 values](#) of DEQ.

In the conduct of our work, we will:

8. Dedicate our efforts toward earning the respect, trust, and confidence of the public, elected and appointed officials, and those with whom we work.
9. Commit to the highest ideals in the stewardship of the Commonwealth's public and natural resources.
10. Exercise prudence and integrity in managing the Commonwealth's finances.
11. Use public resources only for appropriate public uses, never for personal gain.
12. Strive for professional excellence by maintaining and enhancing professional knowledge, skills, and abilities for ourselves and our colleagues.
13. Maintain and promote nonpartisanship in our professional dealings.
14. Act with integrity in all relationships.
15. Abide by [Virginia's Standards of Conduct](#) for Employees and related regulations.
16. Conduct all personal and professional activities in a manner that ensures they involve no conflict of interest.
17. Sign, subscribe to or permit issuance of information only if it is accurate and truthful.
18. Conduct or condone activity only if it is legal and proper.
19. Hold ourselves accountable for adhering to this Code of Ethics.

DEPARTMENT OF ENVIRONMENTAL QUALITY
AGENCY POLICY STATEMENT NO. 4-2014

SUBJECT: Prescription Safety Glass & Protective Footwear Equipment

EFFECTIVE DATE: Same as signature date

I PURPOSE:

Establish agency specifications for personal protective equipment pertaining to foot and eye protection, as well as establishing the allowable reimbursement amounts and frequency.

II. BACKGROUND:

DEQ has reimbursed employees for protective footwear and, in some cases, prescription safety glasses. This policy provides employees with a standard reimbursement amount while allowing managers (with input from the safety officers) the flexibility to determine employee need.

III. STATEMENTS OF POLICY:

The purchase of any prescription safety glasses, lens, or face shields shall comply with the design and construction standards described in the current version of ANSI Z87.1 - "American National Standard Practice for Occupational and Educational Eye and Face Protection", which is

incorporated by reference as specified in 29 CFR 1910.6. Reimbursement for prescription safety glasses shall not exceed \$125.00 and frequency shall not exceed more than once every two years.

Any new protective footwear purchase shall comply with ASTM's F 2412-11 Standard Test Methods for Foot Protection (which replaced ANSI Z41). Reimbursement for protective footwear is broken into two reimbursement levels with replacement based on a visual inspection by a safety officer and not to exceed more than once every two years.

- Level 1: \$125.00 for protective footwear with steel toes targeted for use by agency inspectors, lab and surface water monitoring staff, air quality monitoring staff, and PReP staff. Footwear that meets this level 1 should be stamped "steel toe" and shall meet the ASTM standard for impact resistance.
- Level 2: \$175.00 for protective footwear with both steel toes and steel shanks targeted for use by site assessment and solid waste staff. Footwear that meets this level 2 should be stamped "steel toe" and/or "steel shank" and shall meet the ASTM standard both for impact resistance and puncture resistance.

Reimbursement for safety glasses and protective footwear will be provided when it has been determined that their use is required by OSHA and the use will reduce or eliminate the likelihood of occupational injuries and/or illnesses. Individuals requesting this equipment must be assigned to work in areas or programs that require the employee to use either safety glasses or protective footwear. For any other positions not named in this policy, the need for this equipment shall be determined by the manager and with input from a safety officer (based on that individual's outline duties and assignments where this equipment is needed).

This policy rescinds and replaces DEQ Agency Policy Statement No. 7-2005.

David K. Payor

David. K. Pay or

V

5/27/2014

Date

Your Provisional EPA ID Number Is:

Site Name:

Site Address:

Contact Name & Number:

Date Issued:

Expiration Date:

Virginia Department of Environmental Quality (DEQ) has provided for the issuance of provisional EPA ID numbers to hazardous waste generators in cases where a site does not normally generate hazardous waste and hold a permanent ID number, but has generated hazardous waste due to some unusual circumstance, when an emergency situation arises that necessitates the expedient management of a hazardous waste, or where the waste generation activity is temporary and of short duration, such as a specific job or contract activity. DEQ's compliance assistance policy on provisional EPA ID numbers may be found on our website at:

<http://www.deq.virginia.gov/Portals/0/DEQ/Land/issuanceofprovisionalEPAIDnumbers.pdf>

The following lists the conditions for use of the provisional EPA ID number you have been assigned. Failure to comply with the conditions may impact future attempts to obtain a provisional EPA ID number, require assignment of a permanent EPA ID number to the subject site, and/or may result in enforcement action. If you have questions, please contact your DEQ regional office identified on the DEQ website at:

<http://www.deq.virginia.gov/Locations.aspx>

CONDITIONS FOR USE OF THE PROVISIONAL EPA ID NUMBER

1. The provisional EPA ID number is being issued based on information provided in the **RCRA SUBTITLE C SITE IDENTIFICATION FORM (EPA Form 8700-12)**.

The form and instructions for completing the form may be found on DEQ's Internet website at:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/SolidHazardousWasteRegulatoryPrograms/HazardousWaste.aspx>.

2. The provisional EPA ID number issued on this date is a **temporary** number. It is DEQ's position that these numbers **expire thirty (30) days from the date of issue** and may be used on manifests up to two times within that 30-day period for the same waste generation event. If additional time becomes necessary, the generator can request one extension to the 30-day period. Should the activity take longer than 60 days, the generator will need to obtain a permanent EPA ID number for the site. This number will be deactivated at the end of the generation event.

3. If a generator will be routinely generating hazardous waste at a fixed site on a regular or even episodic basis, a temporary number may not be used and the generator must obtain a **permanent** EPA ID number.

NOTE: A Large Quantity Generator (LQG) is any generator who generates greater than 1,000 kg (approx. 2,200 lbs.) of hazardous waste or greater than 1 kg of acute hazardous waste in any calendar month. A Small Quantity Generator (SQG) generates between 100-1,000 kg/month (220 - 2,200 lbs.) of hazardous waste or less than 1kg of acute hazardous waste. A Conditionally Exempt Small Quantity Generator Quantity (CESQG) generates less than 100 kg/month (<220 lbs.) hazardous waste.

A chart summarizing the generator requirements for LQGs and SQGs is attached.

REQUIREMENTS FOR LARGE QUANTITY GENERATORS (LQG) In addition to complying with the RCRA generator accumulation requirements found in the Virginia Hazardous Waste Management Regulations (VHWMR), a generator of more than 1000 kg of hazardous waste or more than 1kg of acute hazardous waste in any calendar month of the year may be subject to an annual fee as provided under 9 VAC 20-60-262 B.8 of the VHWMR.

Please note, an LQG or SQG must continue to comply with the applicable generator requirements from the commencement of the generating activity, through the last shipment of waste from the provisional event to an off-site TSD.

1. Please complete the attached sheet related to the LQG Annual Fee and send it to DEQ within 30 days of expiration of temporary number. If the original provisional EPA ID number request specifies that the generator will be a SQG, a person who becomes a LQG (after receiving the provisional EPA I.D. number) shall notify the department in writing **immediately** of this change in status and document the change in the operating record. Any person that applies for a provisional EPA ID number as a LQG who ceases to be a LQG shall notify the department in writing **immediately** of this change in status and document the change in the operating record as specified by 9VAC20-60-315.D.
2. A person who is a LQG at any time during the calendar year shall be assessed an **annual fee of \$1000**. For the evaluation of facility status or of generator status, the annual year shall be considered to be from January 1 to December 31. Please note, if hazardous waste from a single provisional EPA ID event starts in one calendar year and is completed in the next, the responsibility will be on the generator to show that the hazardous waste was generated in one or both of the calendar years. Generators requiring a provisional EPA ID number for managing waste under the conditions of 9VAC 20-60-1283.F (emergency removal under official authority) are not subject to the fee. The fees regulations are available on the DEQ website at: <http://www.deq.virginia.gov/Portals/0/DEQ/Land/Guidance/dhwfr.pdf>

LQGs may pay the annual fee to the DEQ upon receiving the provisional EPA ID number. If the department does not receive the payment prior to the annual billing period, the department will bill the generator for amounts due or becoming due in the immediate future. All payments are due and shall be received by the department no later than the first day of October (for the preceding annual year) unless a later

payment date is specified by the department in writing as per 9VAC20-60-1284.A. Please be advised that if the invoice was received but not paid, you may be subject to a late penalty.

A LQG shall submit a transmittal letter to the DEQ which shall contain the name and address of the generator, the Federal Identification Number (FIN) for the generator, the amount of the payment enclosed, and the period that the payment covers. With the transmittal letter shall be payment in full for the correct fees due for the annual period. A copy of the transmittal letter only shall be maintained at the facility or the site where the hazardous waste was generated. Fees shall be paid by check, draft or postal money order made payable to "Treasurer of Virginia" and shall be sent to:

Department of Environmental Quality

Attn: Accounts Receivable

P.O. Box 1104

Richmond, VA 23218 (as specified by 9VAC20-60-1284.B.)

3. Any person who is a LQG during an odd numbered year (i.e., 2017, 2019, or 2021, etc.), is subject to the biennial hazardous waste reporting requirement as specified

by 40 CFR 262.40. Additional information about the hazardous waste report is available at: <https://www.epa.gov/hwgenerators/biennial-hazardous-waste-report>

Hazardous Waste Generator Status for Annual Fee

Please fill out the following form and return to the DEQ within 30 days after expiration of the provisional EPA ID number. Copies of manifests used to ship the provisionally-generated hazardous waste to a TSD should be provided along with this completed form.

Attention: Sanjay Thirunagari

Department of Environmental Quality
P. O. Box 1105

Richmond, VA 23218

(Facility Name and EPA ID number)

Operated under the generator status of _____ during calendar
(LQG, SQG, CESQG, Non-generator)

Year _____

EPA Form 8700-12 Submitted on: _____

Waste generated: Start date: _____ End date: _____

Total amount of waste generated from this event (lbs): _____
Largest amount of waste generated in any month of the provisional event:

Facility billing contact person and billing address is as follows:

Billing contact name: _____

Billing contact phone number: _____

E-mail ID: _____

Address: _____

All LQGs are billed an annual fee of \$1000.00 per calendar year.

Prepared: 7/20/2017

Summary Table – HW Generator Requirements

Requirement	Conditionally Exempt Small Quantity Generators	Small Quantity Generators	Large Quantity Generators
<p>Quantity Limits The amount of hazardous waste generated per month categorized and what regulations must be complied with.</p>	<p>≤100 kg/month, and ≤1 kg/month of acute hazardous waste, and ≤100 kg/month of acute spill residue or soil</p>	<p>>100 and <1,000 kg/month 262.34(d)</p>	<p>≥1,000 kg/month, or >1 kg/month of acute hazardous waste, or >100 kg/month of acute spill residue or soil 262.34(a)</p>
<p>EPA ID Number identification number that identifies generators by site.</p>	<p>Not Required</p>	<p>Required 262.12</p>	<p>Required 262.12</p>
<p>On-Site Accumulation Quantity Determine amount of hazardous waste generators are allowed to "accumulate"</p>	<p>≤ 1,000 kg to remain a CESQG ≤ 1 kg acute to remain a CESQG ≤ 100 kg of acute spill residue or soil to remain a CESQG</p>	<p>≤ 6,000 kg 262.34(d)(1)</p>	<p>No Limit</p>
<p>Accumulation Time Limits Determine amount of time hazardous waste is allowed to accumulate on site.</p>	<p>Time starts when/if a CESQG accumulates greater than 1,000 kg (approx.. five full 55-gallon drums) – CESQG is then an SQG</p>	<p>≤180 days or ≤270 days (if transporting greater than 200 miles)</p>	<p>≤90 days 262.34(a)</p>
<p>Accumulation Requirements Manage hazardous waste in compliance with certain technical standards.</p>	<p>None</p>	<p>Basic requirements with technical standards for containers, tanks, drip pads or containment buildings 262.34(d)(2) and (3)</p>	<p>Full compliance for management of containers, tanks, drip pads or containment buildings 262.34(a)</p>
<p>Personnel Training Ensure appropriate personnel complete classroom or on-the-job training to become familiar with proper hazardous waste management and emergency procedures for the wastes handled at the</p>	<p>Not required</p>	<p>Required 262.34(d)(5)(iii)</p>	<p>Required 265.16 from 262.34(a)(4)</p>
<p>Contingency Plan and Emergency Procedures Develop procedures to follow during an unplanned major event.</p>	<p>Not required</p>	<p>Basic planning required 262.34(d)(5)(i-iv)</p>	<p>Full plan required Part 265 Subpart D</p>
<p>Preparedness and Prevention Develop procedures to follow in the event of an emergency.</p>	<p>Not required</p>	<p>Required Part 265 Subpart C</p>	<p>Required Part 265 Subpart C</p>

Air Emissions Control hazardous air emissions from tanks and containers	Not required	Not required	Required Part 265 Subparts AA, BB and CC
Land Disposal Restrictions Meet standards for placing on the land and associated requirements for certifications, notifications, and waste analysis plan.	Not required	Required Part 268	Required Part 268
Manifest Tracking hazardous waste copy manifest - required by the Department of Transportation (DOT) and EPA	Not required	Required Part 262 Subpart B	Required Part 262 Subpart B
Waste Minimization Certify steps taken to reduce or eliminate the generation of	None	Good faith effort required 262.27	Program in place required 262.27
Pre-Transport Requirements Package and label hazardous waste for shipment off site to a RCRA facility for treatment, storage, or disposal	Only if required by the DOT or the state	Required 262.30 – 262.33	Required 262.30 – 262.33
Biennial Report shipments of waste during the previous calendar year	Not required	Not Required	Required 262.41
Exception and Additional Reporting Report if any required copies of signed manifests are not received back -Provide information on quantities and disposition of wastes upon	Not required	Required 262.42(b) and 262.43	Required 262.42 and 262.43
Recordkeeping biennial reports , exception reports and waste testing	Not required	Required 262.40(a), (c) and (d)	Required 262.40
Facility Type Send off-site shipments to appropriate facilities for management	Facilities noted in 261.5(f)(3) and (g)(3)	RCRA permitted/interim status facility Parts 264/265, 266/267	RCRA permitted/interim status facility Parts 264/265, 266/267
Closure Close equipment, structures, soils and units by meeting specified performance standards and disposal and	Not required	Tanks only 265.201(f)	- General 265.11(a) and 265.114 - Unit specific Part 265, Subparts I, J, W and DD



DEQ Safety Manual

[LAST UPDATED: Feb. 10, 2016]

This document contains general information designed to promote safety both in the office and in the field for DEQ Employees. More specific information may also be provided within the Standard Operating Procedures for field staff in air, water, and land protection.

Topics are presented alphabetically and not in order of importance or significance. Within most sections are links which may provide more details for an agency policy or the applicable OSHA citations.

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ACCIDENT REPORTING PROCEDURE

This procedure details steps for staff to follow should any incident, injury, or accident occur at work. It also outlines roles and responsibilities. The Accident Reporting Procedure facilitates documentation of all accidents and incidents in compliance with OSHA standards, and it helps to protect employees' personal safety and identify areas of improvement.

DEQ's Accident Reporting procedure can be found on the [DEQnet - Health & Safety Policy page](#)

CHEMICAL SAFETY (GENERAL)

The following general safety rules shall be observed when working with any chemical:

- Read and understand the Material Safety Data Sheets (MSDS).
- Keep the work area clean and orderly.
- Use the necessary safety equipment.
- Carefully label every container with the identity of its contents and appropriate hazard warnings.
- Store incompatible chemicals in separate areas.
- Substitute less toxic materials whenever possible.
- Limit the volume of volatile or flammable material to the minimum needed for short operational periods.
- Provide containment for the material if equipment or containers should break or spill their contents.
- **Dial "911" for immediate emergency medical help** when an exposure or injury has occurred

Task Evaluation (Hazard Assessment)

- Each task that requires the use of chemicals should be evaluated to determine the potential hazards associated with the work. This assessment must include the chemical or combination of chemicals that will be used in the work, as well as other materials that will be used near the work.
- If an equipment failure has the potential to cause personal or property damage, a Safe Operational Procedure should be prepared and followed. All **SOP's should be reviewed/approved by the respective** Office location.

Chemical or Sample Storage

- The separation of samples or chemicals during storage is necessary to reduce the possibility of unwanted hazards to employees.
- Samples or chemicals must not be stored in any refrigerator used for food storage, and a label must be clearly placed on refrigerators used for storing samples or chemicals.

Container Labels

It is extremely important that all containers of chemicals are properly labeled. The following requirements apply:

- All containers will have the appropriate label, tag, or marking prominently displayed that indicates the identity, safety, and health hazards.
- All warning labels, tags, etc., must be maintained in a legible condition and not be defaced.
- Incoming chemicals are to be checked for proper labeling.

Incidental Spills

- Evacuate all un-necessary employees from the immediate area
- Stop or control the release of the substance by utilizing approved methods
- Take necessary precautions to protect yourself and others that may be helping (use appropriate PPE).

- Clean up the spill by approved methods.
- Hazard Communication rules as outlined in this Safety Manual will be followed during any incidental spill and clean up.

- Store waste materials properly until they can be released for pickup and disposal.

Chemical Emergencies

- Evacuate people from the facility or the immediate area.
- Isolate the area around the spill, setting up zones or control areas.
- If the material is flammable, turn off all ignition and heat sources.
- Only personnel specifically trained are permitted to participate in chemical emergency procedures beyond those required to evacuate the area.
- Call for Emergency Response Team (HAZMAT) assistance if required.

Housekeeping

- When using chemicals care must be taken in disposal to minimize the generation of hazardous waste.
- Maintain the smallest possible inventory of chemicals to meet immediate needs.
- Periodically review stock of chemicals on hand.
- Dispose of obsolete or out-of-date chemicals properly.
- Ensure that storage areas, or equipment containing large quantities of chemicals, are secure from accidental spills.
- Rinse emptied bottles that contain acids or inflammable solvents before disposal.
- Recycle unused laboratory chemicals wherever possible.
 - Do not place hazardous chemicals in salvage or garbage receptacles.
 - Do not pour chemicals onto the ground.
 - Do not dispose of chemicals through the storm drain system.
 - Do not dispose of highly toxic, malodorous chemicals down sinks or sewer drains.

CONFINED SPACE PROGRAM

Only employees from DEQ's Charlottesville office have job specific duties and training needs associated with confined space entry. No other employees are permitted to enter a [confined space](#) without proper training.

The Confined Space Program details safety guidelines and instructions for the safe entry into all confined spaces.

- All confined spaces within the operational parameters of DEQ are to be handled as permit required confined spaces and afforded all of the regulatory guidelines.
- All employees working in the field must be fully aware of the hazards associated with confined spaces and of the hazards associated when entry into those confined spaces must be done.
- Employee's should have the knowledge for the potential to exposure to hazardous atmospheres, engulfment in materials, conditions which may trap or asphyxiate due to converging or sloping walls, or contains any other recognized safety or health hazard.
- Further information regarding confined spaces can be downloaded or reviewed from the [OSHA Website](#).

EMERGENCY ACTION PLAN

The Emergency Action Plan (EAP) has been developed to address emergency safety situations and Agency physical security policies and procedures.

During emergency situations the ability to communicate with staff is vitally important:

- Each office should have an updated after hours contact list.
- Each supervisor is responsible for keeping a copy of staff contact information for use after hours.
- Each employee is responsible for keeping their calendar current and for sharing their schedules with their immediate supervisor.

DEQ's Emergency Action Plan specifically addresses:

- How to evacuate the facility in the event of an emergency.
- How to Shelter-in-Place in the event of a natural or man-made emergency, or terrorist event.
- Procedures to follow in case of a medical emergency.
- Communication of the day-to-day security measures to affected agency staff.
- Employee and visitor control system.
- Security within the office facility.
- Security and safety while in the field.
- Identification and assessment of risks.

The EAP does not detail how DEQ will conduct its continuous business operations during any short or long term emergency. That information is contained in a separate Continuity of Operations Plan (COOP).

DEQ's Emergency Crisis Plan can be found on the [DEQnet - Health & Safety Policy page](#)

FIRE PREVENTION PROGRAM

Reviews of all offices, structures and buildings are completed to ensure compliance with applicable state, local, and national fire and life safety standards. The information outlined below is in addition to specific information pertaining to fires and evacuation plans found in the [Emergency Action Plan](#) on the [DEQnet - Health & Safety Policy page](#).

- Housekeeping plays an important part in the prevention of fires at work.
- Consideration for the storage of files and paperwork held within each office and on each floor must be done to control the potential for a fire hazard.
- Storage of flammable and combustible materials must be considered prior to purchase/storage.
- Special cabinets which are constructed, tested and approved by Underwriters Laboratories (UL) should be used when storing any flammable or combustible material.
- The elimination of all potential ignition sources must be done where flammable or combustible liquids are used or stored.

Fire Extinguishers

Installation of portable fire extinguishers is required in workplaces regardless of other firefighting measures. In office locations, building management is responsible for ensuring fire extinguishers are maintained. In boats, vehicles, and field locations, DEQ staff is responsible for ensuring they are maintained. The fire extinguishers that are currently located in our facilities are classified as a general type A-B-C fire extinguisher that can be used on any type of fire. Employees should not attempt to extinguish any fire unless it is: small, self-contained; presents no apparent risk to their personal safety; and the employee has received proper fire extinguisher training. OSHA provides additional information regarding [fire extinguishers](#).

Fire Alarms

In the event of a fire emergency, a fire alarm will sound for the building. All personnel will immediately proceed to the nearest exit and begin exiting the building, following the prescribed evacuation plan (see below) and gather at the assembly area for verification and head-counting. During any evacuation all DEQ employees shall respond in a professional demeanor and conduct themselves accordingly.

Emergency Exits

Every exit should be clearly visible, or the route to it conspicuously identified in such a manner that every occupant of the building readily knows the direction of escape from any point. At no time will exits be blocked with materials, files, boxes or anything that will hinder the free egress from the building

Evacuation Routes, Plans, and Coordinators

Emergency evacuation procedures for each DEQ facility specific are outlined in the [Emergency Action Plan](#). These procedures also outline roles and responsibilities for Central Office Floor Wardens and Regional Safety Officers, and also outline plans for people with disabilities.

FIRST AID/CPR PROGRAM

This program provides detailed guidelines and instructions for the administration of emergency first aid, cardiopulmonary resuscitation, and infectious disease. As referenced in the Occupational Safety and Health Administration (OSHA) 29 CFR 1910.151 and 29 CFR 1910.1030.

Each office location includes a first aid instructor who trains staff in the location on the use of AED equipment, CPR methods and First Aid. . Each location should maintain an adequate amount of first aid supplies for emergency incidents.

First Aid Kits

First-aid kit(s) for employee use will be maintained in every office and located so as to allow quick and easy access in the event of any medical emergency. First aid kits shall be readily accessible and their required contents are to be maintained in a serviceable condition. All items which must be kept sterile must be individually wrapped and sealed. Items such as scissors, tweezers, tubes of ointments with caps, or rolls of adhesive tape, need not be individually wrapped, sealed, or disposed of after a single use or application.

Records

The treatment of all emergency first aid shall be recorded and shall become permanent records for each employee. Records will be filled out for all of the following:

- All incidents requiring first aid provided by the first aid provider with the exception of minor cuts, comfort care and similar minor incidents.

- All accidents that result in any type of reportable employee injury
- All occupational illnesses of any employee
- All occupational exposures of any employee

- Prior to referral to any medical provider

Confidentiality

A record of all first aid and medical events shall be kept in a separate file for each person (VSDP, WC, and benefits) and shall not be released to third parties without written authorization by the employee involved or as authorized by Virginia law.

FLAMMABLE LIQUIDS

Substitution

Flammable liquids sometimes may be substituted by relatively safe materials in order to reduce the risk of fires. Any substituted material should be stable and nontoxic and should either be nonflammable or have a high flashpoint.

Storage & Usage of Flammable Liquids

Flammable and combustible liquids require careful handling at all times. The proper storage of flammable liquids within a work area is very important in order to protect personnel from fire and other safety and health hazards. OSHA has a standard specific to [flammable and combustible liquids](#).

HAZARD COMMUNICATION

DEQ's Hazard Communication Program (HAZCOM) has been developed based on the [OSHA Hazard Communication Standard](#). The program consists of the following elements:

- Identification of hazardous materials
 - Product warning labels & Material Safety Data Sheets (MSDS) for office chemicals
 - List/inventory of all chemicals located in building, along w/ the area or office number where stored
 - Training requirements:
 - Any DEQ staff or visitors (i.e. Office of Operator Training) working in the laboratory setting must complete the online training course available in the [DEQ KC](#),
 - Any DEQ staff or visitors working in the laboratory setting must also be trained by the responsible/designated *chemical hygiene officer (CHO)* in the following:
 - Location of Material Safety Data Sheets (MSDS) for all laboratory chemicals
 - *Chemical Hygiene Plan* (includes an inventory of all chemicals stored in the lab)
- * *Note: The Chemical Hygiene Plan and the CHO responsibility referenced above is still in draft format. Until this plan is implemented, the employee's supervisor or other appropriate individual should continue to conduct MSDS training for relevant staff.*

Non-Routine Tasks

Non-routine tasks are defined as:

- Working on, near, or with unlabeled containers or piping of an unknown substance.

- A confined space entry where a hazardous substance may be present (Note: only employees trained in confined space entry are authorized to enter a confined space).
- A one-time task using a hazardous substance differently than intended (example: using a solvent to remove stains from tile floors).

Steps for Non-Routine Tasks

- *Step 1: Hazard Determination*
The Regional Director and/or staff supervisor will evaluate all non-routine tasks before the task commences and make a determination of all hazards present. This determination will be conducted with quantitative/qualitative analysis (for example: air sampling, substance identification/analysis as applicable).
- *Step 2: Determine Precautions*
Once the hazard determination has been made, the Regional Director and/or supervisor will determine the necessary precautions needed to either remove the hazard, change to a non-hazard, or protect from the hazard (by use of personal protective equipment) to safeguard all employees present.
- *Step 3: Specific Training & Documentation*
If specific safety training for an employee or employees is needed, contact the Office of Training Services.
- *Step 4: Perform Task*

HAZWOPER

DEQ personnel who engage in normal duties that involve inspections, permitting, and the response to investigation of spills, leaks, or releases of any hazardous substance or toxic chemical shall be trained under the Hazardous Waste Operations and Emergency Response (HAZWOPER) policy based upon their respective responsibilities and/or duties of employment. Further **details on DEQ's HAZWOPER program** and policy provisions can be found on the [DEQnet - Health & Safety Policy page](#).

INFECTION / EXPOSURE CONTROL PLAN

DEQ staff are not subject to the applicable terms/sections pertaining to blood borne pathogens (this includes regulated medical waste and solid waste staff involved in inspections).

However, employees associated with wastewater inspections may be occupationally exposed to other potentially infectious materials by one or more of the following routes (1) skin, (2) eye, (3) mucous membrane, and (4) oral exposure. **“OSHA does not generally consider contact with diluted raw sewage not originating directly from a health care facility or other source of bulk blood or OPIM to be covered by the Blood borne Pathogens Standard”**

[OSHA, \(2007\)](#)

In order to prevent contact with blood or any other potentially infectious materials DEQ Staff are expected to wear appropriate Personal Protective Equipment (PPE).

- **Gloves:** gloves shall be worn when the employee has the potential for the hands to have direct skin contact with blood, other potentially infectious material, mucous membranes, non-

intact skin, and when handling items or surfaces soiled with blood or other potentially infectious materials.

- Disposable (single use) gloves, such as surgical or examination gloves shall be replaced as soon as possible when visibly soiled, torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or disinfected for re-use.
- Utility gloves may be disinfected for re-use if the integrity of the glove is not compromised, however they must be discarded if they are cracked, peeling, discolored, torn, punctured, or exhibit other sign of deterioration.
- **Masks and eye protection or chin-length face shields:** shall be worn whenever splashes, spray, spatter, droplets, or aerosols of blood or other potentially infectious materials may be generated and there is a potential for eye, nose, or mouth contamination.

Staff are also encouraged to utilize free immunizations for Hepatitis and Tetanus (which are offered as part of the state's annual wellness visit).

Labels

- (a) Warning labels shall be affixed to containers of infectious waste; refrigerators and freezers containing any potentially infectious materials; and other containers used to store or transport any potentially contaminated materials except as provided in paragraph (e) below.
- (b) Labels shall include the following legend **BIOHAZARD**



(c) Labels shall be fluorescent orange or orange-red with letters or symbols in a contrasting color.

(d) Labels shall either be an integral part of the container or shall be affixed as close as safely possible to the container by string, wire, adhesive or other method that prevents their loss or unintentional removal.

(e) Red tags or red containers may be substituted for labels on containers of

infectious waste. Infectious Waste Disposal

All infectious waste destined for disposal shall be placed in closeable, leak proof containers or bags that are color coded or labeled. Disposal of all infectious waste shall be in accordance with all local, state and federal regulations.

MEDICAL SURVEILLANCE / ACCIDENTAL EXPOSURE

Only employees in the *VA Site Assessment Program- site assessment team* require baseline and annual medical monitoring. Specific requirements for medical surveillance can be found at the [OSHA Website](#).

Enrollment Criteria

There are two circumstances under which an employee can be eligible for medical monitoring.

1. If required by a grant commitment.
2. If the employee receives a significant exposure to a hazard for which continued surveillance is required. (This would be considered a *Post Exposure Examination*).

Enrollment Procedures

For enrollment criteria #1 – the program manager will coordinate with Office of Training Services to verify the employee has a current OSHA 40 hour HAZWOPER certification and upon verification, will contact Office of Human Resources for cost coding and which medical office will perform the evaluation.

For enrollment criteria #2 – if the employee has received a significant/overt exposure where medical attention is necessary, the employee will seek medical attention and notify the immediate supervisor as soon as possible. The immediate supervisor will notify Office of Human Resources/ Regional or Division Director during routine business hours

Workers Compensation (WC) Examination

Medical examinations, re-examinations, and treatment (if necessary) for any significant exposure shall be provided under DEQ's Workers Compensation Policy 2-5, when an employee reports an injury or illness due to an occupational exposure. As with any occupational injury or illness, the employee will complete the Employee's First Report of Injury Form and the Office of Human Resources will file the form with the Virginia Workers Compensation Commission. Please see the following link for the Agency's [Return to Work Policy No. 2-7](#).

PERSONAL PROTECTION EQUIPMENT (PPE)

This program covers the requirements for PPE with the exception of PPE used for respiratory protection or PPE required for hazardous material (HAZMAT) response to spills or releases, which are covered under separate programs. Further information may be downloaded or copied from the [OSHA website](#).

General Policy

Engineering controls shall be the primary method used to eliminate or minimize hazard exposures in every workplace. When such controls are being implemented, or are not practical or applicable, PPE shall be employed to reduce or eliminate personnel exposure to hazards. PPE will be provided, used, and maintained when it has been determined that its use is required and that such use will lessen the likelihood of occupational injuries and/or illnesses.

Design

All PPE will be of safe design and construction for the work to be performed. Only PPE that meet National Institute of Occupational Safety and Health (NIOSH) or American National Standards Institute (ANSI) standards will be procured or accepted for use.

Hazard Assessment and Equipment Selection

Hazard analysis procedures shall be used to assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of PPE. If such hazards are present, or likely to be present, the following actions will be taken:

- Select, and have each affected employee use, the proper PPE
- Communicate selection decisions to each affected employee
- Select PPE that properly fits each affected employee.

Defective and Damaged Equipment

Defective or damaged PPE shall not be used.

Training

All employees who are required to use PPE shall be trained to the following [OSHA Standard](#).

ANSI Vests

Any staff performing a DEQ activity in the right of way of a public roadway shall wear ANSI 107-2010 class 3 compliant garments. Examples of DEQ activity include (but are not limited to): PReP, accessing monitoring stations, unloading equipment, collecting samples, or any type of inspection.

Eye and Face Protection¹

The majority of occupational eye injuries can be prevented by the use of suitable/approved safety spectacles, goggles, or shields. Approved eye and face protection shall be worn when there is a reasonable possibility of personal injury. Additional information may be accessed from the [OSHA website](#)

Foot Protection²

Each affected employee shall wear protective footwear when working in areas where there is a danger of foot

injuries due to falling or rolling objects, or objects piercing the sole, and where the employee's feet may be exposed to any other hazard. Additional information may be accessed from the [OSHA website](#).

¹ The [Prescription Safety Glass & Protective Footwear Equipment policy](#) provides agency employees with a standard (Z87.1) which states a reimbursement level for personal protective equipment while allowing managers the flexibility to determine an employee's specific need.

² IBID

Hand Protection

Hand protection is required when an employee's hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.

Skin contact is a potential source of exposure to toxic materials; it is important that the proper steps be taken to prevent such contact. Gloves should be selected on the basis of the material being handled, the particular hazard involved, and their suitability for the operation being conducted. One type of glove will not work in all situations.

Most accidents involving hands and arms can be classified under four main hazard categories: chemicals, abrasions, cutting, and heat. Specialty gloves protect workers from any of these individual hazards or combination of hazards. Additional information may be accessed from the [OSHA website](#).

Head Protection

Head protection will be furnished to all employees engaged in any work where there is a hazard for falling objects or bumping the head against any structure or object. Head protection will also be required to be worn by engineers, inspectors, and visitors at all construction sites. Additional information may be accessed from the [OSHA website](#).

A hard hat doesn't have to be replaced unless it is cracked, damaged, etc. If the suspension harness inside is damaged/cut/frayed, that should be replaced. All hard hats must be labeled as meeting ANSI Z89.1 (1997 or more recent) standards and also include the type, class, & manufacturer's date. See link at: [head protection publication](#)

RESPIRATORY PROTECTION PROGRAM

The need for hazard assessments and selection of proper respiratory protective equipment (RPE) is limited specifically, to two programs: Site Assessment and CAFO.

DEQ does not allow employees to enter into any area with a hazardous or toxic atmosphere until the area has been secured and positive documentation showing that the dangerous atmosphere has been corrected and is now safe for entry. DEQ's goal is the control of employee exposure to those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors.

- Employees working in the field and/or on remote locations not under strict environmental control by DEQ shall minimize their potential to all exposures by withdrawing from the immediate area when in their opinion there is a likelihood of exposure to any harmful air contamination.
- Employees shall not re-enter the area until proper atmospheric testing has been completed with approved documentation and the area has been cleared of any hazardous contents and is safe for human entry.

Full face respirators must meet ANSI Z87.1-2003 (or the current version enforced by OSHA) standards. Additional information may be accessed from the [OSHA website](#)

Record Keeping

The Agency will retain all documentation regarding medical evaluations, fit testing, and the respirator program for employment period + thirty years. This information will facilitate employee involvement in the respirator program; assist the Agency in auditing the adequacy and effectiveness

of this program, and provide a record of compliance with regard to Federal and State Occupational Safety and Health Standards.

Training and Information Any employee who uses a respirator in the workplace shall receive appropriate training on the device.

Before using a respirator in the performance of an official duty, it shall be the responsibility of any employee who receives training and/or fit testing by an outside agency (such as USDA or EPA) to provide DEQ HR with the fit test records and record of the medical evaluation [to satisfy 29 CFR 1910.1020].

Physical and Medical Qualifications

Records of medical evaluations must be retained and made available in accordance with 29 CFR 1910.1020. Additional information regarding the specific requirements for medical evaluations and their retention are located at the [OSHA website](#).

Respirator Fit Testing

- Before any employee is authorized to use any type of respirator with a positive or negative pressure tightfitting face piece, that employee must be fit tested with the same make, model, style, and size of respirator that will be used.
- DEQ shall ensure that an employee using a tight-fitting face piece respirator is fit tested prior to initial use of the respirator, whenever a different respirator face piece (size, style, model or make) is used, and at least annually thereafter
- Additional fit tests will be conducted whenever the employee reports, or the agency, physician, supervisor, or program administrator makes visual observations of, changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.
- Fit test records shall be retained for respirator users until the next fit test is administered, these records shall be maintained by the program supervisor for a period of five years, and made available to the affected employee upon his/her written request.
- Additional information on respirators and fit test requirements as stated in 29 CFR 1910.134 can be found at the [OSHA website](#).

VEHICLE SAFETY

General Vehicle Policy

The [Commonwealth's Vehicle Safety policy](#) outline specific policy provisions, procedures, and safety guidelines for staff to follow when driving a state-owned or leased vehicle. In addition to adhering to policy, all classified and wage employees who use a state-owned vehicle must complete the DGS/Fleet Driver Safety online course, available in the [DEQ KC](#).

Roadside Safety

DEQs staff and vehicles maybe involved in state-required [environmental activities](#). Any DEQ staff working in the Virginia Department of Transportation right of way must adhere to the current version of the document: Temporary Traffic Control Plan for VADEQ employees.

Red Light Policy

This program outlines safe operation requirements for agency owned or leased vehicles during responses to spills or releases of hazardous materials or toxic substances by the Office of Spill Response and Remediation Pollution Response Program (PReP).

- All PReP responders upon completion of training shall be authorized to use the red-light during a non-emergency response to an environmental incident for the sole purpose of moving through congested traffic as caused by the environmental incident.
- DEQ vehicles shall not be operated as “*emergency vehicles*” during the response to any incident. An “*Emergency Vehicle*” is defined by the code is any Federal, State and local law enforcement vehicles, any Fire/Rescue/Ambulance Vehicle, Department of Emergency Management, Office of Emergency Medical Services, and the Department of Corrections.
- No other DEQ employees without the training are authorized to use the red-lights. For detailed information see [Red Lights and You](#) on the [DEQnet - Health & Safety Policy page](#).

WATER SAFETY PROGRAM

For detailed information about Water Safety, please see [Procedures and Guidelines for Boating Operations and Water Safety](#) (BoWS).

WORKPLACE SECURITY

General Philosophy

DEQ is committed to maintaining a safe, healthful, and efficient working environment where employees and customers are free from the threat of violence regardless of the source or type. Specific workplace security plans cover all areas under the DEQ’s control. Specific plans include but are not limited to Central Office and each Regional Office. DEQ protects from fire, theft, or other property damage by use of an electronic access control system, burglar/fire alarm system, as well as guidelines for employee behavior and precautions.

Physical Access

All DEQ employees should wear and display their Identification Badge at all times. Building security access cards and employee Identification cards for all employees (full-time, part-time, and temporary) will be issued on the first day of employment. Employees should contact HRO if their ID card is lost, stolen, or their name changes, and the General Services Manager (or Regional Office Manager) if they have questions about their building access cards.

The General Services Manager is responsible for:

- Issuing security access cards to new employees and collecting cards from exiting employees, or deactivating access cards if not returned.
- Monitoring security activity on the security activity reports.
- Replacing lost or defective access cards.

Employees must notify the General Service Manager or Regional Office Manager if a security access card is

lost or stolen, so that the original card will be deactivated and a new card issued. Fellow employees may open the door from the inside for employees who cannot open the door with their access card.

The following procedure is to be followed for employees to allow visitors access to a DEQ building:

- All non-employees must check in with the main receptionist so that the employee(s) can be notified of their presence.
- All non-employees must fill out and wear a temporary ID badge while in the building.
- An employee will meet their guest in the reception area and escort them until they leave the building
- If a non-employee is seen without an ID badge and/or escort the Regional Office Manager or General Services manager should be notified immediately.
- All non-employees must return their temporary ID badge to the receptionist and sign out when leaving the building.

See the [Emergency Action Plan](#) for further information about DEQ's Visitor Control System.



Appendix 7

Resources and Tools for Inspectors

Useful Links

1. Acknowledgement of Receipt of Health & Safety Plan
2. Checklist to Determine Product Vs. Waste
3. Citation Format in NOVs/Orders
4. CME Codes & Definitions
5. DEQ Hazardous Waste Expert Listing
6. DEQ Program Contacts
7. ECHO and ECHO Registration
8. EPA Expert Listing
9. HW Questions for Site Investigations
10. Hazardous Waste Storage Incompatibility Chart
11. HW 45-Day Memo to File
12. Inspection Decision Flow Chart
13. Inventory of Accumulation Locations
14. Photo Documentation Template
15. Provisional EPA ID # Guidance
16. RCRARep Info
17. RCRA Section 3007
18. RCRAInfo Form – Blank
19. RCRARep Info
20. SAA vs Subpart K for Labs
21. Summary Chart UW Regs
22. Synopsis of Paperwork Requirements for SQGs and LQGs
23. Tip Sheet Photography
24. Tool 2012
25. Used Oil Flowchart
26. Virginia Project Management Responsibilities

Signed: _____

Representing:

Date:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND

Subject:

V

A

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From:

Betsy

Waste Management Division

To:

4 rlt3

EMERGENCY RESPONSE

Checklist to Assist in Evaluating Whether Commercial Chemical Products Are
Solid and Hazardous Waste under the Resource Conservation and Recovery Act

Betsy Devlin, Director Materials Recovery and

RCRA Division Directors, Regions 1-10

RCRA Enforcement Managers, Regions 1-10

Association of States and Territorial Solid Waste Management Officials

(ASTS WMO)

Attached is a revised memorandum supporting the Commercial Chemical Product Checklist. This revised memorandum includes Figures 1-4 that were inadvertently excluded, and corrects the references associated with speculative accumulation.

If you have any questions, please contact Jim O'Leary of my staff at (703) 308-8827 or oleary.jim@epa.gov.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 2 91113

OFFICE OF
SOLID WASTE AND

Subject: Checklist to Assist in Evaluating Whether Commercial Chemical Products are Solid and Hazardous Waste under the Resource Conservation and Recovery Act

From: Suzanne Rudzinski, Director *fr#)* ¹¹¹⁰¹¹⁴ Office *Rudzinski*
of Resource Conservation and Recovery

To: RCRA Division Directors, Regions 1-10
RCRA Enforcement Managers, Regions 1-10
Association of States and Territorial Solid Waste Management Officials
(ASTSWMO)

This memorandum provides EPA regions and states a checklist designed to assist in evaluating the regulatory status under the Resource Conservation and Recovery Act (RCRA) hazardous waste management regulations of materials that would, under usual circumstances, be considered products. Under the RCRA regulations these materials are termed Commercial Chemical Products (CCP). The checklist is included as Attachment A of this memorandum.¹

We developed this checklist in response to requests for assistance in evaluating the regulatory status of CCPs from regional and state regulators and from the regulated community. One common situation in which this question arises is during a facility inspection. As an example, an inspector who observes a material being stored on-site may question facility representatives about the regulatory status of the material. If the facility claims that the material is a product and not a solid or hazardous waste, yet the observed management of the material or other information suggests otherwise, the inspector should gather additional information to support a regulatory status evaluation. The attached checklist will assist in gathering the appropriate supporting information and in making a regulatory status evaluation for CCPs.

Abandoned CCPs can and have caused environmental damages through leaks, spills, volatilization, fires, and explosions. Such damages and the associated clean up costs can be significant. To avoid such situations, facility owners or operators should be aware that abandoned CCPs may be solid and hazardous waste, and if so should be managed under the hazardous waste regulations. These regulations are designed to ensure that hazardous waste is managed in ways that are protective of human health and the environment. Figures 1-4, found at the end of this memorandum, provide photographs of examples encountered during inspections that suggest abandonment of CCPs.

Generators may also want to use the checklist to evaluate the regulatory status of their own CCPs.



Applicable Regulations

EPA's authority under Subtitle C of RCRA covers management of solid and hazardous wastes, but does not extend to management of materials that are products. Note, however, that there may be regulations applicable to products under other environmental regulations, such as the regulation of toxic substances in products under the Toxic Substances Control Act (TSCA), or under programs managed by other federal agencies, such as the Occupational Safety and Health Administration (OSHA) and the Food and Drug Administration (FDA).

In the RCRA hazardous waste management regulations the term commercial chemical product generally refers to materials that would, under usual circumstances, be considered products and not wastes, but if they are solid wastes would be hazardous because they are listed as hazardous waste or exhibit a characteristic of hazardous waste.²

The RCRA regulatory definition of solid waste, found in 40 CFR 261.2, prescribes what materials are solid wastes because they are discarded, and thus are potentially hazardous waste. Under 40 CFR 261.2, three provisions address situations in which a CCP may be discarded and thus a solid waste:

- 40 CFR 261.2(b) specifies that materials (including CCPs) **are** solid waste if they are abandoned, including being disposed of, incinerated, or when they are accumulated, stored, or treated (but not recycled) before, or in lieu of, being abandoned or otherwise being disposed.
- 40 CFR 261.2(c)(3) and Table 1 specify that CCPs **are not** solid waste when legitimately reclaimed.
- 40 CFR 261.2(c)(4) and Table 1 specify that CCPs **are not** solid waste when accumulated before legitimate recycling; i.e., speculative accumulation does not apply.³

Taken together, and in context, these provisions provide the regulatory structure for determining whether a CCP is a solid waste. They establish that:

- CCPs are **not** solid waste if they are:
 - Appropriately stored or managed for use,
 - Legitimately reclaimed, or
 - Appropriately stored or managed for legitimate reclamation.

² From the comment at the end of 40 CFR 261.33(d): The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.

³ Speculative accumulation is defined in 40 CFR 261.1(c)(8) as accumulation before recycling. 40 CFR 261.1(c)(8) further provides specific details about how to determine whether materials are speculatively accumulated.

- CCPs are solid waste if they are:
 - o Abandoned by being accumulated, or by being stored, or treated before, or as a means of, being disposed.

The attached checklist is designed to assist in applying this regulatory structure to specific situations and evaluating whether a particular CCP, managed in a particular way, is a solid waste.

If a CCP is a solid waste, it then must be determined if the CCP is listed as a hazardous waste in 40 CFR part 261 subpart D, or exhibits a characteristic of hazardous waste as described in 40 CFR part 261 subpart C.⁴ If the CCP is a solid and hazardous waste, it must be managed in compliance with the RCRA Subtitle C hazardous waste management regulations.

In order to conduct this analysis, EPA and state inspectors have the authority to gather information when they encounter CCPs that appear abandoned or are being managed in a questionable manner. In fact, both EPA and the states have successfully enforced against facilities that falsely claimed that their abandoned materials were CCPs.

As additional background, EPA has previously discussed when CCPs are solid wastes. In the 1983 Definition of Solid Waste proposed rule, the Agency explained how the regulations address whether CCPs that could potentially be recycled are solid waste:

If, however, a recycling market does not develop and one is not expected within a reasonable time period, or if insufficient amounts of these materials are being recycled, we would consider these commercial chemical products as being stored for discard, and thus subject to regulatory control. We are not setting any time period for determining when these commercial chemical products would become wastes. However, we do expect persons storing these materials to have appropriate documentation or information to support their claim that these materials have recycling potential and that the materials are accumulating for eventual recycling. (48 FR 14489–14490, April 4, 1983)

The preamble to the 1985 Definition of Solid Waste final rule reiterated these points, stating that these materials (e.g., commercial chemical products)

....are wastes when discarded or intended for discard (by means of abandonment), and are not wastes when stored for recycling. (50 FR 636, January 4, 1985)

The Importance of Checklists

Checklists have proven to be valuable tools for obtaining well-reasoned, consistent and well-documented information across different operational processes—including RCRA facility inspections.⁵ In practice, checklists are designed to support good inspection practices, including

⁴ See 50 FR 14219.

⁵ See The Checklist Manifesto—How to Get Things Right, Atul Gawande, Metropolitan Books, Henry Holt and Company, 2009, for a discussion on the value of checklists.

facility process-based inspection techniques that incorporate valuable open-ended questioning. Checklists are not intended to be used alone, but to supplement inspection findings. Similarly, inspectors should strive to ensure that appropriate facility representatives provide the requested information and should document who provided the information and their qualifications for providing it.

The use of RCRA checklists will vary from inspector to inspector and from state to state. Some inspectors, particularly experienced inspectors, use checklists as reference materials to assist them in preparing for a facility inspection. Less experienced inspectors, however, may use checklists as guides in posing questions to facility personnel or operators. Similarly, some states mandate the use of checklists by inspectors to support their inspection results, while other states leave it to the discretion of the inspector.

Checklist Questions

The checklist found in Attachment A groups a series of questions into three sections.

The first section includes questions that focus on observations the inspector may make concerning the management of the material. Managing a CCP as a valuable commodity is a good indicator that it has not been abandoned, and thus is more likely a product rather than a waste. However, if the material is being managed in a manner that suggests it has no little or no value (e.g., the containers are crushed, corroded, dusty, leaking, incompatible, open, or overpacked), then inspectors may want to pursue their inquiry further.

The second section builds on the results of the first section and focuses on materials used by the facility in the production of its products or in support of production operations. These questions focus on whether an internal market currently exists or could exist for the material. The third section also builds on the results of the first section but questions focus on materials sold into commerce. In other words, the second and third series of questions focus on the front-end and back-end of the facility's production processes.

Even if the material in question may be poorly managed, if a market or potential market exists internally or in commerce for such material, then the material may still be a product. However, if the accumulated evidence suggests that the material is both poorly managed and no market or even a potential market exists for the material, then the material is likely an abandoned material that may be subject to regulation under RCRA.

How to Use This Checklist

This checklist is designed to assist inspectors in gathering information to help differentiate between materials that are products and materials that have been abandoned, or stored in lieu of abandonment. In cases where material mismanagement has been observed, an inspector may wish to issue a request for more information under RCRA section 3007. In other situations, the results of the inspection may lead to initiation of a case against the facility after additional field work has been completed. Since every facility is unique, inspectors will always need to take into consideration site-specific characteristics in making these determinations.

This checklist was developed with the help of experienced regional and state representatives in response to requests for assistance on this issue. We appreciate their assistance with this effort and welcome any feedback so that we can improve the checklist's usefulness.

If you have any questions, please contact Jim O'Leary, of my staff, at (703) 308-8827 or oleary.jim@epa.gov.

cc: Betsy Devlin
Charlotte Mooney

Tracy Atagi
Alan Carpien
Steve Simoes
Jon Roberts
Ed Hammerberg

Jerry Sanger

Examples of Potential Mismanagement of a Commercial Chemical Product



1. Example of materials found by inspector during facility inspection. Are these materials products or abandoned materials?



2. Example of materials found by inspector during facility inspection. Are these materials products or abandoned materials?



3, Example of materials found by inspector during facility inspection. Are these materials products or abandoned materials?



4. Example of materials found by inspector during facility inspection. Are these materials products or abandoned materials?

Attachment A

CHECKLIST: To Assist in Evaluating Whether Commercial Chemical Products are Solid and Hazardous Waste under the Resource Conservation and Recovery Act (RCRA)

Disclaimer: This checklist is a support tool provided by EPA for the convenience of the EPA Regions, states, and the regulated community. It is not a regulation, nor can it be considered a substitute for the actual regulations or for related laws and applicable court decisions. For individuals in the regulated community using this guidance tool, EPA recommends you contact your authorized state agency or EPA regional office should you have any concerns or doubts about whether your commercial chemical product is in compliance with the applicable RCRA regulations.

The purpose of this checklist is to assist EPA and state inspectors in gathering information to help them distinguish between 1) commercial chemical products (CCPs) listed under 40 CFR 261.33 (e) and (f), or CCPs that exhibit a hazardous waste characteristic; and 2) abandoned materials or materials stored in lieu of abandonment (see 40 CFR 261.2(a)(2)(i) and 261.2(b)(3)).

This checklist should only be used in cases where it is not clear to the inspector if a material is a CCP or a waste. This includes situations where the material is not being managed in a manner consistent with a facility claim that the material has value (i.e., either for use on-site or in commerce).

There is no “bright line” for how many questions or which checklist questions provide a definitive answer to the CCP vs. abandoned waste question. Instead, site specific circumstances will most likely dictate the outcome of any determination.

This checklist should be completed for each material being evaluated.

Section 1: Does the facility appear to be managing the material being evaluated in a manner that suggests it is a product (as opposed to being abandoned or stored in lieu of abandonment)?		Yes	No	N/A	Comment
	Note: Where the inspector observes questionable management practices that suggest abandonment of a material (see below), take pictures to document these observed				
1	Are the containers used to store the material in good condition (vs. crushed, bulging, corroded, dusty, leaking, incompatible with the contents, open, or overpacked)?				
2	Are the containers of concern stored in a manner that suggests the material has value? (For example, is the material protected from precipitation, locked-up when the facility is not operating, or stored in a fenced/secure area?)				
3	Does the management of the containers appear to preserve the material's integrity and serve to prevent the material from becoming unstable, unusable or				
4	Do the containers have labels that identify the contents as product?				
5	Do the container labels have information, such as lot number, manufacture date, or expiration date, to help determine the age/viability of the material, particularly if a recommended expiration date has been exceeded?				
6	If a container is not labeled, can the facility support a claim that the contents is a product (e.g., provide analytical testing results to verify that the material meets specifications for use, or explain that it recently had to transfer contents to a new container due to damage to the original container and can provide record of purchase)?				
7	Does the condition of the material suggest it is a valuable product? (For example, no crystals have formed inside or outside the container, the material is not discolored, there is no phase separation evident)				
8	Does the facility manage the material as a valuable commodity by limiting access to the material and having security procedures in place to prevent unauthorized removal of the material?				

NOTES SUPPORTING OBSERVATIONS

Section 2: Does the facility appear to be using the material being evaluated in the production of its products or in support of production operations (as opposed to being abandoned or stored in lieu of abandonment)?		Yes	No	N/A	Comment
1	Can the facility describe how the material is used or show where the material is used in the facility?				
2	<p>Do the containers storing the material in question appear to be stored in an appropriate location?</p> <ul style="list-style-type: none"> - Is the material stored according to manufacturer recommendations (e.g., recommended temperatures, light)? - Are the containers accessible? 				
3	Do product specifications exist for the material or process in which it is to be used (e.g., minimum concentration of an active ingredient, maximum concentrations of contaminants, or dates beyond which the material should not be used)?				
4	Is there a process in place for the facility to compare the properties of the material in question to specifications that must be met in order for the material to be used for the claimed purpose, or is documentation available to support a facility claim that the material meets such specifications?				
5	Does it appear that the facility has purchased new material that will be used for the same purpose as the material in question? If yes, explain in the Notes section				
6	Are records available to demonstrate that the facility has NOT written off the material as a loss (indicating that the facility still believes that the material has a use)?				

NOTES SUPPORTING OBSERVATIONS

Section 3: Does the facility appear to be selling into commerce the material being evaluated (as opposed to being abandoned or stored in lieu of abandonment)?		Yes	No	N/A	Comment
1	Does the facility have “active” customers or a market for the material?				
2	If yes, can the facility provide a list of such customers and document recent shipments of the material for subsequent distribution in commerce, or provide copies of contracts from past or future sales? Note: The inspector may want to obtain contact information for the receiving				
3	Can the facility identify any competitors for the sale of the material to support a claim that there is an existing or potential market for the material?				
4	Can the facility provide a list of inactive or past customers that purchased the material?				
5	Can the facility provide any information about a future market for the material?				
6	Is a Material Safety Data Sheet (MSDS) or SDS under OSHA’s new Globally Harmonized System available for the material (supporting a claim that the material has been in, or will enter, commerce)?				
7	Does the facility have a system for accepting/managing returned or off-specification products it produced and utilizing that material to produce a new product? If so, is this system documented?				
8	Has the material been recalled or returned from a customer? If so, can the facility explain how it intends to use the material? Is there a market for the returned				

Bottom Line:

Overall, does the facility appear to be managing the material in question as a valuable commodity; i.e., in a manner that preserves the material’s integrity and does not cause it to become unusable? If not, explain why not and provide supporting comments/observations below to support a conclusion that the material is being abandoned, or stored in a manner that suggests abandonment.

NOTES SUPPORTING OBSERVATIONS

Citation Format in Consent Orders and Agreements

Va. Code § 10.1-1408.1(N)(3) and Va. Code § 62.1-44.34:20(C)(4) (with “Va. Code” defined - use parentheses and no spaces, except after §) (follows format used by Virginia courts rather than format in the *Virginia Register*)

9 VAC 20-81-250(A)(1)(b) and (c) (with “VAC” defined) (same)

42 USC § 6927(b)(3)(B) (with “USC” defined)

40 CFR Part 273 (with “CFR” defined)

40 CFR § 262.34(a)(1)(iv)(B) (with “CFR” defined)

Supplemental Environmental Projects (SEPs), Enf. Guidance Memo. No. 3-2006 (September 19, 2006).

**RCRAInfo CM&E Module
Version 3 Codes and Definitions
Revised May 2008**

Nationally Defined Commitment Types

Note - Additional implementer-defined values will be allowed.

Code	Description
LQG	Large Quantity Generator
Mineral Non-Phosphor	Mineral Processing Non-Phosphoric
Mineral Phosphoric	Mineral Processing Phosphoric
Petroleum Refining	Petroleum Refining
Small Business	Small Business
SQG	Small Quantity Generator
Tribal School	Tribal School
Tribal Waste Mgmt	Tribal Waste Management

TSD	Treatment Storage Disposal
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Nationally Defined Evaluation Type

Note: No Implementer Defined Evaluation Types are allowed.

Type	Name	Description
CAC	Corrective Action Compliance Evaluation	An evaluation of a site's compliance with the corrective action requirements of a permit or an order. When a CAC is conducted as part of another inspection type (CEI, GME, etc.), a separate entry for a CAC should be made in RCRAInfo for the CAC component.
CAV	Compliance Assistance Activity	The compliance assistance activity that a region or state conducts at a specific site to assist the site in achieving compliance as outlined in the OECA Operating Principles (URL: http://www.epa.gov/compliance/resources/policies/planning/state/oprin-integ-mem.pdf). A CAV evaluation does not include evaluation events that would otherwise qualify as another type of evaluation such as a CEI or OAM evaluation or conducted under the auspices of a confidentiality agreement via a small business or local government assistance program (sometimes referred to as an amnesty program). However, this CAV activity code would include technical site-specific compliance assistance not considered solely "interpretive technical assistance." CAVs are conducted without the threat of enforcement. Therefore, CAVs should not be linked to violations or enforcement actions.
CDI	Case Development Inspection	A CDI evaluation is an on-site inspection conducted for the sole purpose of gathering additional information that supports the evidence (i.e., samples, on-site record review, interview, etc.) for a potential or pending enforcement case. A CDI is performed only after an initial evaluation has resulted in the observation of potential violations.
CEI	Compliance Evaluation Inspection	<p>A CEI evaluation is primarily an on-site evaluation of the compliance status of the site with regard to all applicable RCRA Regulations and Permits (with the exception of groundwater monitoring and financial assurance requirements). Although portions of a CEI evaluation may routinely be conducted in an agency office setting, such "office" evaluations are considered an integral part of a CEI in terms of completing an evaluation. The overall evaluation of a site's compliance status may take place over multiple days necessitating multiple site visits and activities. The entire set of activities and associated effort is considered a single CEI.</p> <p>The major function of a CEI is an overall review of the site's performance. The inspection includes an on-site examination of records and other documents maintained by the site and an evaluation of the site's compliance with all applicable requirements and adequate sampling, when necessary. Where appropriate, it includes groundwater monitoring assessment outlines or plans, closure/post-closure plans, contingency plan reviews, waste analysis plan reviews, and preparedness and prevention plan reviews. Specifically excluded from the CEI type of evaluation are financial assurance requirements and inspections of groundwater monitoring systems. A review of financial assurance requirements is most often conducted by "agency experts", and appropriately coded as a Financial Record Review (FRR) evaluation. Inspections of</p>
CSE	Compliance Schedule Evaluation	An evaluation conducted to verify compliance with an enforceable compliance schedule associated with a formal enforcement action. When a CSE is conducted as part of another inspection type (CEI, GME, etc.), a separate CSE entry should be made in RCRAInfo for the CSE component.
FCI	Focused Compliance	An FCI is an on-site inspection that addresses only a specific portion or Subpart of the RCRA regulations or authorized State regulations/programs. Some

Nationally Defined Evaluation Type

Note: No Implementer Defined Evaluation Types are allowed.

Type	Name	Description
	Inspection	<p>examples of an FCI are a Subpart CC inspection, BIF inspection, Universal Waste Rule inspection, closure verification inspection, training inspections, etc.</p> <p>Nationally defined Focus Areas may be used with this evaluation type to further</p>
FRR	Financial Record Review	An extensive detailed review of a handler's compliance with financial responsibility requirements. Financial Record Reviews are conducted in the Agency office and not on-site.
FSD	Facility Self Disclosure	Indication that a handler has self-disclosed the existence of a violation and/or performed an audit and has submitted the information as appropriate to the State or EPA.
FUI	Follow-Up Inspection	A partial on-site inspection conducted to verify the status of violations cited during a previous evaluation. An FUI code value should only be used if the effort involved, or the extent of areas inspected, are insufficient to qualify as one of the more comprehensive evaluation types. Includes inspections following up to formal/informal actions where no enforceable compliance schedule has been established. Does not include any inspections involving an enforceable compliance schedule associated with a formal enforcement action. When an FUI inspection is conducted as part of another inspection type (CEI, GME, etc.), a separate FUI entry should be made in RCRAInfo for the FUI component. Please note that new violations may be cited as a result of an FUI evaluation, and those new violations would be linked to the FUI.
GME	Groundwater Monitoring Evaluation	A detailed evaluation of the adequacy of the design and operation of a facility's groundwater monitoring system as per EPA's Final RCRA Compliance Groundwater Monitoring Evaluation Guidance Document. Evaluation of the groundwater monitoring system design should be conducted by a hydro geologist and includes the review of the owner/operator's (o/o's) characterization of the hydro geology beneath hazardous waste management units, monitoring well placement and depth/spacing, and well design and construction. It is essential that the CME ensure that the o/o has designed an adequate groundwater monitoring system. In addition, an integral part of the CME is the review of the operation of the groundwater monitoring system through an evaluation of the o/o's sampling and analysis plan and its implementation. CMEs should be scheduled, to the maximum extent possible, to coincide with o/o sampling events to permit the field evaluation of sampling techniques. Inspectors should collect splits or conduct EPA/State sampling as a random check of groundwater quality data at any wells, which may have indicated releases to support enforcement of corrective action.
NIR	No 3007 Information Request Received	Agency conducted an in-agency office review and determined a failure to respond to a 3007 information request.
NRR	Non-financial Record Review	An evaluation conducted in the Agency office involving a detailed review of non-financial records.

Nationally Defined Evaluation Type

Note: No Implementer Defined Evaluation Types are allowed.

Type	Name	Description
OAM	Operation and Maintenance Inspection	<p>The Operation and Maintenance Inspection is a periodic inspection of how well a groundwater monitoring system continues to function once it is considered well designed. The inspection focuses on the condition of wells and sampling devices. Evaluation of well recovery notes, turbidity of water, total depth, depth to water, etc. should be made and compared to historic data. Sampling devices should be tested and if necessary pulled and visually inspected. The findings of an O&M inspection will indicate whether case development is warranted and/or will serve to focus future CMEs. The inspector should be experienced in evaluation of groundwater monitoring systems, e.g., hydrogeologist. This inspection can include sampling. However, if a great deal of sampling is conducted, a separate sampling inspection should be recorded.</p>
SNN	Not a Significant Non-Complier(SNC)	<p>A determination has been made to remove the SNC designation for a facility. This can be as a result of the facility returning to full physical compliance with regulatory and/or statutory requirements or with a compliance schedule. Note: This is an orphan evaluation record that is not linked to any specific violation or enforcement action. The implementer should enter an SNN record to supersede an SNY record when all outstanding violations have returned to full physical compliance.</p>
SNY	A Significant Non-Complier (SNC)	<p>A determination has been made to classify a facility as a SNC using the following guidelines as set forth in the March 15, 1996 Hazardous Waste Civil Enforcement Response Policy (ERP). A SNC is a facility, which has caused actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous waste constituents; is a chronic or recalcitrant violator; or deviates substantially from the terms of a permit, order, agreement or from RCRA statutory or regulatory requirements. The actual or substantial likelihood of exposure should be evaluated using facility specific environmental and exposure information whenever possible. This may include evaluating potential exposure pathways and the mobility and toxicity of the hazardous waste being managed. However, it should be noted that environmental impact alone is sufficient to cause a facility to be a SNC, particularly when the environmental media affected require special protection (e.g., wetlands or sources of underground drinking water). Facilities should be evaluated on a multi-media basis; however, a facility may be found to be a chronic or recalcitrant violator based solely on prior RCRA violations and behavior.</p> <p>Note: This is an orphan evaluation record that is not linked to any specific violation or enforcement action. This determination should be entered into RCRAInfo within 90 days after the implementer (EPA/State) determination</p>

Nationally Defined FCI Focus Areas

Note: Implementer defined codes are allowed.

Value	Description	Definition
Regulation Specific		
BIF	Boiler/Industrial Furnace Inspection	Inspection focused on compliance with regulatory requirements for boilers and industrial furnaces.
CCI	Subpart CC Inspection	Inspection focused on compliance with air emission standards for tanks, surface impoundments, and containers as covered in 40 CFR 264 and 265, subparts CC.
CFI	Commercial Facility Inspection	Focused inspection at a commercial facility's (i.e., sites covered under the EPA Off-Site Policy) that does not constitute a CEI.
INC	Hazardous Waste Incinerator Inspection	Inspection/observation of the other incinerator activities.
LDR	Land Ban Restrictions	Inspections focused on compliance with the land ban restrictions. Note: This Focus Area is only for use with historical evaluations. THIS WILL NOT BE ALLOWED FOR NEW EVALUATIONS.
PTB	Performance Test (Trial Burns)	Inspection to evaluate trial burn performance.
PTX	Performance Test (Subpart X)	Inspection to evaluate performance under Subpart X requirements.
THI	TSD HWMU Inspection	Compliance monitoring inspections focused on specific regulatory requirements of Hazardous Waste management Units (tanks, surface impoundments, drip pads, etc.).
UIC	Underground Injection Control	Evaluation of compliance with underground injection control requirements.
UOI	Used Oil Inspection	Inspections focused on compliance with Used Oil regulations as covered by 40 CFR 279.
UWR	Universal Waste Rule Inspection	Inspections focused on compliance with the Universal Waste Rule as covered by 40 CFR 273.
Routine/Standardized		
CAR	Corrective Action/Remediation Oversight	Inspection focused on the oversight of corrective action or State remediation activities. Use this code only when the oversight does not represent an evaluation of the site's compliance with the corrective action requirements present in a permit or order (definition of CAO Evaluation type).
CPC	Closure/Post-Closure Inspection	Inspection focused on oversight of closure/post-closure activities, including certification of closure/post-closure.
DOS	Definition of Solid Waste	Inspections to verify information related to variance requests, delisting, solid/hazardous waste determination, speculative accumulation, etc.
EMR	Emergency Response Activity	RCRA activities related to emergency response and subsequent clean-up.

Nationally Defined FCI Focus Areas

Note: Implementer defined codes are allowed.

Value	Description	Definition
IEI	<i>Import/Export Inspection</i>	Inspections to evaluate regulatory compliance for hazardous waste imports and exports.
ISI	<i>Inactive Site Inspection</i>	Inspections to verify the status of a site. This code should only be used when the site's status was verified as inactive.
RTI	<i>Remote Transporter Inspection</i>	Inspections of a transporter's vehicle and associated manifesting documentation from a remote location (i.e., in transit).

Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
261.A	<i>ID and Listing of HW: General</i>	General HW identification as covered in 40CFR 261 Subpart A.
261.B	<i>ID and Listing of HW: Criteria for Identifying the Characteristics of HW and for Listing of HW</i>	General Criteria for HW identification as covered in 40CFR 261 Subpart B.
261.C	<i>ID and Listing of HW: Characteristics of HW</i>	Characteristics for HW as covered by 40CFR 262 Subpart C.
261.D	<i>ID and Listing of HW: Lists of HW</i>	Lists of HW as covered in 40CFR 261 Subpart D.
262.A	<i>Standards Applicable to Generators of HW: General</i>	General requirements for Generators as covered in 40CFR 262 Subpart A.
262.B	<i>Standards Applicable to Generators of HW: Manifest</i>	Manifest requirements for Generators as covered in 40CFR 262 Subpart B.
262.C	<i>Standards Applicable to Generators of HW: Pre-Transport Requirements</i>	Export requirements for Generators as covered in 40CFR 262 Subpart C
262.D	<i>Standards Applicable to Generators of HW: Recordkeeping and Reporting</i>	Import requirements for Generators as covered in 40CFR 262 Subpart D.
262.E	<i>Standards Applicable to Generators of HW: Exports of HW</i>	Export requirements for Generators as covered in 40CFR 262 Subpart E.
262.F	<i>Standards Applicable to Generators of HW: Imports of HW</i>	Import requirements for Generators as covered in 40CFR 262 Subpart F.
262.H	<i>Standards Applicable to Generators of HW: Transfrontier Shipments of HW for Recovery within the OECD</i>	Generator requirements for the OECD as covered in 40CFR 262 Subpart H.
263.A	<i>Standards Applicable to Transporters of HW: General</i>	General requirements for transporters as covered in 40CFR 263 Subpart A.
263.B	<i>Standards Applicable to Transporters of HW: Compliance with the Manifest System and Recordkeeping</i>	General requirements for transporters as covered in 40CFR 263 Subpart B.
263.C	<i>Standards Applicable to Transporters of HW: HW Discharges</i>	Transporter requirements for TSDs as covered in 40CFR 263 Subpart C.

Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
264.A	<i>Standards for Owners and Operators of HW TSDs: General</i>	Preparedness and Disposal facilities (TSDs as covered in 40CFR 264 Subpart A.
264.B	<i>Standards for Owners and Operators of HW TSDs: General Facility Standards</i>	General facility standards for TSDs as covered in 40CFR 264 Subpart B.
264.C	<i>Standards for Owners and Operators of HW TSDs: Preparedness and Prevention</i>	Preparedness and prevention standards for TSDs as covered in 40CFR 264 Subpart C.
264.D	<i>Standards for Owners and Operators of HW TSDs: Contingency Plan and Emergency Procedures</i>	Contingency plan and emergency standards for TSDs as covered in 40CFR 264 Subpart D.
264.E	<i>Standards for Owners and Operators of HW TSDs: Manifest System, Recordkeeping, and Reporting</i>	Manifest system, recordkeeping, and reporting requirements for TSDs as covered in 40CFR 264 Subpart E.
264.F	<i>Standards for Owners and Operators of HW TSDs: Releases from Solid Waste Management Units (SWMUs)</i>	Standards governing releases from solid waste management units as covered in 40CFR 264 Subpart F.
264.G	<i>Standards for Owners and Operators of HW TSDs: Closure and Post-Closure</i>	Closure and post-closure standards for TSDs as covered in 40CFR 264 Subpart G.
264.H	<i>Standards for Owners and Operators of HW TSDs: Financial Requirements</i>	Financial requirements for TSDs as covered in 40CFR 264 Subpart H.
264.I	<i>Standards for Owners and Operators of HW TSDs: Use and Management of Containers</i>	Standards for use and management of containers by TSDs as covered in 40CFR 264 Subpart I.
264.J	<i>Standards for Owners and Operators of HW TSDs: Tank Systems</i>	Standards for TSD tank systems as covered in 40 CFR Subpart J.
264.K	<i>Standards for Owners and Operators of HW TSDs: Surface Impoundments</i>	Standards for TSDs as covered in 40CFR 264 Subpart K.
264.L	<i>Standards for Owners and Operators of HW TSDs: Waste Piles</i>	TSD standards for TSDs as covered in 40CFR 264 Subpart L.
264.M	<i>Standards for Owners and Operators of HW TSDs: Land Treatment</i>	TSD standards for TSDs as covered in 40CFR 264 Subpart M.
264.N	<i>Standards for Owners and Operators of HW TSDs: Landfills</i>	Landfill standards for TSDs as covered in 40CFR 264 Subpart N.

Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
264.O	<i>Standards for Owners and Operators of HW TSDs: Incinerators</i>	Standards for TSDs as covered in 40CFR 264 Subpart O.
264.S	<i>Standards for Owners and Operators of HW TSDs: Special Provisions for Cleanups</i>	Standards for TSDs as covered in 40CFR 264 Subpart S.
264.W	<i>Standards for Owners and Operators of HW TSDs: Drip</i>	Standards for TSDs as covered in 40CFR 264 Subpart W.
264.X	<i>Standards for Owners and Operators of HW TSDs: Miscellaneous Units</i>	Standards for process vents at TSDs as covered by 40CFR 264 Subpart X.
264.AA	<i>Standards for Owners and Operators of HW TSDs: Air Emission Standards for Process Vents</i>	Air emission standards for process vents at TSDs as covered in 40CFR 264 Subpart AA.
264.BB	<i>Standards for Owners and Operators of HW TSDs: Air Emission Standards for Equipment Leaks</i>	Air emission standards for equipment leaks at TSDs as covered in 40CFR 264 Subpart BB.
264.CC	<i>Standards for Owners and Operators of HW TSDs: Air Emission Standards for Tanks, Surface Impoundments, and Containers</i>	Air emission standards for TSDs as covered in 40CFR 264 Subpart CC.
264.DD	<i>Standards for Owners and Operators of HW TSDs: Containment Buildings</i>	Containment building standards for TSDs as covered in 40CFR 264 Subpart DD.
264.EE	<i>Standards for Owners and Operators of HW TSDs: HW Munitions and Explosives Storage</i>	Hazardous waste munitions and explosives storage standards for TSDs as covered in 40CFR 264 Subpart EE.
265.A	<i>Interim Status Standards for Owners and Operators of HW TSDs: General</i>	General requirements for TSDs in Interim Status as covered in 40CFR 265 Subpart A.
265.B	<i>Interim Status Standards for Owners and Operators of HW TSDs: General Facility Standards</i>	General facility standards for TSDs in Interim Status as covered in 40CFR 265 Subpart B.
265.C	<i>Interim Status Standards for Owners and Operators of HW TSDs: Preparedness and Prevention</i>	Preparedness and prevention requirements for TSDs in Interim Status as covered in 40CFR 265 Subpart C.

Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
265.D	<i>Interim Status Standards for Owners and Operators of HW TSDs: Contingency Plan and Emergency Procedures</i>	Contingency plan and reporting requirements for TSDs in Interim Status as covered in 40CFR 265 Subpart D.
265.E	<i>Interim Status Standards for Owners and Operators of HW TSDs: Manifest System, Recordkeeping, and Reporting</i>	Groundwater monitoring requirements for TSDs in Interim Status as covered in 40CFR 265 Subpart E.
265.F	<i>Interim Status Standards for Owners and Operators of HW TSDs: Ground-water Monitoring</i>	Groundwater monitoring requirements for TSDs in Interim Status as covered in 40CFR 265 Subpart F.
265.G	<i>Interim Status Standards for Owners and Operators of HW TSDs: Closure and Post-Closure</i>	Financial requirements for TSDs in Interim Status as covered in 40CFR 265 Subpart G.
265.H	<i>Interim Status Standards for Owners and Operators of HW TSDs: Financial Requirements</i>	Financial requirements for TSDs in Interim Status as covered in 40CFR 265 Subpart H.
265.I	<i>Interim Status Standards for Owners and Operators of HW TSDs: Use and Management of Containers</i>	Tank system standards for TSDs in Interim Status as covered in 40CFR 265 Subpart I.
265.J	<i>Interim Status Standards for Owners and Operators of HW TSDs: Tank Systems</i>	Tank system standards for TSDs in Interim Status as covered in 40CFR 265 Subpart J.
265.K	<i>Interim Status Standards for Owners and Operators of HW TSDs: Surface</i>	Waste pile standards for TSDs in Interim Status as covered in 40CFR 265 Subpart K.
265.L	<i>Interim Status Standards for Owners and Operators of HW TSDs: Waste Piles</i>	Waste pile standards for TSDs in Interim Status as covered in 40CFR 265 Subpart L.
265.M	<i>Interim Status Standards for Owners and Operators of HW TSDs: Land Treatments</i>	Landfill standards for TSDs in Interim Status as covered in 40CFR 265 Subpart M.
265.N	<i>Interim Status Standards for Owners and Operators of HW TSDs: Landfills</i>	Landfill standards for TSDs in Interim Status as covered in 40CFR 265 Subpart N.
265.O	<i>Interim Status Standards for Owners and Operators of HW TSDs: Incinerators</i>	Incinerator standards for TSDs in Interim Status as covered in 40CFR 265 Subpart O.

265.P	<i>Interim Status Standards for Owners and Operators of HW TSDs: Thermal Treatment</i>	Thermal treatment standards for TSDs in Interim Status as covered in 40CFR 265 Subpart P.
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Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
265.Q	<i>Interim Status Standards for Owners and Operators of HW TSDs: Chemical, Physical, and Biological Treatment</i>	Drip pad standards for TSDs in Interim Status as covered in 40CFR 265 Subpart Q.
265.R	<i>Underground Injection</i>	Underground Injection applicability as covered in 40CRR 265 Subpart R.
265.W	<i>Interim Status Standards for Owners and Operators of HW TSDs: Drip Pads</i>	Drip pad standards for TSDs in Interim Status as covered in 40CFR 265 Subpart W.
265.AA	<i>Interim Status Standards for Owners and Operators of HW TSDs: Air Emission Standards for Process Vents</i>	Air emission standards for process vents at TSDs in Interim Status as covered in 40CFR 265 Subpart AA.
265.BB	<i>Interim Status Standards for Owners and Operators of HW TSDs: Air Emission Standards for Equipment Leaks</i>	Air emission standards for TSDs in Interim Status as covered in 40CFR 265 Subpart BB.
265.CC	<i>Interim Status Standards for Owners and Operators of HW TSDs: Air Emission Standards for Tanks, Surface</i>	Standards for munitions and containers at TSDs in Interim Status as covered in 40CFR 265 Subpart CC.
265.DD	<i>Interim Status Standards for Owners and Operators of HW TSDs: Containment Buildings</i>	Containments building standards for TSDs in Interim Status as covered in 40CFR 265 Subpart DD.
265.EE	<i>Interim Status Standards for Owners and Operators of HW TSDs: HW Munitions and Explosives Storage</i>	Standards for munitions and explosive storage at TSDs in Interim Status as covered in 40CFR 265 Subpart EE.
266.C	<i>Standards for the Management of Specific HW and Specific types of HW Management Facilities: Recyclable Materials Used in a Manner Constituting Disposal</i>	Standards for management of recyclable materials used in a manner constituting disposal as covered in 40CFR 266 Subpart C.
266.F	<i>Standards for the Management of Specific HW and Specific types of HW Management Facilities: Recyclable Materials utilized for Precious Metal Recovery</i>	Standards for management of recyclable materials utilized for precious metal recovery as covered in 40CFR 266 Subpart F.

Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
266.G	Standards for the Management of Specific HW and Specific types of HW Management Facilities: Spent Lead-Acid Batteries Being Reclaimed	Standards for management of spent lead-acid batteries being reclaimed as covered in 40CFR 266 Subpart G.
266.H	Standards for the Management of Specific HW and Specific types of HW Management Facilities: HW Burned in Boilers and Industrial Furnaces	Standards for management of hazardous waste burned in boilers and disposal as covered in 40CFR 266 Subpart H.
266.M	Standards for the Management of Specific HW and Specific types of HW Management Facilities: Military Munitions	Standards for management of military munitions as covered in 40CFR 266 Subpart M.
266.N	Standards for the Management of Specific HW and Specific types of HW Management Facilities: Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation, and Disposal	Standards for conditional exemption for low-level mixed waste storage, treatment, transportation, and disposal as covered in 40CFR Subpart N.
268.A	Land Disposal Restrictions: General	General Land Disposal Restriction (LDR) requirements as covered in 40CFR 268 Subpart A.
268.B	Land Disposal Restrictions: Schedule for Land Disposal Prohibition and Establishment of Treatment	Schedule for land disposal prohibition and establishment of treatment standards as covered by 40CFR 268 Subpart B.
268.C	Land Disposal Restrictions: Prohibitions on Land Disposal	Prohibitions on land disposal as covered by 40 CFR 268 Subpart C.
268.D	Land Disposal Restrictions: Treatment Standards	Treatment standards for LDR as covered in 40CFR 268 Subpart D.
268.E	Land Disposal Restrictions: Prohibitions on Storage	Storage prohibitions for LDR as covered in 40CFR 268 Subpart E.
270.A	EPA Administered Permit Programs: the HW Permit Program General Information	General information and requirements for hazardous waste permit as covered in 40CFR 270 Subpart A.
270.B	EPA Administered Permit Programs: the HW Permit Program Permit Application	Application requirements for a hazardous waste permit as covered in 40CFR 270 Subpart B.

Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
270.C	<i>EPA Administered Permit Programs: the HW Permit Program Permit Conditions</i>	Permit conditions for a hazardous waste permit as covered in 40CFR 270 Subpart C.
270.D	<i>EPA Administered Permit Programs: the HW Permit Program Changes to Permits</i>	Changes to hazardous waste permits as covered in 40CFR 270 Subpart D.
270.F	<i>EPA Administered Permit Programs: the HW Permit Program Special Forms of Permits</i>	Special forms of hazardous waste permit as covered in 40CFR 270 Subpart F.
270.G	<i>EPA Administered Permit Programs: the HW Permit Program Interim Status</i>	Interim status standards for a hazardous waste permit as covered in 40CFR 270 Subpart G.
270.H	<i>EPA Administered Permit Programs: the HW Permit Program Remedial Action Plans (RAPs)</i>	Remedial action plans (RAPs) as covered in 40CFR 270 Subpart H.
270.I	<i>EPA Administered Permit Programs: the HW Permit Program Integration with Maximum Achievable Control Technology (MACT) Standards</i>	Integration with Maximum Achievable control Technology (MACT) Standards as covered in 40CFR 270 Subpart I.
271.A	<i>Requirements for Authorization of State HW Programs: Requirements for Authorization</i>	
273.A	<i>Standards for Universal Waste Management: General</i>	General requirements for management of universal waste as covered in 40CFR 273 Subpart A.
273.B	<i>Standards for Universal Waste Management: Standards for Small Quantity Handlers of Universal Waste</i>	Standards for small quantity handlers of universal waste as covered in 40CFR 273 Subpart B.
273.C	<i>Standards for Universal Waste Management: Standards for Large Quantity Handlers for Universal Waste</i>	Standards for large quantity handlers of universal waste as covered in 40CFR 273 Subpart C.
273.D	<i>Standards for Universal Waste Management: Standards for Universal</i>	Standards for transporters of universal waste as covered in 40CFR 273 Subpart D.
273.E	<i>Standards for Universal Waste Management: Standards for Destination Facilities</i>	Standards for destination facilities of universal waste as covered in 40CFR 273 Subpart E.

Nationally Defined Violation Types

Note: No Implementer defined Violation Types are allowed.

Code	Description	Definition
273.F	Standards for Universal Waste Management: Import Requirements	
279.A	Standards for the Management of Used Oil: Definitions	Applicability of the standards for management of used oil as covered in 40CFR 279 Subpart A.
279.B	Standards for the Management of Used Oil: Applicability	Applicability of the standards for management of used oil as covered in 40CFR 279 Subpart B.
279.C	Standards for Used Oil Generators	Standards for used oil generators as covered in 40CFR 279 Subpart C.
279.D	Standards for Used Oil Collection Centers and Aggregation Points	Standards for used oil collection centers and aggregation points as covered in 40CFR 279 Subpart D.
279.E	Standards for Used Oil Transporter and Transfer Facilities	Standards for used oil transporters and transfer facilities as covered in 40CFR 279 Subpart E.
279.F	Standards for Used Oil Processors and Re-Refiners	Standards for used oil processors and re-refiners as covered in 40CFR 270 Subpart F.
279.G	Standards for Used Oil Burners of Off-Specification Used Oil for Energy Recovery	Standards for used oil burners who burn off-specification used oil for energy recovery as covered in 40CFR 279 Subpart G.
279.H	Standards for Used Oil Fuel Marketers	Standards for used oil fuel marketers as covered in 40CFR 279 Subpart H.
279.I	Standards for Used Oil Dust Suppressant and Disposal of Used Oil	Standards for use as a dust suppressant and disposal of used oil as covered in 40CFR 279 Subpart I.
FEA	Formal Enforcement Agreement or Order	Violation of a formal enforcement agreement or order.
FSS	Federal or State Statute	Violations of a Federal or State Statute.
PCR	Permit Condition or Requirement	Violations of a Permit Condition or Requirement.
XXS	State Statute or Regulation	State statutory or regulatory requirements that are broader-in-scope than federal RCRA requirements. Note: Implementers who are broader-in-scope will be able to use Violation Coverage Area code XXS. Additional clarification

Return to Compliance (RTC) Qualifier

Code	Name	Description
D	<i>Documented</i>	Site demonstrated that it is in full physical compliance by filing appropriate documentation with the implementing agency.
O	<i>Observed</i>	Verified by on-site inspection that this violation is now in full physical compliance.
N	<i>Not Resolvable</i>	Situations where, although the original violations may still exist or may never have been corrected, there is no further legal action that the agency can pursue to compel the site to bring the violation into full physical compliance. Therefore, the open status of the violation is being closed out. Examples of circumstances that could be considered "not resolvable" include, among others, scenarios involving bankruptcy (company has no financial means to continue efforts to return to compliance), statute of limitations restrictions, and violations which were referred from RCRA to CERCLA (enforcement type 830), Referrals to other RCRA Programs (enforcement type 850), or Referrals Other Programs (enforcement type 860).
U	<i>Unobserved</i>	Situations where it is not possible to verify whether or not the original violation still exists or if it was ever corrected and returned to compliance. This would apply to a variety of scenarios, including: (a) a site is closed and out of business; (b) a facility's permit has expired and the regulated activity is no longer being conducted; (c) a site's operational status has changed from active to inactive; and (d) a site appears to be in full physical compliance but correction of the original violation can not be validated (e.g., the violation was for an unlabeled drum and, based on subsequent inspection, all observed drums on-site are now labeled but it is not possible to determine if the original drum observed to be unlabeled is among the drums currently on-site).

Citation Types

Note: No Implementer Defined Codes are allowed.

Code	Description	Definition
FR	Federal Regulation	Citations of the federal regulations in 40 CFR
FS	Federal Statute	Citations of the federal statute (RCRA).
OC	Order Condition	Citations of terms or conditions of a formal enforceable action.
PC	Permit Condition	Citations of conditions and requirements of a RCRA permit.
SR	State Regulation	Citations of State regulations.
SS	State Statute	Citations of a State statute.
V3	Converted from V2	Code used for conversion of V2 EPA discovered violations or violations which EPA is responsible for, since in V3 all EPA violations must have at least one Citation. No new data entry will be allowed for this code.

Business Rules:

Citation type: OC will always be violation type FEA.

Citation type: PC can be violation type PCR but can also be to other violation types.

Citation type: FS will always be violation type FSS.

Citation type: SS will always be violation type FSS.

All EPA violations must have at least one Citation - both EPA discovered violations and violations which EPA is now responsible for. (State transferred the violation to EPA with an 810 enforcement action.)

HQs Federal Citations

Note: HQs has linked violation types to citations at the lowest Reference Level [ex. 263.20(f)(1)(iii)(A) {Part, Section, Subsection, Paragraph, Subparagraph, and Reference.}] No citation is at a level higher than subsection. For a list of the complete HQs Violation-Citation table, you can look in RCRAInfo Help.

Note: Implementer defined Enforcement types are allowed to the 3rd digit (ex. 121)

Enforcement Type

Type	Description	Definition
100 Series	Informal Administrative Actions - Written and non-written actions that are communications from EPA or a State agency that notify a hazardous waste site there is a problem and violations exist. Informal actions neither propose nor assess penalties.	
110	Verbal Informal	Oral notification by an agency representative informing a RCRA hazardous waste site that they violated applicable laws or requirements. No further action is taken if the site achieves compliance in a timely manner.
120	Written Informal	A written notification by an agency representative informing and notifying a RCRA hazardous waste site that they violated applicable laws or requirements, advising the site of what to correct and by what date the correction should take place.
130	Notice of Determination	A written notification by an agency representative to a RCRA site in response to the specific site's self-disclosure of specific RCRA violations or requirements.
140	Letter of Intent to Initiate Enforcement Action	A written notification by an agency representative notifying a RCRA hazardous waste site of further follow-up enforcements action by the responsible agency. In some instances, these actions may be considered Notices of Intent or Show Cause letters.
200 Series	Initial Formal Administrative Actions - Initial formal administrative enforcement actions issued by the implementing agency asserting the agency's position that violations have occurred and that require hazardous waste sites to correct violations within a specified period and may propose penalties.	
210	Initial 3008(a) Compliance	Initial formal administrative enforcement action issued by the implementing agency asserting the agency's position that violations have occurred. The respondent/defendant is afforded the opportunity to appeal the agency's determination of violations to a trier of fact. These
220	Initial Imminent and Substantial Endangerment Order	Initial formal administrative order issued by the implementing agency addressing conditions which may present an imminent and substantial endangerment to public health or the environment.
230	Initial Monitoring, Analysis, Test Order	Initial formal administrative order issued by the implementing agency addressing situations that require monitoring, testing and/or analysis.
240	Initial 3008(h) Interim Status Corrective Action Order (only for non-HSWA violations)	Initial formal administrative order issued by the implementing agency addressing corrective action.

Enforcement Type

Note: Implementer defined Enforcement types are allowed to the 3rd digit (ex. 121)

Type	Description	Definition
250	<i>Field Citation</i>	An expedited initial formal administrative enforcement action addressing violations observed. These actions are often issued directly to a site in the field and assess penalties. In some instances, these actions may be considered Atickets.@
300 Series	Final Formal Administrative Actions - Final formal administrative enforcement actions initiated by the implementing agency asserting the agency's position that violations have occurred and that require hazardous waste sites to correct violations within a specified period and may propose penalties.	
310	<i>Final 3008(a) Compliance Order</i>	Final formal administrative order issued by the implementing agency asserting the agency's position that remedial action is required. The respondent/defendant is afforded the opportunity to appeal the agency's determination to a trier of fact.
320	<i>Final Imminent Hazard Order</i>	Final formal administrative order issued by the implementing agency addressing conditions which may present an imminent and substantial endangerment to public health or the environment.
330	<i>Final Monitoring, Analysis, Test Order</i>	Final formal administrative order issued by the implementing agency addressing situations that require monitoring, testing and/or analysis.
340	<i>Final 3008(h) Interim Status Corrective Action Orders (only for non-HSWA violations)</i>	Final formal administrative enforcement action issued by the implementing agency addressing corrective action remediation needs.
380	<i>Multi Site Super CA/FO</i>	Final formal enforcement code to be used when a super CA/FO is issued pursuant to Part 22.13(b). These Super CA/FOs require a CA/FO sequence number which will be used to tie together all sites involved in this case. (Note: These actions MUST have a CA/FO sequence number, since it always has multiple sites.)
385	<i>Single Site Super CA/FO</i>	Final formal enforcement code to be used when a super CA/FO is issued pursuant to Part 22.13(b). (Note: These actions CANNOT have a CA/FO sequence number. The enforcement involves only one site.)
400 Series	Civil Judicial Referrals - A formal written request to another agency or unit of government to proceed with judicial enforcement (e.g., civil/judicial action)Actions recorded in the 400 series are generally followed by filing of formal actions recorded in the 500 series.	
410	<i>Referral to Attorney General</i>	A formal written request to Attorney General to proceed with judicial enforcement.
420	<i>Referral to Department of Justice (DOJ)</i>	A formal written request to the Department of Justice to proceed with judicial enforcement.
425	<i>Referral to DOJ to Collect Penalties</i>	A formal written request to the Department of Justice to collect penalties.
430	<i>Referral to District Attorney/City Attorney/County Attorney/State Attorney</i>	A formal written request to a District Attorney, City Attorney, County Attorney, or State Attorney to proceed with judicial enforcement (all judicial referrals levels lower than DOJ and AG level)

Enforcement Type

Note: Implementer defined Enforcement types are allowed to the 3rd digit (ex. 121)

Type	Description	Definition
500 Series	Initial Civil Judicial Actions - Initial formal legal actions taken (formally filed) for violation(s) that are not criminal actions, which may seek the imposition of penalties. Actions recorded in the 500 series are generally initiated as a result of a referral as recorded in the 400 series.	
510	Initial Civil Judicial Action for Compliance and/or Monetary Penalty	Initial formal legal actions taken (formally filed) for violation(s) that are not criminal actions, which require compliance and/or assessment of monetary penalties.
520	Initial Civil Action for Imminent and Substantive Endangerment	Initial formal legal action filed in court to address conditions which may present an imminent and substantial endangerment.
530	Initial Civil Judicial Action for Corrective Action	Initial formal legal action filed in court to address situations where violations require corrective action remediation response.
600 Series	Final Civil Judicial Actions - Final formal legal actions taken (formally filed) for violation(s) that are not criminal actions, which may seek the imposition of penalties. Actions recorded in the 600 series are generally initiated as a result of a referral as recorded in the 500 series.	
610	Final Civil Judicial Action for Compliance and/or Monetary Penalty	Final formal legal actions taken (formally filed) for violation(s) that are not criminal actions, which require compliance and/or assessment of monetary penalties.
620	Final Civil Judicial Action for Imminent and Substantial Endangerment	Final formal legal action filed in court to address conditions which may present an imminent and substantial endangerment to public health or the environment.
630	Final Civil Judicial Action of Interim Corrective Action	Final formal legal action filed in court to address situations where violations require corrective action remediation response.
700 Series	Criminal Actions - Formal legal actions taken for knowing violations and knowing endangerments or for placing another person in imminent danger or death or serious bodily	
710	Referral to Criminal	A formal request to another agency or unit of government to proceed with criminal enforcement.
720	Criminal Indictment	A written notification advising a hazardous waste site they have been charged with a criminal offense.
730	Criminal Conviction	A court ruling which finds a hazardous waste site guilty of a criminal offense.
740	Criminal Acquittal	A court ruling which finds a hazardous waste site not guilty and has been set free from the charge of an offense by verdict, sentence, or other legal process.
800 Series	Administrative Referrals - A formal written request to another agency or unit of government to proceed with enforcement or to proceed with compliance investigation.	
810	State to EPA Administrative Referral	A formal written request to EPA from a State to proceed with enforcement.
820	EPA to State Administrative Referral	A formal written request to a State from EPA to proceed with enforcement.
830	EPA RCRA to EPA CERCLA Administrative Referral	A formal written request from a State or EPA RCRA program to a State or EPA CERCLA program.

840	<i>EPA Regions to EPA HQ Administrative Referral</i>	A formal written request from an EPA Region(s) to EPA Headquarters (HQ) that includes Federal Facilities and/or other cases to be handled at the HQ level.
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Enforcement Type

Note: Implementer defined Enforcement types are allowed to the 3rd digit (ex. 121)

Type	Description	Definition
850	<i>Administrative Referrals to other RCRA Programs</i>	A formal written request from a RCRA regulatory program that is referred to another RCRA regulatory program, including UST, Corrective Action, and Municipal Solid Waste.
860	<i>Administrative Referrals to other Programs</i>	A formal written request form a RCRA regulatory program that is referred to other regulatory programs such as Air, Water, OSHA, etc.
865	<i>Referral to US Treasury</i>	A formal written request to the U.S. Treasury Department to collect penalties.

Disposition Status Codes

Code	Description	Definition
AS	Action Satisfied (Case Closed)	The specific enforcement action is officially closed and has no outstanding settlement payment or other terms or conditions remaining to be satisfied.
DR	Dropped	The specific enforcement action has been rejected, terminated, or removed from further consideration.
DS	Dismissed	The specific enforcement action has been dismissed by the court.
PC	Public Review Completed	The specific enforcement action has completed it=s Public Review period.
PR	Open for Public Review	The specific enforcement action is open for Public Review.
RI	Reinstated	The specific enforcement action was reinstated after having been dropped, returned, revoked, withdrawn
RT	Returned	The specific enforcement action has been returned from the agency the case had been referred to without an enforcement action being taken. (For example, a case referred to DOJ was returned because DOJ declined to pursue the case and, as a result, the referral was returned to the referring agency for them to reconsider other enforcement options.)
RV	Revoked	The specific enforcement action has been annulled, rescinded, repealed, canceled or otherwise made void.
WD	Withdrawn	The specific enforcement action has been officially withdrawn.

Media Types

Type	Description	Definition
AIR	<i>Air</i>	Clean Air Act and other air programs
CRE	<i>EPA CERCLA</i>	Comprehensive Environmental Response, Compensation, and Liability Act program (EPA)
CRS	<i>State CERCLA – Type Programs</i>	State programs similar in type to the federal CERCLA program
EPC	<i>EPCRA</i>	Emergency Planning and Community Right to Know Act program
FIF	<i>FIFRA</i>	Federal Insecticide, Fungicide, and Rodenticide Act program
MSW	<i>RCRA Municipal Solid Waste</i>	RCRA Municipal Solid Waste program (Federal or State type program)
ORP	<i>Other Regulatory Programs</i>	Other regulatory programs (including OSHA and other miscellaneous programs)
PCB	<i>TSCA PCB</i>	Toxic Substances Control Act (Polychlorinated Biphenyls) program
RCA	<i>RCRA Corrective Action</i>	RCRA Corrective Action program
SPC	<i>SPCC</i>	Spill Prevention and Control and Countermeasures program
TSC	<i>TSCA (non-PCB)</i>	Toxic Substances Control Act (non-PCB) program
UIC	<i>UIC</i>	Underground Injection Control program
UST	<i>UST</i>	Underground Storage Tanks program
WAT	<i>Water</i>	Clean Water Act, Safe Drinking Water Act, and other water programs
WET	<i>Wetlands</i>	Wetlands program

Penalty Type

Type Code	Name	Description
For 100 Series Enforcement Action Types: These actions are informal enforcement actions. No penalties should be associated with this type of enforcement action series.		
----	None	
For 200 and 300 Series Enforcement Action Types: These actions may involve penalties or no penalty at all. Since these series will be used to track formal enforcement actions from initial filing through to issuance of a final order or agreement and payment of penalty, all penalty code descriptors can be used.		
PMP	<i>Proposed Monetary Penalty</i>	The amount of the total penalty in dollars proposed in an initial enforcement action.
FMP	<i>Final Monetary Penalty</i>	The amount of the total penalty in dollars a site named in an enforcement action must pay directly to the responsible agency (for consent agreements with SEP, this is exclusive of SEP credits).
FSC	<i>Final SEP Cost</i>	The amount referenced in an enforcement action, at the issuance of the agreement, as the cost in dollars to the site of a supplemental environmental project (SEP). The amount is used as the basis to determine how much of the cost may be applied as a SEP Credit (SCR) to offset a portion of a penalty.
SCR	<i>SEP Credit</i>	The actual or estimated credit in dollars allowed by the agency for the completed SEP and applied towards the total final settlement amount. This is the dollar amount used as an offset to the actual penalty amount, and usually represents only a portion of the actual cost (FSC) of the SEP. Note: Once actual final SEP amount is known this field should be modified to reflect the actual amount.
ZAP	<i>Zero Ability to Pay</i>	Used to track a final monetary penalty of zero to allow the recording of circumstances where the State or Region assessed a monetary penalty but later, through whatever means available, justified that the facility is unable to pay a penalty. Penalty type "ZAP" allows the tracking of this final assessed/settled penalty of \$0. Note: The penalty amount for penalty type "ZAP" can only be \$0 (zero) and implementers must enter an explanation as to why there was an inability to pay the penalty into the penalty notes field. The notes field for penalty type "ZAP" will be enforcement sensitive and will never be released to the public.

Penalty Type

Type Code	Name	Description
<p>For 400 Series Enforcement Action Types: These actions may or may not involve recommendations for proposed penalties. If a proposed penalty is being included in the referral, it may be captured by using the Proposed Monetary Penalty code (PMP). No other code may be associated with 400 series actions.</p>		
PMP	<i>Proposed Monetary Penalty</i>	The amount of the total penalty in dollars proposed in an initial enforcement action.
ZAP	<i>Zero Ability to Pay</i>	<p>Used to track a final monetary penalty of zero to allow the recording of circumstances where the State or Region accessed a monetary penalty but later, through whatever means available, justified that the facility is unable to pay a penalty.</p> <p>Penalty type "ZAP" allows the tracking of this final assessed/settled penalty of \$0. Note: The penalty amount for penalty type "ZAP" can only be \$0 (zero) and implementers must enter an explanation as to why there was an inability to pay the penalty into the penalty notes field. The notes field for penalty type "ZAP" will be enforcement sensitive and will never be released to the public.</p>
<p>For 500 and 600 Enforcement Action Types: These are the actions taken as a result of referrals made in the 400 series. For the 500 and 600 series, all penalty type codes may be used, as appropriate.</p>		
PMP	<i>Proposed Monetary Penalty</i>	The amount of the total penalty in dollars proposed in an initial enforcement action.
FMP	<i>Final Monetary Penalty</i>	The amount of the total penalty in dollars a site named in an enforcement action must pay directly to the responsible agency (for consent agreements with SEP, this is exclusive of SEP credits).
FSC	<i>Final SEP Cost</i>	The amount referenced in an enforcement action, at the issuance of the agreement, as the cost in dollars to the site of a supplemental environmental project (SEP). The amount is used as the basis to determine how much of the cost may be applied as a SEP Credit (SCR) to offset a portion of a penalty.
SCR	<i>SEP Credit</i>	The actual or estimated credit in dollars allowed by the agency for the completed SEP and applied towards the total final settlement amount. This is the dollar amount used as an offset to the actual penalty amount, and usually represents only a portion of the actual cost (FSC) of the SEP. Note: Once actual final SEP amount is known this field should be modified to reflect the actual amount.
ZAP	<i>Zero Ability to Pay</i>	<p>Used to track a final monetary penalty of zero to allow the recording of circumstances where the State or Region accessed a monetary penalty but later, through whatever means available, justified that the facility is unable to pay a penalty.</p> <p>Penalty type "ZAP" allows the tracking of this final assessed/settled penalty of \$0. Note: The penalty amount for penalty type "ZAP" can only be \$0 (zero) and implementers</p>

Penalty Type

Type Code	Name	Description
		must enter an explanation as to why there was an inability to pay the penalty into the penalty notes field. The notes field for penalty type "ZAP" will be enforcement sensitive and will never be released to the public.
For 700 Enforcement Action Types: These actions involve enforcement actions to address criminal activity. In criminal actions, program offices will not be aware of any penalties until a fine has been handed down after conviction of the violator. At that point, the penalty is considered "final." Accordingly, in cases where fines are included in the sentencing by a judge, the fine should be recorded as a Final Monetary Penalty (FMP).		
FMP	<i>Final Monetary Penalty</i>	The amount of the total penalty in dollars a site named in an enforcement action must pay directly to the responsible agency (for consent agreements with SEP, this is exclusive of SEP credits).
ZAP	<i>Zero Ability to Pay</i>	<p>Used to track a final monetary penalty of zero to allow the recording of circumstances where the State or Region assessed a monetary penalty but later, through whatever means available, justified that the facility is unable to pay a penalty.</p> <p>Penalty type "ZAP" allows the tracking of this final assessed/settled penalty of \$0. Note: The penalty amount for penalty type "ZAP" can only be \$0 (zero) and implementers must enter an explanation as to why there was an inability to pay the penalty into the penalty notes field . The notes field for penalty type "ZAP" will be enforcement sensitive and will never be released to the public.</p>
For 800 Enforcement Action Types: These actions are administrative referrals to other regulatory program offices to address. No penalties should be associated with this type of enforcement action series.		
---	None	
Total Final Settlement		
<p>Total Final Settlement is another type of penalty amount which is not included as a value under Type of Penalty Amount Indicator. The Total Final Settlement must be calculated by summing the amount of the Final Monetary Penalty and the amount of the SEP Credit. For example, a final settlement could have a total settlement amount of \$100,000. The settlement might require the site to send the responsible agency a check for \$80,000 and engage in one or more supplemental environmental projects for which the agency would allow \$20,000 in credit. To calculate Total Final Settlement: Sum the Penalty Amount field for penalty types "FMP" and "SCR".</p>		

Nationally Defined Supplemental Environmental Project (SEP) Codes

Note: Implementer defined Enforcement types are allowed.

Code	Description	Definition
EAA	Environmental Audits and Assessment	SEP types that involve auditing and assessment activities.
EAP	Environmental Awareness Programs	SEP types that involve education and outreach activities, to both regulated and non-regulated communities.
EPP	Emergency Planning and Preparedness	SEP types involving emergency planning, preparedness, and related emergency management activities.
ERE	Environmental Restoration	SEP types involving environmental restoration and revitalization activities.
EMS	Environmental Management Systems	SEP types involving Environmental Management Systems. Note: These types of SEPs must still be approved by HQ prior to issuance.
PHE	Public Health	SEP types involving activities impacting on public health.
PPR	Pollution Prevention and Reduction	SEP types involving pollution prevention and/or pollution reduction activities.

HAZARDOUS WASTE PROGRAM INFORMATION & CONTACT LISTING

(LAST UPDATED SEPTEMBER, 2017)

Function/Issue	Responsible Person	E-mail Address	Phone	Website
Air Bags				http://www.deq.virginia.gov/Portals/0/DEQ/Land/ManagementofAutomotive.Airbags.pdf
Aerosol Cans				http://www.deq.virginia.gov/Portals/0/DEQ/Land/mac10.pdf
Analytical Testing Methods				https://www.epa.gov/hw-sw846
Authorization	Gary Graham	Gary.Graham@deq.virginia.gov	804-698-4103	https://www3.epa.gov/epawaste/laws-regs/state/stats/safrn/va.htm
Biennial Report	Sanjay Thirunagari	Sanjay.thirunagari@deq.virginia.gov	804-698-4193	
Boilers, Industrial Furnaces, Incinerators, & Miscellaneous Units (Subpart X)	Ashby Scott	Ashby.scott@deq.virginia.gov	804-698-4467	
Clandestine Labs/Illegal Meth Labs				http://www.deq.virginia.gov/Portals/0/DEQ/Land/ManagementofWastefromIllegalMethLabs.pdf
Closure Requirements	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Code of Federal Regulations (40 CFR)				https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+40%2FChapter+1%2FSubchapter+I&oldPath=Title+40%2FChapter+I&isCollapsed=true&selectedYearFrom=2015&ycord=1546
Corrective Action (RCRA Subtitle C – site-wide)	Brett Fisher	Brett.Fisher@deq.virginia.gov	804-698-4219	
Definition of Solid Waste (DSW) Rule & Recycling of Hazardous Waste	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Delisting	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
ECHO (Enforcement & Compliance History Online)				https://echo.epa.gov
E-manifest (Electronic Manifest)				https://www.epa.gov/hwgenerators/hazardous-waste-electronic-manifest-system-e-manifest
E-waste (Electronic Waste)				http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/RecyclingandLitterPreventionPrograms/ElectronicsRecycling/eWasteManagement.aspx
Emergency Permits	Ashby Scott	Ashby.scott@deq.virginia.gov	804-698-4467	
Enforcement	Kristen Sadtler	Kristen.sadtler@deq.virginia.gov	804-698-4149	
Federal Register				https://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Financial Assurance	Suzanne Taylor	Suzanne.taylor@deq.virginia.gov	804-698-4146	
Freedom of Information Act (FOIA) Requests (CO HW Files Only)	Cynthia Houchens	Cynthia.houchens@deq.virginia.gov	804-698-4145	
Foreign Shipments (including	Lisa Silvia	Lisa.silvia@deq.virginia.gov	757-518-2140	

import/export)				
Generator Improvements Rule	Lisa Silvia	Lisa.silvia@deq.virginia.gov	757-518-2140	

Generator Issues, General	Lisa Ellis	Lisa.ellis@deq.virginia.gov	804-698-4237	
Graphical Information Systems (GIS)	Allyson Lackey	Kari.lackey@deq.virginia.gov	804-698-4421	
Groundwater Monitoring	Brett Fisher	Brett.fisher@deq.virginia.gov	804-698-4219	
Hazardous Materials Transportation	State Police			http://www.vsp.virginia.gov/Safety.shtm#FAQSafety
Hazardous Waste Facility Siting	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Hazardous Waste Notification (8700-12 Form)	Kim Hughes	Kimberlyn.hughes@deq.virginia.gov	804-698-4210	
Hazardous Waste Tracking Worksheets	Kim Hughes	Kimberlyn.hughes@deq.virginia.gov	804-698-4210	
Hazardous Waste Transportation	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Household Hazardous Waste				http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/RecyclingandLitterPreventionPrograms/HouseholdHazardousWasteManagement.aspx
Land Disposal Restrictions (LDR)	Hassan Vakili	Hassan.vakili@deq.virginia.gov	804-698-4155	
Laboratory Certification				http://dgs.virginia.gov/DivisionofConsolidatedLaboratoryServices/Services/LaboratoryCertification/tabid/508/Default.aspx
Long Term Stewardship Inspections	Brett Fisher			
MyRCRAID	Kim Hughes			
Mixed Waste	Leslie Romanchik			
National Enforcement Training Institute (NETI) e-Learning Center				https://www.epa.gov/compliance/national-enforcement-training-institute-neti-elearning-center
Performance Partnership Grant (PPG)	Sanjay Thirunagari	Sanjay.thirunagari@deq.virginia.gov	804-698-4193	
Permitting	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Pharmaceuticals Proposed Rule (Management Standards for Hazardous Waste Pharmaceuticals)				https://www.epa.gov/hwgenerators/proposed-rule-management-standards-hazardous-waste-pharmaceuticals
Pharmaceuticals Waste Management				http://www.deq.virginia.gov/Portals/0/DEQ/Land/Guidance/faqawp.pdf
Post-Closure Permits	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Provisional EPA ID Numbers	Kim Hughes	Kimberlyn.hughes@deq.virginia.gov	804-698-4210	
	Lisa Ellis	Lisa.ellis@deq.virginia.gov	804-698-4237	
Resource Conservation & Recovery Act (RCRA)				https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act
RCRAInfo	Kim Hughes	Kimberlyn.hughes@deq.virginia.gov	804-698-4210	
RCRAInfo Reports (RCRARep)				https://cfext.epa.gov?RCRARep_MX/login/login1.cfm
RCRA Online				https://yosemite.epa.gov/osw/rcra.nsf/how+to+use?openform
Regulatory Interpretation	Lisa Ellis	Lisa.ellis@deq.virginia.gov	804-698-4237	

	Hassan Vakili	Hassan.vakili@deq.virginia.gov	804-6984155	
Statistics	Hasan Keceli	Hasan.keceli@deq.virginia.gov	804-698-4246	
Solvent-Contaminated Wipes				http://www.deq.virginia.gov/Portals/0/DEQ/Land/Solvent_Contaminated_Wipes_Compliance_Assistance_Doc.pdf
Subpart AA/BB/CC (air emissions)	Ashby Scott	Ashby.scott@deq.virginia.gov	804-698-4467	
Training for HW Inspectors	Lisa Ellis	Lisa.ellis@deq.virginia.gov	804-698-4237	
Surface Impoundments	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Universal Waste				http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/SolidHazardousWasteRegulatoryPrograms/HazardousWaste/UniversalWasteManagement.aspx
Universal Waste Lamp Crushing	Ashby Scott	Ashby.scott@deq.virginia.gov	804-698-4467	
Variences	Leslie Romanchik	Leslie.romanchik@deq.virginia.gov	804-698-4129	
Used Oil				http://www.deq.virginia.gov/Portals/0/DEQ/Land/recyclablematerials.pdf
Virginia Environmental Excellence Program (VEEP)	Meghann Quinn	Meghann.Quinn@deq.virginia.gov	804-698-4021	http://www.deq.virginia.gov/programs/pollutionprevention/virginiaenvironmentalexcellenceprogram.aspx
Virginia Waste Management Board				http://www.deq.virginia.gov/LawsRegulations/CitizenBoards.aspx
Waste "Frequent Questions" and "Ask a Question" EPA				https://waste.zendesk.com/hc/en-us
Waste Determinations	Hassan Vakili	Hassan.vakili@deq.virginia.gov	804-698-4155	
Waste Management Act				http://law.lis.virginia.gov/vacode/title10.1/chapter14/
Waste Sampling				https://www3.epa.gov/epawaste/laws-regs/state/stats/safrn/va.htm

DEQ Program Contacts

PROGRAM	NAME	TITLE or FUNCTIONAL AREA	EMAIL	PHONE #	OFFICE
FA/Waste	Leslie Beckwith	Director, Office of Financial Responsibility & Waste Programs	Leslie.Beckwith@deq.virginia.gov	(804) 698-4123	CO
	Suzanne Taylor	Financial Responsibility Programs Coordinator, VEERF	suzanne.taylor@deq.virginia.gov	(804) 698-4146	CO
Financial Assurance	Katy Dacey	Financial Assurance, EIR	Katy.Dacey@deq.virginia.gov	(804) 698-4274	CO
	Carlos Martinez	Financial Assurance (Tanks), Waste Tires	Carlos.Martinez@deq.virginia.gov	(804) 698-4575	CO
	Josiah Bennett	Financial Assurance	Josiah.Bennett@deq.virginia.gov	(804) 698-4205	CO
Solid Waste	Kathryn Perszyk	Solid Waste Permit Coordinator	Kathryn.Perszyk@deq.virginia.gov	(703) 583-3856	NRO
	Priscilla Fisher	Solid Waste Compliance Coordinator	Priscilla.Fisher@deq.virginia.gov	(540) 574-7852	VRO
	Geoff Christie	Solid Waste Groundwater Program Coordinator	Geoff.Christe@deq.virginia.gov	(804) 698-4283	CO
Hazardous Waste	Leslie Romanchik	Hazardous Waste Program Manager	Leslie.Romanchik@deq.virginia.gov	(804) 698-4129	CO
	Lisa Ellis	Hazardous Waste Compliance Coordinator	Lisa.Ellis@deq.virginia.gov	(804) 698-4237	CO
	Angela Alonso	Hazardous Waste Permit Writer (HW Emergency Permits)	Angela.Alonso@deq.virginia.gov	(804) 698-4328	CO
	Ashby Scott	Hazardous Waste Permit Writer	Ashby.Scott@deq.virginia.gov	(804) 698-4467	CO
	Russell McAvoy	Hazardous Waste Permit Writer	Russell.McAvoy@deq.virginia.gov	(804) 698-4194	CO
	Hassan Vakili	Hazardous Waste Permit Writer	Hassan.Vakili@deq.virginia.gov	(804) 698-4155	CO
	Kari Lackey	GIS Technician/HW Inspector	Kari.Lackey@deq.virginia.gov	(804) 698-4421	CO
Planning & Data Reporting	Sanjay Thirunagari	Data Management Program Manager, Billing, SWIA, Recycling Equipment Certifications, Tier II, SARA Title III, RCRA Grants	Sanjay.Thirunagari@deq.virginia.gov	(804) 698-4193	CO
	Virginia (Ginny) Butler	SWIA Coordinator, Financial Assurance, EIR's, Recycling	Virginia.Butler@deq.virginia.gov	(804) 698-4053	CO

	Kim Hughes	RCRA Data Administrator / Environmental Data Analyst	kimberlyn.hughes@deq.virginia.gov	(804) 698-4201	CO
	Hasan Keceli	Statistician (Groundwater, Hazardous Waste, etc.)	Hasan.Keceli@deq.virginia.gov	(804) 698-4246	CO
	Prina Chudasama	Solid Waste Management Plans, Litter Grants, Tier II	Prina.Chudasama@deq.virginia.gov	(804) 698-4159	CO
	Maria Livaniou	Waste Data Management Support, Billing, EPA Provisional Nos., Biennial Reports	maria.livaniou@deq.virginia.gov	(804) 698-4208	CO
	Shawn Davis	Program & Data Assessment/Audit Coordinator	Shawn.Davis@deq.virginia.gov	(804) 698-4471	CO
Enforcement	Russell Deppe	Land Protection and Revitalization Legal Services Officer (Contact for waste enforcement cases prior to 6/10/16)	Russell.Deppe@deq.virginia.gov	(804) 698-4251	CO
	Kristen Sadtler	Enforcement Specialist - Stormwater & Waste (Contact for waste enforcement cases after 6/10/16)	Kristen.Sadtler@deq.virginia.gov	(804) 698-4149	CO
Office of Remediation Programs (ORP)	Chris Evans	Director, Office of Remediation Programs, Risk Assessment	Chris.Evans@deq.virginia.gov	(804) 698-4336	CO
	Brett Fisher	RCRA Corrective Action	Brett.Fisher@deq.virginia.gov	(804) 698-4219	CO
	Meade Anderson	Voluntary Remediation & Brownfields Program	J.Meade.Anderson@deq.virginia.gov	(804) 698-4179	CO
	Karen Doran	Federal Facilities, CERCLA/Superfund	Karen.Doran@deq.virginia.gov	(804) 698-4594	CO
	Devlin Harris	Site Assessment	Devlin.Harris@deq.virginia.gov	(804) 698-4226	CO
	Michelle Payne	UECA Coordinator	Michelle.Payne@deq.virginia.gov	(804) 698-4014	CO
Office of Spill Response & Remediation (OSSR)	Betty Lamp	Director, Office of Spill Response & Remediation	Betty.Lamp@deq.virginia.gov	(804) 698-4322	CO
	John Giese	AST/UST Tank Technical Manager	John.Giese@deq.virginia.gov	(804) 698-4287	CO
	<i>Vacant- refer to John Giese</i>	PREP, Waste Complaints	-		
	Russ Ellison	Underground Storage Tank (UST) Compliance Program	Russell.Ellison@deq.virginia.gov	(804) 698-4269	CO
	Kevin Greene	Aboveground Storage Tank (AST) Compliance Program	Kevin.Greene@deq.virginia.gov	(804) 698-4236	CO
	James Barnett	Leaking Underground/Aboveground Storage Tanks	James.Barnett@deq.virginia.gov	(804) 698-4289	CO

	Renee Hooper	Tank Regulatory & Legal Manager	Renee.Hooper@deq.virginia.gov	(804) 698-4018	CO
	Alicia Meadows	Underground Storage Tank (UST) Compliance Program	Alicia.Meadows@deq.virginia.gov	(434) 582-6201	BRRO
	Marilynn Alfaro	CEDS Business Analyst	Marilynn.Alfaro@deq.virginia.gov	(804) 698-4397	CO
	Todd Alonzo	Manager, Air Compliance Program	Todd.Alonzo@deq.virginia.gov	(804) 698-4280	CO
Air Compliance	Lisa Ehrhart	Technical and Procedural Coordinator	Lisa.Ehrhart@deq.virginia.gov	(804) 698-4035	CO
	Megan Joyce	Enforcement and Data Quality Coordinator	Megan.Joyce@deq.virginia.gov	(804) 698-4247	CO
	Sherry Tostenson	Regulatory and Centralized Compliance Coordinator	Sherry.Tostenson@deq.virginia.gov	(804) 698-4050	CO
	Debbie White	CEDSAir Business Analyst	Deborah.White@deq.virginia.gov	(804) 698-4408	CO
Air Permits	Tamera Thompson	Manager, Air Permit Program	Tamera.Thompson@deq.virginia.gov	(804) 698-4502	CO
	Amber Foster	Title V Coordinator	Amber.Foster@deq.virginia.gov	(804) 698-4086	CO
	Neil Zahradka	Director, Office of Land Application Programs	Neil.Zahradka@deq.virginia.gov	(804) 698-4102	CO
Land Application Programs	Betsy Bowles	Animal Feeding Operations (AFO)	Betsy.Bowles@deq.virginia.gov	(804) 698-4059	CO
	Bryan Cauthorn	Biosolids	Bryan.Cauthorn@deq.virginia.gov	(804) 698-4592	CO
	Christina Wood	Biosolids	Christina.Wood@deq.virginia.gov	(804) 698-4263	CO
	Valerie Rourke	Water Reclamation & Reuse	Valerie.Rourke@deq.virginia.gov	(804) 698-4158	CO
	Allan Brockenbrough	Manager, Office of VPDES Permits	Allan.Brockenbrough@deq.virginia.gov	(804) 698-4147	CO
VPDES Permits	Curt Linderman	Guidance & Regulation Coordinator	Curtis.Linderman@deq.virginia.gov	(804) 698-4468	CO
	Matthew Richardson	Individual & General Permits (Industrial Stormwater GP)	Matthew.Richardson@deq.virginia.gov	(804) 698-4195	CO
	Jaime Bauer	MS4 Permits, Team Leader	Jaime.Bauer@deq.virginia.gov	(804) 698-4416	CO
Stormwater Management	Ben Leach	Manager, Office of Stormwater Management	Benjamin.Leach@deq.virginia.gov	(804) 698-4037	CO
	Robert Cooper	Stormwater BMP Technical Specialist	Robert.Cooper@deq.virginia.gov	(804) 698-4033	CO

	Larry Gavan	Stormwater Plan Review Coordinator	Larry.Gavan@deq.virginia.gov	(804) 698-4040	CO
	Heather McAlister	Stormwater Plan Reviewer	Heather.McAlister@deq.virginia.gov	(804) 698-4215	CO
	Holly Sepety	Stormwater Permit Specialist	Holly.Sepety@deq.virginia.gov	(804) 698-4039	CO
Wetlands & Stream Protection	David Davis	Director, Office of Wetlands & Stream Protection	Dave.Davis@deq.virginia.gov	(804) 698-4105	CO
	Steve Hardwick	VWP Permit Coordinator	Steven.Hardwick@deq.virginia.gov	(804) 698-4168	CO
	Brenda Winn	Senior Program Coordinator	Brenda.Winn@deq.virginia.gov	(804) 698-4516	CO
Water Compliance	Jerome Brooks	Manager, Office of Water Compliance	jerome.brooks@deq.virginia.gov	(804) 698-4403	CO
	Yieng-Hsien Choi	VPDES Compliance Auditors (Coordinator)	Lily.choi@deq.virginia.gov	(804) 698-4054	CO
	Troy Nipper	VPDES Compliance/Inspections (Coordinator)	Troy.nipper@deq.virginia.gov	(804) 698-4535	CO
	James Harper	MS4 Stormwater Compliance/Inspections (Coordinator)	mason.harper@deq.virginia.gov	(804) 698-4023	CO
	Matthew Stafford	Construction Stormwater Compliance/Inspections (Coordinator)	Matthew.stafford@deq.virginia.gov	(804) 698-4097	CO

Directors & Managers are in bold font

ECHO and ECHO REGISTRATION

Here is the link to the main ECHO page - <https://echo.epa.gov/?redirect=echo>

Here is the link to register to set up an account to access additional information - <https://echo.epa.gov/user/register>

EPA Region 3 RCRA Expertise Contact Listing - Last Updated 3/15/2016

Function	Responsible Person	E-mail Address	Phone #
Analytical Testing Methods	Terry Simpson	Simpson.terry@epa.gov	410-305-2739
Authorization & RCRA C (Hazardous Waste) Grant Issues	Andrea Barbieri - PA, VA	Barbieri.andrea@epa.gov	215-814-2953
	Sara Kinslow - DC	Kinslow.sara@epa.gov	215-814-5577
	Cassie McGolrick - WV	Mcgoldrick.catherin@epa.gov	215-814-3399
	Stacie Pratt - DE, MD	Pratt.stacie@epa.gov	215-814-5173
Boilers, Industrial Furnaces, Incinerators, & Miscellaneous Units (Subpart X)	Gary Gross*	Gross.gary@epa.gov	215-814-3412
Coal Combustion Residual (CCR) Rule	Andrea Barbieri	Barbieri.andrea@epa.gov	215-814-2953
Corrective Action	Paul Gotthold - PA	gotthold.paul@epa.gov	215-814-3410

	Luis Pizarro - DE, DC, MD, VA, and WV	pizarro.luis@epa.gov	215-814-3444
Defintion of Solid Waste (DSW) Rule & Recycling of Hazardous Waste	Sara Kinslow - DC	Kinslow.sara@epa.gov	215-814-5577
E-manifest	Andrea Barbieri	Barbieri.andrea@epa.gov	215-814-2953
Enforcement	Carol Amend	Amend.carol@epa.gov	215-814-5430
Financial Assurance	Cassie McGoldrick	Mcgoldrick.catherin@epa.gov	215-814-3399
Foreign Shipments (including Import/Export)	Andrew Ma	Ma.andrew@epa.gov	410-305-3429
Generator Improvements Rule & Generator Issues, General	Sara Kinslow	Kinslow.sara@epa.gov	215-814-5577
	Stacie Pratt	Pratt.stacie@epa.gov	215-814-5173
Greener Cleanups	Deb Goldblum	Goldblum.deborah@epa.gov	215-814-3432
Hydrogeology & Geology Reviews	Joel Hennessy	Hennessy.joel@epa.gov	215-814-3390
Land Disposal Restrictions (LDR) & Delisting	Andrea Barbieri	Barbieri.andrea@epa.gov	215-814-2953

Medical Waste	Cassie McGoldrick	Mcgoldrick.catherin@epa.gov	215-814-3399
Nonhazardous Secondary Materials (NHSM) Rule	Gary Gross*	Gross.gary@epa.gov	215-814-3412
Permitting Issues, General	Andrea Barbieri	Barbieri.andrea@epa.gov	215-814-2953
	Stacie Pratt	Pratt.stacie@epa.gov	215-814-5173
Pharmaceuticals Rule	Cassie McGoldrick	Mcgoldrick.catherin@epa.gov	215-814-3399
Post-Closure Permits	Andrea Barbieri	Barbieri.andrea@epa.gov	215-814-2953
Quality Assurance	Debra Forman	Forman.debra@epa.gov	215-814-2073
RCRAInfo	Cassie McGoldrick	Mcgoldrick.catherin@epa.gov	215-814-3399
Redevelopment/Reuse	Sharon Kenny	Kenny.sharon@epa.gov	215-814-3417
Risk Assessment:			
Ecological	Ruth Prince	Prince.ruth@epa.gov	215-814-3118
Human Health	Ruth Prince	Prince.ruth@epa.gov	215-814-3118

	Elizabeth Ann Quinn	Quinn.elizabeth@epa.gov	215-814-3388
Subpart AA/BB/CC	Stacie Pratt	Pratt.stacie@epa.gov	215-814-5173
Surface Impoundments	Stacie Pratt	Pratt.stacie@epa.gov	215-814-5173
Sustainable Materials Management	Deb Goldblum	Goldblum.deborah@epa.gov	215-814-3432
Food Recovery	Luke Wolfgang	Wolfgang.luke@epa.gov	215-814-2913
	Tom O'Donnell	Odonnell.tom@epa.gov	215-814-2874
Federal Green Challenge & Fed Facility Sustainability	David Iacono	lacono.david@epa.gov	1
Anaerobic Digestion & Composting	Melissa Pennington	Pennington.melissa@epa.gov	215-814-3372
E-cycling	Dan Gallo	Gallo.dan@epa.gov	215-814-2091
Landfills & Composting & Solid Waste (Subtitle D)	Mike Giuranna	Giuranna.mike@epa.gov	215-814-3298
Used Oil	Cassie McGoldrick	Mcgoldrick.catherin@epa.gov	215-814-3399
Vapor Intrusion/Groundwater	Ruth Prince	Prince.ruth@epa.gov	215-814-3118

	Elizabeth Ann Quinn	Quinn.elizabeth@epa.gov	215-814-3388
	Andrew Clibanoff	Clibanoff.andrew@epa.gov	215-814-3391
Waste Determinations	Stacie Pratt	Pratt.stacie@epa.gov	215-814-5173

Hazardous Waste Questions to ask during PReP visits:

Auto Body Shops:

Do you have parts washer machines? How many? Who services them? How often? Are they normal parts washers or "hot" (self-distilling) parts washers? If they are the hot kind, what do you do with the bottoms that accumulate?

Do you use carburetor cleaner? What kind? Does it come in a can?

Do you use rags to clean off parts or carburetors with cleaner? What do you do with the rags? How often?

Do you use aerosol cans? What do you do with them?

Does your facility have fluorescent lights? What do you do with the bulbs when they burn out?

Do you generate Used Oil? Where do you store it? How often is it picked up and by whom?

Do you put any other wastes into your used oil?

What do you do with your oil filters? If you drain them, how do you drain them?

Do you paint vehicles? If you do, do you generate waste paint or solvent? How do you clean up from painting?

What do you do with lead acid batteries? Who picks them up?

Do you wash any chemicals down the drain?

Salvage Yards:

Do you accept used vehicles? Do you drain them? Where do you drain them? How do you collect the fluids that you drain? What do you do with the vehicles after that? Do any fluids remain in the vehicle while it is being kept for parts? How long does it stay on site? Where does it go when it is removed from the site?

What do you do with used oil filters removed from vehicles? If you drain them, how do you drain them?

Do you remove unexploded airbags from the vehicle? What do you do with them?

What do you do with waste Freon? What do you do with waste antifreeze?

How do you store used oil? How often is it picked up? Who picks it up and what do they do with it? Is anything mixed with the used oil?

Do you do any painting?

Do you use aerosol cans? What do you do with the empty cans?

Are there any wastes that you place into junk vehicles before you send them off-site as scrap metal?

What other wastes do you accept besides vehicles? Do you salvage empty drums? What do you do with them?

Do you maintain your own work vehicles here on site? If so, do you have parts washer machines? How many? Who services them? How often? Are they normal parts washers or "hot" (self-distilling) parts washers? If they are the hot kind, what do you do with the bottoms that accumulate?

Do you use carburetor cleaner? What kind? Does it come in a can?

Do you use rags to clean off parts or carburetors with cleaner? What do you do with the rags? How often?

Does your facility have fluorescent lights? What do you do with the bulbs when they burn out?

Do you paint vehicles? If you do, do you generate waste paint or solvent? How do you clean up from painting?

What do you do with lead acid batteries? Who picks them up?

Do you wash any chemicals down the drain?

Hazardous Waste Storage Incompatibility Chart

If the waste contains:	It may not be stored with any of the following:
Acid (pH below 2.0)	Caustics (pH above 12.5) Reactive Metals Alcohol Water Aldehydes Halogenated, Nitrated, or Unsaturated Hydrocarbons Reactive Organic Compounds and Solvents Spent Cyanide and Sulfide Solutions Oxidizers
Caustic (pH above 12.5)	Acid (pH below 2.0) Reactive Metals Alcohol Water Aldehydes Halogenated, Nitrated, or Unsaturated Hydrocarbons Reactive Organic Compounds and Solvents
Reactive Metals	Caustics Acids Alcohol Aldehydes Halogenated, Nitrated or Unsaturated Hydrocarbons Reactive Organic Compounds and Solvents Oxidizers
Reactive Organic Compounds and Solvents	Caustics Acids
Spent Cyanide and Sulfide Solutions	Acids
Oxidizers	Acetic or Other Organic Acids Concentrated Mineral Acids Reactive Metals Reactive Organic Compounds and Solvents Ignitable Wastes

Bolded Wastes have examples listed on the next page

- In general:
- Reactives must be segregated from Ignitables
 - Acids must be segregated from Caustics
 - Corrosives should be segregated from Ignitables
 - Oxidizers should be segregated from EVERYTHING
 - Many Corrosives are “water reactive”
 - Most Organic Reactive must be segregated from Inorganic Reactives (Metals)

Some Deadly Combinations:

Acids + Oil/Grease = Fire

Ignitable Liquids + Hydrogen Peroxide = Fire/Explosion

Acids + Caustics = Heat/Spattering

Caustics + Epoxies = Extreme Heat

Chlorine Gas + Acetylene = Explosion

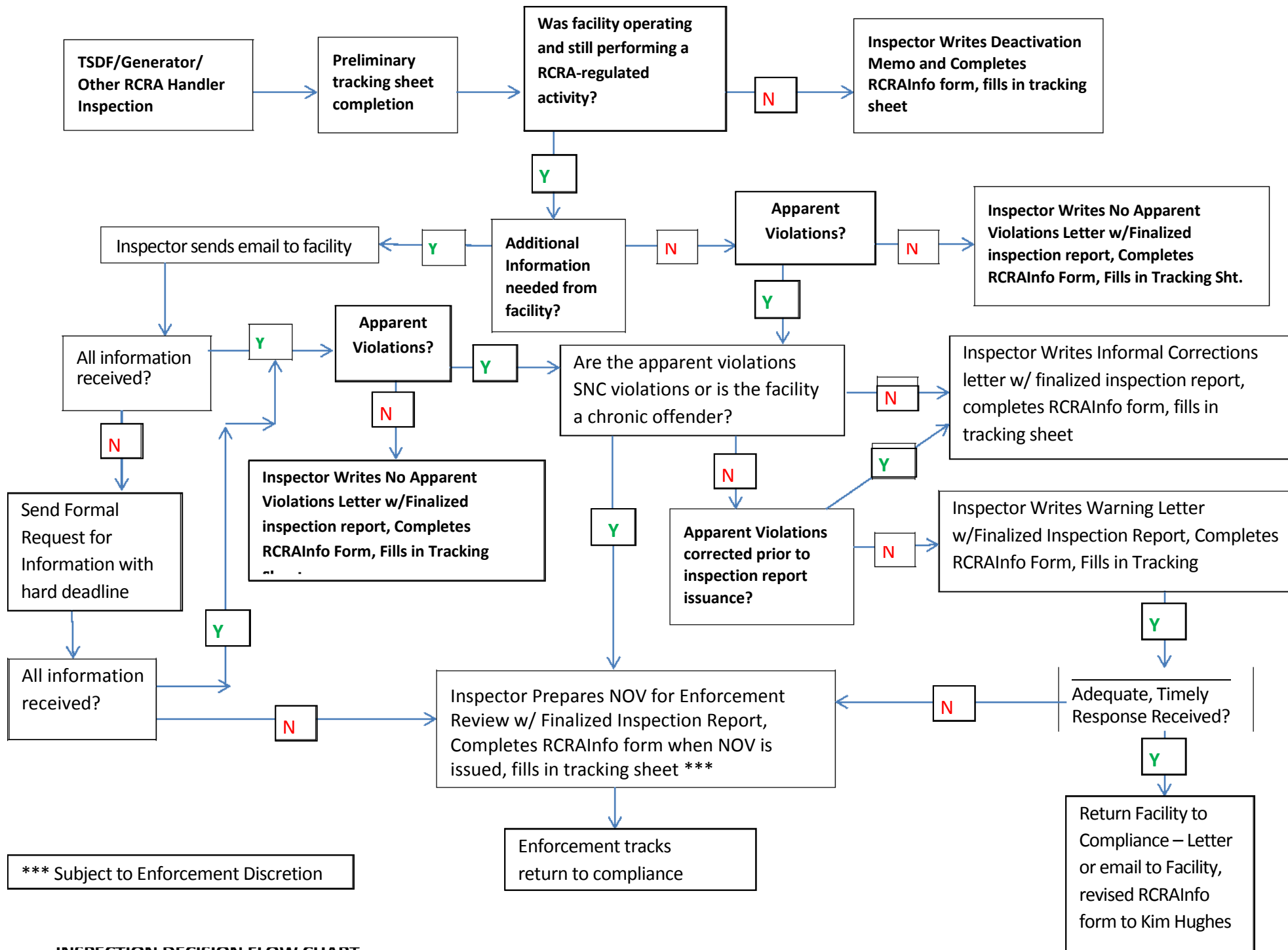
Aluminum Powder + Ammonium Nitrate = Explosion

Sodium Cyanide + Sulfuric Acid = Lethal Hydrogen Cyanide

Ammonia + Bleach = Noxious Fumes

Some Examples of Common Chemicals and their Reactive Groups

Ignitables (Flammable/Combustible)	Corrosive - Acids	Corrosive - Bases
Carburetor Cleaner	Battery Acids	Acetylene Sludge
Engine Cleaner	Degreasers and Engine Cleaners	Alkaline Battery Acids
Epoxy, Resin, Adhesive, Rubber Cement	Etching Fluids	Alkaline Cleaners
Finishes	Hydrobromic Acid	Alkaline Degreasers
Fuels	Hydrochloric (Muriatic) Acid	Alkaline Etching Fluids
Lacquers	Nitric Acid (< 40%)	Lime and Water
Paints	Phosphoric Acid	Lime Wastewater
Paint Thinners	Rust Remover	Potassium Hydroxide
Paint Wastes	Sulfuric Acid	(Potash)
Pesticides that contain Solvents (such as Methyl Alcohol, Ethyl Alcohol, Isopropyl Alcohol, Toluene, Xylene)		Rust Removers
Petroleum Solvents (Drycleaning Fluid)		Sodium Hydroxide (Caustic Soda)
Solvents (Acetone, Benzene, Carbon Tetrachloride, Ethanol, Ethyl Benzene, Isopropanol, Kerosene, Methanol, MEK, Petroleum Distillates, Tetrahydrofuran)		
Reactive Metals	Reactive Organic Compounds and Solutions	Oxidizers
Lithium (Batteries)	Alcohols	Chlorine Gas
Aluminum	Aldehydes	Nitric Acid (> 40% aka Red Fuming Nitric)
Beryllium	Chromic Acids (from plating, Stripping and anodizing)	Nitrates
Calcium	Cyanides (from electroplating)	Perchlorates
Magnesium	Hypochlorides (from WWTP)	Perchloric Acid
Sodium	Organic Peroxides	Peroxides
Zinc Powder	Perchlorates	Calcium Hypochlorite (< 60%)



*** Subject to Enforcement Discretion

INSPECTION DECISION FLOW CHART

INVENTORY OF ACCUMULATION LOCATIONS

Name of Location	Area Where Located	Type of Accumulation	Waste(s) Accumulated	Person or Operator Responsible	Description of Container(s) or Tank(s)	Number of Containers and/or Tanks	Comments



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
____ Regional Office

Photos have not been altered except to change the size of the file.

Site Name: _____ **Permit#** _____
Taken By: <Inspector Name > _____

Photo Number: _____ 1 _____
Date: _____
Comments:

Photo Number: _____ 2 _____
Date: _____
Comments:

Photo Number: _____ 3 _____
Date: _____
Comments:

Photo Number: _____ 4 _____
Date: _____
Comments:

Form 1

Your Provisional EPA ID Number Is:

Site Name:

Site Address:

Contact Name & Number:

Date Issued:

Expiration Date:

Virginia Department of Environmental Quality (DEQ) has provided for the issuance of provisional EPA ID numbers to hazardous waste generators in cases where a site does not normally generate hazardous waste and hold a permanent ID number, but has generated hazardous waste due to some unusual circumstance, when an emergency situation arises that necessitates the expedient management of a hazardous waste, or where the waste generation activity is temporary and of short duration, such as a specific job or contract activity. DEQ's compliance assistance policy on provisional EPA ID numbers may be found on our website at:

<http://www.deq.virginia.gov/Portals/0/DEQ/Land/issuanceofprovisionalEPAIDnumbers.pdf>

The following lists the conditions for use of the provisional EPA ID number you have been assigned. Failure to comply with the conditions may impact future attempts to obtain a provisional EPA ID number, require assignment of a permanent EPA ID number to the subject site, and/or may result in enforcement action. If you have questions, please contact your DEQ regional office identified on the DEQ website at:

<http://www.deq.virginia.gov/Locations.aspx>

CONDITIONS FOR USE OF THE PROVISIONAL EPA ID NUMBER

1. The provisional EPA ID number is being issued based on information provided in the **RCRA SUBTITLE C SITE IDENTIFICATION FORM (EPA Form 8700-12)**.

The form and instructions for completing the form may be found on DEQ's Internet website at:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/SolidHazardousWasteRegulatoryPrograms/HazardousWaste.aspx>

2. The provisional EPA ID number issued on this date is a **temporary** number. It is DEQ's position that these numbers **expire thirty (30) days from the date of issue** and may be used on manifests up to two times within that 30-day period for the same waste generation event. If additional time becomes necessary, the generator can request one extension to the 30-day period. Should the activity take longer than 60 days, the generator will need to obtain a permanent EPA ID number for the site. This number will be deactivated at the end of the generation event.

3. If a generator will be routinely generating hazardous waste at a fixed site on a regular or even episodic basis, a temporary number may not be used and the generator must

obtain a **permanent** EPA ID number.

NOTE: A Large Quantity Generator (LQG) is any generator who generates greater than 1,000 kg (approx. 2,200 lbs.) of hazardous waste or greater than 1 kg of acute hazardous waste in any calendar month. A Small Quantity Generator (SQG) generates between 100-1,000 kg/month (220 - 2,200 lbs.) of hazardous waste or less than 1kg of acute hazardous waste. A Conditionally Exempt Small Quantity Generator Quantity (CESQG) generates less than 100 kg/month (<220 lbs.) hazardous waste.

A chart summarizing the generator requirements for LQGs and SQGs is attached.

REQUIREMENTS FOR LARGE QUANTITY GENERATORS (LQG) In addition to complying with the RCRA generator accumulation requirements found in the Virginia Hazardous Waste Management Regulations (VHWMR), a generator of more than 1000 kg of hazardous waste or more than 1kg of acute hazardous waste in any calendar month of the year may be subject to an **annual fee** as provided under 9 VAC 20-60-262 B.8 of the VHWMR.

Please note, an LQG or SQG must continue to comply with the applicable generator requirements from the commencement of the generating activity, through the last shipment of waste from the provisional event to an off-site TSD.

1. Please complete the attached sheet related to the LQG Annual Fee and send it to DEQ within 30 days of expiration of temporary number. If the original provisional EPA ID number request specifies that the generator will be a SQG, a person who becomes a LQG (after receiving the provisional EPA I.D. number) shall notify the department in writing **immediately** of this change in status and document the change in the operating record. Any person that applies for a provisional EPA ID number as a LQG who ceases to be a LQG shall notify the department in writing **immediately** of this change in status and document the change in the operating record as specified by 9VAC20-60-315.D.
2. A person who is a LQG at any time during the calendar year shall be assessed an **annual fee** of **\$1000**. For the evaluation of facility status or of generator status, the annual year shall be considered to be from January 1 to December 31. Please note, if hazardous waste from a single provisional EPA ID event starts in one calendar year and is completed in the next, the responsibility will be on the generator to show that the hazardous waste was generated in one or both of the calendar years. Generators requiring a provisional EPA ID number for managing waste under the conditions of 9VAC 20-60-1283.F (emergency removal under official authority) are not subject to the fee. The fees regulations are available on the DEQ website at: <http://www.deq.virginia.gov/Portals/0/DEQ/Land/Guidance/dhwfr.pdf>

LQGs may pay the annual fee to the DEQ upon receiving the provisional EPA ID number. If the department does not receive the payment prior to the annual billing period, the department will bill the generator for amounts due or becoming due in the

immediate future. All payments are due and shall be received by the department no later than the first day of October (for the preceding annual year) unless a later payment date is specified by the department in writing as per 9VAC20-60-1284.A. Please be advised that if the invoice was received but not paid, you may be subject to a late penalty.

A LQG shall submit a transmittal letter to the DEQ which shall contain the name and address of the generator, the Federal Identification Number (FIN) for the generator, the amount of the payment enclosed, and the period that the payment covers. With the transmittal letter shall be payment in full for the correct fees due for the annual period. A copy of the transmittal letter only shall be maintained at the facility or the site where the hazardous waste was generated. Fees shall be paid by check, draft or postal money order made payable to "Treasurer of Virginia" and shall be sent to:

Department of Environmental Quality

Attn: Accounts Receivable

P.O. Box 1104

Richmond, VA 23218 (as specified by 9VAC20-60-1284.B.)

3. Any person who is a LQG during an odd numbered year (i.e., 2017, 2019, or 2021, etc.), is subject to the biennial hazardous waste reporting requirement as specified

by 40 CFR 262.40. Additional information about the hazardous waste report is available at: <https://www.epa.gov/hwgenerators/biennial-hazardous-waste-report>

Form 2

Hazardous Waste Generator Status for Annual Fee

Please fill out the following form and return to the DEQ within 30 days after expiration of the provisional EPA ID number. Copies of manifests used to ship the provisionally-generated hazardous waste to a TSD should be provided along with this completed form.

Attention: Sanjay Thirunagari

Department of Environmental Quality
P. O. Box 1105

Richmond, VA 23218

(Facility Name and EPA ID number)

Operated under the generator status of _____ during calendar

(LQG, SQG, CESQG, Non-generator)

Year _____ .

EPA Form 8700-12 Submitted on: _____

Waste generated: Start date: _____ End date: _____

Total amount of waste generated from this event (lbs): _____

Largest amount of waste generated in any month of the provisional event:

Facility billing contact person and billing address is as follows:

Billing contact name: _____

Billing contact phone number: _____

E-mail ID: _____

Address: _____

All LQGs are billed an annual fee of \$1000.00 per calendar year.

Prepared: 7/20/2017

Summary Table – HW Generator Requirements

Requirement	Conditionally Exempt Small Quantity Generators	Small Quantity Generators	Large Quantity Generators
<p>Quantity Limits</p> <p>The amount of hazardous waste generated per month categorized and what regulations must be complied with.</p>	<p>≤100 kg/month, and</p> <p>≤1 kg/month of acute hazardous waste, and</p> <p>≤100 kg/month of acute spill residue or soil</p>	<p>>100 and <1,000 kg/month</p> <p>262.34(d)</p>	<p>≥1,000 kg/month, or >1 kg/month of acute hazardous waste, or >100 kg/month of acute spill residue or soil</p> <p>262.34(a)</p>
<p>EPA ID Number</p> <p>identification number that identifies generators by site.</p>	<p>Not Required</p>	<p>Required</p> <p>262.12</p>	<p>Required</p> <p>262.12</p>
<p>On-Site Accumulation Quantity</p> <p>Determine amount of hazardous waste generators are allowed to "accumulate"</p>	<p>≤ 1,000 kg to remain a CESQG</p> <p>≤ 1 kg acute to remain a CESQG</p> <p>≤ 100 kg of acute spill residue or soil to remain a CESQG</p>	<p>≤ 6,000 kg</p> <p>262.34(d)(1)</p>	<p>No Limit</p>
<p>Accumulation Time Limits</p> <p>Determine amount of time hazardous waste is allowed to accumulate on site.</p>	<p>Time starts when/if a CESQG accumulates greater than 1,000 kg (approx.. five full 55-gallon drums) – CESQG is then an SQG</p>	<p>≤180 days or</p> <p>≤270 days (if transporting greater than 200 miles)</p>	<p>≤90 days</p> <p>262.34(a)</p>
<p>Accumulation Requirements</p> <p>Manage hazardous waste in compliance with certain technical standards.</p>	<p>None</p>	<p>Basic requirements with technical standards for containers, tanks, drip pads or containment buildings</p> <p>262.34(d)(2) and (3)</p>	<p>Full compliance for management of containers, tanks, drip pads or containment buildings</p> <p>262.34(a)</p>
<p>Personnel Training</p> <p>Ensure appropriate personnel complete classroom or on-the-job training to become familiar with proper hazardous waste management and emergency procedures for the wastes handled at the</p>	<p>Not required</p>	<p>Required</p> <p>262.34(d)(5)(iii)</p>	<p>Required</p> <p>265.16 from 262.34(a)(4)</p>
<p>Contingency Plan and Emergency Procedures</p> <p>Develop procedures to follow during an unplanned major event.</p>	<p>Not required</p>	<p>Basic planning required</p> <p>262.34(d)(5)(i-iv)</p>	<p>Full plan required</p> <p>Part 265 Subpart D</p>
<p>Preparedness and Prevention</p> <p>Develop procedures to follow in the event of an emergency.</p>	<p>Not required</p>	<p>Required</p> <p>Part 265 Subpart C</p>	<p>Required</p> <p>Part 265 Subpart C</p>

Air Emissions Control hazardous air emissions from tanks and containers	Not required	Not required	Required Part 265 Subparts AA, BB and CC
Land Disposal Restrictions Meet standards for placing on the land and associated requirements for certifications, notifications, and waste analysis plan.	Not required	Required Part 268	Required Part 268
Manifest Tracking hazardous waste	Not required	Required Part 262 Subpart B	Required Part 262 Subpart B
copy manifest - required by the Department of Transportation (DOT) and EPA			
Waste Minimization Certify steps taken to reduce or eliminate the generation of	None	Good faith effort required 262.27	Program in place required 262.27
Pre-Transport Requirements Package and label hazardous waste for shipment off site to a RCRA facility for treatment, storage, or disposal	Only if required by the DOT or the state	Required 262.30 – 262.33	Required 262.30 – 262.33
Biennial Report	Not required	Not Required	Required 262.41
shipments of waste during the previous calendar year			
Exception and Additional Reporting Report if any required copies of signed manifests are not received back -Provide information on quantities and disposition of wastes upon	Not required	Required 262.42(b) and 262.43	Required 262.42 and 262.43
Recordkeeping	Not required	Required 262.40(a), (c) and (d)	Required
biennial reports , exception reports and waste testing			
Facility Type Send off-site shipments to appropriate facilities for management	Facilities noted in 261.5(f)(3) and (g)(3)	RCRA permitted/interim status facility Parts 264/265, 266/267	RCRA permitted/interim status facility Parts 264/265, 266/267
Closure Close equipment, structures, soils and units by meeting specified performance standards and disposal and	Not required	Tanks only 265.201(f)	- General 265.11(a) and 265.114 - Unit specific Part 265, Subparts I, J, W and DD

Sample PN Forward E-mail:

Subject: Provisional EPA ID# VAP

[Fill in Requestor Name],

Your assigned temporary EPA ID number is noted in the subject line above as well as entered onto a copy of the scanned form received and attached. Please also see the attached document for additional information regarding your provisional number. Pay particular attention to the additional requirements applicable to large quantity generators of hazardous waste. In addition, the attached letter includes a form that **must** be returned to DEQ. The form may be returned to me electronically, as hard copy, or mailed directly to the address on the form. (I suggest you attach the manifest(s) or similar shipping document and provide a statement as to time period of generation to support the statement on the document.) The mailing address for DEQ _____ Regional Office follows my name below.

NOTE: Your provisional number has been issued through [EXPIRATION DATE].

If you have any questions, please feel free to contact me. Thank you.

RCRARep Information

Here is the link to the RCRAInfo Reporting Tool - <https://cfext.epa.gov/RCRARepMX/login/login1.cfm>

More info is here - <http://www.epa.gov/rcrarep/>

Your user ID and password are the same as the ones for RCRAInfo.

RCRA Section 3007 (As Amended by the Solid Waste Disposal Act of 1980 and the Hazardous and Solid Waste Amendments of 1984)

INSPECTIONS

Sec. 3007. (a) ACCESS ENTRY.— For purposes of developing or assisting in the development of any regulation or enforcing the provisions of this title, any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous waste shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee or representative of a State having an authorized hazardous waste program, furnish information relating to such wastes and permit such person at all reasonable times to have access to, and to copy all records relating to such wastes. For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this title, such officers, employees or representatives are authorized —

(1) to enter at reasonable times any establishment or other place where hazardous wastes are or have been generated, stored, treated, disposed of, or transported from;

(2) to inspect and obtain samples from any person of any such wastes and samples of any containers or labeling for such wastes.

Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

(b) AVAILABILITY TO PUBLIC.—1) Any records, reports, or information (including records, reports, or information obtained by representatives of the Environmental Protection Agency) obtained from any person under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than \$5,000 or to imprisonment not to exceed one year, or both.

(3) In submitting data under this Act, a person required to provide such data may —

(A) designate the data which such person believes is entitled to protection under this subsection, and

(B) submit such designated data separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the

Administrator may prescribe.

(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

*(c) **FEDERAL FACILITY INSPECTIONS.**—Beginning twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall, or in the case of a State with an authorized hazardous waste program the State may, undertake on an annual basis a*

thorough inspection of each facility for the treatment, storage, or disposal of hazardous waste which is owned or operated by a Federal agency to enforce its compliance with this subtitle and the regulations promulgated thereunder. The records of such inspections shall be available to the public as provided in subsection (b).

*(d) **STATE-OPERATED FACILITIES.**—The Administrator shall annually undertake a thorough inspection of every facility for the treatment, storage, or disposal of hazardous waste which is operated by a State or local government for which a permit is required under section 3005 of this title. The records of such inspection shall be available to the public as provided in subsection (b).*

*(e) **MANDATORY INSPECTIONS.**—(1) The Administrator (or the State in the case of a State having an authorized hazardous waste program under this subtitle) shall commence a program to thoroughly inspect every facility for the treatment, storage, or disposal of hazardous waste for which a permit is required under section 3005 no less often than every two years as to its compliance with this subtitle (and the regulations promulgated under this subtitle). Such inspections shall commence not later than twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984. The Administrator shall, after notice and opportunity for public comment, promulgate regulations governing the minimum frequency and manner of such inspections, including the manner in which records of such inspections shall be maintained and the manner in which reports of such inspections shall be filed. The Administrator may distinguish between classes and categories of facilities commensurate with the risks posed by each class or category.*

(2) Not later than six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall submit to the Congress a report on the potential for inspections of hazardous waste treatment, storage, or disposal facilities by nongovernmental inspectors as a supplement to inspections conducted by officers, employees, or representatives of the Environmental Protection Agency or States having authorized hazardous waste programs or operating under a cooperative agreement with the Administrator. Such report shall be prepared in cooperation with the States, insurance companies offering environmental impairment insurance, independent companies providing inspection services, and other such groups as appropriate. Such report shall contain recommendations on provisions and requirements for a program of private inspections to supplement governmental inspections.

[42 U.S.C. 6927]



N

1 HANDLER INFORMATION

Handler's EPA ID Number:	RCRA Non-Notifier:									
Handler's Name (CURRENT/OLD RCRAINFO NAME):										
Handler's Name (NEW FACILITY NAME):										
Physical Address:		City:	State:	Zip Code:						
Physical Address (NEW):	N/A	City:	N/A	Zip Code: N/A						
County or City:	Address Confirmed:	NO	Contact/Title:							
Mailing Address:		City:	State:	Zip Code:						
Universe Change Required:	Indi	the RCRA Generator Universe	Status of a RCRA Non-Notifier:							
Facility's CURRENT/OLD Generator Universe in RCRAInfo:										
Facility's NEW Generator Universe:	NEW Generator Universe Effective Date:									
If New Generator Universe is Non-Generator, Deactivate?	<table border="1"> <tr> <td><- If Deactivating activities</td> <td>then the facility cannot be conducting any RCRA</td> </tr> <tr> <td><- Nbr RCRAInfo</td> <td>for Grant calculation only</td> </tr> <tr> <td><- Subcategories</td> <td>for SQG/CESG commitments only</td> </tr> </table>				<- If Deactivating activities	then the facility cannot be conducting any RCRA	<- Nbr RCRAInfo	for Grant calculation only	<- Subcategories	for SQG/CESG commitments only
<- If Deactivating activities	then the facility cannot be conducting any RCRA									
<- Nbr RCRAInfo	for Grant calculation only									
<- Subcategories	for SQG/CESG commitments only									
Grant Category for the RCRA Grant Work Plan:										
Inspection Category (for SQG/CESQG Commitments):										

Comments:

DATA ENTRY INSTRUCTIONS

1. Fill in the facility's **Handler** Information above. The Handler Id and Handler Name will self-populate throughout the entire form. (Please include physical address for verification of facility identity by data analyst.)
2. If you are in **Compliance and entering an Inspection**, please go to the **COMPLIANCE** tab and fill in the appropriate information.

3.	If you are in Compliance <u>and entering an Enforcement</u> Action , please go to Section 4 on the COMPLIANCE tab (page C2) and enter the appropriate information.
4.	To Return to Compliance cited violations, please go to the COMPLIANCE tab and fill in the RTC Dates and Qualifier for the affected Violations.
5.	If you are in Enforcement <u>and entering an Enforcement</u> Action , please use the ENFORCEMENT tab and enter the appropriate information. ****Violations on the COMPLIANCE tab are carried over to the ENFORCEMENT tab****
6.	The ADDITIONAL DATA tab contains: Additional Violations, Additional Technical Requirement Milestones, and SEP.

RCRA Compliance Form

Page C1 Handler's EPA ID Number: **0** Handler's Name: **0**

1 EVALUATION

Inspector: _____ **Region:** _____ **Check one or both -->** _____ **State Lead:** _____ **EPA Lead:** _____ *For EPA lead inspections, enter violations subjected to State Authority only.*

	Action	Evaluation Type	Eval Date	Day Zero	ECL Type
(A)					

(B) <--- Select SNY to indicate if Facility is a SNC; if so, please fill in dates.

Evaluation Indicator: **Citizen Complaint** **Multimedia Inspection** **Sampling** **Not Subtitle C**

Inspection Report or Memo Filed:* _____ **Date Completed:*** _____ <--- * BOTH ARE REQUIRED *

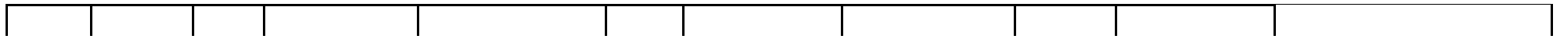
Comments:

2 VIOLATIONS *

Violation Action	Viol Seq	Link	Viol Type	Region	Person	Date	Regulation Citation	RTC Dates		Comments
		<input type="checkbox"/>								
		<input type="checkbox"/>								
		<input type="checkbox"/>								
		<input type="checkbox"/>								
		<input type="checkbox"/>								
		<input type="checkbox"/>								

		<input type="checkbox"/>									
--	--	--------------------------	--	--	--	--	--	--	--	--	--

** If needed, continue Violations on pgs. C2-C4. More Violation entries are located on pg. A1 of the 'ADDITIONAL DATA' tab.*



		<input type="checkbox"/>										
--	--	--------------------------	--	--	--	--	--	--	--	--	--	--

5 VIOLATIONS... Continued

Violation Action	Viol Seq	Link	Viol Type	Region	Person	Date	Regulation Citation	RTC Dates		Qual.	Comments
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									

RCRA Enforcement Form

Page E1 Handler's EPA ID Number: **0**

Handler's Name: **0**

1 ENFORCEMENT ACTIONS - ENFORCEMENT

ENFORCEMENT	Add	Update	Delete
--------------------	------------	---------------	---------------

* Enforcement Date (mm/dd/yyyy)	* Enforcement Type	Region	Responsible Person
Comments:			

If this facility is a SNC, does this Enforcement Action address the SNC determination?

Yes	No	<i>If yes, please provide the date below:</i>

*** SNY Evaluation Start Date:**

Does this Enforcement Action Contain Corrective Action Requirements?

Yes	No
------------	-----------

Do you want to link Media?

Yes	No
------------	-----------

If yes, please select from the list to the right:

*** LINK VIOLATIONS TO THE ABOVE ENFORCEMENT ACTION?** *If Yes, review the **pre-filled** Violations below, originating from the Violations section on the*

Yes	No
------------	-----------

2 VIOLATIONS

Link Violation	*Seq. No.	* Viol. Type	* Date Determined (mm/dd/yyyy)	Already RTC'd?	Scheduled RTC Date	Actual RTC Date	RTC Qualifier	Comments
<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				

<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				

<input type="checkbox"/>				<input type="checkbox"/>				
<input type="checkbox"/>				<input type="checkbox"/>				

4 PENALTY SECTION

PENALTY Add Update Delete Link to Above Enforcement:

	*Penalty Type	* Penalty Amount (Total)	Penalty Comments			
1.						
2.						
3.						

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

PENALTY PAYMENT Add Update Delete

	Sequence No.	Scheduled Date (mm/dd/yyyy)	Scheduled Amount	Paid Date (mm/dd/yyyy)	Paid Amount	Comments

--	--	--	--	--	--	--

5 TECHNICAL REQUIREMENT MILESTONE SECTION			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			
Add	Update	Delete	Link to Above Enforcement:
*Technical Requirement Number:			
*Technical Requirement Description:			
Scheduled Completion Date:		Actual Completion Date:	Defaulted Date: (All mm/dd/yyyy format)
Notes:			

Notes:

2 ADDITIONAL TECHNICAL REQUIREMENT MILESTONES

Add Update Delete Link to Above Enforcement:

*Technical Requirement Number:

*Technical Requirement Description:

	Scheduled Completion Date (mm/dd/yyyy)	Actual Completion Date (mm/dd/yyyy)	Defaulted Date (mm/dd/yyyy)	
	Notes:			

Add Update Delete Link to Above Enforcement:

*Technical Requirement Number:

*Technical Requirement Description:

	Scheduled Completion Date (mm/dd/yyyy)	Actual Completion Date (mm/dd/yyyy)	Defaulted Date (mm/dd/yyyy)	
	Notes:			

Add Update Delete Link to Above Enforcement:

*Technical Requirement Number:

*Technical Requirement Description:

	Scheduled Completion Date (mm/dd/yyyy)	Actual Completion Date (mm/dd/yyyy)	Defaulted Date (mm/dd/yyyy)	
	Notes:			

Add Update Delete Link to Above Enforcement:

*Technical Requirement Number:

*Technical Requirement Description:

	Scheduled Completion Date (mm/dd/yyyy)	Actual Completion Date (mm/dd/yyyy)	Defaulted Date (mm/dd/yyyy)	
	Notes:			

3 SUPPLEMENTAL ENVIRONMENTAL PROJECT

Add Update Delete

*Link to Enforcement on RCRAInfo CM&E Enforcement Form? Yes No If Yes, attach enforcement form. If No, fill in the information below.

Enforcement Identifier: Enforcement Date (mm/dd/yyyy) : Enforcement Type:

* SEP Type * Scheduled Completion Actual Completion Date Defaulted Date

Notes:

Add Update Delete

*Link to Enforcement on RCRAInfo CM&E Enforcement Form? Yes No If Yes, attach enforcement form. If No, fill in the information below.

Enforcement Identifier: Enforcement Date (mm/dd/yyyy) : Enforcement Type:

* SEP Type * Scheduled Completion Actual Completion Date Defaulted Date

Notes:

Add Update Delete

*Link to Enforcement on RCRAInfo CM&E Enforcement Form? Yes No If Yes, attach enforcement form. If No, fill in the information below.

Enforcement Identifier: Enforcement Date (mm/dd/yyyy) : Enforcement Type:

* SEP Type * Scheduled Completion Actual Completion Date Defaulted Date

Notes:

Add Update Delete

*Link to Enforcement on RCRAInfo CM&E Enforcement Form? Yes No If Yes, attach enforcement form. If No, fill in the information below.

Enforcement Identifier: Enforcement Date (mm/dd/yyyy) : Enforcement Type:

* SEP Type * Scheduled Completion Actual Completion Date Defaulted Date

Notes:

4 SUPPLEMENTAL ENVIRONMENTAL PROJECT... continued
(To add a SEP, a penalty type of FSC or SCR must exist.)

Add	Update	Delete
<p>*Link to Enforcement on RCRAInfo CM&E Enforcement Form? Yes No <i>If Yes, attach enforcement form. If No, fill in the information below.</i></p>		
<p>Enforcement Identifier: Enforcement Date (mm/dd/yyyy) :</p>		<p>Enforcement Type:</p>
<p>* SEP Type</p>		<p>* Scheduled Completion Actual Completion Date Defaulted Date</p>
<p>Notes:</p>		

Add	Update	Delete
<p>*Link to Enforcement on RCRAInfo CM&E Enforcement Form? Yes No <i>If Yes, attach enforcement form. If No, fill in the information below.</i></p>		
<p>Enforcement Identifier: Enforcement Date (mm/dd/yyyy) :</p>		<p>Enforcement Type:</p>
<p>* SEP Type</p>		<p>* Scheduled Completion Actual Completion Date Defaulted Date</p>
<p>Notes:</p>		

Add	Update	Delete
<p>*Link to Enforcement on RCRAInfo CM&E Enforcement Form? Yes No <i>If Yes, attach enforcement form. If No, fill in the information below.</i></p>		
<p>Enforcement Identifier: Enforcement Date (mm/dd/yyyy) :</p>		<p>Enforcement Type:</p>
<p>* SEP Type</p>		<p>* Scheduled Completion Actual Completion Date Defaulted Date</p>
<p>Notes:</p>		

ENFORCEMENT CODES

Penalty Type:

PMP	Proposed Monetary Penalty
FMP	Final Monetary Penalty
FSC	Final SEP Cost
SCR	SEP Credit
USM	Up to the Statutory Maximum
ZAP	Zero Ability to Pay

SEP Type:

EAA	Environmental Audits and Assessment
-----	-------------------------------------

Enforcement Type

NOTE: Some of these codes are not generally used and are not referenced in the drop menu.

119 - VA Warning Letter

122 - Referral to Enforcement

123 - VA Termination of Enforcement Order

130 - HQ Notice of Determination

140 - HQ Letter of Intent to Initiate Enforcement Action

210 - Initial 3008(a) Compliance Order

208 - VA Initial Formal Administrative Enforcement Action (draft Consent Order)

209 - VA Revised Formal Administrative Enforcement Action (revised Consent Order)

220 - Imminent & Substantial Endangerment Order

EAP	Environmental Awareness Programs
EPP	Emergency Planning and Preparedness
ERE	Environmental Restoration
EMS	Environmental Management Systems
PHE	Public Health
PPR	Pollution Prevention and Reduction

318 - VA Special Order pursuant to §10.1-1186

319 - VA Administrative Order pursuant to §10.1-1455.G

320 - Final Imminent Hazard Order

330 - Final Monitoring, Analysis, Test Order

340 - Final 3008(h) I.S. CA Order

380 - HQ Multi-site CA/FO

385 - HQ Single Site CA/FO

410 - Referral to the Attorney General

420 - Referral to the Dept.of Justice

425 - Referral to DOJ to Collect Penalties

430 - Ref. to District/City/County/State Attorney

510 - Civil Judicial Action for Compliance and/or Monetary Penalty

520 - Civil Judicial Action for Imminent & Substantial Endangerment

530 - Initial Civil Judicial Action for Corrective Action

610 - Final Civil Judicial Action for Compliance and/or Monetary Penalty

620 - Final Civil Judicial Action for Imminent & Substantial Endangerment

630 - Final Civil Judicial Action for Interim Corrective Action

710 - Referral to Criminal Enforcement

720 - Criminal Indictment

730 - Criminal Conviction

740 - Criminal Acquittal

810 - State to EPA Administrative Referral

820 - EPA to State Administrative Referral

830 - RCRA to CERCLA Administrative Referral

840 - EPA Regions to EPA HQ Administrative Referral

850 - HQ Administrative Referrals to Other RCRA Programs

860 - HQ Administrative Referrals to Other Programs

865 - HQ Referral to US Treasury

Evaluation Types:

CAC - CORRECTIVE ACTION COMPLIANCE EVALUATION

CAV - COMPLIANCE ASSISTANCE VISIT

CDI - CASE DEVELOPMENT INSPECTION

CEI - COMPLIANCE EVALUATION INSPECTION ON-SITE

CSE - COMPLIANCE SCHEDULE EVALUATION

FCI - FOCUSED COMPLIANCE

FRR - FINANCIAL RECORD REVIEW

FSD - FACILITY SELF DISCLOSURE

FUI - FOLLOW-UP INSPECTION

GME - GROUNDWATER MONITORING EVALUATION

NIR - NO 3007 INFORMATION REQUEST

NRR - NON-FINANCIAL RECORD REVIEW

OAM - OPERATION AND MAINTENANCE INSPECTION

SNN - NOT A SIGNIFICANT NON-COMPLIER

SNY - SIGNIFICANT NON-COMPLIER

Media Types:

AIR - Clean Air Act & Other Air Programs

CRE-EPA CERCLA

CRS-State CERCLA-Type Programs

EPC-EPCRA

FIF - FIFRA

MSW - RCRA Municipal Solid Waste

ORP - Other Regulatory Programs

PCB - TSCA PCB

RCA - RCRA Corrective Action

SPCC - Spill Prevention Control & Countermeasures

TSC - TSCA (Non-PCB)

UIC - Underground Injection

UST - Underground Storage Tanks Program

WAT - Clean Water Act, Safe Drinking water & other

WET - Wetlands program

[http://deqnet/docs/waste/waste_progs/Hazardous Waste Data Management/RCRAInfo/v3codecrosswalks.pdf](http://deqnet/docs/waste/waste_progs/Hazardous_Waste_Data_Management/RCRAInfo/v3codecrosswalks.pdf)

[http://deqnet/docs/waste/waste_progs/Hazardous Waste Data Management/RCRAInfo/hqsv3codes.pdf](http://deqnet/docs/waste/waste_progs/Hazardous_Waste_Data_Management/RCRAInfo/hqsv3codes.pdf)

<http://www.epa.gov/RCRAInfo/>

[http://deqnet/docs/waste/waste_progs/Hazardous Waste Data Management/RCRAInfo/hqscitationlist.pdf](http://deqnet/docs/waste/waste_progs/Hazardous_Waste_Data_Management/RCRAInfo/hqscitationlist.pdf)

RCRAREP Information

Here is the link to the RCRAInfo Reporting Tool - <https://cfext.epa.gov/RCRAREP/login/login1.cfm>

More info is here - <http://www.epa.gov/rcrarep/>

Your user ID and password are the same as the ones for RCRAInfo.

Side-by-Side Comparison: Satellite Accumulation vs. Academic Labs Rule

	Laboratories that Operate as Satellite Accumulation Areas (SAA)	Laboratories that Operate Under the Academic Laboratories Rule (Subpart K)
Regulatory Citation	<ul style="list-style-type: none"> • 40 CFR 262.34(c) 	<ul style="list-style-type: none"> • 40 CFR Part 262 Subpart K
Applicability	<ul style="list-style-type: none"> • Any SQG or LQG may establish an SAA “at or near any point of generation” 	<ul style="list-style-type: none"> • Any CESQG, SQG or LQG that is an eligible academic entity may opt into Subpart K • An eligible academic entity is a <ul style="list-style-type: none"> ○ College or university (C/U), or ○ Teaching hospital or non-profit research institute that is owned by or has a formal written affiliation agreement
Terminology for regulated materials	<ul style="list-style-type: none"> • Hazardous waste • Acute hazardous waste 	<ul style="list-style-type: none"> • Unwanted material • Reactive acutely hazardous unwanted material
Maximum accumulation time in lab	<ul style="list-style-type: none"> • No time limit, unless maximum accumulation volumes are exceeded (see below) 	<ul style="list-style-type: none"> • Six months
Maximum accumulation volume in lab	<ul style="list-style-type: none"> • 55 gallons of hazardous waste • Total of 1 quart of 124 P-listed acute hazardous wastes 	<ul style="list-style-type: none"> • 55 gallons of unwanted material • Total of 1 quart of 6 P-listed reactive acutely hazardous unwanted materials
Time allowed to exceed maximum volumes in lab	<ul style="list-style-type: none"> • 3 calendar days 	<ul style="list-style-type: none"> • 10 calendar days
Container labeling in lab	<ul style="list-style-type: none"> • “Hazardous waste” or • “Other words that identify the contents of the container” 	<ul style="list-style-type: none"> • “Unwanted material” or “other equally effective term,” and • Information re: contents of the container, and • Sufficient information to make a hazardous waste determination, and • Accumulation start date

Hazardous waste determination	Must be made at the point of generation: <ul style="list-style-type: none"> • In the SAA • When the waste is first generated 	Choice of where and when to make: <ul style="list-style-type: none"> • In the lab, before it is shipped off-site • Within 4 days of arriving at on-site Central Accumulation Area (CAA)
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This chart is a summary of federal regulations and is not intended to be exhaustive.

Prepared by EPA, July 2009

	Laboratories that Operate as Satellite Accumulation Areas (SAA)	Laboratories that Operate Under the Academic Laboratories Rule (Subpart K)
Acutes – Hazardous waste determination and generator status	<ul style="list-style-type: none"> • Any of 124 P-listed acute hazardous waste codes could apply • LQG status if >1 kg/month 	<ul style="list-style-type: none"> • Any of 124 P-listed acute hazardous waste codes could apply • LQG status if >1 kg/month
Training	<ul style="list-style-type: none"> • None required for laboratory personnel • Training required for personnel outside of SAA 	<ul style="list-style-type: none"> • Training that is “commensurate with duties” is required for lab workers and students in labs • Training required for personnel outside of lab (“trained professionals”)
Container management	<ul style="list-style-type: none"> • Containers must be in good condition • Contents must be compatible with container • Containers must be kept closed except: <ul style="list-style-type: none"> ○ When adding or removing waste 	<ul style="list-style-type: none"> • Containers must be in good condition • Contents must be compatible with container • Containers must be kept closed except: <ul style="list-style-type: none"> ○ When adding, removing, or consolidating unwanted materials ○ Working containers may remain open until the end of shift or procedure, whichever is first ○ When venting is necessary
On-site consolidation of containers	<ul style="list-style-type: none"> • Transfer of containers between SAAs is not allowed, therefore on-site consolidation of containers may not occur without a 90/180 day area 	<ul style="list-style-type: none"> • Transfer of containers between labs is allowed, therefore on-site consolidation of containers may occur without a 90/180 day area
Laboratory clean-outs	<ul style="list-style-type: none"> • Maximum volumes are easily exceeded and excess volumes must be removed within 3 days • Often results in an increase in generator status (episodic generation) 	<p>Incentives provided to conduct clean-outs: (limited to once per lab per 12 months)</p> <ul style="list-style-type: none"> • 30 days to conduct a clean-out • Do not have to count hazardous waste from a clean-out toward generator status if it is

Laboratory management plan (LMP)	<ul style="list-style-type: none"> • Not required 	2-Part LMP required with 9 elements: <ul style="list-style-type: none"> • Contents of Part I are enforceable <ul style="list-style-type: none"> ○ 2 elements in Part I • Contents of Part II are NOT enforceable
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This chart is a summary of federal regulations and is not intended to be exhaustive.

Prepared by EPA, July 2009

Summary Chart of Universal Waste Regulations* (40 CFR Part 273)

Universal Waste Requirements	Notifications	Waste Management Requirements	Labeling and Marketing	Storage Time Limits	Employee Training	Response to Releases	Off-site Shipments	Tracking
Small Quantity Handlers of Universal Waste	No Requirements	Prevent Releases	Identify specific type of UW	One Year Limit	Inform employees of proper handling and emergency responses	Immediately contain releases and properly manage released waste	Only to other UW Handler, Destination Facility or foreign destination	No Requirements
Large Quantity Handlers of Universal Waste	Must notify VA DEQ of activities	Prevent Releases	Identify specific type of UW	One Year Limit	Ensure employee familiarity with proper handling and emergency	Immediately contain releases and properly manage released waste	Only to other UW Handler, Destination Facility or foreign destination	Maintain receiving and shipping records for three years
Universal Waste Transporters and Transfer Facilities	Comply with DOT Requirements	Comply with DOT Requirements	Comply with DOT Requirement	Ten Day Limit	Comply with DOT Requirements	Immediately contain releases and properly manage released waste	Only to UW Handler, Destination Facility or foreign destination. Comply with DOT Requirements	Comply with DOT Requirements
Destination Facilities	Comply with RCRA TSDF Requirements	Comply with RCRA TSDF Requirements	Comply with RCRA TSDF Requirements	Comply with RCRA TSDF Requirements	Comply with RCRA TSDF Requirement	Comply with RCRA TSDF Requirement	Only to UW Handler, Destination Facility or foreign destination	Maintain receiving records for three years

Acronyms

RCRA = Resource Conservation and Recovery Act

TSDf = Treatment, Storage or Disposal Facility

UW = Universal Waste

VA DEQ = Virginia Department of Environmental Quality



Synopsis of Paperwork Requirements for SQGs and LQGs

SQG Paperwork Requirements:	LQG Paperwork Requirements:
<ul style="list-style-type: none"> • Fire control equipment w/ inspection logs • Documentation of agreements with local authorities • Identification of Emergency Coordinator • Emergency phone numbers posted • Location of fire extinguishers/evacuation plan • HW manifests • Inspection logs • Analytical testing results/waste determinations • UW and Used Oil Manifests or shipping papers (if applicable) • LDR Notification Form(s) • Written training program – general and UW (if applicable) • Documentation of UW stored < 1 year. 	<ul style="list-style-type: none"> • HW Manifests • UW and Used Oil Manifests or shipping papers (if applicable) • Biennial Reports • AA Inspection logs (if applicable) • Analytical testing results/waste determinations • Exception reports • Proof of fee payment (??) • LDR form(s) • Inspection Logs • Waste Analysis plan (if required) • Written training program, including UW training (if applicable) • Job titles/descriptions for HW management positions • Training director training documents • Contingency plan or SPCC plan including emergency coordinators and contact info, control procedures, and evacuation routes • Documentation of agreements with local authorities

Incident and Evidence Photography 7/28/05

Before you shoot ...

- Observe the whole scene
- Plan the story you want to tell



When you shoot...

Overall View

- Capture the entire scene
- Take the photo from a natural perspective
- Take a minimum of four photos
- Take the photo from at least 75 to 100 feet



Mid-View

- Connect the overall view to detailed close-ups
- Relate specific details and evidence to overall photos
- Use photos to continue the story



Close-Up Details

- Take photos of specific items and evidence
- Fill the entire frame to get details
- Relate details to other objects and to scale



Supplemental Photos

- Photos taken next day or later
- Aerial photos
- Special position photos
- Photos from witnesses' perspectives
- Photos of crowd or surroundings



Authenticate

- Don't forget to **Date, Sign** and **Identify** each photo

? **Observe**

? **Plan**

? **Shoot**

And remember...

There's no second chance to take that initial photo. However, you can never take too many, because you may find new details in each photo you see.

FAQs and Tips

Using Overfly (Aerial) Photography 8/15/05

This photography is useful when you need to ...

- Show an overview of the impact of the environmental conditions at a site
- Document impact in an area where access is difficult
- Obtain an administrative warrant

There are several options available ...

Historic

- 2002 GIS data-based 2002 statewide overfly photos (to be updated in 2006)
- 1992-96 color infrared overfly imagery
- Images are available in DEQ databases

Current

- Digital pictures of an area or site involved in an environmental emergency
- “Real time” digital satellite images that can be e-mailed to a ground location
- DEQ personnel may also be able to observe a site from the air.
- To schedule overfly photography requests for DEQ purposes, contact Central Office Enforcement. Overflights can be scheduled at 48 hours notice; cost is free or minimal.

Battle Creek Landfill Aerial Facility Plan Overlay



Geo-referenced overfly photography exhibit of the Battle Creek Landfill used in the DEQ vs. Page County case

Hazardous Waste Generator Regulations

A User-Friendly Reference Document

Version 6: August 2012

This EPA document can be found at the following:

<https://www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-user-friendly-reference-document>

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Summary Chart

Hazardous Waste Generator Regulatory Requirements

	REQUIREMENT	CESQG	SQG	LQG
1	Purpose, Scope and Applicability	See 40 CFR 262.10 (a) and	See 40 CFR	See 40 CFR
		(b)		
2	Generator Status Determination	See 40 CFR 261.5(c) and (d)	See 40 CFR 261.5(c) and (d)	See 40 CFR 261.5(c) and (d)
3	Hazardous Waste Determination	See 40 CFR 262.11	See 40 CFR 262.11	See 40 CFR 262.11
4	Acute Hazardous Wastes	See 40 CFR 261.5 (e) and (f)	See 40 CFR	See 40 CFR
			and (c) (2)	and (c) (2)
5	Mixing	See 40 CFR 261.5 (h)-(j)	N/A*	N/A
6	On-site Accumulation Time Limits	N/A	See 40 CFR 262.34 (d)-(f)	See 40 CFR 262.34 (a)
7	On-Site Accumulation Quantity Limits	See 261.5 (a)	See 40 CFR 262.34 (d)	N/A
8	Consequences of Exceeding Quantity Limits	See 261.5 (g)	See 40 CFR 262.34 (f)	N/A
9	Consequences of Exceeding Time Limits	N/A	See 40 CFR 262.34 (e)	See 40 CFR 262.34 (b)
10	Management Requirements	See 40 CFR 261.5 (g)	See Items 11-18, 20-30, 37, as applicable	See Items 11-37, as applicable
11	EPA ID Number	N/A	See 40 CFR 262.13	See 40 CFR 262.13
12	Accumulation Requirements for Storage Units: Containers	N/A	See 40 CFR 262.13	See 40 CFR 262.13
			and 177	
13	Accumulation Requirements for Storage Units: Tanks	N/A	See 40 CFR	See 40 CFR
				and 202

	REQUIREMENT	CESQG	SQG	LQG
14	Satellite Accumulation	N/A	See 40 CFR 262.34 (c)	See 40 CFR 262.34 (c)
15	Marking and Labeling	N/A	See 40 CFR	See 40 CFR
			and (a)(3)	and (a)(3)
16	Personnel Training	N/A	See 40 CFR 262.34(d)(5)(iii)	See 40 CFR
17	Recordkeeping	N/A	See 40 CFR 262.41	See 40 CFR 262.40
18	Emergency Procedures and Response	N/A	See 40 CFR 262.41	See 40 CFR
			(i)-(ii) and (iv)	
19	Biennial Report	N/A	N/A	40 CFR 262.41
20	Additional Reporting	N/A	40 CFR 262.43	40 CFR 262.43
21	Preparedness and Prevention	N/A	See 40 CFR 265.30-37	See 40 CFR 265.30-37
22	Land Disposal Restrictions	N/A	See 40 CFR 268	See 40 CFR 268
23	Pre-transport Requirements	N/A	See 40 CFR 262.30-32	See 40 CFR
24	Manifests	N/A	See 40 CFR	See 40 CFR
25	Exception Reporting	N/A	See 40 CFR 262.12	See 40 CFR
26	Appendix to Part 262—Uniform Hazardous Waste Manifest and Instructions	N/A	See 40 CFR Appendix to Part 262	See 40 CFR Appendix to Part 262
27	Exports	N/A	See 40 CFR	See 40 CFR
28	Imports	N/A	See 40 CFR	See 40 CFR

	REQUIREMENT	CESQG	SQG	LQG
29	Transfrontier Shipments of Hazardous Waste for Recovery within the OECD	N/A	See 40 CFR	See 40 CFR
30	Farmers	N/A	See 40 CFR	See 40 CFR
31	Accumulation Requirements for Storage Units: Containment Buildings	N/A	N/A	See 40 CFR
32	Accumulation Requirements for Storage Units: Drip Pads	N/A	N/A	See 40 CFR
33	Air Emissions Subpart AA	N/A	N/A	See 40 CFR
	Subpart BB			See 40 CFR
	Subpart CC			See 40 CFR
34	Closure and Post-Closure	N/A	N/A	See 40 CFR 265.111 and 114
35	Special Requirements for Generators of F006	N/A	N/A	See 40 CFR 262.34 (d)-(i)
36	Special Requirements for Performance Track Members	N/A	N/A	See 40 CFR 262.34 (j) and (k)
37	Subpart K—Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities	See 40 CFR 262.200-216	See 40 CFR	See 40 CFR

* **N/A** = not applicable

General Hazardous Waste Generator Resources

- [Hazardous Waste Management System: Definitions](#)
- [Resource Conservation and Recovery Act: 2011 Orientation Manual](#)
- [RCRA Training Modules](#)
 - RCRA Hazardous Waste Generator Training Module
 - RCRA Hazardous Waste Identification Training Module
- [EPA Office of Enforcement and Compliance Assurance: Compliance Assistance Centers](#)
- [Small Quantity Generator Handbook on Managing Hazardous Waste](#)
- [Frequently Asked Questions on Waste](#)

Important Federal Register (FR) Documents

- Preamble to Original Hazardous Waste Generator Regulations (See 45 FR 33142) May 19, 1980, as amended at 45 FR 86970, December 31, 1980.
- 47 FR 1251, January 11, 1982 as related to Purpose, scope and applicability at 40 CFR 262.10 and Accumulation Time at 40 CFR 262.34.
- 51 FR 10146, March 24, 1986 as related to regulations for Small Quantity Generators.
- 51 FR 25422, July 14, 1986 as related to hazardous waste tank standards
- 70 FR 10776, March 4, 2005 and 70 FR 35034, June 16, 2005 as related to the hazardous waste manifest regulations.
- 71 FR 16862, April 4, 2006, as related to RCRA Burden Reduction Initiative.
- 73 FR 72912, December 1, 2008 as related to Subpart K and the Academic Laboratories regulations.

CESQG Requirements

● [General Information on Conditionally Exempt Small Quantity Generators \(CESQGs\)](#)

- [Frequently Asked Questions on Waste](#)
- [Hazardous Waste Management System: Definitions](#)

Related Resources:

- [Amount of Waste Generated Per Month Determines Generator Status](#)
- [Management of Hazardous Waste Generated in Quantities Less Than 100 kg and Those That Are Thrown Away With Ordinary Garbage](#)
- [Generator Quantity Determination for Mixtures](#)
- [Generator Quantity Determinations for F006 Listed Sludge \(8/16/2002\)](#)
- [Elementary Neutralization Units](#)
- [Generator Counting Requirement for Solvent Stills](#)

- [What makes a Waste Hazardous?](#)
- [Waste Analysis at Facilities that Generate, Treat, Store, and Dispose of Hazardous Waste: A Guidance Manual](#)
- [Policies Regarding Self-Certification of Non-Hazardous Waste](#)
- [Analytes to Look For When Performing RCRA Analysis Conditionally Exempt Small Quantity Generators Treating in Elementary Neutralization Units](#)

[Accumulation Time for Acute and Non-Acute Hazardous Wastes](#)

Related Resources:

- [Clarification of §261.5\(g\)\(3\)\(iv\)](#)
- [Conditionally Exempt Small Quantity Generator Provisions](#)

Relates Resources:

- [Generator Quantity Determination for Mixtures](#)

Related Resources:

- [Conditionally Exempt Small Quantity Generator Provisions](#)
- [Amount of Waste Generated per Month Determines Generator Status](#)

Related Resources:

- [Amount of Waste Generated per Month Determines](#)
- [Summary of Regulatory Requirements](#)
- [Small Quantity Generator Handbook on Managing Hazardous Waste](#)
- [Frequently Asked Questions on Waste](#)
- [Hazardous Waste Management System: Definitions](#)

Related Resources:

- [Amount of Waste Generated Per Month Determines Generator Status](#)
- [Determining Generator Status By Including Wastes Collected at Satellite Accumulation Areas](#)
- [Generator Quantity Determination for Mixtures](#)
- [Generator Quantity Determinations for F006 Listed Sludge \(8/16/2002\)](#)
- [Weight of Container for Quantity Determinations \(6/1/1994\)](#)
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- [Generator Counting Requirement for Solvent Stills](#)
- [Containment Buildings as Generator Accumulation Units](#)

Related Resources:

- [What Makes a Waste Hazardous?](#)
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- [Policies Regarding Self-Certification of Non-Hazardous Waste](#)
- [Analytes to Look For When Performing RCRA Analysis](#)

Related Resources:

- [100-1000 kg/mo Generators](#)
- [Classification and Possible Modification of the 90-Day Generator Rule](#)
- [Small Quantity Generator Accumulation](#)
- [Frequently Asked Questions on Generator Treatment](#)
- [Generator Treatment in Accumulation Tanks and Containers](#)
- [Treatment in Accumulation Tanks and Containers Allowed for All Generators Subject to 262.34](#)

Related Resources:

- [Management of Hazardous Waste Generated in Quantities Less Than 100 kg and those that are Thrown Away with Ordinary Garbage](#)
- [Frequently Asked Questions on Hazardous Waste Generator Requirements](#)
- [Generator Quantity Determinations for F006 Listed Sludge](#)
- [Weight of Container for Quantity Determinations](#)
- [Amount of Waste Generated per Month Determines Generator Status](#)

Related Resources:

- [Managing Your Hazardous Waste: A Guide for Small Businesses](#)

Related Resources:

- [Hazardous Waste Container Storage Requirements](#)
- [Treating Wastes in Generators Accumulation Tanks and Containers](#)
- [Containers Storing Hazardous Waste, Requirements](#)
- [Containers for Safe and Economical Storage, Transport, and Disposal of Hazardous Waste](#)
- [Frequently Asked Questions on Generator Treatment](#)
- [Guidance on What Constitutes Closed Containers](#)

Related Resources:

- [Hazardous Waste Tanks Inspection Manual](#)
- [Hazardous Waste Tanks](#)
- [Hazardous Waste Tanks - Installation/Certification of Secondary Containment](#)
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- [Tanks Holding Hazardous Waste](#)
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- [Clarification of Requirements for Secondary Containment Systems Associated With Hazardous Waste Tanks](#)
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- [Regulation of Carbon Adsorption System](#)

Related Resources:

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- [Satellite Accumulation Area and Regulations](#)
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- [Clarification of the Satellite Accumulation Provision for Hazardous Waste Generators](#)
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- [Recordkeeping Requirements for Small Quantity Generators Subject to Land Disposal Restrictions](#)
- [Interpretation of 40 CFR 268.7 Requirements](#)
- [Amendments to Part 262 Hazardous Waste Determination and Recordkeeping Requirements of Part 262 and 268](#)

- [Interpretation of Generator Requirements as Applied to Various On-Site and Off-Site Scenarios](#)
- [Interpretation of RCRA Regulations Pertaining to the Remediation of Contamination](#)

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Related Resources:

- [Land Disposal Restrictions: Summary of Requirements](#)
- [Land Disposal Restrictions](#)
- [Land Disposal Restrictions for F001-F005 Solvent Wastes](#)
- [Land Disposal Restriction Requirements For Characteristic Wastes](#)
- [LDR Notification for Listed and Characteristic Wastes](#)
- [Questions Regarding the Land Disposal Restrictions \(LDR\) Notification Regulations at 40 CFR 268.7](#)
- [Recordkeeping Requirements for Small Quantity Generators Subject to Land Disposal Restrictions](#)
- [Land Disposal Restrictions Notification Requirements for Contaminated Soil](#)
- [One-Time Notification Requirement Under §268.7\(a\)\(6\)](#)
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- [Instructions for Preparing Application Materials for Submittal to EPA's Manifest Registry](#)
- [Federal Policy on Several Issues Related to the Use of the Hazardous Waste Manifest by Hazardous Waste Transporters](#)
- [Off-Site Shipments of Hazardous Waste to Designated Facilities](#)
- [Use of the Hazardous Waste Manifest for Import Shipments of Maquiladora Hazardous Wastes](#)
- [Uniform Manifest Form, Use of Continuation Sheet](#)
- [Manifesting Requirements](#)
- [Date of Shipment Determines Time Period for Exemption Reporting](#)
- [The Hazardous Waste Manifest System](#)
- [Hazardous Waste Manifest Provision for Rejected Shipments and Residues](#)

- [Date of Shipment](#)

Related Resources:

- [Applicability of Transporter Requirements to Hazardous Waste Imports and Exports](#)
 - [Generator as Primary Exporter](#)
 - [Facts on Hazardous Waste Exports](#)
 - [Broker as Intermediary Arranging for Export](#)
 - [Tolling Agreements and Exports](#)
 - [Export Requirements for Transportation Through Transit Countries](#)
 - [Notification Requirements for Exported Wastes](#)
 - [Exportation of Hazardous Waste](#)
 - [Land Disposal Restrictions Applied to Exported Wastes](#)
 - [Exporters of Hazardous Waste to Mexico, Responsibilities of](#)
 - [Hazardous and Municipal Waste Imports and Exports Between the U.S. and Canada](#)
-
- [Hazardous and Municipal Waste Imports and Exports Between the U.S. and Canada](#)
 - [RCRA Hazardous Waste Import Requirements](#)
 - [Concerns About Importing of Toxic Waste](#)
 - [Accumulation Time for Hazardous Waste Importers](#)

the waste hazardous. All responsibilities of the U.S. importer/exporter shift to the importer/exporter of the OECD Member country that considers the waste hazardous unless the parties make other arrangements through contracts.

Note to Paragraph (a)(2): Some wastes subject to the Amber control procedures are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the Amber control procedures of this subpart. Regardless of the status of the waste under RCRA, however, other Federal environmental statutes (*e.g.*, the Toxic Substances Control Act) restrict certain waste imports or exports. Such restrictions continue to apply with regard to this subpart.

(3) Procedures for mixtures of wastes.

(i) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not considered hazardous under U.S. national procedures as defined in §262.80(a) shall be subject to the Green control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

Note to Paragraph (a)(3)(i): The regulated community should note that some OECD Member countries may require, by domestic law, that mixtures of different Green wastes be subject to the Amber control procedures.

(ii) A Green waste that is mixed with one or more Amber wastes, in any amount, *de minimis* or otherwise, or a mixture of two or more Amber wastes, such that the resulting waste mixture is considered hazardous under U.S. national procedures as defined in §262.80(a) are subject to the Amber control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

Note to Paragraph (a)(3)(ii): The regulated community should note that some OECD Member countries may require, by domestic law, that a mixture of a Green waste and more than a *de minimis* amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

(4) Wastes not yet assigned to an OECD waste list are eligible for transboundary movements, as follows:

(i) If such wastes are considered hazardous under U.S. national procedures as defined in §262.80(a), such wastes are subject to the Amber control procedures.

(ii) If such wastes are not considered hazardous under U.S. national procedures as defined in §262.80(a), such wastes are subject to the Green control procedures.

(b) General conditions applicable to transboundary movements of hazardous waste: (1) The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country;

(2) The transboundary movement must be in compliance with applicable international transport agreements; and

Note to Paragraph (b)(2): These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

(3) Any transit of waste through a non-OECD Member country must be conducted in compliance with all applicable international and national laws and regulations.

(c) Provisions relating to re-export for recovery to a third country: (1) Re-export of wastes subject to the Amber control procedures from the United States, as the country of import, to a third country listed in §262.58(a)(1) may occur only after an exporter in the United States provides notification to and obtains consent from the competent authorities in the third country, the original country of export, and any transit countries. The notification must comply with the notice and consent procedures in §262.83 for all countries concerned and the original country of export. The competent authorities of the original country of export, as well as the competent authorities of all other countries concerned have thirty (30) days to object to the proposed movement.

(i) The thirty (30) day period begins once the competent authorities of both the initial country of export and new country of import issue Acknowledgements of Receipt of the notification.

(ii) The transboundary movement may commence if no objection has been lodged after the thirty (30) day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

(2) In the case of re-export of Amber wastes to a country other than those listed in §262.58(a)(1), notification to and consent of the competent authorities of the original OECD Member country of export and any OECD Member countries of transit is required as specified in paragraph (c)(1) of this section, in addition to compliance with all international agreements and arrangements to which the first importing OECD Member country is a party and all applicable regulatory requirements for exports from the first country of import.

(d) *Duty to return or re-export wastes subject to the Amber control procedures.* When a transboundary movement of wastes subject to the Amber control procedures cannot be

completed in accordance with the terms of the contract or the consent(s) and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste must be returned to the country of export or reexported to a third country. The provisions of paragraph (c) of this section apply to any shipments to be re-exported to a third country. The following provisions apply to shipments to be returned to the country of export as appropriate:

(1) Return from the United States to the country of export: The U.S. importer must inform EPA at the specified address in §262.83(b)(1)(i) of the need to return the shipment. EPA will then inform the competent authorities of the countries of export and transit, citing the reason(s) for returning the waste. The U.S. importer must complete the return within ninety (90) days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned Member countries. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.

(2) Return from the country of import to the United States: The U.S. exporter must provide for the return of the hazardous waste shipment within ninety (90) days from the time the country of import informs EPA of the need to return the waste or such other period of time as the concerned Member countries agree. The U.S. exporter must submit an exception report to EPA in accordance with §262.87(b).

(e) Duty to return wastes subject to the Amber control procedures from a country of transit. When a transboundary movement of wastes subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the waste must be returned to the country of export. The following provisions apply as appropriate:

(1) Return from the United States (as country of transit) to the country of export: The U.S. transporter must inform EPA at the specified address in §262.83(b)(1)(i) of the need to return the shipment. EPA will then inform the competent authority of the country of export, citing the reason(s) for returning the waste. The U.S. transporter must complete the return within ninety (90) days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned Member countries.

(2) Return from the country of transit to the United States (as country of export): The U.S. exporter must provide for the return of the hazardous waste shipment within ninety (90) days from the time the competent authority of the country of transit informs EPA of the need to return the waste or such other period of time as the concerned Member countries agree. The U.S. exporter must submit an exception report to EPA in accordance with §262.87(b).

Related Resources:

- [Frequently Asked Questions on Imports and Exports of Hazardous Waste Between Members of the Organization for Economic Cooperation and Development \(OECD\)](#)
- [Frequently Asked Questions on the Basel Convention](#)
- [Revisions to OECD Imports and Exports Rule](#)

Related Resources:

- [Scope of Farmer Exemption at 40 CFR §262.10\(D\) and 262.51](#)

Related Resources:

[Hazardous Waste Generated in Laboratories](#)

LQG Requirements

- [Resources for Large Quantity Generators](#)
- [Frequently Asked Questions on Waste](#)
- [Hazardous Waste Management System: Definitions](#)

Related Resources:

- [Amount of Waste Generated Per Month Determines Generator Status](#)
- [Determining Generator Status By Including Wastes Collected at Satellite Accumulation Areas](#)
- [Generator Quantity Determination for Mixtures](#)
- [Generator Quantity Determinations for F006 Listed Sludge \(8/16/2002\)](#)
- [Weight of Container for Quantity Determinations \(6/1/1994\)](#)
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- [Generator Counting Requirement for Solvent Still](#)
- [Containment Buildings as Generator Accumulation Units](#)

Related Resources:

- [What Makes a Waste Hazardous?](#)
- [Waste Analysis at Facilities that Generate, Treat, Store, and Dispose of Hazardous Waste: A Guidance Manual](#)
- [Policies Regarding Self-Certification of Non-Hazardous Waste](#)

- [Analytes to Look For When Performing RCRA Analysis](#)

- [Managing Your Hazardous Waste: A Guide for Small Businesses](#)

Related Resources:

- [Accumulation of Hazardous Waste in Tanks \(90-day\)](#)
- [Extension to Generator Accumulation Time Limits For Unforeseen, Temporary Circumstances](#)
- [Generator Accumulation Time Requirements](#)
- [Frequently Asked Questions on Hazardous Waste Generator Requirements](#)
- [Classification and Possible Modification of the 90-Day Generator Rule](#)

Related Resources:

- [Hazardous Waste Container Storage Requirements](#)
- [Treating Wastes in Generators Accumulation Tanks and Containers](#)
- [Containers Storing Hazardous Waste, Requirements](#)
- [Containers for Safe and Economical Storage, Transport, and Disposal of Hazardous Waste](#)
- [LQG Compliance with Part 265](#)
- [Guidance on What Constitutes Closed Containers](#)
 - [Hazardous Waste Tanks Inspection Manual](#)
- [Hazardous Waste Tanks](#)
- [Hazardous Waste Tanks - Installation/Certification of Secondary Containment](#)
- [Hazardous Waste Tanks/Containers – Capacity of Secondary Containment](#)
- [Releases From 90 Day Accumulation Tanks](#)
- [Secondary Containment for Hazardous Waste Tanks](#)
- [Secondary Containment Systems for Hazardous Waste Tanks](#)
- [Hazardous Waste Tank - Leak Detection](#)
- [Tank Integrity Assessments](#)
- [Tanks Holding Hazardous Waste](#)
- [Integrity Assessment for Hazardous Waste Tanks and Post-Closure Requirements](#)
- [Accumulation of Hazardous Waste in Tanks \(90-Day\)](#)
- [Inspections Requirements for Hazardous Waste Tanks](#)
- [Tank Replacement](#)
- [Start Dates on Large Quantity Generator Tanks](#)

- [Clarification of Requirements for Secondary Containment Systems Associated With Hazardous Waste Tanks](#)
 - [Turnover of Hazardous Wastes Stored in Generator Accumulation Tanks](#)
 - [LQG Compliance with Part 265](#)
 - [Regulation of Carbon Adsorption System](#)
-
- [Clarification of Section 262.34\(A\) Accumulation Time for Excess of 55-Gallon Limit in Satellite Accumulation Areas](#)
 - [Frequently Asked Questions about Satellite Accumulation](#)
 - [Satellite Accumulation](#)
 - [Satellite Accumulation Area and Regulations](#)
 - [Cabinets as Satellite Accumulation Areas](#)
 - [Clarification: Satellite Accumulation Provision](#)
 - [Determining Generator Status by Including Wastes Collected at Satellite Accumulation Areas](#)
 - [Clarification of the Satellite Accumulation Provision for Hazardous Waste Generators](#)
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- [Clarification on the Amount, Type, and Frequency of Training Required for Personnel Handling Hazardous Waste at Facilities](#)
- [Interpretation of the Annual Training Requirements](#)
- [Training Employees](#)
- [Generator Personnel Training Requirements](#)
- [Hazardous Waste Training Under 40 CFR 262.34](#)
- [Training and Manifest Signature Requirements for Generators](#)

Related Resources

- [Biennial Reporting for Wastes Treated in Exempt Units](#)
- [Clarification of Requirements Involving the counting of Wood Preserving Waters for Biennial Reporting](#)

Related Resources:

- [Recordkeeping Requirements for Owners or Operators Assuming Generator Responsibilities](#)
- [Interpretation of 40 CFR 268.7 Requirements](#)
- [Amendments to Part 262 Hazardous Waste Determination and Recordkeeping Requirements of Part 262 and 268](#)

Related Resources:

- [LQG Compliance with Part 265](#)

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- [Land Disposal Restrictions: Summary of Requirements](#)
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- [LDR Notification for Listed and Characteristic Wastes](#)
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- [Federal Policy on Several Issues Related to the Use of the Hazardous Waste Manifest by Hazardous Waste Transporters](#)
- [Off-Site Shipments of Hazardous Waste to Designated Facilities](#)
- [Use of the Hazardous Waste Manifest for Import Shipments of Maquiladora Hazardous Wastes](#)
- [DOT Manifest Requirements](#)
- [Uniform Manifest Form, Use of Continuation Sheet](#)
- [Manifesting Requirements](#)
- [Date of Shipment Determines Time Period for Exemption Reporting](#)
- [The Hazardous Waste Manifest System](#)

2010] **Related Resources:**

- [Date of Shipment](#)

Related Resources:

- [Applicability of Transporter Requirements to Hazardous Waste Imports and Exports](#)
 - [Generator as Primary Exporter](#)
 - [Facts on Hazardous Waste Exports](#)
 - [Broker as Intermediary Arranging for Export](#)
 - [Tolling Agreements and Exports](#)
 - [Export Requirements for Transportation Through Transit Countries](#)
 - [Notification Requirements for Exported Wastes](#)
 - [Exportation of Hazardous Waste](#)
 - [Land Disposal Restrictions Applied to Exported Wastes](#)
-
- [Exporters of Hazardous Waste to Mexico, Responsibilities of](#)
 - [Hazardous and Municipal Waste Imports and Exports Between the U.S. and Canada](#)

Related Resources:

- [Hazardous and Municipal Waste Imports and Exports Between the U.S. and Canada](#)
- [RCRA Hazardous Waste Import Requirements](#)
- [Concerns About Importing of Toxic Waste](#)
- [Accumulation Time for Hazardous Waste Importers](#)

(3) Company name and EPA ID number of all transporters;

(4) Identification (license, registered name or registration number) of means of transport, including types of packaging envisaged;

(5) Any special precautions to be taken by transporter(s);

(6) Certification/declaration signed by the exporter that no objection to the shipment has been lodged, as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement, and that:

1. All necessary consents have been received; OR

2. The shipment is directed to a recovery facility within the OECD area and no objection has been received from any of the countries concerned within the thirty (30) day tacit consent period; OR

3. The shipment is directed to a recovery facility pre-approved for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the countries concerned.

(Delete sentences that are not applicable)

Name: ___

Signature:

Date:

(7) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the recovery facility).

(c) Exporters also must comply with the special manifest requirements of 40 CFR 262.54(a), (b), (c), (e), and (i) and importers must comply with the import requirements of 40 CFR part 262, subpart F.

Related Resources:

- [Frequently Asked Questions on Imports and Exports of Hazardous Waste Between Members of the Organization for Economic Cooperation and Development \(OECD\)](#)
- [Frequently Asked Questions on the Basel Convention](#)
- **Revisions to OECD Imports and Exports Rule**
 - [Scope of Farmer Exemption at 40 CFR §262.10\(D\) and 262.51](#)
 - [Options for CCA Wood Treatment Plants Converting to Preservatives That Do Not Generate Hazardous Waste](#)
 - [Drip Pad Leakage Collection System Requirements](#)
 - [Drip Pad Closure Notification and Certification Requirements](#)
 - [LQG Compliance with Part 265](#)
 - [Containment Buildings as Secondary Containment](#)
 - [Containment Building Certification](#)
 - [Containment Buildings as Generator Accumulation Units](#)

(1) A schedule of monitoring.

(2) The percent of valves found leaking during each monitoring period.

(j) The following information shall be recorded in a log that is kept in the facility operating record:

(1) Criteria required in Sec. Sec. 265.1052 (d)(5)(ii) and 265.1053(e)(2) and an explanation of the criteria.

(2) Any changes to these criteria and the reasons for the changes.

(k) The following information shall be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in the applicability section of this subpart and other specific subparts:

(1) An analysis determining the design capacity of the hazardous waste management unit.

(2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Sec. Sec. 265.1052 through 265.1060 and an analysis determining whether these hazardous wastes are heavy liquids.

(3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sec. Sec. 265.1052 through 265.1060. The record shall include supporting documentation as required by Sec. 265.1063(d)(3) when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment

determined not to be subject to the requirements in Sec. Sec. 265.1052 through 265.1060, then a new determination is required.

(l) Records of the equipment leak information required by paragraph (d) of this section and the operating information required by paragraph (e) of this section need be kept only 3 years.

(m) The owner or operator of any facility with equipment that is subject to this subpart and to leak detection, monitoring, and repair requirements under regulations at 40 CFR part 60, part 61, or part 63 may elect to determine compliance with this subpart either by documentation pursuant to Sec. 265.1064 of this subpart, or by documentation of compliance with the regulations at 40 CFR part 60, part 61, or part 63 pursuant to the relevant provisions of the regulations at 40 part 60, part 61, or part 63. The

documentation of compliance under regulation at 40 CFR part 60, part 61, or part 63 shall be kept with or made readily available with the facility operating record.

[55 FR 25512, June 21, 1990, as amended at 56 FR 19290, Apr. 26, 1991; 61 FR 59971, Nov. 25, 1996; 62 FR 64662, Dec. 8, 1997]

Subpart CC: Air Emission Standards for Tanks, Surface Impoundments, and Containers

§265.1080: Applicability.

Source: 59 FR 62935, Dec. 6, 1994, unless otherwise noted.

(a) The requirements of this subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either subpart I, J, or K of this part except as Sec. 265.1 and paragraph (b) of this section provide otherwise.

(b) The requirements of this subpart do not apply to the following waste management units at the facility:

(1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

(2) A container that has a design capacity less than or equal to 0.1 m³.

(3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

(4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

(5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar Federal or State authorities.

(6)A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act.

(7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Sec. 265.1085(i), except as provided in Sec. 265.1083(c)(5).

(8) A tank that has a process vent as defined in 40 CFR 264.1031.

(c) For the owner and operator of a facility subject to this subpart who has received a final permit under RCRA section 3005 prior to December 6, 1996, the following requirements apply:

(1) The requirements of 40 CFR part 264, subpart CC shall be incorporated into the permit when the permit is reissued in accordance with the requirements of 40 CFR 124.15 or reviewed in accordance with the requirements of 40 CFR 270.50(d).

(2) Until the date when the permit is reissued in accordance with the requirements of 40 CFR 124.15 or reviewed in accordance with the requirements of 40 CFR 270.50(d), the owner and operator is subject to the requirements of this subpart.

(d) The requirements of this subpart, except for the recordkeeping requirements specified in Sec. 265.1090(i) of this subpart, are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:

(1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(2) The owner or operator prepares documentation, in accordance with the requirements of Sec. 265.1090(i) of this subpart, explaining why an undue safety hazard would be created if air emission controls specified in Sec. Sec. 265.1085 through 265.1088 of this subpart are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of paragraph (d)(1) of this section.

(3) The owner or operator notifies the Regional Administrator in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of paragraph (d)(1) of this section are managed at the facility in tanks or containers meeting the conditions of paragraph (d)(2) of this section. The notification shall state the name and address of the facility, and be signed and dated by an authorized representative of the facility owner or operator.

(e)(1) Except as provided in paragraph (e)(2) of this section, the requirements of this subpart do not apply to the pharmaceutical manufacturing facility, commonly referred to

as the Stonewall Plant, located at Route 340 South, Elkton, Virginia, provided that facility is operated in compliance with the requirements contained in a Clean Air Act permit issued pursuant to 40 CFR 52.2454. The requirements of this subpart shall apply to the facility upon termination of the Clean Air Act permit issued pursuant to 40 CFR 52.2454.

(2) Notwithstanding paragraph (e)(1) of this section, any hazardous waste surface impoundment operated at the Stonewall Plant is subject to the standards in Sec. 265.1086 and all requirements related to hazardous waste surface impoundments that are

referenced in or by Sec. 265.1086, including the closed-vent system and control device requirements of Sec. 265.1088 and the recordkeeping requirements of Sec. 265.1090(c).

(f) This section applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia ("Sistersville Plant").

(1)(i) Provided that the Sistersville Plant is in compliance with the requirements of paragraph (f)(2) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, as specified in paragraph (f)(3) of this section, with respect to the two hazardous waste surface impoundments at the Sistersville Plant. Beginning on the date that paragraph (f)(1)(ii) of this section is first implemented, the temporary deferral of this paragraph shall no longer be effective.

(ii)(A) In the event that a notice of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (f)(1)(ii)(B) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(B) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(iii) The standards in Sec. 265.1086 of this part, and all requirements referenced in or by Sec. 265.1086 that otherwise would apply to the two hazardous waste surface impoundments, including the closed-vent system and control device requirements of Sec. 265.1088 of this part.

(A) at the point of waste treatment of each waste stream exiting the process (C_a) during the run shall be determined in accordance with the requirements of paragraph (b)(3) of this section.

(iv) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) shall be calculated by using the results determined in accordance with paragraph (b)(5)(iii) of this section and the following equations:

$$E_b = \frac{1}{10^6} \sum_{j=1}^m (Q_{bj} \times \overline{C_{bj}})$$

$$E_a = \frac{1}{10^6} \sum_{j=1}^m (Q_{aj} \times \overline{C_{aj}})$$

Where:

E_a = Waste volatile organic mass flow exiting process, kg/hr.

E_b = Waste volatile organic mass flow entering process, kg/hr.

m = Total number of runs (at least 3)

j = Individual run ``j''

Q_b = Mass quantity of hazardous waste entering process during run ``j'', kg/hr.

Q_a = Average mass quantity of hazardous waste exiting process during run ``j'', kg/hr.

C_a = Average VO concentration of hazardous waste exiting process during run ``j'' as determined in accordance with the requirements of Sec. 265.1084(b)(3) of this subpart, ppmw.

C_b = Average VO concentration of hazardous waste entering process during run ``j'' as determined in accordance with the requirements of Sec. 265.1084(a)(3) of this subpart, ppmw.

$$R = \frac{E_b - E_a}{E_b} \times 100\%$$

(v) The organic reduction efficiency of the process shall be calculated by using the results determined in accordance with paragraph (b)(5)(iv) of this section and the following equation:

Where:

R = Organic reduction efficiency, percent.

E_b = Waste volatile organic mass flow entering process as determined in accordance with the requirements of paragraph (b)(5)(iv) of this section, kg/hr.

E_a = Waste volatile organic mass flow exiting process as determined in accordance with the requirements of paragraph (b)(5)(iv) of this section, kg/hr.

(6) Procedure to determine the organic biodegradation efficiency (R_{bio}) for a treated hazardous waste.

- (i) The fraction of organics biodegraded (F_{bio}) shall be determined using the procedure specified in 40 CFR part 63, appendix C of this chapter.
- (ii) The R_{bio} shall be calculated by using the following equation:

$$R_{\text{bio}} = F_{\text{bio}} \times 100\%$$

Where:

R_{bio} = Organic biodegradation efficiency, percent.

F_{bio} = Fraction of organic biodegraded as determined in accordance with the requirements

of paragraph (b)(6)(i) of this section.

(7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

(i) All of the hazardous waste streams entering the treatment process shall be identified.

(ii) The average VO concentration of each hazardous waste stream at the point of waste origination shall be determined in accordance with the requirements of paragraph (a) of this section.

(iii) For each individual hazardous waste stream that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate and the density of the hazardous waste stream at the point of waste origination shall be determined.

$$RMR = \sum_{y=1}^n \left[V_y \times k_y \times \frac{(C_y - 500 \text{ ppmw})}{10^6} \right]$$

(iv) The RMR shall be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

Where:

RMR = Required organic mass removal rate, kg/hr.

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination as determined in accordance with the requirements of Sec. 265.1084(a) of this subpart.

n = Total number of "y" hazardous waste streams treated by process.

V_y = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, m^3/hr .

k_y = Density of hazardous waste stream "y," kg/m^3

C_y = Average VO concentration of hazardous waste stream "y" at the point of waste origination as determined in accordance with the requirements of Sec. 265.1084(a) of this

subpart, ppmw.

(8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

(i) The MR shall be determined based on results for a minimum of three consecutive runs. The sampling time for each run shall be 1 hour.

(ii) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) shall be determined in accordance with the requirements of paragraph (b)(5)(iv) of this section.

(v) The MR shall be calculated by using the mass flow rate determined in accordance with the requirements of paragraph (b)(8)(ii) of this section and the following equation:

$$MR = E_b - E_a$$

Where:

MR=Actual organic mass removal rate, kg/hr.

E_b =Waste volatile organic mass flow entering process as determined in accordance with the requirements of paragraph (b)(5)(iv) of this section, kg/hr.

E_a =Waste volatile organic mass flow exiting process as determined in accordance with the requirements of paragraph (b)(5)(iv) of this section, kg/hr.

(9) Procedure to determine the actual organic mass biodegradation rate (MR_{bio}) for a treated hazardous waste.

(i) The MR_{bio} shall be determined based on results for a minimum of three consecutive runs. The sampling time for each run shall be 1 hour.

(ii) The waste organic mass flow entering the process (E_b) shall be determined in accordance with the requirements of paragraph (b)(5)(iv) of this section.

(vi) The fraction of organic biodegraded (F_{bio}) shall be determined using the procedure specified in 40 CFR part 63, appendix C of this chapter.

(vii) The MR_{bio} shall be calculated by using the mass flow rates and fraction of organic biodegraded determined in accordance with the requirements of paragraphs (b)(9)(ii) and (b)(9)(iii) of this section, respectively, and the following equation:

$$MR_{bio} = E_b \times F_{bio}$$

Where:

MR_{bio} =Actual organic mass biodegradation rate, kg/hr.

E_b =Waste organic mass flow entering process as determined in accordance with the requirements of paragraph (b)(5)(iv) of this section, kg/hr.

F_{bio} =Fraction of organic biodegraded as determined in accordance with the requirements of paragraph (b)(9)(iii) of this section.

(c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

(1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with the standards specified in Sec. 265.1085(c) of this subpart.

(2) An owner or operator shall use either direct measurement as specified in paragraph (c)(3) of this section or knowledge of the waste as specified by paragraph

(c)(4) of this section to determine the maximum organic vapor pressure which is representative of the hazardous waste composition stored or treated in the tank.

(3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.

(i) Sampling. A sufficient number of samples shall be collected to be representative of the waste contained in the tank. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of

the hazardous waste are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures may be found in Method 25D in 40 CFR part 60, appendix A.

(ii) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

- (A) Method 25E in 40 CFR part 60 appendix A;
- (B) Methods described in American Petroleum Institute Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks," (incorporated by reference--refer to Sec. 260.11 of this chapter);
- (C) Methods obtained from standard reference texts;
- (D) ASTM Method 2879-92 (incorporated by reference--refer to Sec. 260.11 of this chapter); and

(E) Any other method approved by the Regional Administrator.

(4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation shall be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Sec. 265.1085(b)(1)(i) of this subpart for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category. (d) Procedure for determining no detectable organic emissions for the purpose of complying with this subpart:

(1) The test shall be conducted in accordance with the procedures specified in Method 21 of 40 CFR part 60, appendix A. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices shall be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to: The interface of the cover and its foundation mounting; the periphery of any opening on the cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure relief valve.

(2) The test shall be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices shall be secured in the closed position.

(3) The detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

(4) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

(5) Calibration gases shall be as follows:

(i) Zero air (less than 10 ppmv hydrocarbon in air), and

(ii) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

(6) The background level shall be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

(7) Each potential leak interface shall be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR part 60, appendix A. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface shall be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet shall be placed at approximately the center of the exhaust area to the atmosphere.

(8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level shall be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison shall be as specified in paragraph (d)(9) of this section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level shall be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

[61 FR 59974, Nov. 25, 1996, as amended at 62 FR 64664, Dec. 8, 1997; 64 FR 3390, January 21, 1999]

§265.1085 Standards: Tanks.

(a) The provisions of this section apply to the control of air pollutant emissions from tanks for which Sec. 265.1083(b) of this subpart references the use of this section for such air emission control.

(b) The owner or operator shall control air pollutant emissions from each tank subject to this section in accordance with the following requirements, as applicable:

(1) For a tank that manages hazardous waste that meets all of the conditions specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in paragraph (c) of this section or the Tank Level 2 controls specified in paragraph (d) of this section.

(i) The hazardous waste in the tank has a maximum organic vapor pressure which is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

(A) For a tank design capacity equal to or greater than 151 m³, the maximum organic vapor pressure limit for the tank is 5.2 kPa.

(B) For a tank design capacity equal to or greater than 75 m³ but less than 151 m³, the maximum organic vapor pressure limit for the tank is 27.6 kPa.

(C) For a tank design capacity less than 75 m³, the maximum organic vapor pressure limit for the tank is 76.6 kPa.

(ii) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with paragraph (b)(1)(i) of this section.

(iii) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Sec. 265.1081 of this subpart.

(2) For a tank that manages hazardous waste that does not meet all of the conditions specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of paragraph (d) of this section. Examples of tanks required to use Tank Level 2 controls include: A tank used for a waste stabilization process; and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in paragraph (b)(1)(i) of this section. (c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in paragraphs (c)(1) through (c)(4) of this section:

(1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure shall be determined using the procedures specified in Sec. 265.1084(c) of this subpart. Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in paragraph (b)(1)(i) of this section, as applicable to the tank.

(2) The tank shall be equipped with a fixed roof designed to meet the following specifications:

(i) The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

(ii) The fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

(iii) Each opening in the fixed roof, and any manifold system associated with the fixed roof, shall be either:

(A) Equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

(B) Connected by a closed-vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream, and shall be operating whenever hazardous waste is managed in the tank, except as provided for in paragraphs (c)(2)(iii)(B)(1) and (2) of this section.

(1) During periods it is necessary to provide access to the tank for performing the activities of paragraph (c)(2)(iii)(B)(2) of this section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device.

(2) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for the removal of accumulated sludge or other residues from the bottom of the tank.

(iv) The fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include: Organic vapor permeability, the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

(3) Whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except as follows:

(i) Opening of closure devices or removal of the fixed roof is allowed at the following times:

(A) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

(B) To remove accumulated sludge or other residues from the bottom of tank.

(ii) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those

times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

Related Resources:

- [Frequently Asked Questions on the 40 CFR PART 264/265, Subpart CC Air Emission Standards](#)
- [RCRA Organic Air Emission Standards for TSDFs and Generators](#)
- [Applicability of Subpart CC Air Emission Regulations](#)
- [RCRA Organic Air Emissions Training and Assistance: RCRA Subpart AA, BB and CC Regulations Body of Knowledge](#)

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- [Technical Guidance Document for RCRA Air Emission Standards for Process Vents and Equipment Leaks](#)
 - [Background Information Document for Promulgated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers](#)
 - [Subpart CC Waste Determination Options](#)
 - [Applicability of Parts 264/265, Subparts AA, BB and CC](#)
 - [Waste Analysis Information for Purposes of Subpart CC Compliance](#)
 - [Clarification of Subpart CC Standards](#)
 - [Applicability of Subpart CC Air Emission Regulations](#)

Related Resources:

- [Generator Closure Requirements](#)
- [Contents of Closure Plan](#)
- [Drip Pad Closure Notification and Certification Requirements](#)

Related Resources:

[Hazardous Waste Generated in Laboratories](#)

Miscellaneous Resources

Co-Generation

- [Regulatory Status of Waste Generated by Contractors and Resident from Lead-Based Paint Activities Conducted in Households \(7/31/2000\)](#)
- [Co-Generator Policy And Exceptions When a Generator Is Designated By A Mutual Agreement Among Co-Generators](#)
- [Frequently Asked Questions on Wastes](#)
- [Generator Status of Contractors Who Remove Lead-Based Paint](#)
- [Interpretation of Generator Requirements as Applied to Various On-Site and Off-Site Scenarios](#)
- [Ships as Generators and EPA Identification Numbers](#)
- [Contractors and Generator Responsibilities](#)

Empty Containers

- [Regulatory Status of Residues Removed from Empty Containers](#)
- [Burning of Residues Remaining in Empty Containers](#)
- [Empty Containers Regulatory Status](#)
- [Policy on the Management of Rinsate from Empty Containers](#)
- [Triple Rinsing of Empty Containers](#)
- [Containers That Held Commercial Chemical Products, Definition of Empty](#)
- [Empty Container Residue Handling](#)
- [Empty Tank Cars That Contained Commercial Chemical Product](#)
- [Empty Container Rule Applied to Tanker or Vacuum Trucks](#)
- [Empty Container Regulations](#)
- [Steam-Spraying of an Empty Tank](#)
- [When Residue in an Empty Container is No Longer Regulated](#)
- [Empty Container Definition](#)

Treatment

- [Generator Treatment in Accumulation Tanks and Containers](#)
- [Treatment in Accumulation Tanks and Containers Allowed for All Generators Subject to 262.34](#)
- [Frequently Asked Questions on Generator Treatment](#)
- [Generator Treatment in Accumulation Tanks and Containers](#)
- [Treatment in Accumulation Tanks and Containers Allowed for All Generators Subject to 262.34](#)
- [Treatment in a Generator's 90-Day Containment Building](#)
- [Regulatory Clarification of Totally Enclosed Treatment Facility](#)

Virginia Project Management Responsibilities – Permitting and Corrective Action

Facility Name	EPA ID #	Permit Writer	CA/GW staff	Units	Authority
Aerojet Rocketdyne Inc.	VAD981112618	Ashby Scott	Kurt Kochan	OB/OD, Containers	Permit, CL
Arlington County Equipment Division	VAD988204921	NA	Brett Fisher	Surface Imp., Waste Pile	UECA
Ashland Hercules/ Courtland	VAD003122165	NA	Tara Mason	Incinerator	EPA CO
Atlantic Research Center	VAD023741705	NA	EPA/Tara Mason	OB/OD	EPA CO
Avionics Specialties Inc.	VAD089027759	NA	EPA/Tara Mason		EPA CO
BAE Systems Norfolk Ship Repair	VAD003175072	NA	EPA/Ryan Kelly	Containers	UECA
BASF Corp.	VAD990710642	NA	Kurt Kochan	Tank Treatment, Containers, Surface Imp.	FL
Beazer East Inc. (Koppers Ind. Salem)	VAD003125770	Angela Alonso	Brett Fisher	Surface Imp. Containers	Permit
Blue Ridge Talc	VAD003124625	NA	EPA/Brett Fisher	Surface Imp.	
Bohler-Uddeholm Specialty Metals	VAD089022685	Ashby Scott	Ryan Kelly	Surface Imp.	Permit
BWX Technologies	VAD046960449	Ashby Scott	Kurt Kochan	Landfills	EPA CO, permit
BWX Technologies	VAD046960449	Ashby Scott	Kurt Kochan	Cold Pond	EPA CO, CL
Celanese Acetate	VAD005007679	NA	EPA/ Ryan Kelly	Containers, Surface Imp.	FL
Chemetrics	VAR000010165	NA	Tara Mason	Tanks, Surface Imp., Other	CO
Chemical Carrier Corp. (ABC)	VAD000799379	NA	EPA/Ryan Kelly	Tanks	
Chem-Solv Inc.	VAD980721088	Angela Alonso	Kurt Kochan	Tanks	EPA CO
Chesapeake Products Inc.	VAD003180015	NA	Tara Mason	Tank, Waste Pile	
Clean Harbors Env. Serv. Inc.	VAD988175055	NA	Ryan Kelly	Tank storage, tank treatment, other	FL
Continental Teves, Inc.	VAD030341077	Angela Alonso	Brett Fisher	Containers, surface imps.	Permit
Cook Composites and Polymers Co. (Polynt)	VAD055046049	Angela Alonso	Brett Fisher	Incinerator, tanks, SWMU	Permit
Cooper Industries	VAD023717853	NA	EPA/Brett Fisher	Containers, tank treatment, surface imp.	EPA CO
CSX Transportation Inc. (Koppers Richmond)	VAD003121977	Angela Alonso	EPA/Brett Fisher	Surface imp.	Permit
DC Department of Corrections	VAD980830988	NA	EPA/Kurt Kochan	Surface Imp.	
DuPont Martinsville	VAD003114865	Angela Alonso	Tara Mason	Containers, SWMU	Permit
DuPont Spruance	VAD009305137	Angela Alonso	Tara Mason	Containers, SWMU	Permit
DuPont Teijin Films	VAD000019273	NA	EPA/Tara Mason	Containers	EPA CO
DuPont Waynesboro	VAD003114832	Angela Alonso	EPA/Vince Maiden	Containers, SWMU	Permit
DuPont Waynesboro (South River)	VAD003114832	Angela Alonso	Vince Maiden	Containers, SWMU	Permit
Alco Controls (Emerson Electric)	VAD065415457	NA	Ryan Kelly	Containers	FL
Emporia Foundry Inc.	VAD023720105	NA	Tara Mason	Landfill, containers, other	Permit
Federal Mogul Corp. Blacksburg	VAD054039961	Angela Alonso	Ryan Kelly	Surface imp. Storage, surface imp. treatment	Permit
Federal Mogul Corp. Winchester	VAD003070976	Angela Alonso	Ryan Kelly	Surface imp. Treatment, tank treatment, waste pile	Permit
J.W. Fergusson & Sons LLC	VAD003109360	NA	EPA/Ryan Kelly	Containers	
Firestone Fibers Hopewell	VAD003112588	NA	EPA/Ryan Kelly	Waste pile, containers, tank storage, other	
Former Exxon Mobil Manassas (Sunoco Mobil Manassas Term.)	VAD048565279	NA	Kurt Kochan	Tank storage & treatment, surface imp. Storage, other	DEQ CO
Fort Belvoir Eng. Proving Ground	VA1210000906	NA	EPA/Ashby Scott	Containers, tank	EPA CO

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				storage, surface imp. treatment	
Fort Belvoir Main Base Garrison	VA7213720082	NA	EPA/Ashby Scott	Containers, tank storage, surface imp. Storage, OB/OD,	Permit
General Electric Winchester Plant (Rubbermaid)	VAD070360219	NA	EPA/Ryan Kelly	Containers	UECA
Genicom Corp.	VAD003132438	NA	EPA/Brett Fisher	Tank storage, surface impoundment storage	EPA CO
Phillips PENAC – The Genie Co.	VAD000019620	NA	Kurt Kochan	Waste Pile	DEQ CO, FL
Giant-Western Refining Yorktown	VAD050990357	NA	EPA/Brett Fisher	Land application, other treatment, tank storage	EPA CO
Griffin Pipe Products Inc.	VAD065417008	Ashby Scott	Ryan Kelly	Tank storage, SWMU	Permit
Griffin Pipe Thomas Rd. Landfill	VAD000800532	NA	EPA/Ryan Kelly	Landfill	Voluntary
Hand Craft Cleaners	VAD988169819	NA	Brett Fisher	Waste Pile, other storage	DEQ CO, FL
Hercules Hopewell	VAD003121928	NA	EPA/Brett Fisher	Surface imp. storage, surface imp. disposal, containers	FL
Honeywell International Hopewell	VAD065385296	Angela Alonso	EPA/Kurt Kochan	Tank storage, incinerator, containers, other storage	Permit
Honeywell Resins Chester	VAD023690183	NA	EPA/Kurt Kochan	Containers	Voluntary
Hoover Treated Wood Products	VAD988190021	Angela Alonso	Tara Mason	Tank treatment, surface imp. storage	Permit
IBM Manassas	VAD064872575	NA	EPA/Kurt Kochan	Containers, tank storage	EPA CO
Intermet Archer Creek	VAD000820506	NA	EPA/Ryan Kelly	Containers, waste pile, tank treatment, other treatment	
Intermet Radford – VCI/Grede	VAD010063006 VAD981730930	NA	EPA/Ryan Kelly	Containers, waste pile, tank treatment, other treatment	
International Paper Franklin Mill	VAD003112265	Angela Alonso	Tara Mason	Containers, surface imp. Storage, SWMU	Permit
International Paper - Richmond	VAD046979498	NA	EPA/Tara Mason	Boiler	UECA
Intrapac Harrisonburg	VAD000485078	NA	EPA/Brett Fisher	Containers, tank storage	EPA CO
ITT Night Vision/Exelis	VAD980550909	NA	EPA/Kurt Kochan	Tank storage	EPA CO
ITT Night Vision/Exelis	VAD003123072	NA	EPA/Kurt Kochan	Tank storage	EPA CO
Former J.G. Wilson Corp.	VAR000000125	NA	Tara Mason	Tank storage, containers	UECA
J.P. Keegan		NA	Tara Mason		DEQ CO
KLI site (Keller Ladders Milford)	VAD052356623	Angela Alonso	Tara Mason	Tank storage, surface imp. storage	Permit
Marine Corps Base Quantico	VA1170024722	Angela Alonso	Ryan Kelly	Containers, OB/OD, surface imp. Storage, landfill, surface imp. storage	Permit
Merck & Co. Inc.	VAD001705110	Angela Alonso	Kurt Kochan	Containers, surface imp. storage, tank treatment	Permit
Motiva Pickett Road	VAD093952935	NA	EPA/Kurt Kochan		
MW Manufacturers	VAD058205170	NA	Tara Mason	Containers	EPA CO
NASA GSFC Wallops Flight Fac.	VA7800020888	Ashby Scott	Tara Mason	OB/OD	Permit
Naval Station Norfolk	VA1170024813	Angela Alonso	NA	Containers, tank storage,	Permit
Norfolk Naval Shipyard	VA6170061463	Angela Alonso	NA	Containers, tank treatment, tank storage	Permit
Nevamar Waverly (Int. Paper)	VAD044736213	NA	Tara Mason	Waste pile, containers, other treatment	FL
Newport News Shipbuilding & DD (Huntington Ingalls)	VAD001307495	Angela Alonso	Brett Fisher	SWMU, Surface imp. treatment, containers,	Permit
Northrup Grumman – Sperry Marine	VAD003123833	NA	EPA/Kurt Kochan	Waste Pile	FL

US Navy Dahlgren OB/OD	VA7170024684	Ashby Scott	Tara Mason	Surface imp. storage, OB/OD, containers	Permit
US Navy Dahlgren Cont. Storage	VA7170024864	Ashby Scott	NA	Containers	Permit
Radford Army Ammunition Plant	VA1210020730	Ashby Scott	Kurt Kochan	OB/OD, Tank storage, Incinerator, surface imp. storage, landfill, SWMU	#5, #16 – Permit #13 – Permit Permit – CA Permit – Tank/Incinerator
Safety-Kleen Systems Inc. Chesapeake	VAD000737346	Angela Alonso	NA	Tank treatment, tank storage, Containers	Permit
Safety-Kleen Systems Inc. Chester	VAD981043011	Angela Alonso	NA	Tank treatment, tank storage, Containers	Permit
Safety-Kleen Systems Inc. Vinton	VAD000737361	Angela Alonso	NA	Tank treatment, tank storage, Containers	Permit
Schrader-Bridgeport International	VAD082881970	Angela Alonso	Ryan Kelly	Surface imp. storage, other treatment, tank treatment, waste pile	Permit, EPA CO
SIMS Recycling	VAD980918221	NA	EPA/Ryan Kelly	Containers, waste pile, tank storage	UECA
Solite LLC - Arvonnia	VAD042755082	Ashby Scott	Ryan Kelly	Aggregate kiln, SWMU	Permit
Giant Resource Recovery Arvonnia	VAD098443443	Ashby Scott	Ryan Kelly	Containers, tank storage, Subpart X, SWMU	Permit
Steel Dynamics Roanoke Bar Div.	VAD003122553	NA	EPA/Tara Mason	Waste pile, tank treatment	EPA CO
Sterling Casket Hardware Co.	VAD000020115	NA	Tara Mason	Surface imp. disposal, other treatment	UECA
Univar USA Inc. (Prillaman Martinsville)	VAD003111416	Angela Alonso	Tara Mason	Tank storage, containers	Permit
VDOT Culpeper District Complex	VAD980715064	Angela Alonso	Brett Fisher	Landfill, surface imp. storage,	Permit
VDOT Sandston Elko Labs	VAD980918189	NA	Tara Mason	Landfill, surface imp. storage,	FL
VA Emergency Fuel Storage	VAD988193223	NA	EPA/Ryan Kelly	Containers	
VA Tech	VAD074747908	NA	EPA/Kurt Kochan	Waste pile, containers	EPA CO
Viasystems Tech. Corp. LLC (Lucent, Circo Craft, AT&T)	VAD066000993	NA	EPA/Kurt Kochan	Containers, Tank storage,	EPA CO, UECA
Washington Dulles Intern. Apt.	VA6690500909	NA	EPA/Kurt Kochan	Surface imp. storage, containers, waste pile	
Wheelabrator Corp. Landfill	VAD000063669	NA	Tara Mason	Landfill	UECA
Wilson Jones Co. (Acme Visible Records)	VAD003124989	Angela Alonso	Ryan Kelly	SWMU	Permit
Wood Preservers, Inc.	VAD003113750	Angela Alonso	Brett Fisher	Surface imp. storage,	DEQ CO, FL
Fareva/Wyeth Richmond	VAD188141626	NA	EPA/Brett Fisher		FL

Key: CA = Corrective Action

CL = Closure

CO = Consent Order

FL = Facility-Lead Agreement

UECA = Uniform Environmental Covenant Act



Appendix 8

Using DEQNet and CEDS

Revised April 2017

USING DEQNet and CEDS

DEQ has an internal website for general information about what's going on at DEQ, links to training and forms, and program specific guidance and policies.

Here is the link to DEQNet: <http://deqnet/>

Here is the link to the DEQNet USER guide: <http://deqnet/help/userguide.asp>

DEQ maintains an enterprise database system identified as the Comprehensive Environmental Data System (CEDS) that supports staff in accomplishing the agency's mission. Hazardous waste data has not yet been incorporated into CEDS. However, the historical and current data contained in CEDS for other DEQ programs can be useful during pre-inspection file reviews.

<http://deqnet/programs/cedswaste/>

Link to Access CEDS: <http://ecmiis/ui/>

Information on CEDS Modernization: <http://deqnet/programs/waste/documents/Cedsmodernization2015.asp>

Link to Solid Waste CEDS files: <http://deqnet/documents/index.asp?path=/docs/waste/SOLIDWASTE/CEDS>

General information on CEDS login: <http://deqnet/programs/cedswaste/openandlogin.asp>

General information on ORACLE: <http://deqnet/programs/cedswaste/generalinfo.asp>

CEDS DATA Conventions: <http://deqnet/programs/cedswaste/dataconvention.asp>

How to Query CEDS in general: <http://deqnet/programs/cedswaste/querying.asp>

How to Query for a specific facility record: <http://deqnet/programs/cedswaste/queryforcedsfac.asp>



Appendix 9

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Revised September 2017

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