

Indicate:

X Violations

Indicate:

X Satisfactory
NA Not Applicable

Company Name _____

EPA ID# No. _____

Region/Inspector _____

Inspection Date _____

APPENDIX A

Land Disposal Restrictions

(For SQG's, LQG's and TSD's that generate and/or store)

I. Dilution Prohibited as a Substitute for Treatment

A. _____ The generator or TSD, has not diluted in any way a restricted waste or the residual from treatment of a restricted waste unless: - 376.1(c)(1). _____

Characteristic hazardous wastes are diluted (in a treatment system which treats wastes subsequently discharged to NYS waters) pursuant to a SPDES permit or for purposes of pretreatment under the Clean Water Act. [Dilution is permissible unless another method has been specified as the treatment standard in 376.4(c)(Five Letter Technology codes) or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.]]

B. _____ Combustion has been used to treat any of the hazardous waste codes listed in Appendix 54 (metal bearing wastes). _____ Combustion is prohibited unless the waste, at the point of generation or after any bona fide treatment such as cyanide destruction prior to combustion can be demonstrated to comply with one or more of the following (unless otherwise specifically prohibited from combustion): - 376.1(c)(3)

- the waste contains hazardous organic constituents or cyanide at levels exceeding the constituent - specific treatment standard found in 376.4(j) of this Part;
- the waste consists of organic, debris - like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal - bearing hazardous waste;
- the waste, at point of generation, has reasonable heating value such as greater than or equal to 5000 BTU per pound;
- the waste is co-generated with wastes for which combustion is a required method treatment;

- the waste is subject to Federal and/or State requirements necessitating reduction of organics (including biological agents); or
- the waste contains greater than 1% Total Organic Carbon (TOC).

II. Testing, Tracking and Recordkeeping Requirements - 376.1(g)

- A. The generator has determined if the waste has to be treated before it can be land disposed - 376.1(g)(1)(i).

The determination is based on:

YES/NO

- a. Testing the waste
 - b. Using knowledge of the waste
- B. For waste that does not meet the treatment standard: With the initial shipment of waste to each treatment or storage facility, the generator has sent a one-time notice to each receiving facility and placed a copy in the file. The notice must contain the following information: - 376.1(g)(1)(ii).
- 1. EPA Hazardous waste number
 - 2. Manifest document number
 - 3. The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents (for wastes that are not managed in a Clean Water Act (CWA) or CWA-equivalent facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.
 - 4. The notice must include the applicable wastewater/nonwastewater category and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide).
 - 5. Waste analysis data (when available).
 - 6. For hazardous debris, when treating with the alternative treatment technologies provided by subdivision 376.4(g): the contaminants subject to treatment, as described in paragraph 376.4(g)(2); and an indication that these contaminants are being treated to comply with subdivision 376.4(g).

NOTE: No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file.

- C. For waste that meets the treatment standard at the original

point of generation: With the initial shipment of waste to each TSD, the generator has sent a one-time notice to each TSD receiving the waste, and placed a copy in the file. The notice must include the following information: - 376.1(g)(1)(iii).

1. ___ EPA hazardous waste number. ___
2. ___ Manifest document number. ___
3. ___ The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents (for wastes that are not managed in a Clean Water Act (CWA) or CWA-equivalent facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice. ___
4. ___ The notice must include the applicable wastewater/nonwastewater category and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide). ___
5. ___ Waste analysis data (when available). ___
6. ___ The applicable certification. ___

NOTE: If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in the file. Generators of hazardous debris excluded from the definition of hazardous waste under paragraph 371.1(d)(5) of this Title are not subject to these requirements. ___

D. ___ Wastes exempted from meeting treatment standards prior to land disposal: With the initial shipment, the generator must send a one-time notice to each land disposal facility receiving the waste. The notice must contain the following information: - 376.1(g)(1)(iv). ___

1. ___ EPA hazardous waste number. ___
2. ___ Manifest documents number. ___
3. ___ Statement: this waste is not prohibited from land disposal. ___
4. ___ Waste analysis data (when available). ___
5. ___ Date the waste is subject to the prohibition. ___
6. ___ For hazardous debris, when treating with the alternative treatment technologies provided by subdivision 376.4(g): the contaminants subject to treatment, as described in paragraph 376.4(g)(2); and an indication that these contaminants are being treated to comply with subdivision 376.4(g). ___

NOTE: If the waste changes, the generator must send a new notice to the receiving facility, and place a copy in their files.

E. Treatment of Prohibited Wastes in Containers or Tanks

___ For generators managing a prohibited waste in tanks, containers, or containment buildings, regulated under paragraph 372.2(a)(8) and treating that waste to meet applicable treatment standards, the following requirements have been met: ___

1. ___ Developed and followed written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards - 376.1(g)(1)(v). ___
2. ___ The waste analysis plan has been based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contains all information necessary to treat the waste(s), including the selected testing frequency - 376.1(g)(1)(v)(a). ___
3. ___ Kept the plan on-site in the generator's records - 376.1(g)(1)(v)(b). ___
4. ___ Wastes shipped off-site have complied with the notification requirements for restricted wastes meeting treatment standards - 376.1(g)(1)(iv)(c). [Complete Item II.C. pgs. A-4.] ___

F. Recordkeeping

1. ___ If a generator has determined whether a waste is restricted based solely on knowledge of the waste, all supporting data used to make this determination has been retained on-site in the generator's files - 376.1(g)(1)(vi). ___
2. ___ If a generator has determined whether a waste is restricted based on testing of the waste or an extract developed using the test method 1311, all waste analysis data has been retained on-site in the generator's files - 376.1(g)(1)(vi). ___
3. ___ If a generator has determined that he is managing a restricted waste that is excluded from the definition of hazardous or solid waste, or exempt from regulation, under 371, subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the Clean Water Act), the generator has placed in the facility's file a one-time notice stating such generation, subsequent exclusion or exemption from regulation and the disposition of the waste, in the facility's file. - 376.1(g)(1)(vii). ___
4. ___ Generators must retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least three years from the date that the wastes were last sent to on-site or off-site treatment, storage, or disposal. This requirement applies to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste, or exempted from regulation, subsequent to the point of generation - 376.1(g)(1)(viii). ___

G. Alternate Treatment Standards for Lab Packs.

___ If a generator is managing a lab pack containing hazardous waste and wishes to use the alternative treatment standards, The generator must submit a notice to the treatment facility with the initial shipment. The notice must contain the EPA hazardous waste codes, manifest document number, and the applicable certification. No further notification is necessary unless the wastes or receiving facility changes. For characteristic hazardous wastes (D001-D008 and D010-D043) underlying hazardous constituents need not be determined.
The recordkeeping requirements must be met - 376.1(g)(1)(ix).

H. Small Quantity Generators with Tolling Agreements.

___ For small quantity generators with tolling agreements, the following requirements - 376.1(g)(1)(x).

- For the initial shipment of such wastes, the generator has complied with the notification and certification requirements that apply for the wastes subject to the tolling agreement - 376.1(g)(1)(x). [Complete Items II.D, E, or F, pgs A-3 through A-5, as applicable, except for manifest requirements.]
- Small quantity generators must retain on-site a copy of the initial notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement - 376.1(g)(1)(x).

I. Hazardous Debris.

___ Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under paragraph 371.1(d)(5) of this Title, (i.e., debris treated by an extraction or destruction technology provided by Table 1, subdivision 376.4(g), and debris that the commissioner has determined does not contain hazardous waste) are subject to the following notification and certification requirements: 376.1(g)(4).

1. ___ A one-time notification must be submitted to the commissioner to include the following information: 376.1(g)(4).
 - a. ___ The name and address of the authorized Part 360 facility receiving the treated debris - 376.1(g)(4)(i)(a).
 - b. ___ A description of the hazardous debris as initially generated, including the applicable EPA or NYS Hazardous Waste Number(s) - 376.1(g)(4)(i)(b).
 - c. ___ For debris excluded under subparagraph 371.1(d)(5)(i) of this Title, the technology from Table 1, subdivision 376.4(g), used to treat the debris - 376.1(g)(i)(c).
2. ___ The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under

subparagraph 371.1(d)(5)(i) of this Title, if a different type of debris is treated or if a different technology is used to treat the debris - 376.1(g)(4)(ii).

III. Special Rules Regarding Wastes That Exhibit a Characteristic

- A. ___ The initial generator of a solid waste have determined each ___ EPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under section 376.4 of this Part. For purposes of Part 376, the waste will carry the waste code for any applicable listing under section 371.4 of this Title. In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes under section 371.3, except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in paragraph (2) of this subdivision. If the generator determines that their waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by CMBST, RORGS, OR POLYM of subdivision 376.4(c), Table 1 of this Part), the generator must determine the underlying hazardous constituents (as defined in subdivision 376.1(b)(1) of this Part), in the characteristic waste - 376.1(h)(1).
- B. ___ For a prohibited waste that is listed and also exhibits a ___ characteristic, the treatment standard for the listed waste code will operate in lieu of the standard for the characteristic code, provided the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise the waste must meet the treatment standards for all applicable listed and characteristic codes - 376.1(h)(2).
- C. ___ Prior to land disposal, all prohibited wastes which exhibit ___ a characteristic have been treated to the treatment standards provided in 376.4 - 376.1(h)(3).
- D. ___ Wastes that exhibit a characteristic are also subject to ___ subdivision 376.1(g) requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generators' or treaters' files and sent to the commissioner. The notification and certification this is placed in the generators' or treaters' files must be updated if the process or operation generating the waste changes and/or if the Part 360 facility receiving the waste changes. However, the generator or treater need only notify the Department on an annual basis if such changes occur. Such notification and certification should be sent to the Department by the end of the calendar year, but no later than December 31 - 376.1(h)(4).
1. ___ The notification includes the following information - ___ 376.1(h)(4)(i).
- a. ___ The name and address of the Part 360 facility ___ receiving the waste - 376.1(h)(4)(i)(a).
- b. ___ A description of the waste as initially generated, ___ including the applicable EPA Hazardous Waste Number(s)

and treatability group(s), and underlying hazardous constituents, unless the waste will be treated and monitored for all underlying hazardous constituents. In that case they do not have to be listed on the notice - 376.1(h)(4)(i)(b).

- 2. ___ The certification must be signed by an authorized representative and state the language found in subparagraph 376.1(g)(2)(iv)(e) - 376.1(h)(4)(ii).
- 3. ___ If the treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification in 376.1(g)(2)(iv)(d) applies - 376.1(h)(4)(ii)(a).

IV. PCB Disposal

- A. ___ All PCB wastes listed under Part 371 solely for their PCB content, are disposed of in accordance with the provisions of 40 CFR Part 761, except 376.4(f)(1).
 - 1. ___ As listed in Part 371, waste B002, from any source other than a spill, may not be stabilized or mixed with any substance to conform with any provision of 40 CFR Part 761 regarding land disposal - 376.4(f)(1)(i).

V. Prohibition on Storage of Restricted Wastes - 376.5(a)

- A. The storage of hazardous wastes restricted from land disposal is permitted provided that: - 376.5(a)(1).
 - 1. ___ The generator has stored restricted waste in tanks or containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal - 376.5(a)(1)(i).
 - 2. The owner or operator of a hazardous waste treatment storage, or disposal facility has:
 - a. ___ Only stored restricted wastes in tanks or containers for up to one year solely for the purpose of the accumulation of such quantities as necessary to facilitate proper recovery, treatment, or disposal - 376.5(a)(1)(ii).
 - b. ___ Clearly marked each container or tank to identify its contents and the date each period of accumulation begins - 376.5(a)(1)(ii)(a).
 - c. ___ Maintained in the operating record the contents and beginning accumulation date for each tank and container - 376.5(a)(1)(ii)(b).
 - d. ___ Complied with all operating record requirements of 373-2.5(c) or 373-3.5(c) - 376.5(a)(1)(ii)(b).
- B. ___ Unless the Department can prove that such storage was not solely for the purpose of accumulation of such quantities as

necessary to facilitate proper recovery, treatment or disposal, the owner/operator of a treatment, storage or disposal facility may store restricted waste for up to one year - 376.5(a)(2).

- C. ___ The owner/operator of a treatment, storage or disposal ___ facility has stored restricted waste beyond one year and has proven that the storage was solely for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal - 376.5(a)(3).
- D. ___ Liquid hazardous wastes containing PCBs at concentrations ___ greater than or equal to 50 ppm have been stored at facilities that meet the requirements of 371 through 376 and 40 CFR 761.65(b), and have been removed from storage and treated or disposed of as required within one year of the date when such wastes were placed in storage - 376.5(a)(6).