

# New York State Department of Environmental Conservation

## Division of Environmental Remediation, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

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Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Erin M. Crotty  
Commissioner

January 14, 2002

Ms. Debra Howell  
Environmental Manager  
US Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, New York 14207-3199

Dear Ms. Howell:

Hazardous Waste Compliance Inspection Date: January 4, 2002  
Location of Handler: DOD Lake Ontario, 1550 Balmer Road, Model City, NY 14107  
EPA Identification Number: NY7210014174

In order to determine compliance with the New York State Hazardous Waste Regulations, the New York State Department of Environmental Conservation conducted an inspection of your facility on the above referenced date.

As a result of that inspection, we believe that your facility is operating as a generator of hazardous waste.

No violations of the New York State Hazardous Waste Regulations were observed by the inspector on the inspection date referenced above. A copy of the Inspection Form is enclosed for your records.

Please be advised that your facility is under the continuing obligation to comply with all the applicable state and federal regulations regarding the management of hazardous waste.

Please note that this letter in no way addresses any liability you may have for any regulatory fees and hazardous waste special assessment fees.

If you have any questions about this notice or should you wish to discuss this matter further, please contact the Inspector or the Reviewer at the telephone number above. A copy of the Inspection Form is enclosed for your information.

Sincerely,

Nelson F. Schnabel  
Environmental Engineer I

NFS/lj  
Enclosure

cc: Mr. Bidjan Rostami, Inspector, Region 9  
Mr. Bruce Knapp, Reviewer, Central Office  
New York State Department of Environmental Conservation

CESQG

SQG

GENERATOR

TSDF

OTHER

NONREGULATED

UNANNOUNCED

ANNOUNCED

X

X



# INSPECTION FORM

NEW YORK STATE INDUSTRIAL HAZARDOUS WASTE MANAGEMENT ACT  
(Chapter 639, Laws of 1978)

Prepared for:

Commissioner  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Send to:

NYSDEC  
Division of Solid & Hazardous Materials  
Compliance Section  
50 Wolf Road - Room 448  
Albany, New York 12233-7251

Attach company business card here or  
attach letterhead as last page.

EPA I.D. NUMBER:

NY7210014174

COMPANY NAME

(Corporate): US Army Corp of Engineers, Buffalo District

(Division): \_\_\_\_\_

COMPANY MAILING ADDRESS:

1776 Niagara Street

City &amp; State

Buffalo, New York Zip Code 14207-3199

COMPANY LOCATION ADDRESS:

DOD Lake Ontario, 1550 Balmer Road

(if different than mailing)

City &amp; State

Model City, N.Y. Zip Code 14107

COUNTY

Niagara

COMPANY TELEPHONE NUMBER:

716-879-4213

Extension \_\_\_\_\_

NAME OF COMPANY CONTACT:

Ms. Debra Howell

TITLE OF COMPANY CONTACT:

Environmental Manager

INSPECTION DATE:

01/04/2002

TIME OF INSPECTION:

10:30 PM

INSPECTOR'S NAME:

Bidjan Rostami

NAME:

REPORT PREPARED BY:

Bidjan Rostami

DATE:

1/9/2002

REPORT APPROVED BY:

John Schmale

DATE:

1/10/02

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Facility Name US Army Corp of Engineers, Buffalo District:  
EPA I.D. No. NY7210014174  
Date of Inspection: 01/04/2002

## **Part I**

### **General Information and Classification of Facility**

#### **1. Identification of Hazardous Waste - 371**

- |   | <u>Yes</u> | <u>No</u>     |
|---|------------|---------------|
| A. Facility generates and/or stores hazardous waste on-site.  | <u>X</u>   | <u>      </u> |
| (1) <u>X</u> Company has used knowledge of the waste to determine if it is hazardous.   |            |               |
| (2) <u>X</u> Testing has shown characteristics of:  |            |               |
| ( <u>X</u> ) Ignitability (D001) - 371.3(b)   |            |               |
| ( <u>X</u> ) Corrosivity (D002) - 371.3(c)  |            |               |
| ( <u>      </u> ) Reactivity (D003) - 371.3(d)  |            |               |
| ( <u>X</u> ) Toxicity (D004 - 043) - 371.3(e)   |            |               |
| (3) <u>      </u> The material is listed in the regulations as a hazardous waste from non-specific sources (F-Waste). 371.4(b).   |            |               |
| (4) <u>      </u> The waste is listed in the regulations as a hazardous waste from specific sources (K-Waste). 371.4(c).  |            |               |
| (5) <u>      </u> The material is listed in the regulations as an acute hazardous waste (P-Waste). 371.4(d)(5).   |            |               |
| (6) <u>      </u> The material or product is listed in the regulations as a discarded commercial chemical product, off-specification species or manufacturing chemical intermediate (U-Waste). 371.4(d)(6). |            |               |
| (7) <u>X</u> The material is listed in the regulations as a waste containing PCBs (B-Waste). 371.4(e).  |            |               |
| B. If the facility is a treatment, storage or disposal facility, have they:   |            |               |
| <u>NA</u> Submitted a Part A application.   |            |               |
| <u>NA</u> Should the Part A be modified by the Company?<br>If so, explain.  |            |               |
| <hr/>   |            |               |
| <u>NA</u> Submitted a Part 373 permit application.  |            |               |
| <u>NA</u> Been granted a Part B permit.*      expiration date: <u>      </u>  |            |               |
| <u>NA</u> Been granted a Part 373 permit*      expiration date: <u>      </u>   |            |               |
| C. <u>NA</u> Has the facility signed a consent order to resolve violations found during a previous inspection?**  |            |               |

\*Complete Appendix C - indicate compliance status with permit conditions.

\*\*Complete Appendix D and indicate compliance with conditions of the order.

## 2. Exemptions

### A. Generator Exemptions

- (1) NA Not a regulated handler
- (2) NA Samples collected for testing - 372.1(e)(5).
- (3) NA Residues of hazardous waste in empty containers - 372.1(e)(6).
- (4) NA A hazardous waste which is generated in a product or raw material storage tank, transport vehicle or vessel, pipeline, or in a manufacturing process unit or an associated non-waste treatment manufacturing unit is not subject to regulation until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated, manufacturing, or for storage or transportation. - 372.1(e)(7)(i).

### B. TSD Exemptions

- (1) NA Storage of hazardous waste that is generated on-site in containers or tanks for a period not exceeding 90 days. Other than the storage of liquid hazardous waste over the designated sole source aquifers - 373-1.1(d)(1)(iii).
- (2) NA Storage of liquid hazardous waste in containers (>185 gallons) or tanks generated on-site over the designated sole source aquifers for a period not exceeding 90 days. - 373-1.1(d)(1)(iv).
- (3) NA The on-site storage and treatment of hazardous waste by generators that generate less than 100 kilograms of hazardous waste in any calendar month and store less than 1,000 kilograms. - 373-1.1(d)(1)(v).
- (4) NA The storage and recycling of the recyclable materials identified in subparagraphs 371.1(g)(1)(iii) and (iv) of this Title - 373-1.1(d)(1)(vi).
- (5) NA The storage of the following recyclable materials is exempt from permitting provided that Subpart 374-1 is complied with. (NOTE: Subpart 374-1 will require that the facility also complies with selected sections of this Part.) - 373-1.1(d)(1)(vii):
  - (a) \_\_\_\_\_ recyclable materials used in a manner constituting disposal (see section 374-1.3);
  - (b) \_\_\_\_\_ hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under section 373-2.15 or 373-3.15 of this Title (see section 374-1.8);
  - (c) \_\_\_\_\_ recyclable materials from which precious metals are reclaimed (see section 374-1.6);
  - (d) \_\_\_\_\_ spent lead-acid batteries that are being reclaimed (see section 374-1.7).
- (6) NA The recycling of hazardous wastes is exempt from permitting provided 373-2.2(c) (identification number), 372.4(b) (use of manifest system), 372.4(d)(1)

(a) This exemption is available to:

- (b) \_\_\_\_\_ This exemption is not available to any units, other than boilers and industrial furnaces, that burn hazardous wastes for energy recovery.

- (d) Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous waste are subject to the requirements of sections 373-2.27, 373-2.28, 373-3.27 and 373-3.28 of this Part.

- (8) **NA** Totally enclosed treatment facility - 373-1.1(d)(1)(xi).

- (10) **NA** Accumulation areas - 373-1.1(d)(1)(xiv).

- ### 3. Hazardous Waste Generation/Treatment/Storage/Disposal

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- B. Describe any on-site hazardous waste treatment processes that result in the generation of hazardous waste (exempt and/or non-exempt). Include process diagrams if available.

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- C. Identify the hazardous wastes that are on-site, the quantity of each, the storage method, the type and size of containers or tanks used and their location in the storage area. (Be as specific as possible.)

- (1) Accumulation Areas [NOTE: Waste in accumulation areas must be included as part of the total quantity of waste on-site]:

No hazardous waste on-site.

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- (2) Container Storage Areas for CESQG, SQG or Generator:

No hazardous waste on-site.

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- (3) Tank Storage Areas for CESQG, SQG or Generator:

NA

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(4) Interim Status/Permitted Container Storage Areas:

NA

(5) Interim Status/Permitted Tank Storage Areas:

NA

(6) Treatment, storage or disposal units such as surface impoundments, landfills, waste piles or incinerators:

NA

4. Status Identification:

A. **Generator Status**

- (1) NA Conditionally Exempt Small Quantity Generator (CESQG) - generates less than 100 kg/mo of non-acute hazardous waste or 1 kg/mo of acute hazardous waste. Complete Part III - 372.1(f)(6), 371.1(f)(7).
- (2) NA Small Quantity Generator (SQG) - generates more than 100 kg/mo but less than 1,000 kg/mo of non-acute hazardous, and accumulates no more than 6,000 kg of non-acute hazardous waste on-site. Complete Part IV - 372.2(a)(8)(iii).
- (3) X Generator - generates more than 1,000 kg/mo of non-acute hazardous waste or generates more than 1 kg of acute hazardous waste in a calendar month. Complete Part V - 372.2(a)(8)(ii).

B. **Treatment, Storage or Disposal Facility (TSDF)**

- (1) NA Hazardous waste is stored greater than 90 days.\*,\*\*
- (2) NA Hazardous waste is received from off-site and not beneficially used, reused



or legitimately recycled or stored.\*

(3) NA Hazardous waste is treated on-site in non-exempt units.\*

(4) NA Hazardous waste is disposed of on-site.\*

\* (If checked Complete Part VI and/or appropriate Appendices)

\*\* (Do not complete for generators only that have exceeded the 90 day storage limit.)

**C. Transporter Status**

Yes      No  
              X  

Transporter operates a 10-day transfer facility.

If Yes, Complete Part VII

Permit No. \_\_\_\_\_

**D. Universal Waste Handler**

(1) NA Small Quantity Handler - company accumulates no more than 5,000 kg total of universal waste at any time - Complete Appendix L.

(2) NA Large Quantity Handler - Company accumulates 5,000 kg or more of universal waste at any time - Complete Appendix L.

(3) NA Universal Waste Managed On-Site (list type and quantity).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. RCRA Air Emission Rule (Subpart AA/BB/CC)**

Is facility subject to RCRA Air Emission Rules (Subpart AA/BB/CC)?

       If Yes, Complete Appendix-X.

  X   If No, Please explain:

No waste on site. Wastes generated (contaminated groundwater collected  
during excavation and remediation operation) were stored in tanks prior to  
shipment and contained less than 500 ppm organics.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate:  
X Satisfactory  
NA Not Applicable

Inspection Date: 01/04/2002

## LARGE QUANTITY GENERATOR

V-1

container - 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(2),  
373-1.1(d)(1)(iv)(d).

Container Storage Requirements (This section will also be completed  
(This section will also be completed for TSDF's as referred from Part VI.)

- (c) \_\_\_\_\_ The containers appear to be in good condition and are not in  
danger of leaking. (If containers are leaking, describe the  
type, condition, contents and number that are leaking or  
corroded. Be detailed and specific) - 373-3.9(b).

NA

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- (d) \_\_\_\_\_ Hazardous waste is stored in containers made of compatible  
materials - 373-3.9(c). (If not, please explain.)

NA

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- (e) \_\_\_\_\_ All containers except those in use are closed -  
373-3.9(d)(1).

NA

- (f) \_\_\_\_\_ Containers holding hazardous waste must not be opened,  
handled or stored in a manner which may rupture the  
containers or cause them to leak - 373-3.9(d)(2).

NA

- (g) \_\_\_\_\_ Each container is marked with the words "Hazardous Waste"  
and with other words to identify the contents - 373-3.9(d)(3).

NA

- (h) \_\_\_\_\_ The containers and storage area are inspected at least  
weekly - 373-3.9(e).

NA

- (i) \_\_\_\_\_ The generator complies with the following special requirements  
for storage of ignitable or reactive wastes - 373-3.9(f):

- (1) \_\_\_\_\_ Containers holding ignitable or reactive waste are  
located at least 15 meters (50 feet) from the facility  
property line - 373-3.9(f).

NA

- (2) \_\_\_\_\_ Generator has taken precautions to prevent accidental  
ignition or reaction of ignitable or reactive waste by  
separating and protecting such waste from sources of  
ignition or reaction - 373-3.2(h)(1).

NA

- (3) \_\_\_\_\_ Generator has placed "No Smoking" signs conspicuously  
wherever there is a hazard from ignitable or reactive  
waste - 373-3.2(h)(1).

NA

- (j) \_\_\_\_\_ The generator complies with the following special  
requirements related to incompatible wastes - 373-3.9(g):

- (1) \_\_\_\_\_ Incompatible wastes, or incompatible wastes and materials,  
are not placed in the same container, or in an unwashed

container that previously held an incompatible waste or material unless the placement is conducted to prevent the following - 373-3.9(g)(1) & (2):

- |     |  |           |
|-----|--|-----------|
| (a) | _____ the generation of extreme heat or pressure, fire or explosion, or violent reaction - 373-3.2(h)(2)(i);   | <u>NA</u> |
| (b) | _____ production of uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to pose a risk of fire or explosions - 373-3.2(h)(2)(ii);   | <u>NA</u> |
| (c) | _____ production of uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions - 373-3.2(h)(2)(iii);  | <u>NA</u> |
| (d) | _____ damage to the structural integrity of the device or facility containing the waste - 373-3.2(h)(2)(iv); or  | <u>NA</u> |
| (e) | _____ a threat to human health or the environment - 373-3.2(h)(2)(v).  | <u>NA</u> |
| (2) | _____ Containers holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device - 373-3.9(g)(3). | <u>NA</u> |
| (3) | _____ The owner or operator shall manage all hazardous waste placed in containers in accordance with the applicable requirements of sections 373-3.27, 373-3.28 and 373-3.29 of the Subpart (Complete Appendix X) - 373-3.9(h).  | <u>NA</u> |
| (k) | _____ Special requirements for generators of <u>liquid</u> hazardous waste over sole source aquifers or generators that store more than 8,800 gallons of <u>liquid</u> hazardous waste - 373-1.1(d)(1)(iii), 373-1.1(d)(1)(iv).  | <u>NA</u> |
| (1) | The container storage areas are within a secondary containment system designed and operated in accordance with the following* - 373-1.1.(d)(1)(iv)(f):   |           |
| (a) | _____ The base under the containers must be free of cracks or gaps and sufficiently impervious to contain collected material until it is removed - 373-2.9(f)(1)(i).   | <u>NA</u> |
| (b) | _____ The base must be sloped or the containment system otherwise designed and operated to drain and remove liquid unless the containers are elevated or protected from contact with accumulated liquids - 373-2.9(f)(1)(ii).  | <u>NA</u> |
| (c) | _____ The containment system must have sufficient capacity to contain 10 percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids are not considered in this determination - 373-2.9(f)(1)(iii).                              | <u>NA</u> |
| (d) | _____ Run-on is prevented unless the system has sufficient   | <u>NA</u> |

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

excess capacity over that required in (3) - 373-2.9(f)(1)(iv).

- (e) \_\_\_\_\_ Accumulated waste and precipitation must be removed as necessary to prevent overflow - 373-2.9(f)(1)(v). NA

\* This requirement does not apply to generators of liquid hazardous waste over a sole source aquifer if the container storage volume does not exceed 185 gallons.

- (2) \_\_\_\_\_ The generator of liquid hazardous waste over a sole source aquifer has a written closure plan - 373-3.7(c)(1). NA

- (3) \_\_\_\_\_ The closure plan identifies the steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must contain the information required by 373-3.7(c)(2)(i) - (vii)\*\* - 373-3.7(2)(c). NA

\*\* If a violation is checked, please attach a sheet listing the deficiencies in the closure plan.

4. Tank Storage Requirements - 373-3.10

1. \_\_\_\_\_ Generators must complete Appendix E, except for 373-3.10(h)(3) Items 9C1 through 5. In addition, 373-3.7 and 3.8 which are cross-referenced do not apply except for 373-3.7(b) and (e). NA

2. \_\_\_\_\_ Generators over sole-source aquifers complete Appendix E, except for 373-3.10(h)(3), Items 9C1 through 5 and 373-3.8 (financial requirements). NA

5. Manifest, Reporting and Recordkeeping Requirements

- (a) \_\_\_\_\_ Hazardous waste is shipped off-site with an accompanying manifest - 372.2(b)(5)(i). X

If violation is checked, please provide details.

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- (b) List the frequency of shipments and the amount of waste per shipment.

Occasional generation and shipment of hazardous waste.

No hazardous waste was generated in 2001. 10000 Gallons generated in 2000.

- (c) \_\_\_\_\_ The transporter has a valid Part 364 permit or is otherwise authorized to transport the waste to the designated facility - 372.2(b)(5)(ii). X

- (d) \_\_\_\_\_ The generator offers for shipment or ships hazardous waste to an authorized facility. - 372.2(b)(5)(iii). X

If violation is checked, please provide details.

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Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

- (e) Each manifest is completed in accordance with the instructions found in Appendix 30 of Part 372 - 372.2(b)(1). [Indicate items in violation]

	Generator	Trans 1	Trans 2	TSDf	
(1)	Name of	_____	_____	_____	_____ <u>X</u>
(2)	EPA ID No. of	_____	_____	_____	_____ <u>X</u>
(3)	Mailing Address of	_____		_____	_____ <u>X</u>
(4)	Telephone No. of	_____	_____	_____	_____ <u>X</u>
(5)	_____ Manifest Document #				_____ <u>X</u>
(6)	_____ The proper USDOT description.				_____ <u>X</u>
(7)	The appropriate: _____ quantity, _____ container number _____ container type, and _____ waste type by units of weight _____ or volume.	_____	_____	_____	_____ <u>X</u>
(8)	_____ Signed certification that the materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation under regulations of the USDOT and NYSDEC.				_____ <u>X</u>
(f)	_____ The generator has contacted the designated facility immediately after not receiving signed copies of manifests for wastes shipped off-site more than <b>35 days</b> ago - 372.2(c)(3):				_____ <u>NA</u>
	_____ For these shipments, exception reports have been submitted after not receiving signed copies of manifests for <b>45 days</b> - 372.2(c)(3).				_____ <u>NA</u>
(g)	_____ The generator must distribute copies of the manifest as specified on the manifest form, postmarked within five (5) business days of the shipment date - 372.2(b)(3).				_____ <u>X</u>
(h)	For international shipments the generator has done the following - 372.2(b)(4)(i):				
(1)	_____ The EPA and the Department have been notified 60 days prior to shipment of the hazardous waste destined for treatment, storage or disposal outside the United States - 372.5(c)(1).				_____ <u>NA</u>
(2)	_____ Primary exporters of hazardous waste must file with the Administrator and the Department no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year - 372.5(f)(1).				_____ <u>NA</u>

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

- (i) \_\_\_\_\_ The generator has complied with the requirements of Section 372.6 for interstate shipments - 372.2(b)(4)(ii).       X
- (j) \_\_\_\_\_ The generator has complied with the requirements for shipping by rail or water (bulk) found in Section 372.7 - 372.2(b)(4)(iii).       NA
- (k) \_\_\_\_\_ A copy of each manifest has been kept for at least three years from the date the waste was accepted by the initial transporter - 372.2(c)(1)(i).       X
- (l) \_\_\_\_\_ A copy of each Annual Report and Exception Report must be kept for a period of at least three years from the due date of the report - 372.2(c)(1)(ii).       X
- (m) \_\_\_\_\_ A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Part 372.2(a)(2) for at least three years - 372.2(c)(1)(iii).       X
- (n) \_\_\_\_\_ All records required under subdivision 372.2(c) were furnished upon request, or made available at a reasonable time for inspection - 372.2(c)(1)(iv).       X
- (o) \_\_\_\_\_ There is written communication that the designated treatment, storage or disposal facility is authorized for the hazardous wastes being offered for shipment, has capacity to accept such hazardous waste, and will assure the ultimate disposal method is followed - 372.2(b)(2)(i).       X
- (p) \_\_\_\_\_ There is written communication that the designated transporter is authorized to deliver the waste to the facility on the manifest - 372.2(b)(2)(ii).       X
- (q) \_\_\_\_\_ A generator who ships hazardous waste off-site to a treatment, storage or disposal facility located within the United States must submit an Annual Report on forms specified by the Commissioner - 372.2(c)(2).       X

6. Personnel Training - 373-3.2(g)

- (a) The following documents and records are maintained at the facility - 373-3.2(g)(4):
- (1) \_\_\_\_\_ the job title for each position at the facility related to hazardous waste management and name of the employee filling each job - 373-3.2(g)(4)(i);       X
- (2) \_\_\_\_\_ a written job description for each position - 373-3.2(g)(4)(ii);       X
- (3) \_\_\_\_\_ a written description of the type and amount of both introductory and continuing training that will be given to each person related to hazardous waste management - 373-3.2(g)(4)(iii); and       X

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

- (4) \_\_\_\_\_ records that document that the training or job experience required has been given to and completed by facility personnel - 373-3.2(g)(4)(iv). X
- (b) The training program is directed by a person trained in hazardous waste management procedures and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. The components are - 373-3.2(g)(1)(i), (ii) and (iii):
- (1) \_\_\_\_\_ Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment; X
- (2) \_\_\_\_\_ Key parameters for automated waste feed cutoff systems; NA
- (3) \_\_\_\_\_ Communications or alarm systems; X
- (4) \_\_\_\_\_ Response to fires and explosions; X
- (5) \_\_\_\_\_ Response to groundwater contamination incidents; and X
- (6) \_\_\_\_\_ Shutdown of operations. X
- (c) \_\_\_\_\_ Facility personnel have successfully completed the program by the effective date of these regulations or six months after the date of their employment - 373-3.2(g)(2). X
- (d) \_\_\_\_\_ Facility personnel have taken part in an annual review of the initial training required - 373-3.2(g)(3). X
- (e) \_\_\_\_\_ Training records on current personnel have been kept permanently at the facility (until closure) - 373-3.2(g)(5). X
- (f) \_\_\_\_\_ Training records on former employees have been kept for at least three years from the date the employee last worked at the facility - 373-3.2(g)(5). X

7. Preparedness and Prevention - 373-3.3

- (a) \_\_\_\_\_ The facility is maintained and operated to minimize the possibility of a fire or explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water - 373-3.3(b). X
- (b) The facility must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below - 373-3.3(c):
- (1) \_\_\_\_\_ An internal communication or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel - 373-3.3(c)(1); X



Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

- (2) \_\_\_\_\_ A device, such as a telephone (immediately available at the scene of operations) or a hand-held, two-way radio capable of summoning emergency assistance from local police departments, fire departments, or emergency response teams - 373-3.3(c)(2);      X
- (3) \_\_\_\_\_ Portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment - 373-3.3(c)(3); and      X
- (4) \_\_\_\_\_ Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray systems - 373-3.3(c)(4).      X
- (c) \_\_\_\_\_ Facility communications or alarm systems, fire protection equipment, and spill control equipment are tested and maintained as necessary to assure their proper operation in time of emergency - 373-3.3(d).      X
- (d) \_\_\_\_\_ Personnel involved in hazardous waste operations have immediate access to an internal alarm or emergency communication device either directly or through visual or voice contact with another employee - 373-3.3(e).      X
- (e) \_\_\_\_\_ The owner or operator must 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 aisle space is not needed for any of these purposes - 373-3.3(f).      NA
- (f) \_\_\_\_\_ The facility owner or operator has attempted to make the following arrangements as appropriate with local authorities for the type of waste handled at the facility and the potential need for the services of these organizations - 373-3.3(g)(1):
- (1) \_\_\_\_\_ Arrangements to familiarize police, fire departments and emergency response teams with the functions and layout of the facility - 373-3.3(g)(1)(i);      X
- (2) \_\_\_\_\_ Where more than one police and fire department might respond to an emergency, an agreement designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to primary emergency authority - 373-3.3(g)(1)(ii);      NA
- (3) \_\_\_\_\_ Agreements with State emergency response teams, emergency response contractors, and equipment suppliers - 373-3.3(g)(1)(iii); and      X
- (4) \_\_\_\_\_ Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility - 373-3.3(g)(1)(iv).      X
- (g) \_\_\_\_\_ Where state or local authorities decline to enter into such arrangements, the owner or operator has documented      NA

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

the refusal in the operating record - 373-3.3(g)(2).

8. Contingency Plan - 373-3.4

- |           |  |                  |
|-----------|--|------------------|
| (a) _____ | The facility has a contingency plan or some other emergency plan which incorporates hazardous waste management - 373-3.4(b)(1).  | <u>    X    </u> |
| (b) _____ | If the facility has a Spill Prevention, Control, and Countermeasure Plan (SPCC) or some other emergency plan, that plan need only be modified to incorporate hazardous waste management provisions that are sufficient to comply with the Contingency plan requirements - 373-3.4(c)(2). | <u>    X    </u> |
| (c) _____ | The following are included in the contingency plan - 373-3.4(c):   |                  |
| (1) _____ | A description of the actions facility personnel must take in response to fires, explosions or any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil or surface water; 373-3.4(c)(1).   | <u>    X    </u> |
| (2) _____ | A description of arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services; 373-3.4(c)(3).   | <u>    X    </u> |
| (3) _____ | Names, addresses and office and home phone numbers of all persons qualified to act as emergency coordinator; 373-3.4(c)(4).  | <u>    X    </u> |
| (4) _____ | An up-to-date list of all emergency equipment at the facility, and decontamination equipment, where this equipment is required; 373-3.4(c)(5).   | <u>    X    </u> |
| (5) _____ | The location and a physical description of each item on the list, and a brief outline of its capabilities; 373-3.4(c)(5).  | <u>    X    </u> |
| (6) _____ | An evacuation plan for facility personnel, where there is a possibility that evacuation could be necessary - 373-3.4(c)(6).  | <u>    X    </u> |
| (d) _____ | Copies of the contingency plan are maintained at the facility - 373-3.4(d)(1).   | <u>    X    </u> |
| (e) _____ | Copies of the contingency plan have been submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services - 373-3.4(d)(2).   | <u>    X    </u> |
| (f) _____ | The contingency plan has been amended, as necessary, when applicable regulations were revised, the plan failed in an emergency, the facility changes or the list of emergency coordinators or equipment changes - 373-3.4(e).  | <u>    X    </u> |
| (g) _____ | There is at least one employee either on the facility premises or on call with the responsibility and authority for  | <u>    X    </u> |

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

Company Name: US Army Corp of Engineers, Buffalo District:

EPA ID# No.: NY7210014174

Region/Inspector : 9 / Bidjan Rostami

Inspection Date: 01/04/2002

## **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

	YES	NO
A. Other than as described in B. below, has the generator, in any way diluted a restricted waste or the residual from treatment of a restricted waste: - 376.1(c)(1).		
1. As a substitute for adequate treatment to achieve compliance with section 376.4.	<u>          </u>	<u>  X  </u>
2. To otherwise avoid a prohibition in section 376.3.	<u>          </u>	<u>  X  </u>
3. To circumvent a land disposal prohibition imposed by Article 27.	<u>          </u>	<u>  X  </u>
4. Are hazardous waste from separate points of generation blended, commingled, or otherwise mixed in a way that dilutes, changes any of the treatability groups, subcategories, or treatment standards that individual wastes were subject to prior to commingling?	<u>          </u>	<u>  X  </u>

If yes to 1, 2, 3, or 4 above, identify the waste and provide a brief description of the dilution process.

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	YES	NO
B. Are characteristic hazardous wastes diluted (in a	<u>          </u>	<u>  X  </u>

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

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.]]

- |     |   |       |              |
|-----|---|-------|--------------|
| C.  | Is combustion 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) | _____ | <u>  X  </u> |
| (1) | the waste contains hazardous organic constituents or cyanide at levels exceeding the constituent - specific treatment standard found in 376.4(j) of this Part;  | _____ | <u>  X  </u> |
| (2) | the waste consists of organic, debris - like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal - bearing hazardous waste;   | _____ | <u>  X  </u> |
| (3) | the waste, at point of generation, has reasonable heating value such as greater than or equal to 5000 BTU per pound;  | _____ | <u>  X  </u> |
| (4) | the waste is co-generated with wastes for which combustion is a required method treatment;  | _____ | <u>  X  </u> |
| (5) | the waste is subject to Federal and/or State requirements necessitating reduction of organics (including biological agents); or   | _____ | <u>  X  </u> |
| (6) | the waste contains greater than 1% Total Organic Carbon (TOC).  | _____ | <u>  X  </u> |

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). | _____ | <u>  X  </u> |
| B. | _____ The determination in A. has been made by testing the waste - 376.1(g)(1)(i).                                 | _____ | <u>  X  </u> |
| C. | _____ The determination in A. has been made by using knowledge of  | _____ | <u>  X  </u> |

the waste - 376.1(g)(1)(i).

D.            For wastes that display the characteristic of ignitability, corrosivity, reactivity or toxicity, the generator has complied with subdivision 376.1(h) [Complete Item III] - 376.1(g)(1)(i).       X      

E. 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       X      

2.            Manifest document number       X      

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.       X      

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).       X      

5.            Waste analysis data (when available).       X      

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).       NA      

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.

F. 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.       NA      

2.            Manifest document number.       NA

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

- |    |   |           |
|----|---|-----------|
| 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. | <u>NA</u> |
| 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).  | <u>NA</u> |
| 5. | _____ Waste analysis data (when available).   | <u>NA</u> |
| 6. | _____ The applicable certification.   | <u>NA</u> |

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.

G. 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.  | <u>NA</u> |
| 2. | _____ Manifest documents number.   | <u>NA</u> |
| 3. | _____ Statement: this waste is not prohibited from land disposal.  | <u>NA</u> |
| 4. | _____ Waste analysis data (when available).  | <u>NA</u> |
| 5. | _____ Date the waste is subject to the prohibition.  | <u>NA</u> |
| 6. | _____ For <u>hazardous debris</u> , 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). | <u>NA</u> |

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

H. Treatment of Prohibited Wastes in Containers or Tanks

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

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)(iv).  | <u>NA</u> |
| 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)(iv)(a). | <u>NA</u> |
| 3. | _____ | Kept the plan on-site in the generator's records - 376.1(g)(1)(v)(b).   | <u>NA</u> |
| 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.F. pgs. A-4.]  | <u>NA</u> |

I. Recordkeeping.

- |    |          |   |           |
|----|----------|---|-----------|
| 1. | _____    | If a generator has determined whether a waste is restricted based solely on <u>knowledge</u> 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).  | <u>X</u>  |
| 2. | _____    | If a generator has determined whether a waste is restricted based on <u>testing</u> 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).  | <u>X</u>  |
| 3. |          | If a generator has determined that he is managing a restricted waste that is <u>excluded</u> from the definition of hazardous or solid waste, or <u>exempt</u> 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: - 376.1(g)(1)(vii). |           |
|    | a. _____ | That the waste is generated,  | <u>NA</u> |
|    | b. _____ | That the waste is excluded from the definition of hazardous or solid waste or exempted from regulation.   | <u>NA</u> |
|    | c. _____ | The disposition of the waste.   | <u>NA</u> |

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).

X

J. 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).

NA

K. Small Quantity Generators with Tolling Agreements.

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

1. \_\_\_\_\_ 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.E, F, or G, pgs A-3 through A-5, as applicable, except for manifest requirements.]
2. \_\_\_\_\_ 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).

NA

NA

L. Hazardous Debris.

Generators 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). NA
  - 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). NA
  - 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). NA
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). NA

### III. Special Rules Regarding Wastes That Exhibit a Characteristic

- A. \_\_\_\_\_ The initial generator of a solid waste has 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). X
- 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). X

Indicate:  
X Violations

Indicate:  
X Satisfactory  
NA Not Applicable

- 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). X
- 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 that 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). X
- 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). X
2. \_\_\_\_\_ The certification is signed by an authorized representative and state the language found in subparagraph 376.1(g)(2)(iv)(e) - 376.1(h)(4)(ii). X
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). X

#### 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 376.1(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 - 376.1(f)(1)(i). NA

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 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). NA
  - 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). NA
  - c.            Maintained in the operating record the contents and beginning accumulation date for each tank and container - 376.5(a)(1)(ii)(b). NA
  - d.            Complied with all operating record requirements of 373-2.5(c) or 373-3.5(c) - 376.5(a)(1)(ii)(b). NA
- 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). NA
- 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). NA
- 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). NA