Managing Hazardous Waste at Retail Stores

Presented by the County of San Diego,
Department of Environmental Health,
Hazardous Materials Division

April 30, 2012

Presentation outline

- What and who are we talking about and why
- How we got here
- Enforcement case summaries
- Briefly examine definitions of waste, excluded recyclable material, retrograde material and surplus material
- Discuss handling options of non-saleable merchandise
- How your Inspector conducts audits
- Common violations and how to avoid them
- Compliance examples and solutions

Big-Box and Home Improvement stores

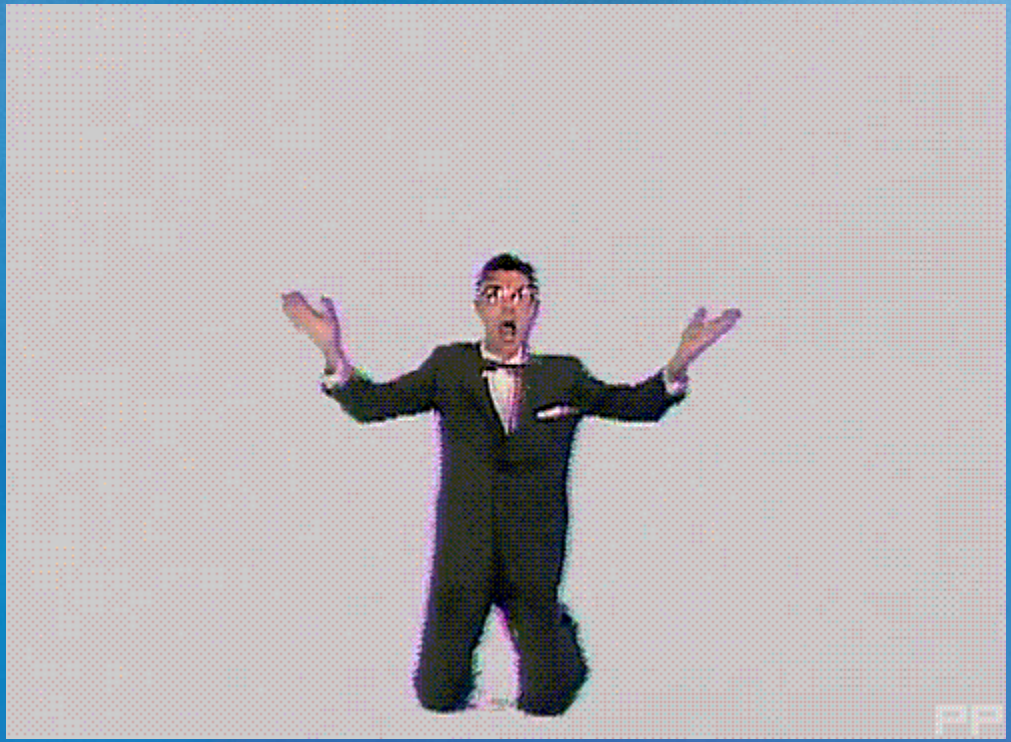
Drug stores

Grocery stores

Large department stores

Discount Stores

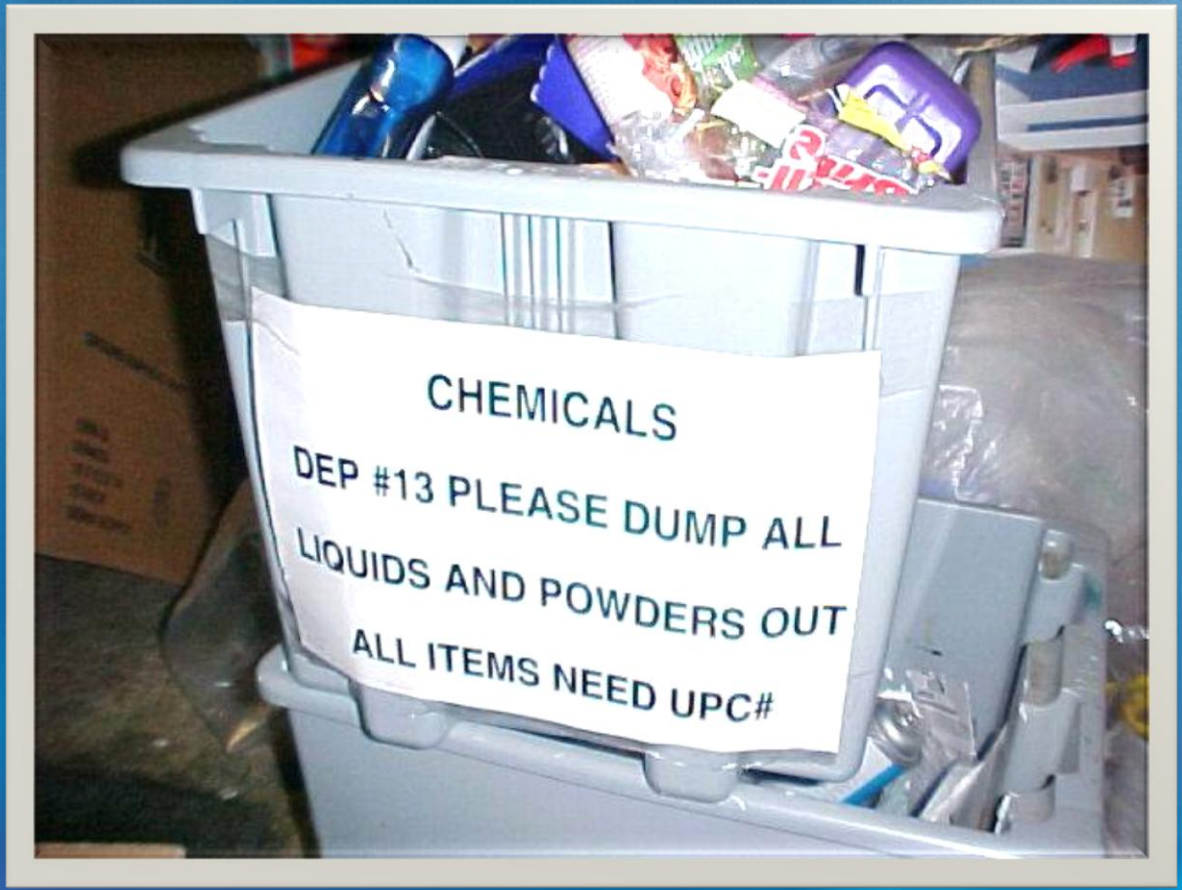
How did we get here?



Things heard during a Retail Store Inspection

- “We don’t really generate HW”
- “We donate all our returned products, no hazardous waste is generated”
- “We send our “hazardous materials” to our Central Return Center for processing. Waste determinations are made there”
- “We don’t have any spills”

“We don’t really generate hazardous waste”



“We donate all our returned products”

“We send our hazardous materials to our central return center for processing”

“We don’t have any spills or waste”

Hazardous Waste Tracking System (HWTS): Big-Box Store

DTSC: HWTS Reports

HWTS - Calif. Waste Code By Year Matrix

EPA ID: **Name:** CORPORATION

Entity: Generator

Calif. Code	*Description*	*Weight (in Tons)*								
		1994	**1995**	**1997**	**1998**	**1999**	**2007**	**2008**	**2010**	**2011**
	Blank/Unknown							2.03750		
141	OFF-SPEC, AGED, OR SURPLUS INORGANICS						0.00500	0.00100	0.03250	
214	UNSPECIFIED SOLVENT MIXTURE							0.00450	0.01350	
331	OFF-SPEC, AGED, OR SURPLUS ORGANICS						0.12500	0.10000	0.20950	0.10400
541	PHOTOCHEMICALS / PHOTOPROCESSING WASTE	0.60040	2.08470	0.07000	0.08080	0.02500				
	TOTALS	**0.60040**	**2.08470**	**0.07000**	**0.08080**	**0.02500**	**0.13000**	**2.14300**	**0.25550**	**0.10400**

Hazardous Waste Tracking System (HWTS): Department Store

DTSC: HWTS Reports

HWTS - Calif. Waste Code By Year Matrix

EPA ID: **Name:** INC

Entity: Generator

Calif. Code	*Description*	*Weight (in Tons)*			
		2008	**2009**	**2010**	**2011**
212	OXYGENATED SOLVENTS	0.50000	0.17500	0.42500	0.20000
741	LIQ W/ HALOG ORGANIC COMP >= 1000 MG/L			0.35000	
	TOTALS	**0.50000**	**0.17500**	**0.77500**	**0.20000**

DUMPSTER
DIVING SECRETS
TOP SECRET
Joe Rutney

NOTICE

Target - DC TOSS

Enforcement Case Summaries

Enforcement Summary – Retail Store #1

- 2001-2009 improper handling, treatment, and/or storage of HW and HM
- Unauthorized disposal
- Inadequate HW management program
- Settlement penalty $8.65 million
- Penalty remained at $1.6 million, provided no future disposal violations

Enforcement Summary – Retail Store #1

- $2.5 million in Supplemental Environmental Projects (SEPs)
- Enhanced hazard data storage and retrieval system
- Green Website
- Replace short term storage container with totes
- Hire and train a dedicated field manager with California HW/HM knowledge

Enforcement Summary – Retail Store #2

The statewide investigation was sparked in 2004 when the mixing of the contents of several two-gallon buckets of hazardous waste into a larger 55-gallon drum caused an explosion and fire, and an evacuation of a store in Playa del Rey.

Enforcement Summary – Retail Store #2

- Waste handler routinely collected its hazardous waste and placed it in large buckets for offsite disposal
- Unlicensed transporters improperly stored and labeled the waste
- Hazardous waste management program not implemented
- $9.9 million
- $1.35 million in SEPs

Enforcement Summary – Retail Store #3

- A five year investigation began throughout California when an employee from the San Diego County, Department of Environmental Health, saw an employee pour bleach down the drain.
- Waste handler dumped fertilizer, paint, aerosols and other chemicals.
- In May 2010, in California settled for $27.6 million and funded supplemental environmental projects.

Enforcement Summary – Retail Store #4

- Inspectors conducted a series of dumpster dives at 11 different stores in California in 2009.
- Inspectors conducted inspections and documented the history of disposal and donation program.
- By following the garbage from the store to the landfill, various forms of hazardous waste, including pesticides, chemical cleaners and flammable materials were illegally disposed.

Enforcement Summary – Retail Store #4

- Repeated dumping of hazardous chemicals that stretched back to 2002 to landfills and sewers.
- All stores are required to adopt a set of policies and procedures to track the disposal of hazardous wastes.
- California stores settled for a total of $22.5 million and funded several supplemental environmental projects.

Enforcement Summary – Retail Store #5

- Violations occurred over a span of seven years.
- Violated California laws for the safe storage, handling and disposal of sharps waste, pharmaceutical and pharmacy waste, photo waste containing silver, and hazardous waste generated from spills and customer returns of hazardous products.

Enforcement Summary – Retail Store #5

- All stores in CA will be bound under the terms of a permanent injunction prohibiting similar future alleged violations of law.
- California stores settled for a total of $13.75 million in penalties and supplemental environmental projects in April 2012.

Regulatory Requirements of Materials and Waste

Let's make the hazardous waste requirements simple for a minute

- Manage all hazardous waste/spills in:
  - Compatible, labeled, and closed containers
- Ship hazardous waste offsite:
  - Using registered hazardous waste transporters
  - Using proper hazardous waste manifests
  - Within 90/180/270 days
  - To authorized waste disposal/ treatment facilities
- Maintain records

Let's make the hazardous materials requirements simple for a minute

- Develop and submit a hazardous materials business plan (HMBP)
- Submit an HMBP certification statement of your HMBP annually
- Update and resubmit your HMBP as it changes:
  - Chemical inventory
  - Site maps
  - Emergency contacts
- Notify agencies when there is:
  - A significant release of hazardous material/waste
  - A threatened release of hazardous material/waste

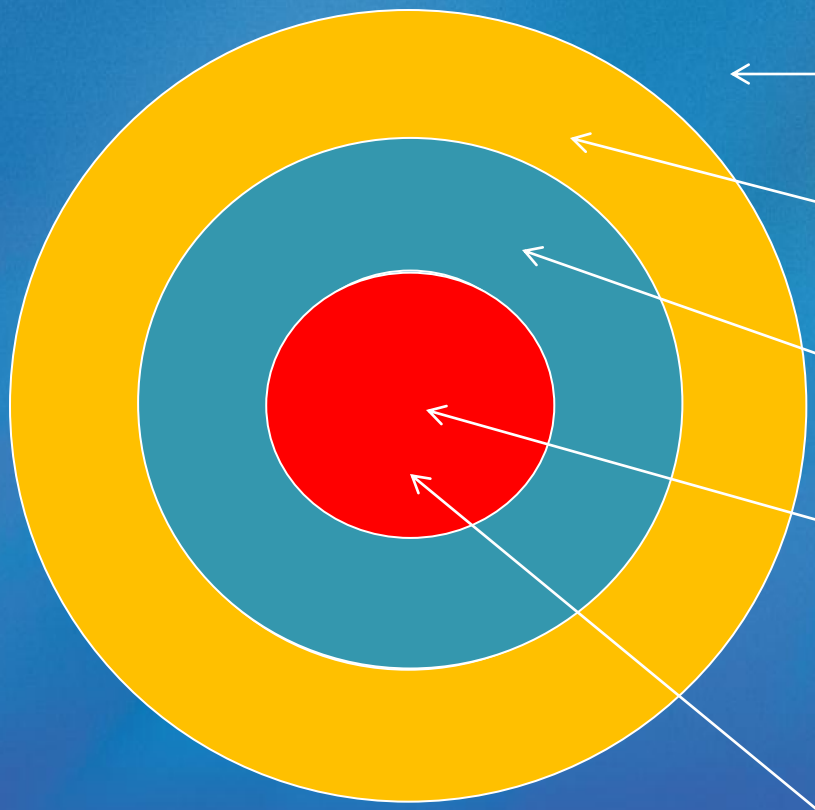
Who does the law apply to?

The law applies equally to everyone (in California) who, in the course of business, purveys hazardous merchandise or uses hazardous materials, including wholesale and retail businesses of all sizes, ranging from small door-to-door salespersons to large “big-box” retailers.

What is Non-Saleable Merchandise?

- Spilled
- Customer Returned
- Excess or overstocked
- Damaged
- Used
- Discontinued merchandise that, as a consequence of spillage, damage, use (as tester or display)
- Company policy or phase out
- Cannot or will not be sold

Non-Saleable Merchandise



Regulatory Status of Non-Saleable Merchandise

- Hazardous Waste – 22 CCR 66261.3
- Excluded Recyclable Material (ERM) – HSC 25143.2
- Retrograde Material – 22 CCR 66260.10
- Surplus Material (Continued Use) – 22 CCR 66260.10
  - Retailers should know the regulatory status of hazardous non-saleable merchandise

Terms…simplified

- Recyclable Material is hazardous waste that is capable of being recycled
- Retrograde Material is unused material that will be sent back to the original manufacturer within one year
- Surplus Material is excess unused material

*Full definitions are discussed in the following slides

Is it an Excluded Recyclable Material (ERM)?

Summary
Excluded Recyclable Material (ERM)

- Identify the exclusion being claimed
- Confirm the conditions of the exclusion is being met
- “Eye test” - confirm the material is being managed in a manner consistent with valuable product
- Confirm whether reclamation or additional processing is being done
- Confirm known market
- Review and ensure adequate documentation

What is Retrograde Material?

- Undergone Changes
- Exceeded Shelf Life
- Banned
- Economics

Is it a Surplus Material?

Surplus Material
22CCR 66266.6 (a)(2) Exclusion

(a) The following materials are not regulated under this division:

…(2) surplus material as defined in section 66260.10.

Exempt from CCR Title 22 if a surplus material

Surplus Material Definition*

"Surplus material" means an unused raw material or commercial product obtained by a person who intended to use or sell it, but who no longer needs it, and who transfers ownership of it to another person for use in a manner for which the material or product is commonly used. Surplus material is excess material. Surplus material is neither of the following:

(a) a retrograde material as defined in this section;
(b) a recyclable material as defined in this section.

*22CCR 66260.10

Unofficial Surplus Material Guidelines

- No major damage to the container
- Not leaking and/or deteriorated
- Minor dings, dents, and scratches
- Product label is in good condition on the container. Consumer product information is legible and complete.
- The product has real value
- End users will use the material or product how it is commonly used

Surplus Material Examples

- Retail store discontinues the sale of a chemical product and sells the excess to another retail store
- Retail store ships surplus materials back to central return center for transfer to third party vendor (that sells the products)
- Retail store donates the product to a local charity (that distributes the product to consumers who <u>use</u> the product as they are commonly used)

Use Verification of Surplus Material

- Basis of the surplus exemption is the transfer from person <u>to another person for legitimate use</u>
- Intermediate parties (charities, retailers, etc.) involved in the transfer to the end user must be able to prove to the retail store that the materials are being used
- Having adequate records/documentation is advisable.

Considerations for Verification of Surplus Material

- Recommendations for retail stores:
  - Keep written documentation from intermediate parties which establishes proof that the chemicals being transferred are being used
  - List the specific chemicals and quantities end users consume
  - Keep records that show specific types of chemical products that intermediate parties have market or use for

Department of Pesticide Regulation (DPR) Donation Guidelines

dpr

Department of Pesticide Regulation

Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

July 31, 2009

Thomas J.P. McHenry
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue, 49th Floor
Los Angeles, California 90071

Dear Mr. McHenry:

We have considered your inquiry concerning the circumstances under which we would allow the donation of slightly damaged pesticide products to garden clubs, animal shelters or similar institutions in California. We have developed the following guidelines to ensure that other related laws and regulations are not inadvertently violated:

Donation Guidelines

1) Only individual packages that are in a condition that retains container integrity, including legibility and complete labeling are eligible for donation in California. For example, torn bags must be repaired with clear sticky tape, suitable to ensure the package does not leak without obscuring any informative part of the labeling.

2) The container must not be leaking and must be safe to handle.

3) Each shipment of donated product(s) must be accompanied by a letter to the recipient stating the product(s) cannot be sold in California. The letter must contain an itemized listing of the donated products, including correct EPA registration number and product name, and quantity of each product donated.

4) The letter must be retained by the donor for four years and must be made available for review by the Department of Pesticide Regulation (DPR) upon request. The donor must maintain and provide an accurate record of all donation transactions for a period of four years.

5) There can be no refunds or adjustments to the required mill assessment payments based upon donations.

6) Products donated by the registrant must be registered in California at the time of donation or within two years of the date the registration lapsed if donated by a dealer, retailer or distributor. It is possible to determine product registration dates by accessing DPR's Product Database, on our web site, at <www.cdpr.ca.gov/docs/label/prodnam.htm> or by telephoning DPR's Label Resource Center at 916-324-0399. It should not be assumed that any product sold or

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Mr. Thomas J.P. McHenry
July 31, 2009
Page 2

delivered into California is or has been registered in California. It is important to verify registration status before donating any pesticide product.

7) The material cannot be a pesticide cancelled or suspended pursuant to Food and Agriculture Code Section 12825, 12826, or 12827; or Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136d (a)(2)).

8) The material cannot be a state restricted material, federal restricted use pesticide or fumigant.

DPR reserves the right to adjust or revoke these guidelines as necessary.

Please call Regina Sarracino, Environmental Program Manager I, at 916-445-3860, if you have any questions.

Sincerely,

Charles M. Andrews
Associate Director
Department of Pesticide Regulation
916-445-4000

cc: Ms. Nan Gorder, DPR Branch Chief, Enforcement Branch
Ms. Lynn Owen, DPR Branch Chief, Product Compliance Branch
Ms. Ann Prichard, DPR Environmental Program Manager II
Ms. Regina Sarracino, DPR Environmental Program Manager I
Ms. Polly Frenkel, DPR Chief Counsel
Mr. Mike Papathakis, DPR Senior Environmental Scientist

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Is it okay to donate?

Can you donate or sell this?

What charitable organizations may be thinking

EPA interim policy on sales of damaged pesticides

- Brief considerations
  - Package integrity, must not be leaking, and be safe
  - Labeling
  - Waste minimization

Why should retail stores verify?

- Improper disposal of retail non-saleable merchandise to:
  - the landfill
  - down the drain
- Often the result of:
  - inadequate hazardous waste management program
  - lack of knowledge of how the merchandise is actually being managed by the end user
- Liability and significant penalties

Is it a Waste?

Discarded Materials

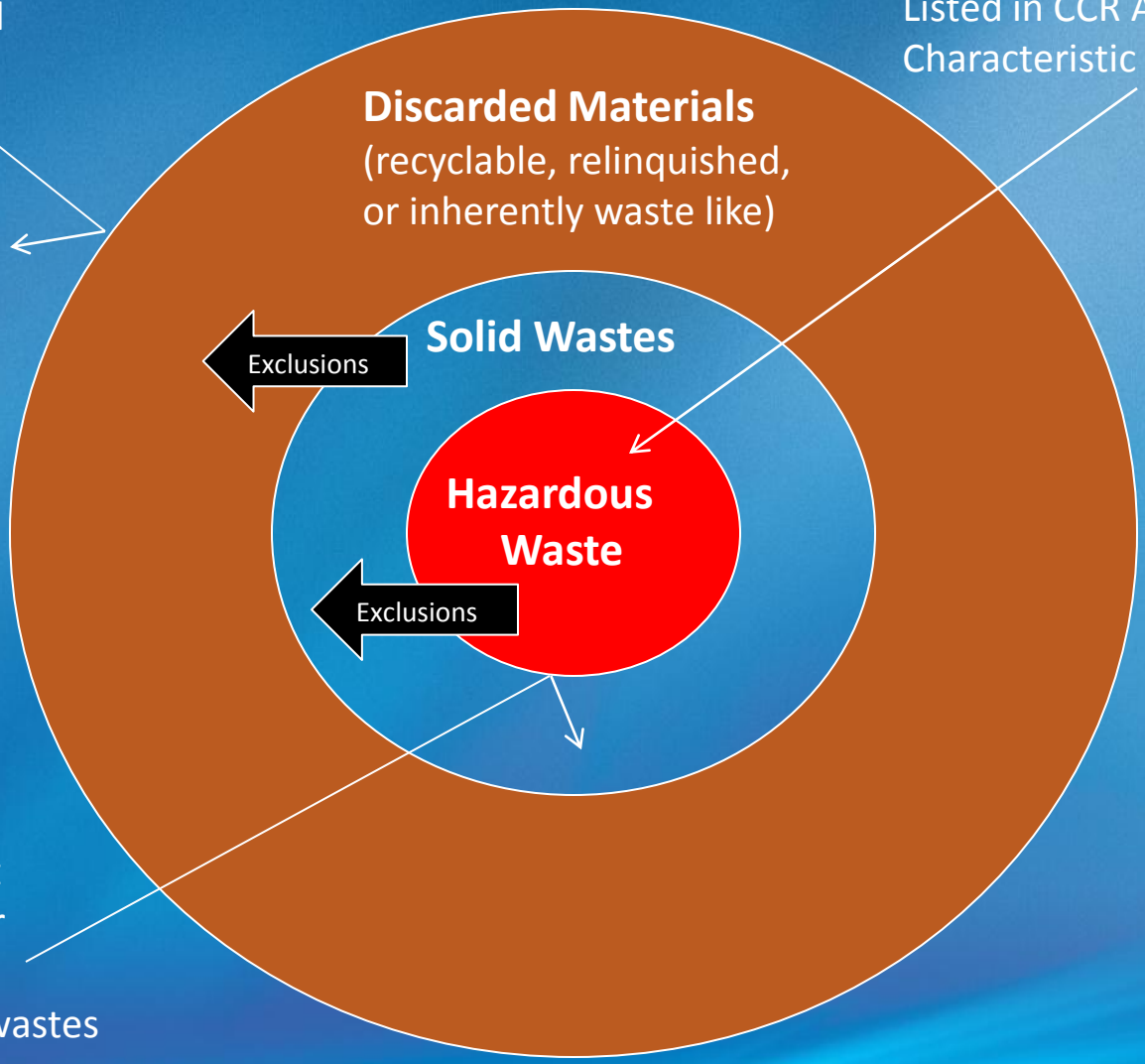
- *The EPA is concerned about discarded materials that have the potential to enter or contaminate the environment
- Why?
  - Sometimes discarded materials are reused, reclaimed or recycled and sometimes they are not

Discarded Materials (Continued)

- Most retail stores have found it easier to deem questionable containers and specific chemical types as hazardous waste at the point of generation (in the store)
- Implement a hazardous waste management program and legally discard the chemicals
- Scanner system may be a valuable tool in waste identification and classification

Products used for their intended purpose without reclamation

Listed in CCR article or 4 or 4.1
Listed in CCR Appendix X
Characteristic as hazardous



Solid wastes that are not listed nor characteristic and those solid wastes that are hazardous, but are excluded

Disposed of…

- Discharged to land (trash), water, or air
- What if a material is given to another party (donated) and then discharged to land (trash), water, or air?
- Liability can be attributed to both the original generator of the waste and the dumper

Declared waste

- Deemed waste by the generator
  - Company intends to discard the material
  - The material is not saleable or has little or no value
  - The waste classification must be made at the point of waste generation; do not wait!
  - Hazardous waste must be managed properly

Damaged Containers & Packages

- Containers get dropped off the shelves and banged around routinely
- This happens on the retail store floor, but especially in the dock and shipping/receiving areas
- The container cap breaks, aerosol nozzles get lost or broken, and/or containers leak materials
- If the product has been deemed valuable but it just needs a good container and label, it must be repackaged within 96 hrs and relabeled within 10 days
  - Not shown to be feasible or practical

Is it a Hazardous Waste?

Hazardous Waste

22 CCR 66261.3

Characteristic or Listed

- Ignitable
- Corrosive
- Reactive
- Toxic
  - RCRA Toxic Characteristic Leaching Procedure (TCLP)
  - CA. Total Threshold Limit Concentration (TTLC)
  - CA. Soluble Threshold Limit Concentration (STLC)
  - CA. Aquatic fish bioassay
  - CA. oral, dermal, inhalation toxicity levels

Hazardous Waste

- RCRA Listed F, K, P, U
- State Listed – M (Mercury-containing)
- The generator may declare hazardous waste
- The hazardous waste may be excluded

Mixture Rule

- **A mixture of a solid waste & a characteristic waste** (Art. 3 or Subpart C) hazardous waste is hazardous only if the resulting mixture exhibits a hazardous characteristic. (commingled waste still requires HW management, see treatment definition HSC 25123.5)
- **A mixture of a solid waste & a listed waste** (Art. 4 or Subpart D) hazardous waste that is listed only for ignitability, corrosivity or reactivity (I,C,R) is hazardous only if the resulting mixture exhibits a hazardous characteristic. (see also HSC 25123.5)
- **A mixture of a solid waste & a listed waste** (Art. 4 or Subpart D) hazardous waste that is listed for toxicity remains listed as a hazardous waste.

What if a product can't be repackaged or relabeled?

- Waste must be properly classified
- If waste meets the definition of a HW
  - Containerize and label properly
  - Ship offsite using a California DTSC registered hazardous waste transporter, etc.

Spills

Spilled Products

- Must be properly classified by the generator at the point of generation:
  - Hazardous waste
  - Excluded Recyclable Material
  - Retrograde material
  - Continued Use
  - Non-hazardous
  - Generator needs to make the correct decision and follow the regulations and California law!

Spilled Residuals Management

- Hazardous Waste
  - Practicality will probably dictate declaring potentially hazardous spilled products and absorbents as HW
  - Waste classification must be made
- Excluded Recyclable Material
  - Meet ERM requirements
  - Safety for end user
  - Material must be used as intended
- Retrograde Material
  - Must meet retrograde requirements if claimed back to the manufacturer
- Continued use
  - Material must be used as intended

Spilled Residuals Management

Considerations:

- Spilled residual a listed HW or exhibit a hazardous characteristic
- Spill equipment available
- Proper spill management plan
- A waste classification resource to assist onsite staff
- Staff are properly trained

Summary Spills

- What will happen to the residual?
  - Managed as HW?
  - Recycled?
  - Used onsite?
  - Reclaimed?
  - Is there a spill management plan?
    - Implementation
    - What equipment is available?

15 MINUTE BREAK

How are CUPA inspections conducted?

CUPA INSPECTOR
HEALTH INSPECTOR
CITY HEALTH INSPECTOR
13
THEY'LL GIVE ANYONE A BADGE.

Inspection frequency

- Most retail stores will be on an 18 month inspection cycle, depending on the local regulatory agency if in other Counties
- Retail stores that generate only one waste stream <u>or</u> have only one hazardous material will be on a 24 month cycle
- As needed to verify compliance
- Unannounced inspections

Inspector's preparation

- File review of previous inspections
  - Identify previous violations
  - Chronic violations
  - Recalcitrant violations
  - Return to compliance history

Inspector's preparation

- Hazardous Waste review of wastes
  - Quantities of waste
  - Temporary or permanent EPA ID #
  - Review of HW manifests

The Inspector will want to see:

Hazardous Waste Areas

- Customer returns area
- Hazardous waste storage areas
- Absorbent from spills
- Building services/facility managers' area
- Universal waste storage area (batteries, light bulbs)
- Garden center (fertilizers/pesticides)
- Photo department and photo waste
- Auto repair
- Returned lead acid batteries
- Paint department
- Pharmacy

Backroom Damages Area

- Ensure there are no broken or leaking hazardous wastes
- Sort through it at least daily
- Train employees to properly handle leaking containers right away

Photo Department

Silver Recovery Unit

Flexicolor Processing Units

Hazardous Waste

Ink Cartridge Refilling

Wastes generated from ink cartridge refilling must be evaluated and <u>a waste determination must be made</u> on the effluent before recycling or disposal.

The Inspector will want to see:

Hazardous Materials Areas

- Propane for forklifts or floor buffers
- Janitorial area (disclosable quantities of paint, cleaners)
- Diesel or propane in back up generator
- Helium storage for filling party balloons
- Cooling system chemicals
- Food service carbonation gas CO_2

The Inspector will want to see:

Pharmacy for Medical and Pharmaceutical Waste

- Sharps wastes from immunizations
- Customer returns
- Dropped and broken pills

Per San Diego County Code of Regulatory Ordinances, Section 68.1205, medical waste containers must be labeled. Acceptable labels could include an electronic tracking system (e.g., bar code or unique number) or a label with waste generator's name, address and phone number that is visible on the outside of the container.

Documents that the Inspector will want to review

- Unified Program Facility Permit
- Hazardous Materials Business Plan and annual Certification Statement
- Hazardous Waste Manifests
- Contingency Plan
- Weekly Inspection Log
- Tracking Documents for Medical Waste
- Employee Training Program

Important information about Electronic Reporting of data by businesses

- CERS, California Environmental Reporting System , will be required by January 2013.
- Any Unified Program data that is now submitted to CUPAs by paper will be required to be submitted on the internet.
  - San Diego County CUPA is not *currently* accepting electronic submittals. Traditional paper submittals are still required until further notice.
- For more information: http://cers.calepa.ca.gov/

Important information about Electronic Reporting of data by businesses

California Environmental Reporting System

CERS *Central*

Home | Business Portal | Regulator Portal | General Public | Contacts

- Home
- Businesses
- Regulators
- Training
- Annoucements
- EDT
- Data Seeding

Businesses
Business Portal Sign In

- Training Portal Sign-In
- Business User Training
- CERS General Annoucements/Blog
- CERS Chemical Library
- Unified Program Internet Site
- CERS Business User Group Contact: Tod Ferguson

Regulators
Regulator Portal Sign In

- Training Portal Sign In
- Regulator User Training
- CERS Regulator Users Group (CRUG)
- Unified Program Violation Library (Factsheet)
- CERS Data Registry
- Unified Program Internet Site

CERS Training Portals

If you would like to gain familiarity with using CERS, you can begin using the Business Training Portal and/or the Regulator Training Portal. These training portals are fully functional copies of CERS. Existing CERS users can sign in to the training portals with their CERS1 sign in, and other users can create new accounts. Neither training portal contains any business or facility data, but users can create new businesses and facilities in the Business training portal, and regulator users (once approved by CERS Technical Support staff) can view and act upon these facilities and their submittals.

Recent Annoucements/Blog Postings (All Announcement Lists/Blogs...)

- CERS Training PowerPoint Presentations Now Available (Apr 23, 2012)
- CERS Unavailable from 4pm Friday, April 27 through April 28 (Apr 19, 2012)
- Notes available for April 10, 2012 CERS Regulator User Group Meeting (CRUG) (Apr 19, 2012)
- Final CERS Data Seeding Documentation/Templates Available (Apr 17, 2012)
- Upcoming CERS Regulator User Group Meeting on Tues., April 10 from 8:30-10:00 (Apr 05, 2012)
- Avoid Entering Test/Training Data in Production CERS--Use CERS Training (Mar 17, 2012)
- Notes available for March 13, 2012 CERS Regulator User Group Meeting (CRUG) (Mar 15, 2012)
- Upcoming CERS Regulator User Group Meeting on Tues., Mar.13 from 8:30-10:00 (Mar 01, 2012)
- CERS Data Seeding Q&A Web Conference, Wed. Feb.29 9-10am (Feb 28, 2012)
- CERS2 Updates: Faster / Fewer Submittals / Violation Library / Bugs & Enhancements / Official URL (Jan 11, 2012)

Other CERS Links

- CERS Enhancements Listing (Scheduled and Proposed)
- CERS Change Management Committee
- CERS2 EDT Home Page
- CERS2 EDT Implementation Listserv

For additional assistance, please contact the CERS Help Center at cers@calepa.ca.gov.

California Environmental Reporting System (CERS): http://cers.calepa.ca.gov/
CERS Technical Support: cers@calepa.ca.gov
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HM Disclosure Exemptions in San Diego County Ordinance

- **SEC. 68.1116. SMALL COMPRESSED GAS CYLINDER EXEMPTION**
  - Helium for Filling Party Balloons Less than 1000 cubic feet.
  - Non-Cryogenic or Non-Refrigerated Carbon Dioxide for beverages less than 6000 cubic feet.
  - Cryogenic or Refrigerated Carbon Dioxide for beverage less than 3500 cubic feet.
- **SEC. 68.1118. CLOSED COOLING SYSTEM EXEMPTION**
  - Closed cooling systems containing fluorocarbons, chlorocarbons and chlorofluorocarbons used for air conditioning and refrigeration.
- **SEC. 68.1113. DISCLOSURE OF HAZARDOUS MATERIALS**
  - Hazardous materials that is "contained solely in a consumer product for direct distribution to, and use by, the general public."
- **These exempted Hazardous Materials do not have to be disclosed to the CUPA and are not subject to Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code, therefore do not require a Hazardous Materials Business Plan.**

Common examples of Ignitable Hazardous Non-Saleable Merchandise

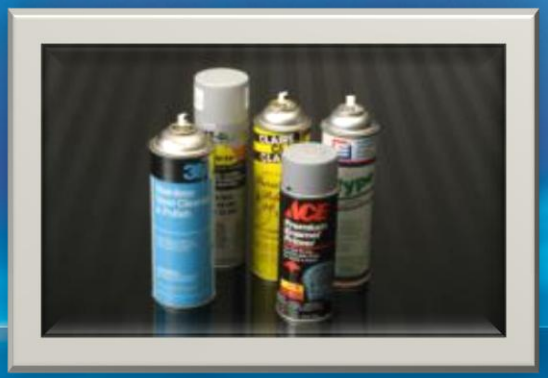
<u>Flammable liquids having a flashpoint less than 140 degrees F</u>

- Gasoline
- White gas/Coleman Lantern Fuel (kerosene)
- Lighter fluid (butane)
- Nail polish Remover (acetone)
- Rubbing alcohol (isopropyl alcohol)
- Perfumes and other fragrances including tester strips (alcohol)
- Oil based paint
- Solvents

Common examples of Ignitable Hazardous Non-Saleable Merchandise

Ignitable Compressed Gasses

- Aerosol cans (approximately 85% of all aerosol cans utilize LPG as the propellant)
- Furniture polishes
- Household cleaners/ disinfectants/ air fresheners
- Personal care products
- Sunscreens and tanning solutions



Ignitable Compressed Gasses (continued)

- Spray paints
- Spray adhesives and sealants
- Brake, carburetor cleaners and polishes
- LPG cylinders
  - Camp-stove/lantern cylinders and BBQ/space heater type
- Specialized gases used in industrial and medical settings, such as acetylene used for welding

Common examples of Ignitable Hazardous Non-Saleable Merchandise

<u>Chemicals that are Oxidizers</u>

- Pool and spa chlorinators and “shock treatments”
- Strong bleach solutions
- Liquid oxygen cylinders
- Certain disinfectants such as potassium permanganate
- Water treatment chemicals
  - Ferric chloride and oxidizing acids such as nitric acid and aqua regia.

Common examples of Corrosive Hazardous Non-Saleable Merchandise

<u>Liquids that are strongly acidic (pH <2) or strongly alkaline (pH >12.5)</u>

- Swimming pool acid (muriatic acid, a.k.a. hydrochloric acid)
- Battery acid (sulfuric acid)
- Oven cleaners
- Aluminum wheel cleaners
- Aluminum etching/cleaning solutions
- Drain cleaners

Common examples of Corrosive Hazardous Non-Saleable Merchandise

<u>Solids when mixed with water, produce strongly acidic (pH <2) or strongly alkaline solutions (pH >12.5)</u>

- Swimming pool acid - Dry Acid (sodium bisulfite),
- Swimming pool chlorinators (e.g., calcium hypochlorite)
- Lime containing soil amendments
- Alkaline batteries
- Drain cleaners (lye or NaOH)
- Cement

Common examples of Reactive Hazardous Non-Saleable Merchandise

Merchandise that explodes or that reacts violently or releases toxic gasses when wetted

- Dynamite
- Blasting caps
- Ammunition
- Isocyanate containing part A/B resins
- Large lithium-ion batteries

Common examples of Toxic Hazardous Non-Saleable Merchandise

Merchandise that is (or that contains) substances that are toxic to mammals or fish or that contain certain heavy metals or carcinogens above numerical thresholds listed in Title 22 CCR Section 66261.24

- Electronic devices
- Most batteries
- Some magnetic recording media
- Photographic films
- Some photographic papers
- Some photographic and printing solutions

Common examples of Toxic Hazardous Non-Saleable Merchandise (Continued)

- Most light bulbs
- Most pesticides and wood preservatives
- Some preserved wood products
- Some adhesives
- Many paints, varnishes, finishes, and paint thinners
- Paint pigments and inks
- Some household cleaners
- Some petroleum products
- Some personal care products
- Some pharmaceuticals

What are Universal Wastes?

- Universal wastes are hazardous wastes that are widely produced by households and many different types of businesses

Types of Universal Wastes and what makes them Hazardous

- Batteries - Includes most household batteries: AAA, AA, C, D, button cell, 9-volt, and all others, both rechargeable and single use. Cadmium, Copper and (in older batteries) Mercury
- Cell Phones – Antimony, Arsenic, Beryllium, Cadmium, Copper, Lead, Nickel, Zinc
- Computers and Computer Monitors - Arsenic, Cadmium, Lead, PCBs
- Electronic Wastes and Devices – Lead, etc.
- Fluorescent Lamps - Mercury
- Mercury thermostats
- Other Mercury waste, some thermometers and toys/novelties
- Non-empty Aerosol Cans -- Propane, Butane, Pesticides, Paint
- Televisions-- Arsenic, Cadmium, Lead

What are the Universal Waste management requirements?

- Do not dispose of universal waste or treat universal waste except as provided for in the regulations (Keep out of trash, sewers, etc.)
- Notify State DTSC and/or obtain an EPA identification number if required
- Use proper containment—non-leaking, compatible containers
- Segregate universal waste in distinct areas

What are the Universal Waste management requirements?

- Have spill kits readily available to deal with accidental spills (mercury-containing devices)
- Use proper universal waste labeling and markings
- Accumulate universal waste onsite for no longer than one year

What are the Universal Waste management requirements?

- Provide training to personnel who manage universal waste, or who supervise personnel who manage universal waste and keep training records
- Respond to releases of universal waste or its contents; determine if spill residuals are hazardous waste
- Track shipments by keeping records of what was received or shipped (name, address, quantities) for three years

Universal Waste Transportation

- A universal waste transporter is a person engaged in the offsite transportation of universal waste by air, rail, highway or water
- Waste generator should verify that the transporter is taking the universal waste shipment to an authorized recycling/destination facility

Wastes found in Pharmacies

- RCRA Hazardous Waste
  - P-listed, U-listed, D-listed toxic, Ignitable, Vaccines containing thimerosal
- Non-RCRA Hazardous Waste
  - Pharmaceutical Waste (toxic)
- Medical Waste
  - Sharps, Vials from Live Vaccines
- Solid Waste
  - Most packaging, most empty bottles and vials

Common Violations and How to Avoid Them

Violations

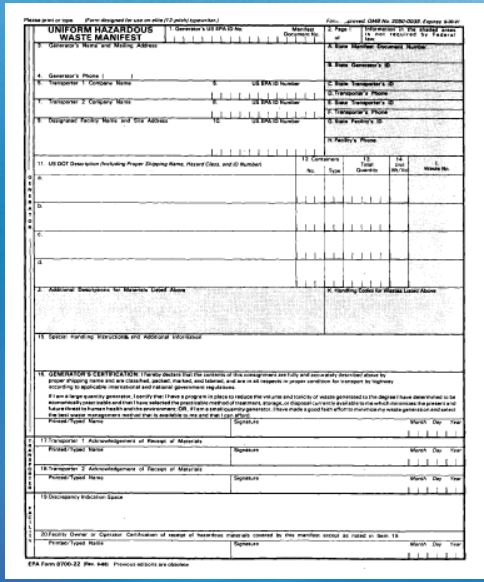
- Unauthorized disposal of hazardous waste: Cal. HSC 25189.5(a), 25189(d)

Violations

- Unlawful transportation of hazardous waste: HSC 25163(a)
  - Are the “chemical materials” being transported actually waste?
  - What is the final disposition of the chemicals being transported?

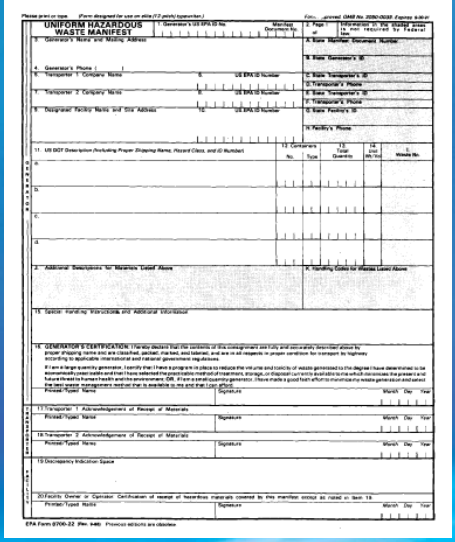
Violations

- Did not use hazardous waste manifest for disposal: CCR 66262.20(a), HSC 25160.2(b)(9)
  - If the “materials” are in fact hazardous waste, then a uniform hazardous waste manifest must be completed


UNIFORM HAZARDOUS WASTE MANIFEST

Violations

- No hazardous waste manifests for 3 years available: CCR 66262.40(a), HSC 25160.2(b)(3)
- No TSDF copy available: CCR 66262.40(a)
- Failed to send manifest copy to DTSC: CCR 66262.23(a)(4)


UNIFORM HAZARDOUS WASTE MANIFEST

Violations

- No hazardous waste label: CCR 66262.34(f)

Violations

- Open hazardous waste container: CFR 265.173

Hole

Is this an open container violation?

Violations

- Container in poor condition: CFR 265.171

Non-empty damaged aerosols

Damaged valve stems

Propellant component (e.g., HC LPG) must be ignitable or toxic and/or the product component must be ignitable, corrosive, reactive, or toxic. CCR 66262.21-.24

No actuator nozzle and damaged stem

Can you use this?

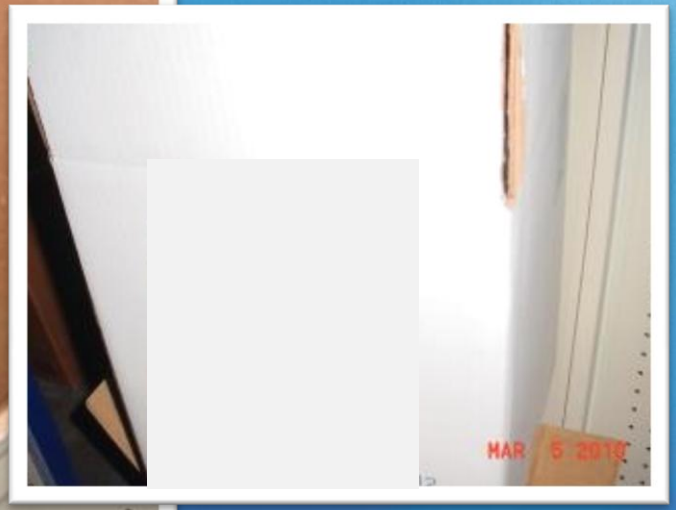
Violations

- Failed to properly separate incompatible wastes: CFR 265.177

What's wrong with this photo?

Violations

- Failed to accumulate waste in a compatible container: CFR 265.172



What's wrong with this photo?

Violations

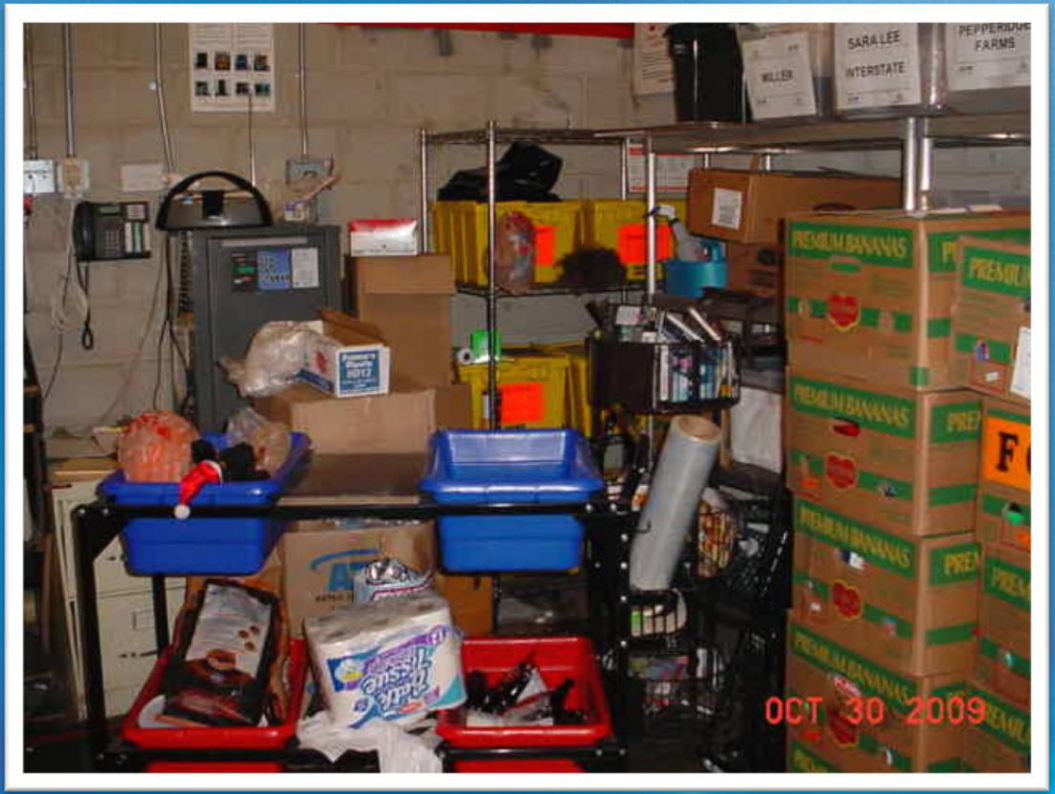
- Failed to repackage damaged/deteriorated hazardous material container within 96 hours: H&SC 25124(b)(3)(B) & CCR 66262.34(f)

Violations

- Failed to label hazardous materials within 10 days or less: HSC 25124.(b)(3)(a) & CCR 66262.34.(f)
  - Establish greater than 10 days
  - Statements
  - Conditions

Violations

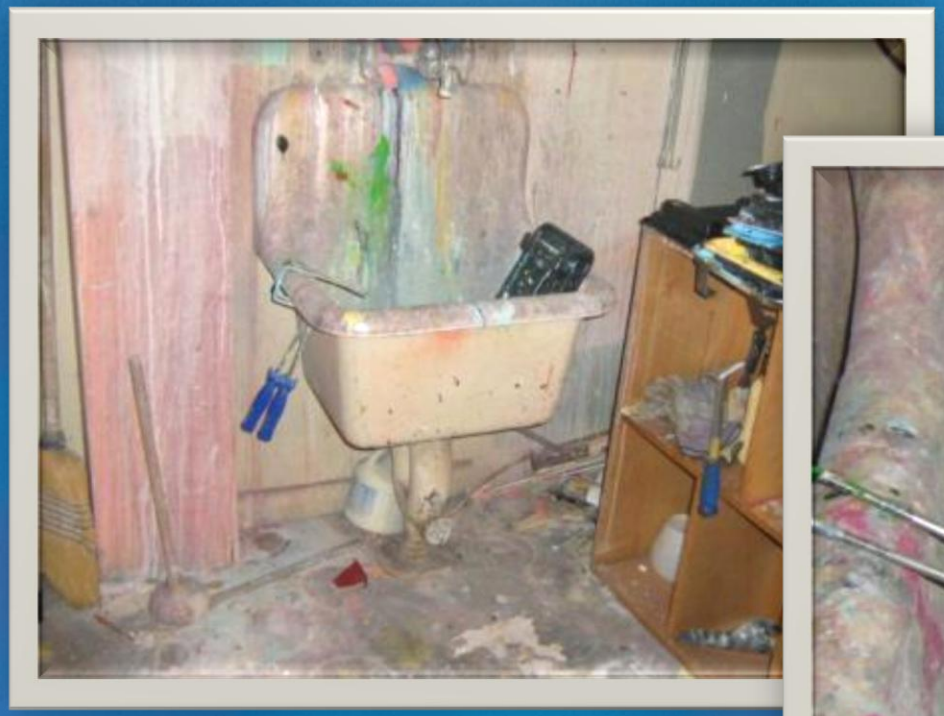
- Failed to maintain aisle space: CFR 265.35



Violations

- Disposed of latex paint illegally: HSC 25217.1

Is this illegal paint disposal?



Violations

- Hazardous Waste - Employee training program not adequate: CFR 262.34(d)(5)(iii)
  - Is the training program adequate in design?
  - Implementation of the training program
  - Training program tested during inspections
    - Employees explain how discarded materials are illegally disposed of as hazardous waste:
      - To sewer or to trash

    "I had to do something with the chemicals, but it didn't seem right"
  - Compliance true measure of adequacy

What are the violations?

What are the violations?

What are the violations?

What are the violations?

Improper Management of Spill Residual

- Inadequate spill management plan
- No spill equipment available
- Inadequate waste classification resource for employees
- Spill management plan not implemented
- Misclassified waste and waste absorbent
  - Disposal to the sewer
  - Disposal to the trash compactor
  - Mixed with kitty liter then disposed to the trash

Violations

- Hazardous Materials Business Plan (HMBP) not established/implemented: H&SC 25503.5(a)
- HMBP not onsite for inspector's review: HSC 25505(e)
- HMBP not submitted: HSC 25505(a)
  - Chemical inventory
  - Emergency contacts
  - Site map

Violations

- Universal waste
  - Failed to properly label or mark UW: CCR 66273.34
  - Failed to manage UW in a manner to prevent releases to the environment: CCR 66273.33 & 66273.33.5

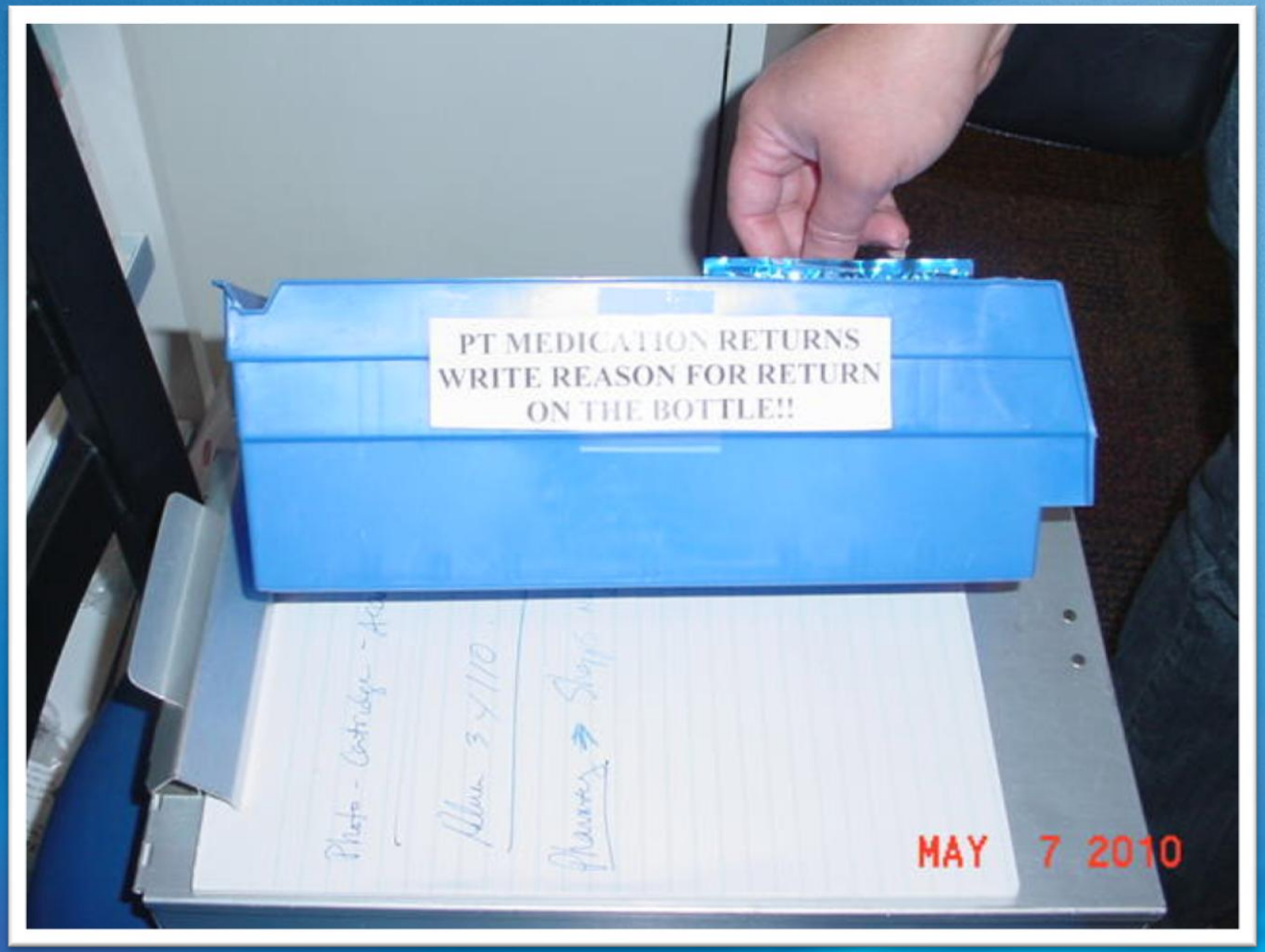
Violations

- Medical waste/pharmaceutical waste not managed properly
- Identify which pharmaceutical wastes are sent for credit and which are not
- Do they separate RCRA waste from medical waste
- Records (tracking documents, HW manifests)

Pharmaceutical Waste "Return NOT Allowed"

Pharmaceutical Waste

Pharmaceutical Waste



Medical Waste

Medical Waste

Container storing biohazardous waste (sharps)

Abandoned Hazardous Waste

- Abandoned hazardous wastes dumped in parking lots or dumpster is a common problem. Dumper usually never identified.
- Wastes become the responsibility of the Property Owner or Property Manager
- Wastes must be disposed of properly under manifest
- Consider using security measures to reduce waste abandonment
  - Locking dumpsters
  - Security Cameras
  - Posted Signs
  - Employee vigilance

Compliance Examples and Solutions

Compliance Solutions

- Bucket system
- Bucket colors identify the hazardous waste properties (e.g., red for flammables)

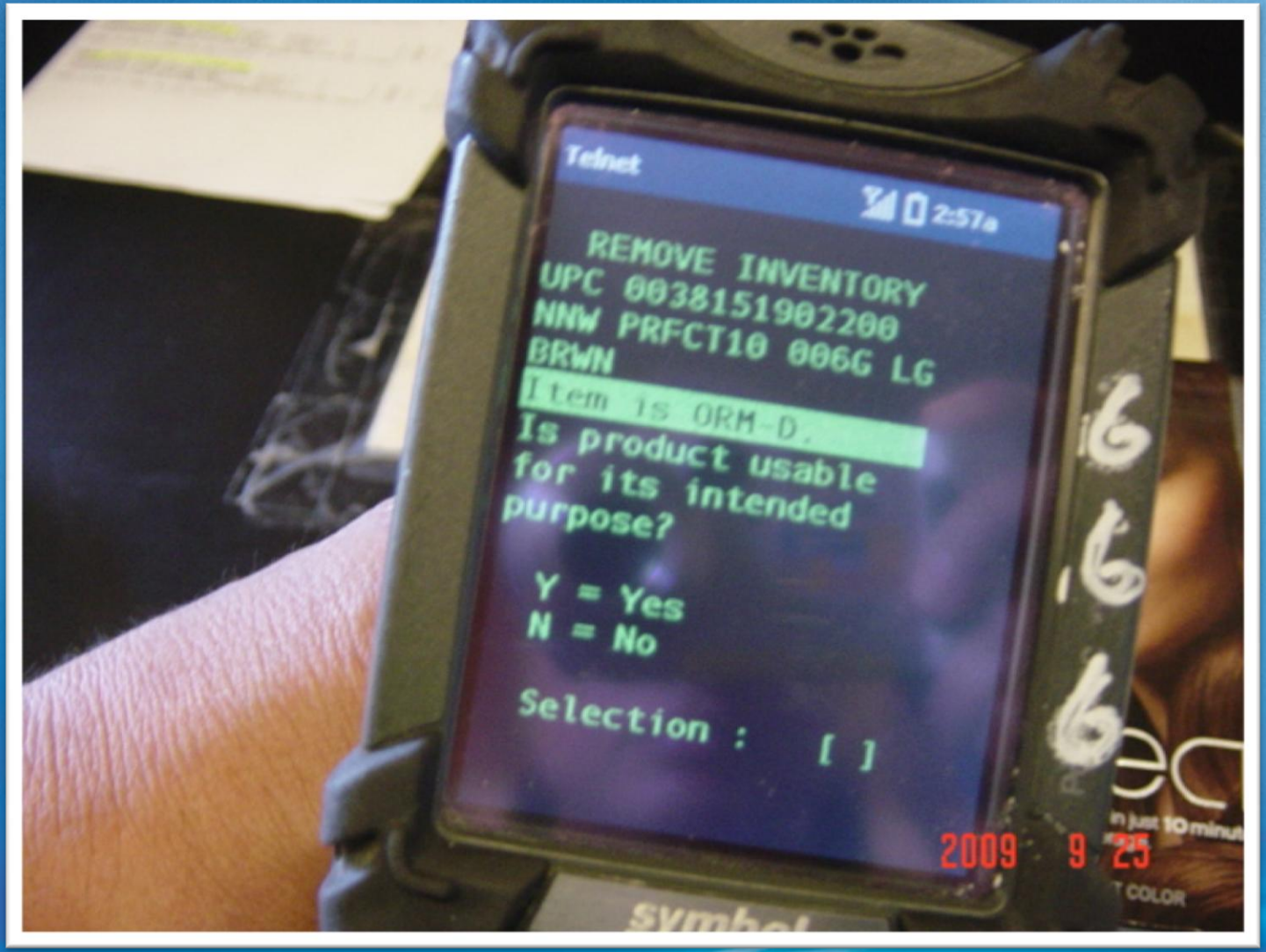
FLUORESCENT BULB/TUBES
FLAMMABLE
KEEP FIRE AWAY
SPILL Kit

Compliance Solutions

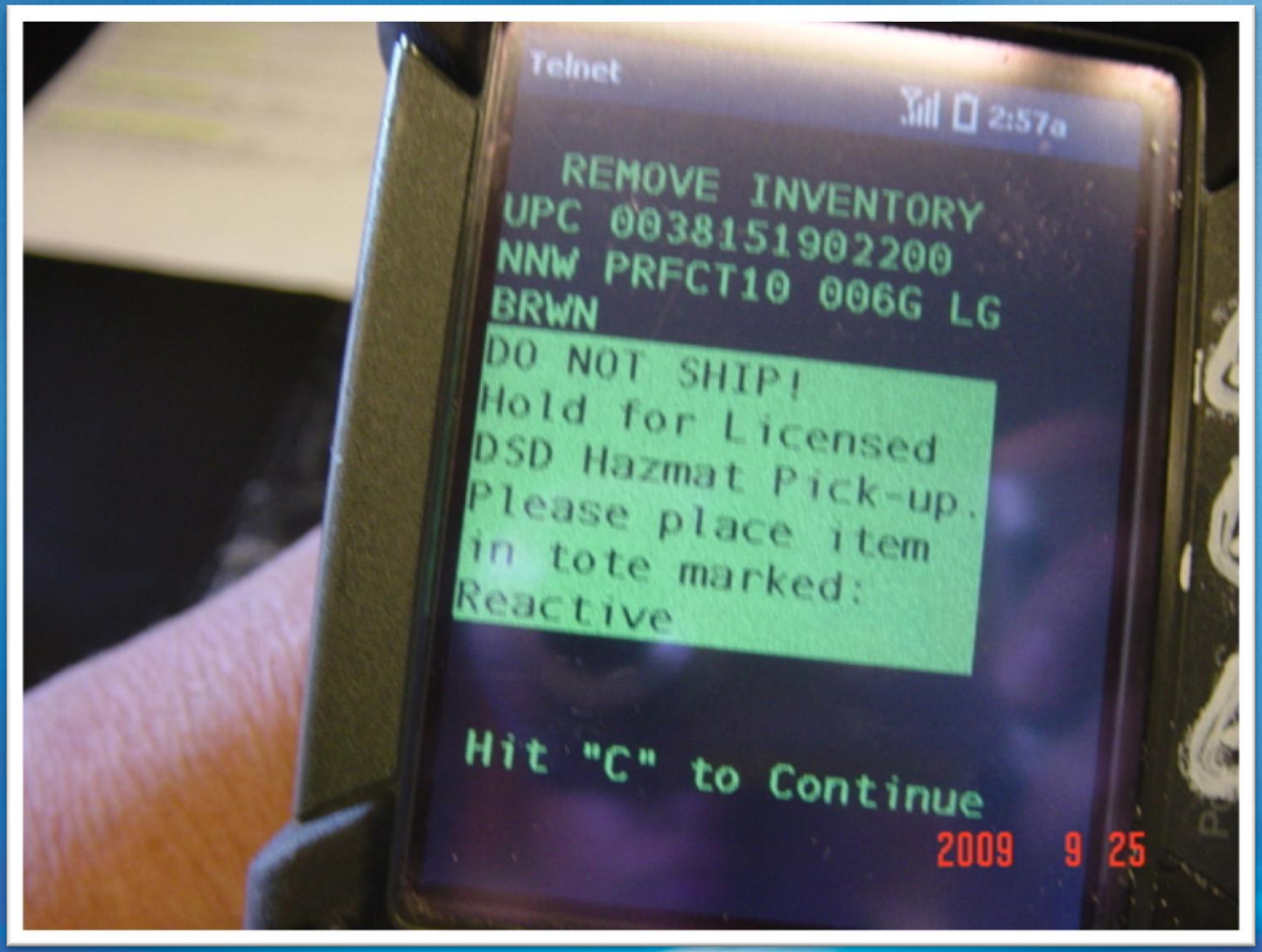
- Electronic scanning devices
  - Guides the user to make the proper disposition of the chemical
  - Automated guidance only as good as the programmer
  - Are the prompts clear to the user?
  - Human error and interpretation always factor
- Scanner backed up with a chemical category chart

Electronic Scanning Devices

Electronic Scanning Devices



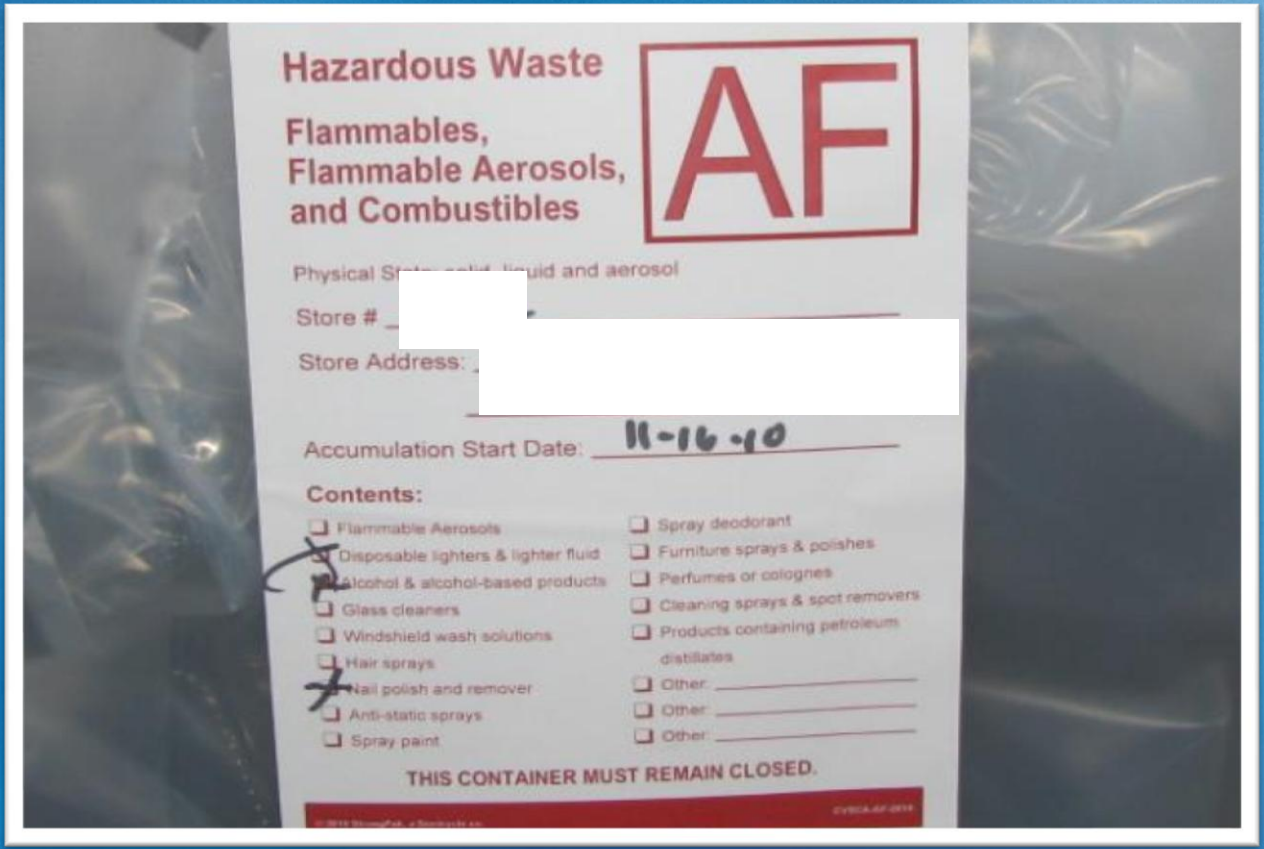
Electronic Scanning Devices



Compliance Solutions

- Scanner problems
  - Evaluation of all products that could meet the definition of hazardous waste when discarded
  - Data entry Implementation
  - Training

Customized Labeling



Bin storing Hazardous Waste (Flammables, Flammable Aerosols, and Combustibles)

For more information on … California Hazardous Waste Laws and Regulations

http://www.dtsc.ca.gov/ … California DTSC main website

http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm … California Law

http://www.dtsc.ca.gov/LawsRegsPolicies/Title22/index.cfm … California Regulations

For more information on … Pharmaceutical Waste

http://www.sdcounty.ca.gov/deh/hazmat/hmd_pharmwaste.html ... County of San Diego, Department of Environmental Health

http://www.calcupa.org/presentations/CUPA-2012/150/pharmaceutical_waste_Tu-B1.pdf
… Presentation from the 2012 CUPA Conference

http://www.calcupa.org/presentations/CUPA-2011/39/Powerpoint_Slides_for_Tu-B2.pdf
... Presentation from the 2011 CUPA Conference

For more information on … Universal Waste and the California DTSC 2010 factsheet

http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/upload/UW_Factsheet1.pdf … Universal Waste factsheet

http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/index.cfm … DTSC UW site