



Common Hazardous Waste Generator Violations and How to Avoid Them

Tu-H3

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27th California Unified Program
Annual Training Conference
March 24-27, 2025



Trainer Introductions

1. April Ranney, Ph.D.
 - DTSC Environmental Program Manager I in the Berkeley Office
 - Approximately 9 years
2. Ryan Miya, Ph.D.
 - DTSC Supervisor of the CUPA Evaluation Unit in the Berkeley Office
 - Approximately 14 years
3. Michael Palazzola
 - Senior Manager of Regulated Waste & Field Operations at Disneyland Resort
 - Former CUPA Manager of Orange County CUPA



Training Intent

What it is:

- Focus on hazardous waste generation / management
- Collaborative discussion
- Sharing what tool(s) and practices work to remain in compliance

What it isn't:

- Violation discussion for all Unified Programs
- Definitive statements on compliance
- Discussion of “Your” specific violation

AUDIENCE PARTICIPATION

Poll Question

What status is your facility:

- Large Quantity Generator (LQG)
- Small Quantity Generator (SQG)
- Both / varies
- Have no idea
- Watch the Hazardous Waste 101 training that was offered on Monday morning and was recorded.

Generator Status

- LQG
 - More requirements (22 CCR 66262.17)
- SQG
 - Less requirements (22 CCR 66262.16)
- Satellite Accumulation Areas
 - 55-gallons total (22 CCR 66262.15)

Failure to properly label hazardous waste accumulation containers.



CITATIONS / REQUIREMENTS

22 CCR 66262.15(a)(5) for containers in Satellite Accumulation Areas

22 CCR 66262.16(b)(4) for containers at SQG facilities

22 CCR 66262.17(a)(5) for containers at LQG facilities

The generator shall mark or label its containers with the following:

1. The words “**Hazardous Waste**”;
2. The **composition and physical state** of the wastes;
3. An **indication of the hazards of the contents** [examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic), hazard communication consistent with the DOT requirements, a hazard statement or pictogram consistent with the OSHA standard, or a chemical hazard label consistent with the National Fire Protection Association code 704];
4. The **name and address of the person generating** the waste;
5. The **date upon which each period of accumulation begins** shall be clearly marked and visible for inspection on each container

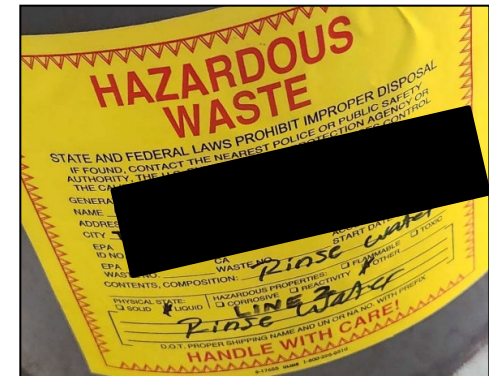
CITATIONS / REQUIREMENTS

The **generator** shall **mark or label** its **containers** with the following:

1. The words **"Hazardous Waste"**;
2. The **composition and physical state** of the wastes;
3. An **indication of the hazards of the contents**;
4. The **name and address of the person generating** the waste;
5. The **date upon which each period of accumulation begins** shall be clearly marked and visible for inspection on each container

EXAMPLE RETURN TO COMPLIANCE (RTC)

Facility shall immediately properly label hazardous waste containers pursuant to 22 CCR 66262.17(a)(5)(A). Facility shall provide legible photograph(s) to DTSC documenting return to compliance by X Date.



Prevention: Failure to Label

- Training, Training, Training.
- Label container once first drop of HW is added.
- Standardized process
 - What factors to consider:
 - Size of facility
 - Amount of waste on site
 - Others?

Failure to obtain an Identification Number prior to treating, storing, disposing of, transporting or offering for transportation any hazardous waste (22 CCR 66262.18).

- RCRA Generator (even a small quantity generator) = RCRA EPA ID
- Non-RCRA Generator, obtain state ID number

<https://dtsc.ca.gov/apply-for-hazardous-waste-epa-id-number/>

Failure to keep a copy of each properly signed manifest for at least three years.

Please print or type. Form Approved. OMB No. 2050-0030

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator ID Number
2. Page 1 of 3
3. Emergency Response Phone
4. Manifest Tracking Number

5. Generator's Name and Mailing Address
Generator's Site Address (if different than mailing address)

Generator's Phone
6. Transporter 1 Company Name U.S. EPA ID Number
7. Transporter 2 Company Name U.S. EPA ID Number
8. Receiving Facility Name and Site Address U.S. EPA ID Number

Facility's Phone

4a. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group if any)	10. Containers		11. Total Quantity		12. U.S. DOT Code	13. Waste Codes
	No.	Type				
1.						
2.						
3.						
4.						

14. Special handling instructions and additional information

15. GENERATOR/SUPPLIER'S CERTIFICATION: I hereby declare that the contents of this transportation label and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled accurately, and are in all respects in proper condition for shipment according to applicable international and national governmental regulations, if export shipment and I am the Primary Consignor. I certify that the contents of this transportation label are in full compliance with the applicable U.S. Department of Commerce regulations that the waste information statement identified in 40 CFR 155.203(a) (1) or (2) is a large quantity generator or (3) (if not a small quantity generator) is true.

Generator/Supplier's Printed Name _____ Signature _____ Month _____ Day _____ Year _____

16. International Shipments Export to U.S. Export from U.S. Port of entry/exit Date leaving U.S. _____

17. Transporter acknowledgment of receipt of material
Transporter 1 Printed Name _____ Signature _____ Month _____ Day _____ Year _____
Transporter 2 Printed Name _____ Signature _____ Month _____ Day _____ Year _____

18. Discrepancy
18a. Discrepancy Indication Balance Quantity Type Residue Partial Rejection Full Rejection

18b. Alternate Facility (or Generator)
Alternate Facility Name _____ Manifest Reference Number _____ U.S. EPA ID Number _____
Facility's Phone _____
18c. Signature of Alternate Facility (or Generator) _____ Month _____ Day _____ Year _____

19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, storage, and recycling systems)

20. Designated Facility Owner or Operator. Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a.
Facility/Operator Name _____ Signature _____ Month _____ Day _____ Year _____

EPA Form 8700-02 (Rev. 12-17) Previous editions are obsolete. DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

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CITATION / REQUIREMENTS

22 CCR 66262.40(a)

(a) A generator shall keep a copy of each manifest signed in accordance with section [66262.23](#)(a) for three years or until the generator receives a signed copy from the designated facility which received the waste. This **signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter.**

EXAMPLE RTC

Facility shall immediately maintain a record of hazardous waste manifests pursuant to 22 CCR 66262.40(a) for at least three years from the date the waste was accepted by the initial transporter.



Prevention: Keeping Manifests for 3 Years

- Training
- Factors that may need to be considered:
 - How many manifests does your facility generate?
 - 1000s vs 5
 - Number of locations tracking.
 - Single person vs multiple people tracking manifests.

Failure to send hazardous waste offsite for treatment, storage, or disposal within 90/180 days.



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CITATION / REQUIREMENTS

22 CCR 66262.15(a)(9) **1 year** in **Satellite Accumulation Areas** (55 gallons)

22 CCR 66262.16(b) **180 days (or 270 days if the waste will be transported 200 miles or more)** at **SQG** facilities

22 CCR 66262.17(a) **90 days** at **LQG** facilities

EXAMPLE RTC

LQG Facility X shall immediately cease storing hazardous waste at their facility longer than 90 days, shall remove the cited hazardous waste from their facility, document removal on hazardous waste manifest(s), and provide a copy of the completed and signed hazardous waste manifest(s) to DTSC by [DATE].

Prevention: Storage time exceedances

- Training (know the wastes generated and how much per month, rules that apply to generator status).
- Make sure all HW containers are marked with accumulation start dates during weekly/daily inspections.
- Factors that may need to be considered:
 - Scheduled pickups with transporters?
 - Software tracking tools?
 - Current inventory logs?



BREAK TIME!

A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.



CITATION / REQUIREMENTS

22 CCR 66265.173(a)

A container holding hazardous waste shall **always be closed** during transfer and storage, except when it is necessary to add or remove waste.

EXAMPLE RTC

Facility X shall immediately cease storing open containers of hazardous waste at their facility. They should ensure that all containers are properly sealed, closed, and free of leaks. Facility X shall document through inspection logs the management and maintenance of the hazardous waste containers and provide photographic documentation of the corrected violation to DTSC by [Date].

Prevention: Open container violations

- Train employees to double check to close containers every time when not adding or removing waste.
- Perspective: If contents would spill if container overturned, then considered open.
- Factors that may need to be considered:
 - If see during weekly inspections, refresh training!
 - Last person leaving each day can check.

Failure to maintain adequate aisle space between hazardous waste containers in storage areas.



CITATION / REQUIREMENTS

22 CCR 66262.16(b)(6)(E) for SQGs

22 CCR 66262.255 for LQGs

The SQG/LQG shall maintain aisle space to allow the **unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency**, unless it can be demonstrated to the Department that aisle space is not needed for any of these purposes.

EXAMPLE RTC

Effective immediately, Facility X shall not block or limit aisle space between HW containers. Facility X shall immediately re-organize the containers to comply and submit documentation of the corrective action taken to CUPA by [DATE].



Prevention: Aisle space violations

- Ensure you can get to every one of your containers in a 90/180 accumulation area.
- Perspective: If any container has an issue, can emergency responders get to that container?
- Factors that may need to be considered:
 - consider Fire Marshal guidance.
 - imagine fire fighter in SCBA PPE.

Failure to complete and/or adequately document training for all employees who manage hazardous waste.



CITATION / REQUIREMENTS

22 CCR 66262.16(b)(7)(C) for **SQGs**

The SQG shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

NOTE: While SQGs are required to do employee training, documentation of this training is not required per the regulations.

CITATION / REQUIREMENTS

22 CCR 66262.17(a)(7) for **LQGs**

- The LQG shall ensure that facility personnel successfully complete a **training program**, directed by a person trained in HW management procedures, that at a minimum must be designed to ensure that personnel are able to respond effectively to emergencies. Every **24 months**, this training program must provide general awareness training (including an overview of facility operations subject to this chapter) AND function-specific job training.
- Facility personnel shall successfully complete the training program **within six months after the date of their employment or assignment to the facility**, or to a new position at the facility, whichever is later.
- Facility personnel must take part in an **annual review** of the initial training.

CITATION / REQUIREMENTS

22 CCR 66262.17(a)(7) for **LQGs**

Training records required for LQGs to retain **at the facility**:

- (1)** The **job title** for each position at the facility related to hazardous waste management, and the **name of the facility personnel** filling each job;
- (2)** A **written job description for each position managing HW** including the requisite skill, education, or other qualifications, and duties of the personnel assigned;
- (3)** A **written description of the training**, including a syllabus and/or outline, of the type and amount of both introductory and continuing training that will be given to each person filling a position; AND
- (4)** Facility personnel -signed or -certified **records that document training provided and completion** of the required training.

EXAMPLE RTC

Facility X shall amend the Facility Training Plan to include the **job title, written job description, and a written description, including a syllabus and/or outline, of the type and amount of both introductory and continuing training** that will be given. Additionally, the Facility Training Plan shall be amended to include introductory and continuing **training requirements for all personnel engaged in managing hazardous waste**. That training must be **commensurate with their hazardous waste management responsibilities**, including annual HAZWOPER refresher training. A copy of the signed HAZWOPER training refresher completion certification for [Manager Y] as well as an amended training plan should be sent to [CUPA Z] by [Date].



Prevention: Training violations

- Know what your training requirements are based on your generator status and **DOCUMENT** when training is provided received for **each employee**.
- Perspective: How do you demonstrate that adequate training meeting the regulatory requirements was achieved in a timely manner?

Prevention: Training violations (cont.)

- **LQG:** Annual training with a written training plan (employees are training within 6 months of hire to manage hazardous waste and training based on job responsibilities).
- **SQG:** Employers must demonstrate employees understand the rules and how they apply to their job.
- Factors that may need to be considered:
 - Compliance and safety starts with training
 - Is training a priority for all or an extra compliance hoop?

Failure to determine if wastes generated are hazardous waste by using generator knowledge or applying testing method.



CITATION / REQUIREMENTS

22 CCR 66262.11 the generator shall

(a) Determine if the waste is **excluded**

(b) Determine if the waste is **listed** (testing the waste or applying generator knowledge)

(c) Determine if the waste **exhibits any HW characteristic(s)** (ignitable, corrosive, reactive, toxic) by testing the waste or applying generator knowledge.

EXAMPLE RTC



Facility X shall make a hazardous waste determination on the [waste stream Y]. Facility X shall determine if waste is excluded, listed, and/or determine if waste is hazardous through laboratory testing using acceptable methods or generator knowledge. Facility X shall then provide the completed waste determination documentation to DTSC by [Date].

Prevention: Hazardous waste determination

- Make a determination of all waste generated onsite.
- Manage all unknown material as HW during the determination process (label, close, date, “lab analyses in progress”, etc.).
- Keep documentation for HW and non-HW determinations.
- Factors that may need to be considered:
 - If not sure (new?), verify with testing or manage as HW.
 - Knowing what you generate will determine what size generator you are and what rules you need to follow.

Failure to inspect hazardous waste storage areas at least weekly and document leaking and deteriorating containers.



CITATION / REQUIREMENTS

22 CCR 66262.16(a)(2)(D) for SQGs

22 CCR 66262.17(a)(1)(E) for LQGs

At least **weekly**, the SQG/LQG shall inspect central accumulation areas. The SQG/LQG shall look for leaking containers and for deterioration of containers caused by corrosion or other factors.

Prevention: Weekly Inspections

- Inspect on the same day every week (not M or Fri).
- Have back-up inspector(s) in place.
- Document inspections on an inspection log.
- Factors that may need to be considered:
 - If an issue is documented, include resolution once fixed.
 - Look for BOTH leaking containers as well as deteriorated / corroded containers during each inspection. What else?

Failure to properly manage used oil filters and/or fuel filters in accordance with the requirements.



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HSC 25250.22 and 22 CCR 66266.130(c)

Used oil filters do not need to be managed as HW if ALL THE FOLLOWING APPLY:

- 1) Filters are **drained of free-flowing used oil**.
- 2) The drained used oil filters are **transported for metal reclamation** to (A) a smelter or other metal processor where they are recycled; or (B) a storage or consolidation facility that subsequently transfers the filters to (A) or (C); or (C) a municipal solid waste incinerator for energy recovery.
- 3) The drained used oil filters are accumulated/**stored in a closed rainproof container** capable of containing any used oil that may separate from the filters once placed inside.
- 4) Storage of less than one ton of used oil filters shall be limited to **one year** (if more, then 180 days maximum).
- 5) Facilities use a **bill of lading** to record the transfer of used oil filters (keep 3 years).

EXAMPLE RTC



Violation: Failure to manage used oil filters as a hazardous waste by not meeting the conditions to qualify to use bill of lading documentation procedures by shipping **undrained** used oil filters to an **offsite disposal facility**.

Schedule of Compliance: Effective immediately, Facility X shall have a hazardous waste manifest completed for each load of undrained used oil filters shipped offsite. Moving forward, Facility X shall also comply with **all the requirements** for managing and transporting drained used oil filters.

Used oil filter draining: How much is enough?

- Used oil and fuel filters must be **drained of all free-flowing oil or fuel before they are placed in storage containers.**
- The term “free-flowing” means a continuous stream of used oil from the filter when it is turned over (drop-by-drop is not considered to be free-flowing).
- If equipped with a flapper valve or other device that blocks drainage, the valve must be opened or filter case punctured to allow the residual used oil to drain freely and exit the filter.

Prevention: used oil filter management

- Segregate used oil from used oil filters.
- Drain filters completely.
- Containers with drained oil or drained oil filters need to be able to close completely when not adding or removing waste.
- Factors that may need to be considered:
 - Familiarity / commonality does not reduce risk.
 - If not sent for recycling or undrained, used oil filters are HW and require management as such in CA.



Questions?

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Acronyms

- Return to Compliance (RTC)
- Health and Safety Code (HSC)
- California Code of Regulations, Title 22 (22 CCR)
- Certified Unified Program Agency (CUPA)
- Unified Program (UP)
- Department of Toxic Substances Control (DTSC)
- Hazardous Waste (HW)
- Hazardous Waste Tracking System (HWTS)

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