

# POLLUTION PREVENTION WASTE MANAGEMENT WORKSHOP

Save money – Reduce risk – Eliminate waste

## Investigator's Perspective

What to Expect with Waste Compliance Inspections  
and Common Violations



# Objective

Provide an insider perspective of TCEQ Investigations to better equip the regulated community with information to achieve and maintain compliance.



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# Overview of Presentation

## Compliance Investigations

- ▶ Scheduled and unscheduled
- ▶ The investigation process and what to expect

## Common Violations

- ▶ Frequently alleged waste violations at IHW facilities
- ▶ #1 P2 Violation

## Tips to Achieve Compliance

- ▶ How to prepare for an investigation
- ▶ Best Practices



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# Compliance Investigations

## Scheduled Investigations

- ▶ Permitted Facilities
- ▶ Facilities with TCEQ Registration

## Unscheduled Investigations

- ▶ Complaints
- ▶ Emergency Response
- ▶ Referrals
- ▶ Follow-up Investigations



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# Scheduled Investigations

## Compliance Evaluation Investigations (CEI)

- ▶ IHW Generators, TSDF, MSW Landfills, Scrap Tire Transporters and Storage Facilities, PST Facilities, and Medical Waste
- ▶ Every 2-5 years
- ▶ Notice given PRIOR to Investigation



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# Unscheduled Investigations

## Emergency Response

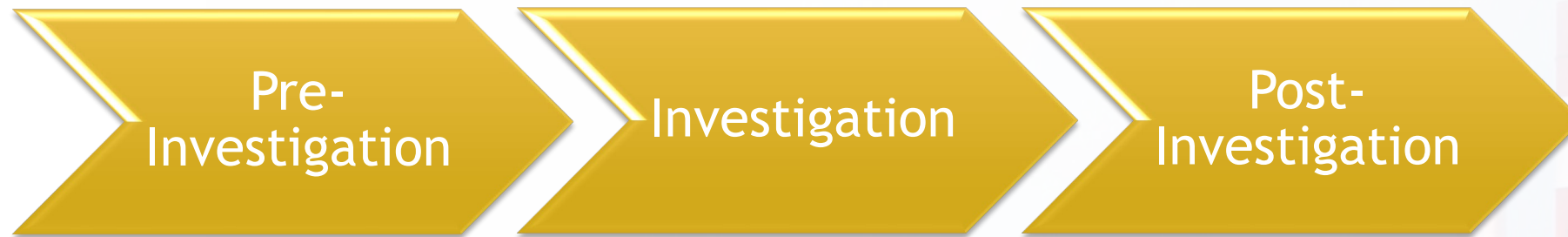
- ▶ Reportable quantities per 30 TAC 327
  - ▶ Hazardous Substances
- Table 302.4 - List of Hazardous Substances and Reportable Quantities

## Complaint

- ▶ Complaints of alleged violations or unauthorized activity
- ▶ Complainant's information is not revealed
- ▶ Scope can expand



# Investigation Process



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# Pre-Investigation

- ▶ Review facility information
- ▶ Schedule the investigation
- ▶ Determine applicable regulations
- ▶ Research the regulated entity



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# Investigation

Investigators have up to 14 days to conduct the investigation

- ▶ Entrance Interview
  - Purpose and scope
- ▶ Site Tour
- ▶ Review of onsite records
  - Training records, waste determinations, manifests, etc.



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# Site Tour

- ▶ All areas, equipment, and processes of the facility will be observed
  - ▶ Photographs will be taken
  - ▶ Field notes will be written and recorded
  - ▶ Questions will be asked of key personnel
  - ▶ Analytical samples may be collected and/or tests conducted
- Compliance with regulatory, permit or authorization limits



# TCEQ Exit Interview Form

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Request					
Regulated Entity/Site Name	Matrix Plating Co.			TCEQ Add. ID No. RN No (optional)	RN123456789
Investigation Type	IHW	Contact Made In-House (Y/N)	Y	Purpose of Investigation	Complaint Investigation
Regulated Entity Contact	Mr. Thomas Anderson		Telephone No.	123-456-7891	Date Contacted 10/1/2000
Title	Owner/Operator		FAX#/Email Address		FAX/Email Date

**NOTICE:** The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation-report.

Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.			
No.	Type <sup>1</sup>	Rule Citation (if Known)	Description of Issue		
1	AV	30 TAC 335.4	Failure to prevent the discharge of Industrial Solid Waste (ISW) in a manner that is an endangerment to the environment.		
2	AV	30 TAC 335.62	Failure to identify and classify all industrial wastes generated.		
3	AV	30 TAC 335.6(c)	Failure to update the TCEQ Notice of Registration (NOR).		
4	AV	40 CFR 265.173(a)	Failure to keep hazardous waste container closed during storage except when adding/removing waste.		
5	AV	30 TAC 335.69(f)	Failure to properly dispose of, or obtain a special permit for, hazardous waste exceeding the accumulation times pursuant to 30 TAC 335.69(f).		

Note 1: Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



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# Post-Investigation

- ▶ Evaluation of Findings
- ▶ Documentation of Investigation
  - Investigation Report
- ▶ Finalizing Investigation
  - General Compliance, NOV, NOE



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# Common Violations



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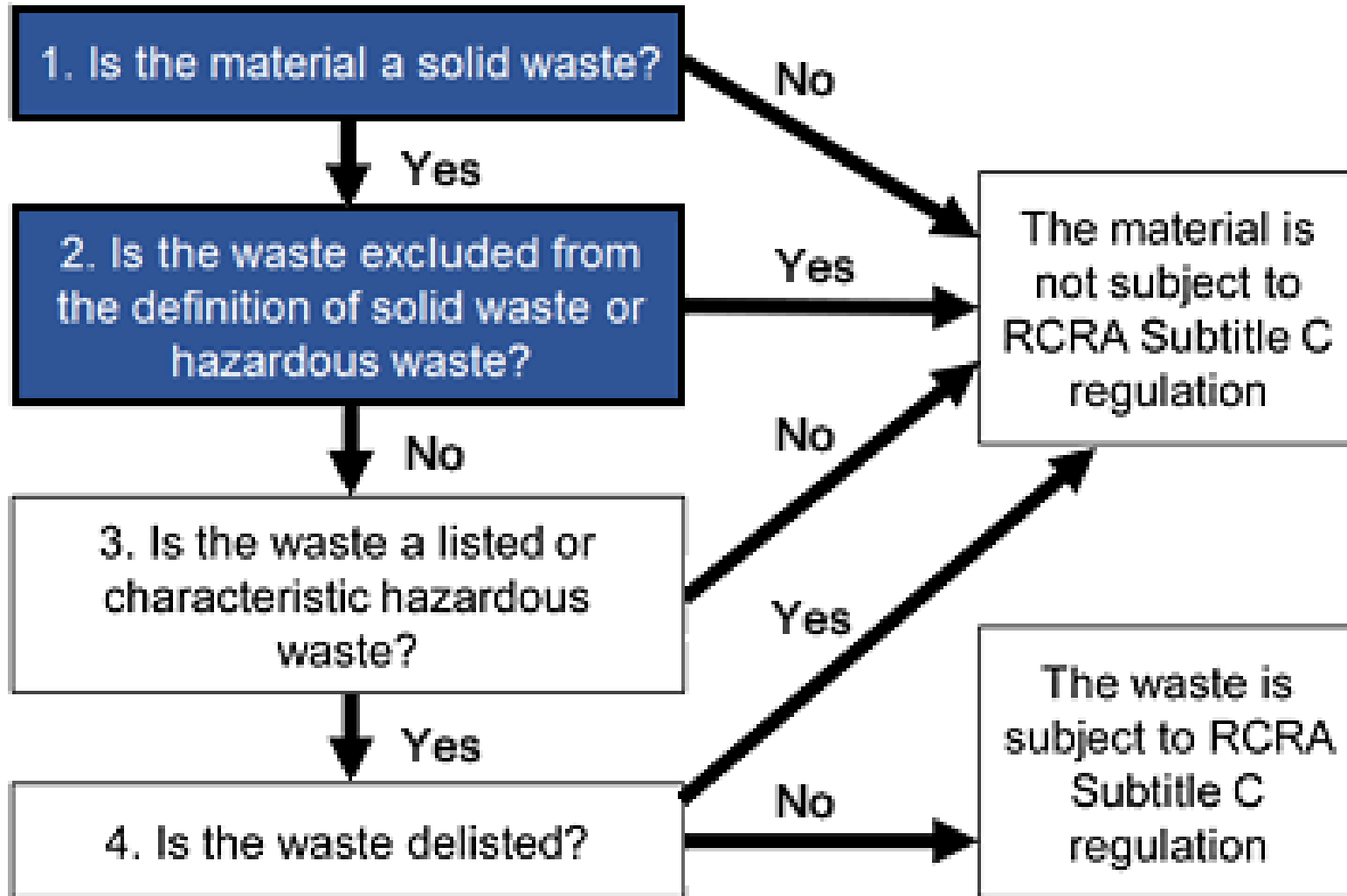
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# Waste Determination

**Failure to make and document hazardous waste determinations for all waste streams.**

# The Hazardous Waste Identification Process



# Common Violations (Part I)

- ▶ Failure to provide notification / update Notice of Registration
- ▶ Failure to maintain compliance documentation
- ▶ Failure to complete or update the Prevention and Preparedness Plan



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# Common Violations (Part II)

- ▶ Failure to label/mark containers or drums
- ▶ Failure to keep containers closed, except when adding/removing waste
- ▶ Failure to conduct weekly inspections



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# #1 P2 Violation

Failure to prepare a 5-year pollution prevention plan

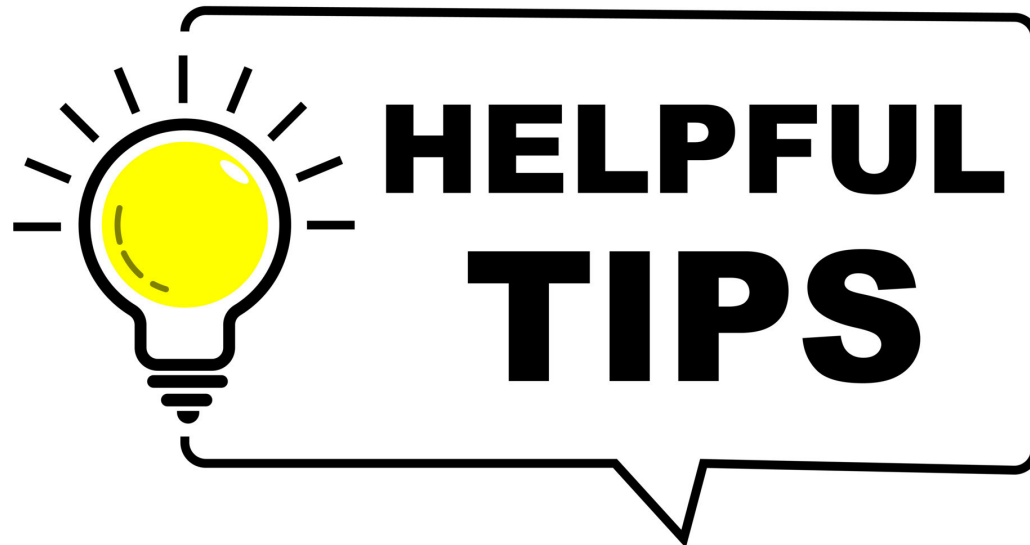


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# Preparing for an Investigation

Recommendations from an investigator (not regulatory requirements)

- ▶ This information is intended as a guide and does not supersede what is written in the rules



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# INSPECT YOUR DANGEROUS WASTE DRUMS



**TIGHTEN BUNGS AND LIDS:**  
Keep bungs and drum rings tight except when adding waste to the container. Contents must not spill if tipped over.



**GROUND DRUMS:**  
Prevent sparks by electrically grounding your flammable waste drums.



**MAKE SPACE:**  
Leave at least 20" of aisle space between rows of containers. Rows must not be more than two containers wide. This allows for unobstructed inspection of each container.



**CHECK CONDITION OF CONTAINERS:**  
Prevent spills by using containers free of corrosion, bulges, and other damage.



**LATCH FUNNELS:**  
Keep funnels closed and latched when not in use. Funnels must be secured to the drum and have gaskets.



**LABEL<sup>1</sup>:**  
Label with the words "hazardous waste" or "dangerous waste." Use words or pictograms to identify hazards (e.g., ignitable, corrosive, reactive, toxic).



**ADD START DATE:**  
Mark the container with an accumulation start date. Do not exceed your accumulation time limit. LQG = 90 days, MQG = 180 days.<sup>2</sup>



**SECONDARY CONTAINMENT:**  
Ensure the containment area can hold 10% of all free liquids or 100% of the largest container, whichever is greater.



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<sup>1</sup> Label containers so they're legible or recognizable from 50 ft (or closer to least 10' tall).  
<sup>2</sup> To read more about medium and large quantity generator rules, see WAC 172-803-170 and WAC 172-803-200, respectively.

For more information about managing dangerous waste, visit us online <http://www.tceq.texas.gov/dangerous>. To request an ADA accommodation, contact Ecology by phone at 512-407-6700 or email at [hurd@tceq.texas.gov](mailto:hurd@tceq.texas.gov). For Washington Relay Service or TTY call 711 or 877-833-6841. Visit Ecology's website for more information.



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# Keep Compliance Documentation Organized

- ▶ Investigation can be completed faster when compliance documentation is well organized
- ▶ Records are a major portion of assessing compliance



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# Request Investigation Checklist

Available on the TCEQ Website:

[www.tceq.texas.gov/compliance/investigation/checklists/wastechecklists](http://www.tceq.texas.gov/compliance/investigation/checklists/wastechecklists)



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Texas Commission on Environmental Quality

CHECKLIST WORKSHEET

IHW FOCUSED INVESTIGATION FOR GENERATION AND CLASSIFICATION

Reg Ent Name :

Date :

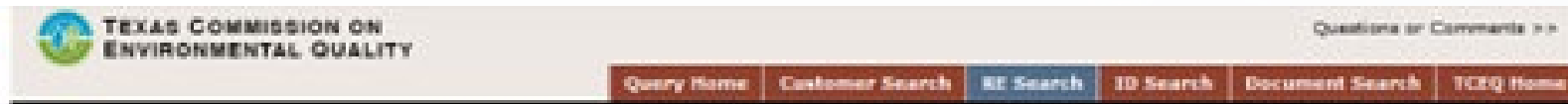
Add ID:

Investigator Name:

Item No	Description	Answer	Citations	Notes
<b>SECTION A: Recordkeeping and Reporting</b>				
1	Does the generator keep records of all hazardous waste and industrial solid waste activities in a format which is retrievable and easy to copy?	.	335.9(a)(1)(C) 335.9(a)(1)(D) 335.9(a)(1)(E) 335.9(a)(1)(F) 335.9(a)(1)(G) 335.9(a)(1)(A) 335.9(a)(1)(B)	
2	Do hazardous waste records reflect the current waste generation status?			
3	If the facility is a registered LQG, does the facility owner/operator use STEERS for submittals of notifications and Annual Waste Summaries? AND If the facility is a registered LQG, does the generator submit complete and correct Annual Waste Summaries on paper forms on or before January 25 of each year? (NB: Electronic AWS reports are due on or before March 1.)	.	335.9(a)(2) 335.8(b) 335.9(a)(2)(B) 335.9(a)(2)(A)	
4	If the facility is an unregistered generator or an out-of-state primary exporter, have Waste Shipment Summaries (S1) and/or Foreign Waste Shipment Summaries (F1) been completed correctly and submitted on or before the 25th of each month for shipments originating during the previous month and maintained at the facility for at least 3 years?	.	335.13(c) 335.13(b) 335.13(a) 335.13(d)	
<b>SECTION B: Notification</b>				
1	Did the generator provide written notification for all municipal hazardous waste streams, industrial solid waste streams and associated waste management units?	.	335.6(c)(5)(B) 335.6(c)(5)(C) 335.6(c)(5)(D) 335.6(c)(1) 335.6(c)(2) 335.6(c)(3) 335.6(c)(4) 335.6(c)(5)(A) 335.6(c)	
2	Did the regulated entity immediately document any changes or additional information with respect to that originally provided and was written notification provided within 90 days?		335.6(c)	
3	Has the regulated entity provided written notification of the transportation of hazardous or Class 1 waste?	.	335.6(d)(1) 335.6(d)(2)	
4	For generators and receivers of recyclable materials and non-hazardous recyclable materials subject to the notification requirements of 335.24 or Subchapter H, submitted notification of the recycling activity provided as required under 335.6(h)?		335.6(h)	
<b>SECTION C: Hazardous Waste Determination/Classification</b>				
1	Has the generator completed hazardous waste determinations for each solid waste generated?	.	262.11(a) 335.513 335.510 262.11(c)	

# Review Facility Information

[https://www.tceq.texas.gov/permitting/central\\_registry](https://www.tceq.texas.gov/permitting/central_registry)



## Central Registry Query - Regulated Entity Search

*Search for a person, organization, place, or thing that is of environmental interest to the TCEQ, where regulatory activities or interest to us occur or have occurred in the past.*

### Regulated Entity Search

**Option 1: Enter a Regulated Entity Reference Number (RN):**

RN Number  (9 digits or RN + 9 digits)

**Option 2: Complete one or more of these fields:**

Regulated Entity:  (Name or part of name 3-40 characters.)

Program:  (Select a regulatory program if desired.)

Program ID:  (Permit, registration, or other program identifier.)

ID Status:  (ID status, only used if program or ID entered.)

Street Address  (3-35 characters.)

City:  (Enter complete or partial city name, 3-30 characters.)

ZIP Code:  (Must be numeric and 5 digits.)

County:



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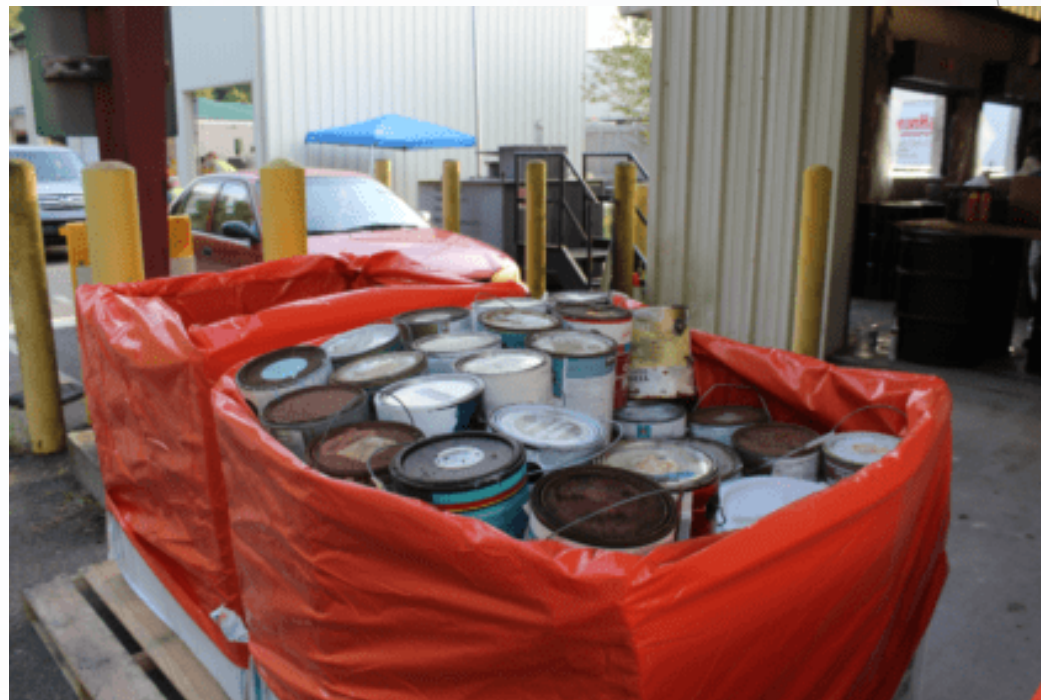


# Make Key Personnel Available



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# Housekeeping



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# Environmental Investigator Contact

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