



State of Oregon Department of Environmental Quality

Hazardous Waste Federal Rules Alignment 2021

Draft Rules – Edits Highlighted

Proposed changes to Division 12 associated with Safe Management of Recalled Airbags Rule

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

Chapter 340

Division 12

ENFORCEMENT PROCEDURE AND CIVIL PENALTIES

340-012-0068

Hazardous Waste Management and Disposal Classification of Violations

- (1) Class I:
 - (a) Failing to make a complete and accurate hazardous waste determination of a residue as required by OAR 340-102-0011;
 - (b) Failing to meet Land Disposal Restriction (LDR) requirements when disposing of hazardous waste;
 - (c) Operating a hazardous waste treatment, storage or disposal facility (TSD) without first obtaining a permit or without having interim status;
 - (d) Treating, storing or accumulating hazardous waste in a hazardous waste management unit, as defined in 40 CFR 260.10, that does not meet the unit design or unit integrity assessment criteria for the hazardous waste management unit;
 - (e) Accepting, transporting or offering for transport hazardous waste without a uniform hazardous waste manifest;
 - (f) Transporting, or offering for transport, hazardous waste to a facility not authorized or permitted to manage hazardous waste;
 - (g) Failing to comply with management requirements for ignitable, reactive, or incompatible hazardous waste;
 - (h) Illegally treating or disposing of a hazardous waste;

- (i) Failing to submit Land Disposal Restriction notifications;
- (j) Failing to have and maintain a closure plan or post closure plan for a TSD facility or for each regulated hazardous waste management unit, as defined in 40 CFR 260.10, by the owner or operator of facility or unit;
- (k) Failing to carry out closure or post closure plan requirements, by an owner or operator of a TSD facility, such that the certification for completing closure or post closure work is not submitted, or is incomplete, inaccurate, or non-compliant with the approved plans;
- (l) Failing to establish or maintain financial assurance or hazard liability requirements in 40 CFR 264.147 or 40 CFR 265.147, by an owner or operator of a TSD facility;
- (m) Failing to follow emergency procedures in a Contingency Plan or other emergency response requirements during an incident in which a hazardous waste or hazardous waste constituent is released to the environment or the incident presents a risk of harm to employees, emergency responders or the public;
- (n) Failing to comply with the export requirements in 40 CFR 262.52 for hazardous wastes;
- (o) Failing to properly install a groundwater monitoring system in compliance with permit requirements, by an owner or operator of a TSD facility;
- (p) Failing to properly control volatile organic hazardous waste emissions, by a large-quantity hazardous waste generator or TSD facility, when such failure could result in harm to employees, the public or the environment;
- (q) Failing to inspect, operate, monitor, keep records or maintain in compliance with a permit: hazardous waste landfill units, incineration equipment, Subpart X treatment equipment, hazardous waste treatment units, pollution abatement equipment for hazardous waste treatment or disposal, or hazardous waste monitoring equipment;
- (r) Failing to immediately clean up spills or releases or threatened spills or releases of hazardous waste, by any person having ownership or control over hazardous waste; or
- (s) Failing to submit an exception report; or

(t) Reuse in vehicles of defective airbag modules or defective airbag inflators subject to a recall.

(2) Class II:

- (a) Failing to place an accumulation start date on a container used for accumulation or storage of hazardous waste;
- (b) Failing to label a tank having a capacity of 100 gallons or more, or containers equaling more than 110 gallon capacity used for accumulation or storage of hazardous waste;
- (c) Failing to post required emergency response information next to the telephone, by a small quantity generator;

- (d) Accumulating hazardous waste more than thirty (30) days beyond the specified accumulation time frame;
- (e) Failing to submit a manifest discrepancy report;
- (f) Shipping hazardous waste on manifests that do not comply with DEQ rules;
- (g) Failing to prevent the unknown or unauthorized entry of a person or livestock into the waste management area of a TSD facility;
- (h) Failing to conduct required inspections at hazardous waste generator accumulation sites or hazardous waste permitted storage areas;
- (i) Failing to prepare a contingency plan;
- (j) Failing to comply with the requirements of a groundwater monitoring program, unless otherwise classified;
- (k) Failing to maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination;
- (l) Generating, treating, storing or disposing of hazardous waste without complying with the Personnel Training requirements;
- (m) Failing to keep containers of hazardous waste closed, except when adding or removing wastes;
- (n) Failing to comply with the requirements for management of containers, including satellite accumulation, other than the requirements for ignitable, reactive or incompatible waste, by a hazardous waste generator or storage facility;
- (o) Failing to comply with the preparedness, prevention, contingency plan or emergency procedure requirements, unless otherwise classified;
- (p) Failing to manage universal waste and waste pesticide residue in compliance with the universal waste management requirements or waste pesticide requirements;
- (q) Failing to obtain a hazardous waste EPA identification number when required;
- (r) Failing to comply with 40 CFR 264 or 265 Subparts J, W or DD standards, other than unit design or unit integrity assessment;
- (s) Failing to comply with 40 CFR 264 or 265 Subparts AA, BB or CC standards for hazardous waste generator and TSD facilities, unless otherwise classified; ~~or~~
- (t) Failing to timely submit an annual report, by a hazardous waste generator, TSD facility, or hazardous waste recycling facility; ~~or~~ [or](#)
- (u) Failing to comply with recalled airbag management, recordkeeping, or disposal requirements, unless otherwise classified.

(3) Class III:

- (a) Accumulating hazardous waste up to thirty (30) days beyond the specified accumulation time frame;
- (b) Failing to label containers equaling 110 gallon capacity or less used for the accumulation or storage of hazardous waste;
- (c) Failing to label a tank having less than 100 gallon capacity used for the accumulation or storage of hazardous waste;
- (d) Failing to maintain on site, a copy of the one-time notification regarding hazardous waste that meets treatment standards by a hazardous waste generator; or
- (e) Failing to submit a contingency plan to all police, fire, hospital and local emergency responders.

Statutory/Other Authority: ORS 459.995, 466.070 - 466.080, 466.625 & 468.020

Statutes/Other Implemented: ORS 466.635 - 466.680, 466.990 - 466.994 & 468.090 - 468.140

History:

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 1-2014, f. & cert. ef. 1-6-14

DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06

DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05

DEQ 13-2002, f. & cert. ef. 10-9-02

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 19-1998, f. & cert. ef. 10-12-98

DEQ 21-1992, f. & cert. ef. 8-11-92

DEQ 15-1990, f. & cert. ef. 3-30-90

DEQ 4-1989, f. & cert. ef. 3-14-89

DEQ 22-1988, f. & cert. ef. 9-14-88

DEQ 17-1986, f. & ef. 9-18-86

DEQ 9-1986, f. & ef. 5-1-86

DEQ 22-1984, f. & ef. 11-8-84

DEQ 1-1982, f. & ef. 1-28-82