

# Common Issues

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Below is a list of alleged violations that TCEQ DFW Region Investigators observe often during IHW Compliance Evaluation Investigations, and their associated citations in the Texas Administrative Code (TAC) and Code of Federal Regulations (CFR).

## Waste Management

1. Failure to conduct weekly inspections of the container storage area ([30 TAC 335.112\(a\)\(8\)](#)/ [40 CFR 265.174](#))
2. Failure to properly label containers of paint and paint related waste managed as universal waste with the words "Universal Waste-Paint and Paint Related Waste" ([30 TAC 335.262\(c\)\(2\)\(F\)](#))
3. Failure to close containers of hazardous waste when not adding or removing waste ([30 TAC 335.112\(a\)\(8\)](#)/ [40 CFR 265.173\(a\)](#))
4. Failure to properly date universal waste containers/or maintain a correct record of the accumulation date ([30 TAC 335.261\(a\)](#)/[40 CFR 273.35\(c\)](#))
  - a. The date universal waste becomes a waste must be recorded as the accumulation start date
5. Containers
  - a. Failure to have containers clearly marked and visible with accumulation start date/Failure to have containers labeled "Hazardous Waste" ([30 TAC 335.69\(a\)\(2\) & \(3\)](#)/ [40 CFR 262.34\(a\)\(2\) & \(a\)\(3\)](#))
6. Failure to properly maintain Satellite Accumulation Areas (SAAs)([30 TAC 335.69\(d\)&\(e\)](#)/ [40 CFR 262.34\(c\)](#))
  - b. Waste cannot be moved from one SAA to another, it must be moved from a SAA to a container storage area;
  - c. Once a SAA holds more than 55 gallons of waste, the excess waste must be dated and moved to the container storage area in three days ([30 TAC 335.69\(e\)](#));
  - d. Failure to mark SAA containers with the words "Hazardous Waste" or with other words that identify the contents of the container ([30 TAC 335.69\(d\)\(2\)](#)); and
  - e. Failure to have a record documenting the location of all SAAs ([30 TAC 335.9\(a\)\(1\)\(G\)](#)).

## Operating Records

1. Failure to update the Notice of Registration to reflect current waste management activities ([30 TAC 335.6\(c\)](#))
  - a. Activating/Inactivating waste streams
  - b. Adding/Closing waste management units

- c. Updating the facility contact
  - d. Updating the facility's generator status
- 2. Failure to maintain a complete and correct Annual Waste Summary ([30 TAC 335.9\(a\)\(2\)](#))
  - a. Underreporting waste
  - b. Industrial generators failing to report Class 1 waste
  - c. Failing to report all waste streams generated
  - d. Incorrectly listing the destination facility's EPA ID number
  - e. Incorrectly listing waste management codes
- 3. Manifests
  - a. Failure to correctly complete manifests ([30 TAC 335.10/ 40 CFR 262.20](#))
    - i. Missing EPA hazard codes that are listed on the NOR
    - ii. Listing incorrect Texas Waste Code Nos.
  - b. Failure to contact designated facility for signed manifests not received from designated facilities within 35 days of initial transport/submit an exception report to Executive Director for manifests not received within 45 days ([30 TAC 335.13\(j\)/ 30 TAC 335.13\(k\)](#))
- 4. Failure to maintain hazardous waste determinations and classifications;
  - a. Failing to conduct hazardous waste determinations and classifications for all waste streams ([30 TAC 335.62, 30 TAC 335.504, 30 TAC 335.503\(a\), and 40 CFR 262.11](#))
  - b. Insufficient waste determination documentation for process knowledge ([30 TAC 335.511/ 30 TAC 335.513](#))
- 5. Failure to maintain job descriptions, job titles, and the name of the employee filling the job, for positions related to hazardous waste management (for Large Quantity Generators) ([30 TAC 335.69\(a\)\(4\)\(A\)/ 40 CFR 265.16\(d\)\(1-3\)](#))
- 6. Failure to make arrangements with local authorities relating to the properties of hazardous waste handled at the facility and associated hazards ([30 TAC 335.69\(a\)\(4\)\(A\)/ 40 CFR 265.37\(a\)\(1-4\)](#))
  - a. Such as police, fire departments, and emergency response teams;
  - b. State emergency response teams, emergency response contractors, and equipment suppliers; and
  - c. Local hospitals
- 7. Failure to maintain a contingency plan (for Large Quantity Generators) ([30 TAC 335.69\(a\)\(4\)/40 CFR 265.51\(a\)](#))