

## HAZARDOUS WASTE VIOLATIONS – MODEL CORRECTIVE ACTIONS

The following are sample paragraphs for hazardous waste corrective actions that can be included in Paragraph 7 of the Hazardous Waste Model Consent Order. *OGC review is required of any consent order containing corrective actions beyond those listed in this document.*

The corrective actions below are listed by reference to the applicable rules from Title 40 C.F.R., Parts 260 through 265 and 268 and Chapter 62-730, F.A.C. Clicking on the following links will direct you to the corresponding corrective action paragraph.

### Title 40 C.F.R. PARTS 260-265

Section(s) [261.5\(g\)\(3\)](#)  
[262.11](#)  
[262.11](#) [ALTERNATIVE PARAGRAPH]  
[262.12](#)  
[262.20\(a\)](#)  
[262.22](#)  
[262.34\(a\)\(2\)](#)  
[262.34\(a\)\(3\)](#)  
[262.34\(d\)\(5\)\(ii\)](#)  
[262.40\(a\)](#)  
[263.20\(a\)](#)  
[264.11](#)  
[264.14\(b\)\(2\)\(ii\)](#)  
[264.15](#)  
[265.16](#)  
[265.16\(b\)](#)  
[265.16\(d\)\(1\) and \(2\)](#)  
[265.16\(d\)\(1\) and \(2\)](#) [ALTERNATIVE PARAGRAPH]  
[265.17](#)  
[265.31](#)  
[265.32\(b\)](#)  
[265.33](#)  
[265.35](#)  
[265.37\(a\)\(1\), \(3\), and \(4\)](#)  
[265.52](#)  
[265.52\(a\), \(c\), \(d\), and \(e\)](#)  
[265.171](#)  
[265.173\(a\)](#)  
[265.174](#)  
[265.174](#) [ALTERNATIVE PARAGRAPH]

### Florida Administrative Code Chapter 62-730

Rule [62-730.160\(2\)](#), F.A.C.  
[62-730.171\(2\)\(b\)](#), F.A.C.  
[62-730.171\(2\)\(d\)](#), F.A.C.  
[62-730.240](#), F.A.C.

**Title 40 C.F.R. PARTS 260-265**

Section 261.5(g)(3)

Effective immediately, Respondent shall ensure that all hazardous waste generated at the Facility is delivered to a facility approved to accept hazardous waste.

Effective immediately and continuing every month thereafter until U, Respondent shall submit to the Department all manifests U within 10 days of each shipment.

Section 262.11

Within U days, Respondent shall determine whether the U generated meets the definition of a “hazardous waste,” as defined in Section 40 C.F.R. 260.10. Respondent shall submit the results of this determination to the Department for review within U days.

Section 262.11 [ALTERNATIVE PARAGRAPH]

Within U days, Respondent shall determine whether the U generated meets the definition of a hazardous waste by performing the following tests: U.

Section 262.12

Within U days, Respondent shall apply to the Department for an EPA identification number.

Section 262.20(a)

Effective immediately, Respondent shall use a properly completed hazardous waste manifest for all shipments of hazardous waste from the Facility.

Section 262.22

Effective immediately, Respondent shall keep a copy of all manifests signed by the Respondent as the generator, and the transporter, and the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

Section 262.34(a)(2)

**Comment [OGC1]:** This is for generators. See below for TSDs.

Effective immediately, Respondent shall mark all containers in which hazardous waste is placed with the day waste was first accumulated in the container.

Section 262.34(a)(3)

Effective immediately, Respondent shall mark all containers in which hazardous waste is placed with the words "Hazardous Waste."

Section 262.34(d)(5)(ii)

Effective immediately, Respondent shall post the following information by the telephone: the name and telephone number of the Facility's emergency coordinator; the location of all fire extinguishers and spill control materials, and, if present, the fire alarm; and the telephone number of the fire department.

Section 262.40(a)

Effective immediately, Respondent shall keep copies of all manifests for at least three years.

Section 263.20(a)

Effective immediately, Respondent shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of Section 40 C.F.R. 262.20.

Section 264.11

Within U days, Respondent shall apply to the Department for an EPA identification number in accordance with EPA notification procedures.

Section 264.14(b)(2)(ii)

Effective immediately, Respondent shall provide a means to control entry, at all times, through the gates or other entrances to the active portion of the Facility.

Section 264.15

Respondent shall conduct inspections to detect malfunctions and deterioration, operator error, and discharges which could cause a release of hazardous waste or hazardous waste constituents to the environment. Respondent shall also maintain a written inspection

**Comment [OGC2]:** This is for TSDs. See above for TSDs.

plan and written logs of inspections. Specifically, Respondent shall submit a written inspection plan prepared in accordance with Section 40 C.F.R. 265.15 to the Department for approval. Respondent shall implement the plan within U days of approval by the Department.

Section 265.16

Within U days, Respondent shall ensure that Facility personnel have successfully completed a program of hazardous waste training. The classroom instruction or the on-the-job training shall be structured so as to teach personnel to perform their duties in a way that ensures that the Facility will be in compliance with the requirements of hazardous waste regulations.

Section 265.16(b)

Effective immediately, Respondent shall not allow Facility personnel to work without adequate supervision prior to completing hazardous waste training.

Section 265.16(d)(1) and (2)

Effective immediately, Respondent shall maintain personnel training records for all employees managing hazardous waste in accordance with Section 40 C.F.R. 265.16. All training records shall include documentation of job titles, job descriptions, minimum training requirements and a description of the employee's training.

Section 265.16(d)(1) and (2) [ALTERNATIVE PARAGRAPH]

Within U days, Respondent shall submit written documentation of each Facility position related to hazardous waste management and shall include the following information for each position:

- a) A job title for each position and the name of the employee currently in that position;
- b) A written job description for each position;
- c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling the position, and;

d) Documentation that the training or job experience required under Section 40 C.F.R. 265.16(a)(1) has been given to or been completed by each person identified pursuant to subparagraph (a) above.

Section 265.17

Effective immediately, Respondent shall post “No Smoking” signs at all places at the Facility where ignitable or reactive wastes are stored or handled.

Section 265.31

Within U days, Respondent shall operate and maintain the Facility in a manner that minimizes the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, surface, or ground water which could threaten human health or the environment.

Section 265.32(b)

Within U days, Respondent shall install a device, such as a telephone or hand held two-way radio, capable of summoning emergency assistance at the scene of operations.

Section 265.33

Effective immediately, Respondent shall ensure that all communication and alarm systems, fire protection equipment, and decontamination equipment at the Facility are tested and maintained as necessary to assure proper operation in time of emergency.

Section 265.35

Effective immediately, Respondent shall store all containers holding hazardous waste so that there is sufficient aisle space to allow unobstructed movement of personnel, fire-fighting equipment, spill control equipment, and decontamination equipment to all areas of the Facility in an emergency.

Sections 265.37(a)(1), (3), and (4)

Within U days, Respondent shall provide the Department with written documentation that the local authorities such as police, fire departments, emergency response teams, and local hospitals have been notified of the type of waste handled at the Facility and the potential need for the services of the authorities in the event of an emergency.

Section 265.52

Respondent shall submit to the Department an updated contingency plan prepared in accordance with Section 40 C.F.R. 265, Subpart D within U days and implement the plan upon approval by the Department.

Sections 265.52(a), (c), (d), and (e)

Within U days, Respondent shall provide the Department with a Contingency Plan for the Facility. The Contingency Plan shall define areas of responsibility and shall describe the actions Facility personnel must take to comply with Sections 40 C.F.R. 265.51 and 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden releases of hazardous waste constituents to the air, soil, surface, or ground water at the Facility. The Contingency Plan shall:

- a) Describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services pursuant to Section 40 C.F.R. 265.37;
- b) List names, addresses and phone numbers (both work and home) of all persons qualified to act as emergency coordinators;
- c) List all emergency equipment at the Facility; and
- d) Describe the location and a description of each piece of equipment in the plan and a brief description of its capabilities.

Respondent shall keep the lists required by subparagraphs (b) and (c) above up to date.

Section 265.171

Within U days, Respondent shall either transfer the contents of all containers which are not in good condition to containers in good condition, or overpack the containers in bad condition.

Section 265.173(a)

Effective immediately, Respondent shall close all hazardous waste containers during storage except when it is necessary to add or remove waste.

Section 265.174

Within U days, Respondent shall submit to the Department for approval a written inspection log for hazardous waste containers. Upon approval, Respondent shall ensure that a log is completed for all inspections of the hazardous waste containers.

Section 265.174 [ALTERNATIVE PARAGRAPH]

Effective immediately, Respondent shall conduct inspections, at least weekly, of the areas where containers holding hazardous waste are being stored in order to look for leaks and deterioration of the containers.

**Comment [OGC3]:** For use with respondents who have not conducted any container inspections. This paragraph requires submittal of inspection logs to ensure a return to compliance with 265.174.

**Comment [OGC4]:** For use with respondents who have conducted container inspections but inspections were not sufficient to comply with 265.174.

**Florida Administrative Code Chapter 62-730**

R. 62-730.160(2), F.A.C.

Within U days, Respondent shall submit an amended Biennial Report to the Biennial Report Coordinator, Hazardous Waste Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

R. 62-730.171(2)(b), F.A.C.

Respondent shall have a written closure plan to show that the Facility will be closed in a manner which satisfies the requirements of the closure performance, notification, and decontamination standards of Sections 40 C.F.R. 265.111, 265.112(c), 265.114, and 265.115. Respondent shall submit to the Department a written closure plan in accordance with the aforementioned standards within U days.

R. 62-730.171(2)(d), F.A.C.

Effective immediately, Respondent shall (a) cease operating its transfer facility, (b) store hazardous waste on a man-made surface capable of preventing spills or releases to the ground, or (c) cease operating the transfer facility.

R. 62-730.240, F.A.C.

Within U days, Respondent shall submit to the Department a completed permit application, along with the appropriate permit fee, to U the Facility. Respondent shall propose corrective actions to address the violations outlined in this Order as part of the application.

Effective immediately, Respondent shall not treat, store or dispose of hazardous waste without a valid permit from the Department.