

US EPA ARCHIVE DOCUMENT

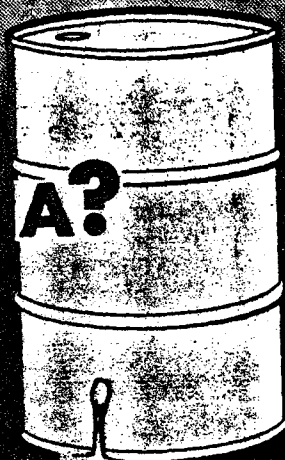
APPENDIX A

LIST OF TSD FACILITIES
WHICH REQUIRE GROUNDWATER
MONITORING UNDER THE WEST VIRGINIA
HAZARDOUS WASTE PROGRAM

<u>Facility Name</u>	<u>EPA ID No.</u>
Airco Welding Products	WVD980554760
American Cyanamid Co.	WVD004341491
Appalachian Power Co.	
- Amos Plant	WVD980554646
- Mountaineer Plant	WVD980554463
- Sporn Plant	WVD980554703
Appalachian Timber Services	WVD063461958
Borg-Warner Chemicals, Inc.	
- Weston No. 1	WVD980552384
- Weston No. 2	WVD061776977
CST, Inc.	WVD030143960
FMC Corporation - South Charleston	WVD005005079
General Motors Corp.	WVD044145209
Kaiser Aluminum & Chemical Corp.	WVD009233297
Koppers Co., Inc.	
- Colliers	WVD980707178
- Follansbee	WVD004336749
- Greensprings	WVD003080959
LCP Chemicals - WV, Inc.	WVD000765297
Mobay Chemical Corp.	WVD056866312
Monsanto - Nitro	WVD039990965
Olin Corporation	WVD980555239
PPG Industries, Inc.	WVD004336343
Pittsburgh Tube Co.	WVD060692126
Union Carbide Corporation	
- Agricultural Products Co., Inc.	WVD005005509
- Holz Impoundment	WVD980554885
- PTO Terminal	WVD000739722
- Sistersville Plant	WVD004325353
- South Charleston (Plant 514)	WVD005005483
Weirton Steel Corporation	WVD000068908

APPENDIX B

IS THERE A HAZARDOUS WASTE PROBLEM



There Could Be...

The U.S. Environmental Protection Agency (EPA) estimates that between 30 and 40 million metric tons of hazardous wastes will be generated in the United States in 1980. That is about 300 to 400 pounds of waste per person. EPA has estimated that West Virginia generates only 1/4 to 2% of the hazardous waste in the nation. Another EPA study, however, said West Virginia is one of ten states which produce 65% of the nation's hazardous waste.

In other words, there are still many questions to be answered . . .

(Please type in print capital letters)

Your Name		First	Middle	Last
Address		Street		
Name of firm (if known)		Town		
County		Nearest Town		
Specific Direction		LOCATION OF PROBLEM		
Description of Problem		Check if Applicable: <input type="checkbox"/> Dead Vegetation <input type="checkbox"/> Steep		
Dangers to Person		<input type="checkbox"/> Risk to Stock or Fidler <input type="checkbox"/> Abandoned Buildings		

WHAT IS A HAZARDOUS WASTE?

A hazardous waste is a waste that, when improperly managed, may cause or significantly contribute to serious illness or death, or may pose a substantial threat to human health or the environment. EPA further defines hazardous waste by four characteristics: ignitability, corrosivity, reactivity (or explosiveness) or toxicity.

Hazardous wastes are many of the by-products of our society. The manufacture of automobiles, clothing, glass, medicines, newspapers, plastics and televisions are some of the processes whose waste products may be hazardous.

HAZARDOUS WASTE CAN:

- Poison or cause injury through direct contact
- Poison through the food chain
- Explode and/or catch fire
- Pollute the air
- Contaminate ground water
- Contaminate surface water

WHAT IS BEING DONE TO CONTROL THE PROBLEM?

The West Virginia Department of Natural Resources' Water Resources Division and the U.S. EPA are investigating the extent and severity of the problem in West Virginia. The state began its hazardous waste management program in October 1979.

Among the top priorities for the state are location and cleanup of abandoned or illegal dump sites. When a site is located it will be investigated by the Water Resources Division's Ground Water / Hazardous Waste personnel.

All potential hazardous waste sites in the state will be surveyed to determine if an immediate health hazard exists and estimate its impact, if any, on public health or the environment. When necessary, further field work will be done, including soil and leachate (drainage) sampling and analysis, well monitoring and downstream water monitoring. If required, test borings and monitoring wells will be placed at the waste site.

The price tag for such work is high - ranging from \$1000 to have one sample analyzed for organic pollutants, up to \$100,000

or more for intensive monitoring with soil test borings and monitoring wells. Cleaning up problem sites is particularly difficult if a responsible party cannot be identified. West Virginia currently does not have funds for cleanup of abandoned hazardous waste sites. There is, however, proposed federal legislation which, if passed, would finance the cleanup of abandoned hazardous waste sites.

HAVE ALL THE SITES BEEN LOCATED?

Probably not. The state needs your help to report sites that were located in remote areas of the state and may have been overlooked thus far.

WHAT ARE THE SIGNS OF A POTENTIAL HAZARDOUS WASTE PROBLEM?

DRUMS in unlikely places such as woods, roadsides, abandoned property, empty buildings and municipal or county landfills. These are usually 55-gallon steel drums.

ODORS resembling turpentine, paint, fingernail polish, glue, rotten eggs or any unfamiliar chemical odor.

DEAD VEGETATION along roadsides, in abandoned lots, fields, around vacant buildings or beside streams and rivers.

ABANDONED WAREHOUSES or factories containing drums or any waste-like material.

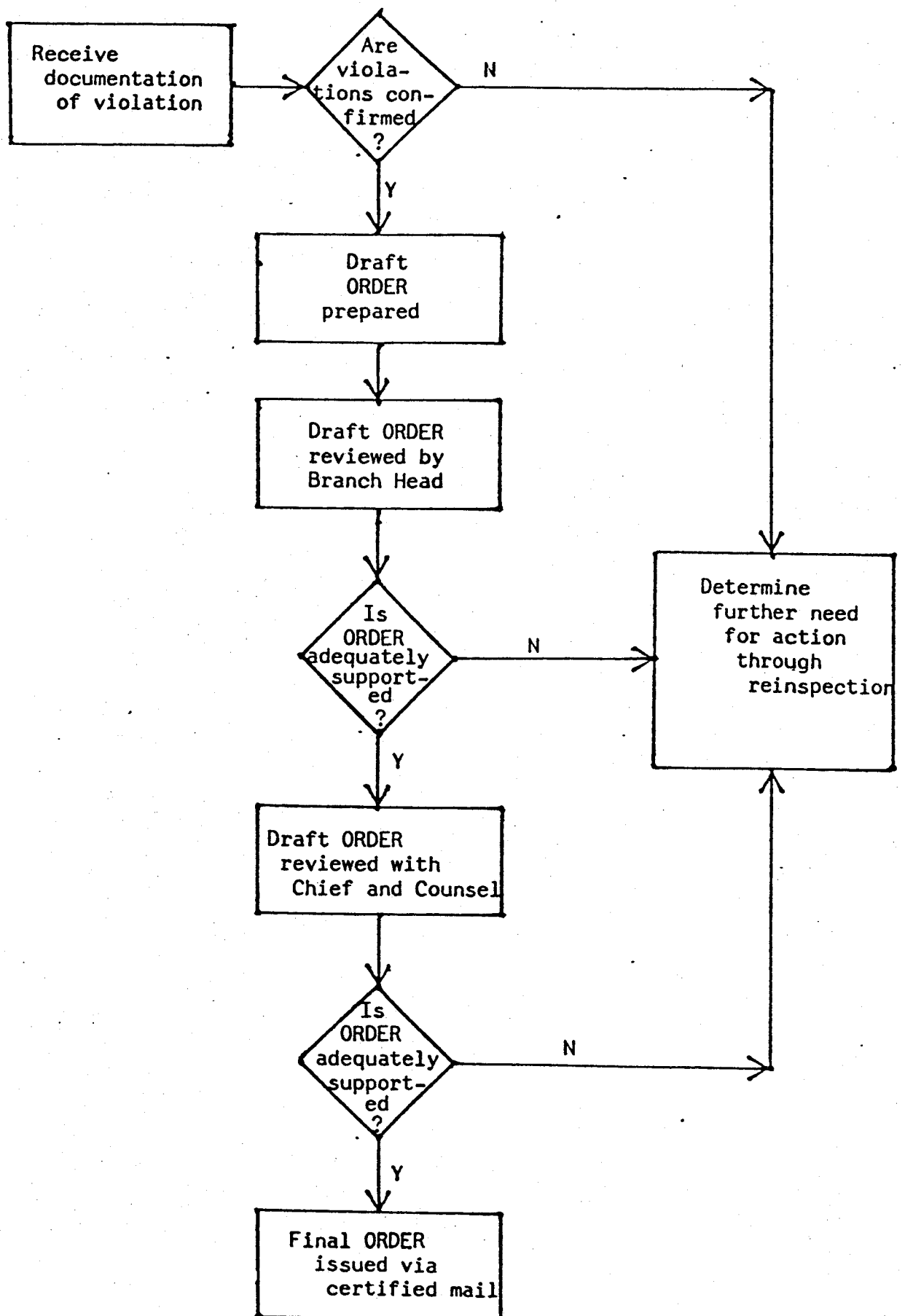
SLUDGE-LIKE APPEARANCE on ground.

WHAT CAN I DO?

If you see any signs of a potential hazardous waste problem, please fill out and return the attached postage-paid card immediately to the Division of Water Resources. If possible, provide detailed information so that each case may be properly investigated.

DO NOT INVESTIGATE THE PROBLEM YOURSELF! DO NOT, FOR ANY REASON, ENTER UPON A SUSPECT SITE OR COME IN CONTACT WITH POSSIBLE CONTAMINANTS.

APPENDIX E

DNR Flow Chart
ADMINISTRATIVE ORDER

APPENDIX F

HAZARDOUS WASTE BRANCH

ENFORCEMENT PROTOCOL

Chapter 20, Article 5E
of the
Code of West Virginia

Prepared by:
Enforcement Section

1.0 Forward

The rules and regulations governing the generation, storage, treatment, disposal and transportation of hazardous waste are lengthy and complex. However, for enforcement case development and evaluation, there are several basic guidelines to follow that will provide a more direct route to the desired results. This document describes those guidelines and outlines the necessary decision sequence for case development and evaluation. Specifically, the protocol herein describes the logic for arriving at answers to the following questions which are critical to all enforcement actions:

- 1) Is the material a waste?
- 2) Is the waste hazardous?
- 3) Has the hazardous waste activity occurred before or after the effective date of the Hazardous Waste Management Act?
- 4) Is there a violation of Chapter 20, Article 5E?

If you have any questions regarding this document, please feel free to contact Mark Casdorph of the Hazardous Waste/Ground Water Branch.

Instructions

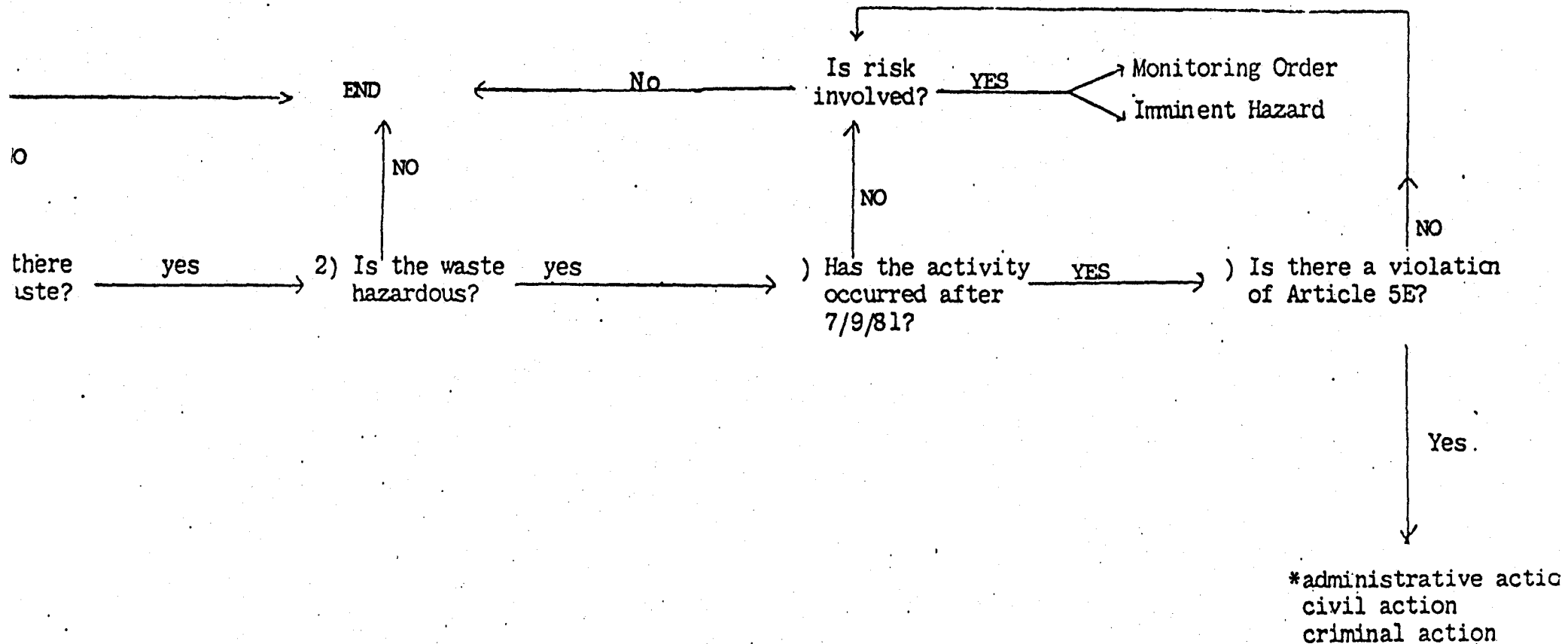
The materials contained in the following text are outlined in Figure 1. When reading the text, frequent reference to Figure 1 will assist you in understanding the decision sequence. Further clarification may be obtained from the statute.

Each critical element of case development is posed as a question, with the appropriate response dictating the type of enforcement action available. You will also note early in the text that a large portion of it is devoted to determining the presence of a hazardous waste. This reflects the importance of that determination and defines the scope of the enforcement approach.

figure 1

ENFORCEMENT DECISION PROTOCOL

(Chapter 20, Article 5E)



*Administrative action may include monitoring orders, imminent hazard order if the same conditic exist.

Enforcement Protocol

Is there a waste?

3.01.01 The first step in evaluating a potential enforcement case is to determine if a waste exists. Section 3.01.01 of the State Regulations defines a waste as a material which basically will fall within at least one of the following three categories. The material:

- o is discarded or is being accumulated, stored or treated prior to being discarded;
- o has served its original use and sometimes is discarded; or
- o is a manufacturing or mining by-product and sometimes is discarded.

Before case development can proceed, the finding that a waste exists must be made. Failure to meet one of the above criteria indicates either that a material is not a waste or that further investigation is required. It should be remembered that once a material meets the definition of a waste, it remains a waste regardless of whether you:

- o use,
- o reuse,
- o recycle,
- o reclaim, or
- o store or accumulate the waste for the purposes above.

Another important note is the phrase "and sometimes is discarded" which appears in the definition of a waste. If a material has served its original intended purpose or is a manufacturing or mining by-product and is sometimes discarded (on a nation-wide basis, not just that given plant) then that material is a waste.

Is it a hazardous waste?

Once a material has been classified as a waste, the next step is to determine if it is a hazardous waste. To be a hazardous waste, at least one of the following three categories must be met:

- o the waste is listed in Section 3.04;
- o the waste exhibits one of the characterizations of Section 3.03;
- o the waste meets the definition specified in 20-5E-3 of the statute.

Section 3.04 and §3.03 of the regulations apply to wastes which have been handled since April, 1982 (the effective date of the regulations). The statutory definition of a hazardous waste may also describe a waste which is listed or characterized, and a waste which, though not listed or characterized, does cause or contribute to an increase in mortality or illness, or poses a substantial hazard to human health or the environment. 20-5E-6 of the statute authorizes the Director to establish lists and characteristics of those hazardous wastes which are to be governed by the regulations. This identifies the universe of hazardous wastes to which the regulations apply (wastes not identified within that universe are not subject to the regulations for generation, storage, treatment, disposal or transportation). However, a material may still be classified as a hazardous waste (though not subject to regulations) if it meets the statutory definition in 20-5E-3. (Note: The statutory definition of a hazardous waste is broad and has several facets, while the regulations specifically identify only those hazardous wastes to be regulated. These regulated wastes may meet only one or all of the facets of the statutory definition.) This distinction is important in that most of our enforcement capabilities pertain to actions that occurred after the passage of the Act and subsequent promulgation of the regulations, and to violations of that Act and regulations.

From a procedural standpoint, the following questions should be answered to determine if a waste is hazardous:

- o Is it listed in Section 3.04?
- o If not listed, does it meet one of the characteristics described in Section 3.03?
- o If the waste is not hazardous per the regulations (as listed above), does it meet the statutory definition?

The following is a description of each of these three categories of hazardous waste:

Listed Hazardous Waste - The listings found in Section 3.04 differentiate between specific regulated compounds and waste streams as follows:

- o Acute hazardous wastes are specific compounds that are listed and identified by the letter "P" and a three digit number (e.g. - P003 represents acrolein). These wastes are those that present the highest degree of threat to human health or the environment.
- o Toxic hazardous wastes are specific compounds that are also listed but are identified by the letter "U" followed by a three digit number, such as U129 which represents lindane.

The compounds referred to in the "P" and "U" waste lists are specific, commercial chemical products, manufacturing chemical intermediates, or, off-spec species of such products or intermediates, that are discarded or are intended to be discarded. This means that before a waste can be classified as a "P" or "U" listed hazardous waste, it must be discarded (or intended to be discarded) commercial grade or intermediate chemical product, or an off-spec species of a product, rather than a substance that has been used and served its intended purpose, i.e. - spent. Spent substances and particular waste streams, however, may be listed under the following:

- o Hazardous wastes from non-specific sources - these wastes are spent compounds such as spent acetone (identified as F003) and spent cyanide plating bath solutions (F007).
- o Hazardous wastes from specific sources include particular waste streams such as distillation bottoms from aniline production (identified as K083) and still bottoms from the distillation of benzyl chloride (K015).

Characteristic Hazardous Wastes - If a waste is not listed, it may be classified as being hazardous if it meets one of the following four characteristics specified in Section 3.03:

- §3.03.02 o Ignitability - (identified as D001) A waste is hazardous by virtue of ignitability if:
- o it is a liquid and has a flash-point of less than 140°F;
 - o it is not a liquid and is capable of causing a vigorous, persistent fire, (under standard temperature and pressure conditions), through moisture absorption, friction or spontaneous chemical changes;
 - o it is an ignitable compressed gas; or
 - o it is an oxidizer as defined in 40 C.F.R. §173.51 of the federal regulations.
- §3.03.03 o Corrosivity - (D002) A waste may be a corrosive hazardous waste if:
- o it is aqueous (miscible in water) and has a pH of less than or equal to 2.0 or greater than or equal to 12.5; or
 - o it is a liquid and corrodes steel at a rate greater than .25 inch per year;
- §3.03.04 o Reactivity - (D003) A waste is a reactive hazardous waste if it meets one of the following descriptions:
- o it is normally unstable and readily undergoes violent changes (without detonating);
 - o it reacts violently or forms potentially explosive mixtures with water or generates toxic gases, vapors or fumes in dangerous quantities when mixed with water;

- o it is a cyanide or sulfide bearing waste capable of generating toxic gases, vapors or fumes in dangerous quantities;
- o it is capable of detonation if subjected to a strong initiating source or if heated under confinement; or
- o it is a forbidden, Class A or Class B explosive as defined in 40 C.F.R. §173 of the federal regulations.

§3.03.05

- o EP Toxic - (D004-D017) The "EP" stands for extraction procedure. The regulations (Appendix II) describe a procedure for determining if certain compounds (Table 1) can be leached (extracted) out of a solid material. The leachate generated from this extraction procedure is analyzed and if the results indicate concentrations of those certain compounds are above the specified limits (e.g. - the maximum concentration for arsenic is 5 ppm), then the solid is a hazardous waste by virtue of EP Toxicity.

Statutory Hazardous Wastes - As previously covered, the statutory definition of a hazardous waste involves a measurement of the degree of risk presented by a given waste and the circumstances in which it is present. For example, if a compound (that is not listed or characterized) is found at a concentration which could be detrimental to human health or the environment, and in an area which may lead to exposure to humans or the environment, a risk may then be present. If that risk is substantial, then the compound may be construed as a hazardous waste.

Has the activity occurred after July 9, 1981?

Once a hazardous waste has been confirmed, the next step depends on whether the activity occurred after or before the effective date of the statute. If before, there are two enforcement options available depending on the degree of risk to human health or the environment. Those options are described in the following sections of the statute:

- o §30-5E-13 - This section provides what is referred to as the monitoring order. These orders can be issued once the Chief has determined that the presence of any hazardous

waste which is or has been stored, treated, or disposed of, or the release of such waste from a facility or site, may present a substantial hazard to human health or the environment. The monitoring order requires the responsible party(ies) to conduct such monitoring, testing, analysis and reporting as necessary to determine the nature and extent of the hazard in question. Such orders are commonly issued on the basis of analytical results coupled with site conditions such as proximity to state waters, security, closure conditions, and potential for human exposure, however, any bona fide information may be used.

A significant feature of the monitoring order is that it can be used to address activities which occurred before and after the effective date of the statute. This means that a monitoring order can be issued using the statutory definition of a hazardous waste and/or such a waste meeting the Section 3.03 and 3.04 criteria of the regulations.

- o §20-5E-17 - If the Chief determines that the handling of any hazardous waste may present an imminent and substantial endangerment to public health, safety or the environment, he may take such action as necessary to protect public health and the environment. These actions include but are not limited to, issuing orders and seeking court ordered restraints.

An enforcement action under this section can address activities that occurred before or after the effective date of the statute. The critical point is the demonstration that the handling of a hazardous waste "may present an imminent and substantial endangerment". While this demonstration does not require the showing of an actual impact upon human health or the environment, the evidence must clearly show existing conditions may present the most severe risks.

Is there a violation of Article 5E?

(Note: For there to be a violation of the Article, the activity has to have occurred after its effective date.)

If no violation can be substantiated, then either a violation has not occurred, or further investigation is necessary. However, once a violation is found, the Article provides the following avenues of approach:

- o Administrative orders (under §14 to address all violations)
- o Civil actions (under §16 to address all violations)
- o Criminal actions (under §15 if a crime has been committed)

Upon finding a violation, an administrative order can be issued and/or a civil action pursued. If a crime has been committed, each or all three options may be taken.

- o §20-5E-14 - All enforcement orders (except for monitoring and imminent hazard orders) are issued under this section. Simply, these orders can be issued once the Chief determines a violation of the Article, or of any permit, order, rule or regulation issued or promulgated under the Article. Remedies include, but are not limited to, permit modifications, suspensions or revocation, cease and desist orders, or orders for such remedial action as required to achieve compliance with the violated provision.

The regulations (and the Article) differentiate between generators of hazardous waste and persons engaged in the storage, treatment or disposal (referred to as TSD's) of such wastes. Specifically, TSD's are required to obtain a permit from the Chief, while generators are not, and the law requires such storage, treatment and disposal to occur within the terms of a permit. However, due to the substantial lag time between the enactment of that requirement and the point at which a final permit can be issued, the federal government established a set of regulations which specify the minimum operating standards necessary to protect human health and the environment. These standards are referred to as the interim status regulations, 40 C.F.R. §265. The majority of our inspections and enforcement actions are centered around facilities governed by these regulations.

Several definitions are now needed:

- o §20-5E-10: This section establishes the mechanism for regulating existing facilities that are required to obtain a permit.
- o existing: engaged in storage, treatment, or disposal on July 9, 1981.
- o facility: a company that stores, treats, or disposes of hazardous waste.
- o interim status: the legal transition period established to allow existing facilities to continue operation until they receive a final permit (or until their application is denied).

Under State law, an existing facility will be allowed to continue operation if the following two criteria are met:

- o they comply with the interim status regulations and
- o they operate in such a manner that will not cause or create a substantial risk of endangerment to human health or the environment.

The second provision allows the State's enforcement authority to go beyond that of EPA, and our orders can address three basic areas:

- o violations of interim status regulations only;
- o violations of interim status regulations and presence of substantial risks;
- o no violations of interim status regulations, but have presence of substantial risks.

APPENDIX G

HAZARDOUS WASTE/GROUND WATER BRANCH
SAMPLING PROCEDURES

1) Sampling Plan

- Sample Locations
- Sample Type (Media)
- Sampling Method
- Objectives

2) Health and Safety Considerations

- Hazard(s) associated with site
- Level and type of protection

3) Sample Acquisition

- Representative Samples
- Proper Containers
- Issuance of Receipt for Samples

4) Implementation of Chain of Custody

5) Sample Preservation

6) Labeling and/or Packaging

7) Transportation/Shipping

8) Delivery to Lab

- Continuation of Chain of Custody
- Quality Control

PROJECT LOCATION:

REVIEWER:

DATE:

MPLE TYPE	PARAMETERS FOR ANALYSIS:
urface Water	
ound Water	
achate	
liments	
ils	
ams	
oassay	
er	

[illegible]

APPENDIX G-4

1/81 White - Laboratory Pink - San r's Copy

APPENDIX G-5

HAZARDOUS WASTE/GROUND WATER BRANCH
SITE MONITORING RECORD

Site Name: _____

Location: _____

Date of Entry: ____/____/____

	#1	#2	Station #3	#4	#5
<u>Organic Vapor Analyzer (OVA)</u>					
Retreat Level: greater than	ppm				
Incremental Readings: Time					
Level					

<u>Explosive Gas</u>
Retreat Level: greater than 20% LEL (lower explosive level)
Incremental Readings: Time
Level

<u>Oxygen</u>
Retreat Level: less than 19.5%
Incremental Readings: Time
Level

<u>Specific Gas</u>
Substance Name: _____
Retreat Level: greater than
Incremental Readings: Time
Level

Substance Name: _____
Retreat Level: greater than
Incremental Readings: Time
Level

<u>Geiger Counter</u>
Retreat Level: 2mr/hr *
Incremental Readings: Time
Level

*for exposure rates greater than 2mr/hr a radiation health physicist must be consulted

Dosimeter Readings:		
Team Member	Initial Reading	Final Reading
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Protection Level

Team Member	Function	Level			
		A	B	C	D
_____	_____	□	□	□	□
_____	_____	□	□	□	□
_____	_____	□	□	□	□
_____	_____	□	□	□	□

APPENDIX H

HAZARDOUS COMPLIANCE MONITORING AND ENFORCEMENT LOG

EPA ID NUMBER: 		HANDLER TYPE <input type="checkbox"/> MAJOR <input type="checkbox"/> NON-MAJOR		Resp. Agency E=EPA S=STATE J=JOINT E/S C=CONTR/EPA O=OTHER B=CONTR/STATE X=EPA OVERSIGHT												
FACILITY NAME: _____																
FACILITY ADDRESS: _____																
TYPE OF REPORT:		<input type="checkbox"/> NEW <input type="checkbox"/> UPDATE		SEQUENCE NUMBER												
DATES OF INITIAL EVALUATION WHICH IS THE BASIS OF THIS REPORT		START M D Y		7. DATE OF EVALUATION COVERED BY THIS REPORT (ENTER ONLY IF DIFFERENT FROM 5); M D Y												
TYPE OF EVALUATION COVERED BY THIS REPORT:		1- EVALUATION INSPECTION 2 - SAMPLING INSPECTION 3 - RECORD REVIEW 4 - GROUND WATER MONITORING EVALUATION 5- FOLLOW UP INSPECTION 6 - CITIZEN COMPLAINT 7- PART B CALL-IN 8 - WITHDRAWAL CANDIDATE 9 - CLOSED FACILITY 10- GENERAL 11 - SPECIAL INSPECTION _____														
PUT CODE IN BOX CHOOSE ONE 																
TYPE AND CLASS OF VIOLATION (enter number of violations by type and class): ENTER "X" IN APPROPRIATE BOX IF VIOLATIONS FOUND ENTER "0" IN AREA BOX IF NO VIOLATIONS FOUND LEAVE "BLANK" IF AREA WAS NOT EVALUATED	Class of Violation	Area of Violation						COMMENTS:								
		A	GWM	B	CI/PC	C	Pin. Res.		D	Pt. B	E	Comp Sch	F	Manifest	G	Other
	I															
	II															
ENFORCEMENT ACTIONS																
ACTION CODES	Class of VOL.	Area of VOL.	Type of Action	Date Action Taken (mdy)	Compliance Date (mdy)		Penalty (\$000)		RESP AGENCY							
					Projected	Actual	Addressed	Collected								
I S C L 3007 LETTER 3008 WARNING LTR/NOV 3008 COMPLIANCE COMPLAINT 3008 FINAL COMPLIANCE ORDER 3013 ADM.ORDER (INITIAL) 3013 ADM.ORDER (FINAL) 7003 ADM.ORDER STATE COMPLIANCE ORDER INFORMAL CIVIL ACTION CRIMINAL ACTION NOV TO STATE									FOR USE WITH ACTION CODE 4 OR 5 ONLY \$ \$ \$ \$	USE CODE E, S OR X						

APPENDIX I

APPENDIX I-1

DATE: / /

☐ Non-major

☐ NA (Skip to B)

11/7/83

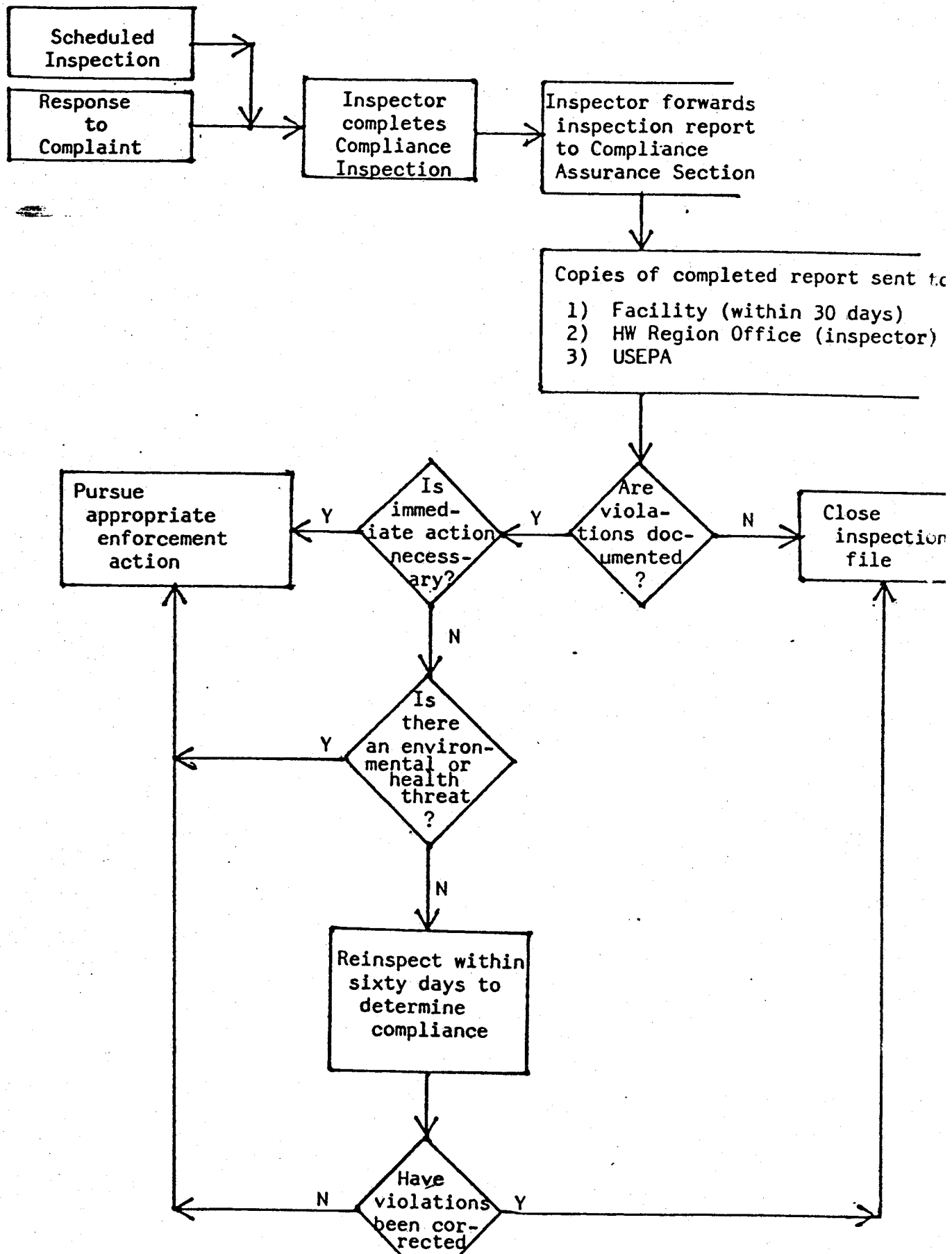
	EVALUATED?	ADEQUATE?	
9. Closure Plan:	9A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	9B. <input type="checkbox"/> Yes <input type="checkbox"/> No	
10. Closure Cost Estimate:	10A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	10B. <input type="checkbox"/> Yes <input type="checkbox"/> No	10C. Amount: \$ <u> </u> UNKNOWN <input type="checkbox"/>
11. Closure Assurance Instrument(s):	11A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	11B. <input type="checkbox"/> Yes <input type="checkbox"/> No	
	11C. Instrument type(s): <input type="checkbox"/> Trust Fund <input type="checkbox"/> Letter of Credit <input type="checkbox"/> Corporate Guarantee <input type="checkbox"/> Financial Bond <input type="checkbox"/> Insurance <input type="checkbox"/> State Guarantee <input type="checkbox"/> Performance Bond <input type="checkbox"/> Financial Test <input type="checkbox"/> Other State Mechanism		
12. Post-closure Plan:	12A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	12B. <input type="checkbox"/> Yes <input type="checkbox"/> No	
13. Post-closure Cost Estimate:	13A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	13B. <input type="checkbox"/> Yes <input type="checkbox"/> No	13C. Amount: \$ <u> </u> UNKNOWN <input type="checkbox"/>
14. Post-closure Assurance Instrument(s):	14A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	14B. <input type="checkbox"/> Yes <input type="checkbox"/> No	
	14C. Instrument type(s): <input type="checkbox"/> Trust Fund <input type="checkbox"/> Letter of Credit <input type="checkbox"/> Corporate Guarantee <input type="checkbox"/> Financial Bond <input type="checkbox"/> Insurance <input type="checkbox"/> State Guarantee <input type="checkbox"/> Performance Bond <input type="checkbox"/> Financial Test <input type="checkbox"/> Other State Mechanism		
15. Sudden Liability Instrument(s):	15A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	15B. <input type="checkbox"/> Yes <input type="checkbox"/> No	15C. Amount? \$ <u> </u> per occurrence \$ <u> </u> annual aggregate
	15D. Instrument type(s) <input type="checkbox"/> Insurance Policy <input type="checkbox"/> State Guarantee <input type="checkbox"/> Financial Test <input type="checkbox"/> Other State Mechanism		
16. Non-sudden Liability Instrument(s):	16A. <input type="checkbox"/> NA <input type="checkbox"/> NE <u> </u> / <u> </u> / <u> </u> Date H D Y	16B. <input type="checkbox"/> Yes <input type="checkbox"/> No	16C. Amount? \$ <u> </u> per occurrence \$ <u> </u> annual aggregate
	16D. Instrument type(s): <input type="checkbox"/> Insurance Policy <input type="checkbox"/> State Guarantee <input type="checkbox"/> Financial Test <input type="checkbox"/> Other State Mechanism		

17. Closure Process:	17A. Process begun?	<input type="checkbox"/> No	Date Begun H / D / Y
	17B. In accordance with approved plan and required procedures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	17C. Closure certifications received?	<input type="checkbox"/> No	Date Received H / D / Y
	17D. Facility released from closure assurance and liability requirements?	<input type="checkbox"/> NA	<input type="checkbox"/> No
18. Post-Closure Process:	18A. Process begun?	<input type="checkbox"/> No	Date Begun H / D / Y
	18B. In accordance with approved plan and required procedures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	18C. Survey plat/record of wastes received?	<input type="checkbox"/> No	Date Received H / D / Y
	18D. Post-closure period completed?	<input type="checkbox"/> No	Date Completed H / D / Y
	18E. Facility released from post-closure assurance requirements?	<input type="checkbox"/> NA	<input type="checkbox"/> No
19. Permit Application:	19A. Called in?	<input type="checkbox"/> No	Date Called H / D / Y
	19B. Reason for permit application call-in: <input type="checkbox"/> Groundwater <input type="checkbox"/> Financial Assurance <input type="checkbox"/> Closure <input type="checkbox"/> Liability Coverage <input type="checkbox"/> Other		
20. Comments:			

APPENDIX J

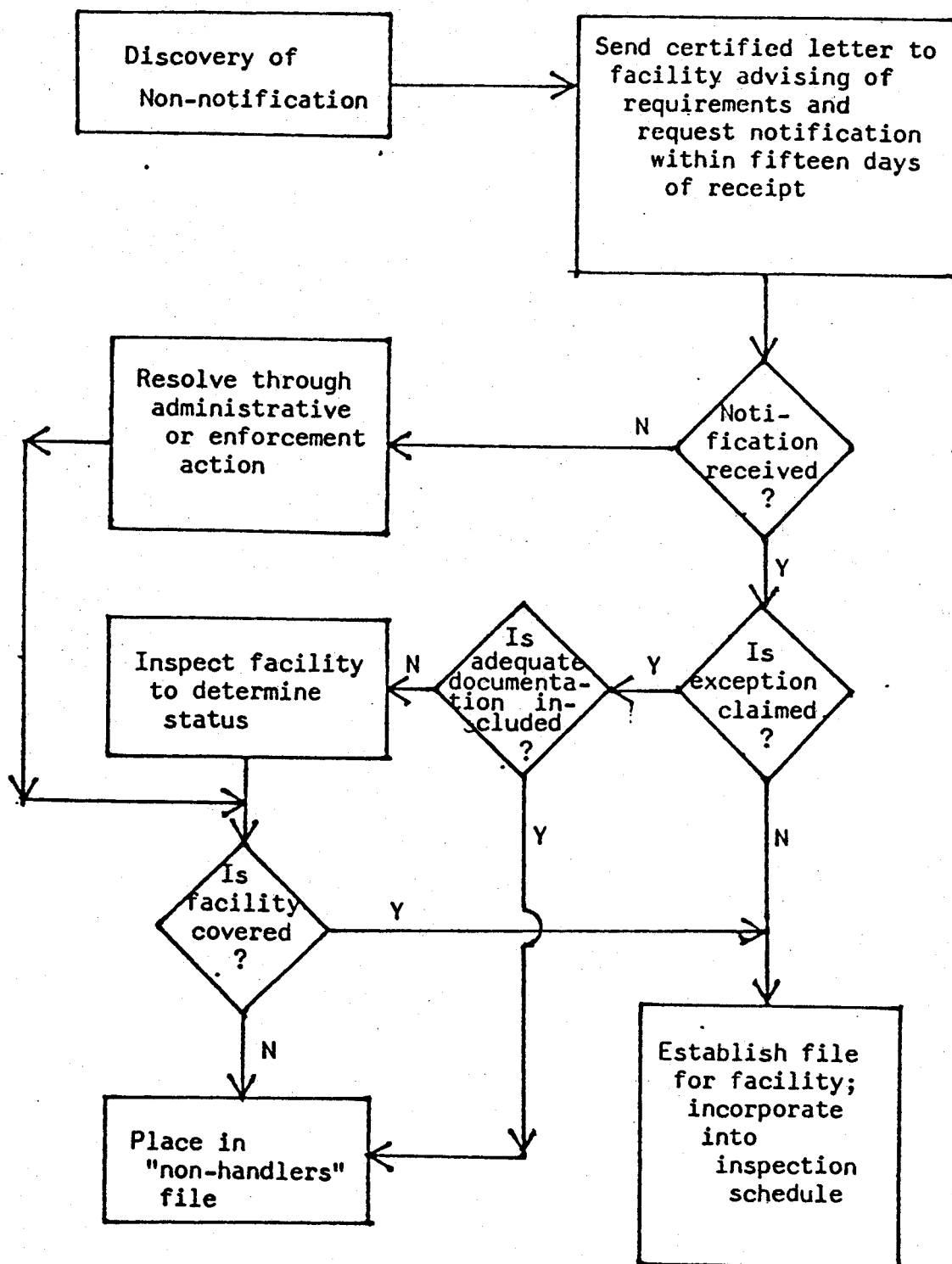
DNR FLOW CHART
FACILITY INSPECTION

APPENDIX J-1

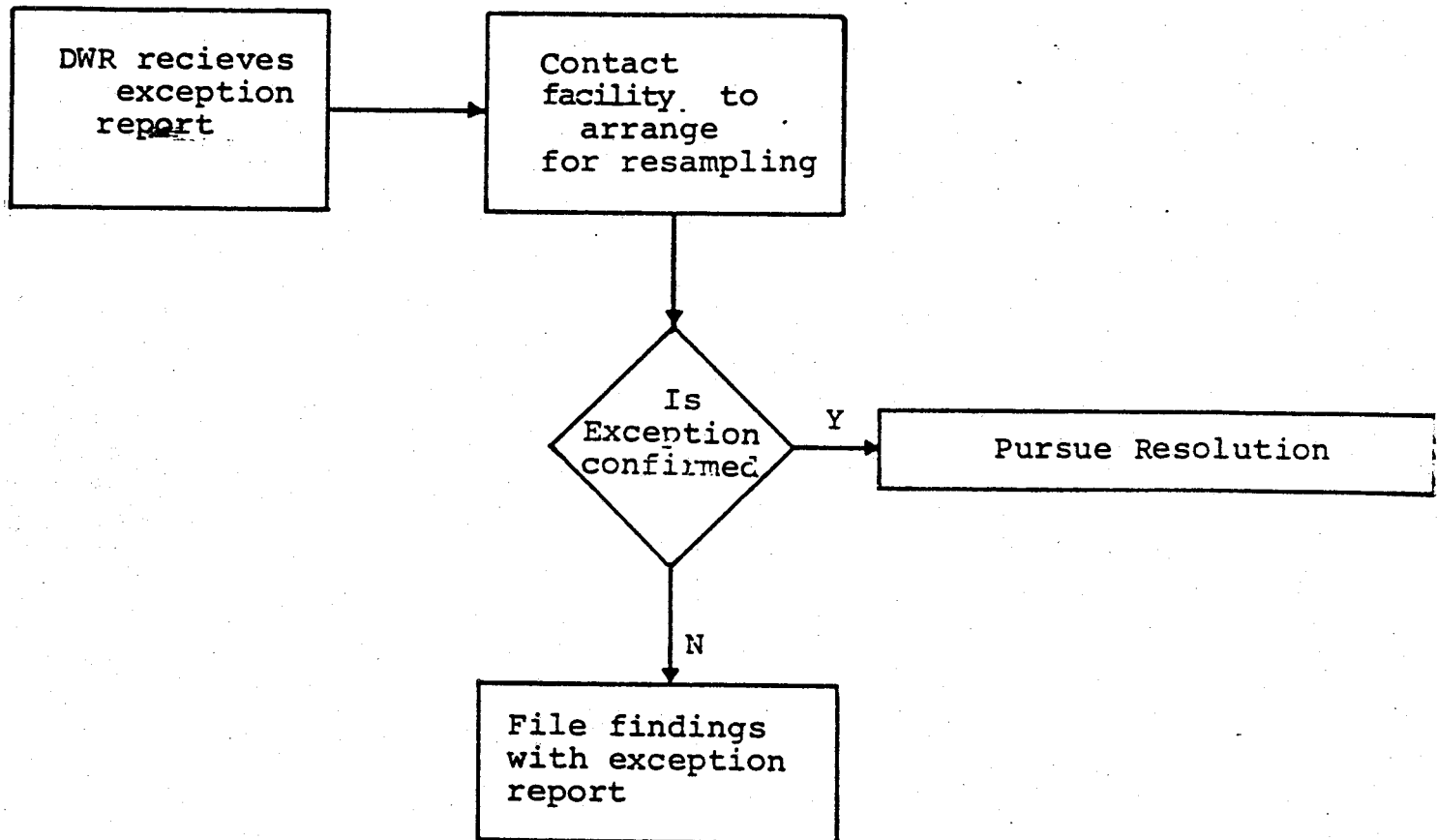


DNR FLOW CHART
NON-NOTIFICATION

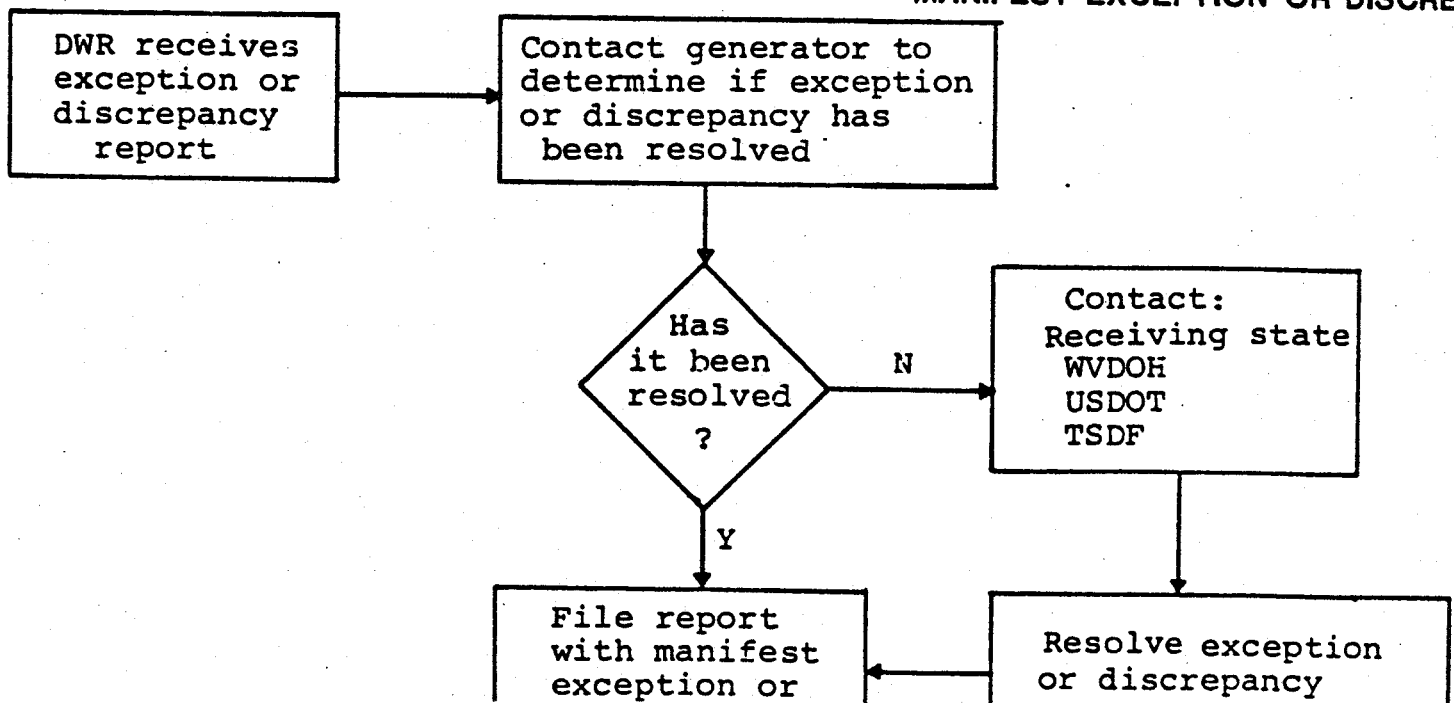
APPENDIX J-2



GROUND WATER EXCEPTION REPORT

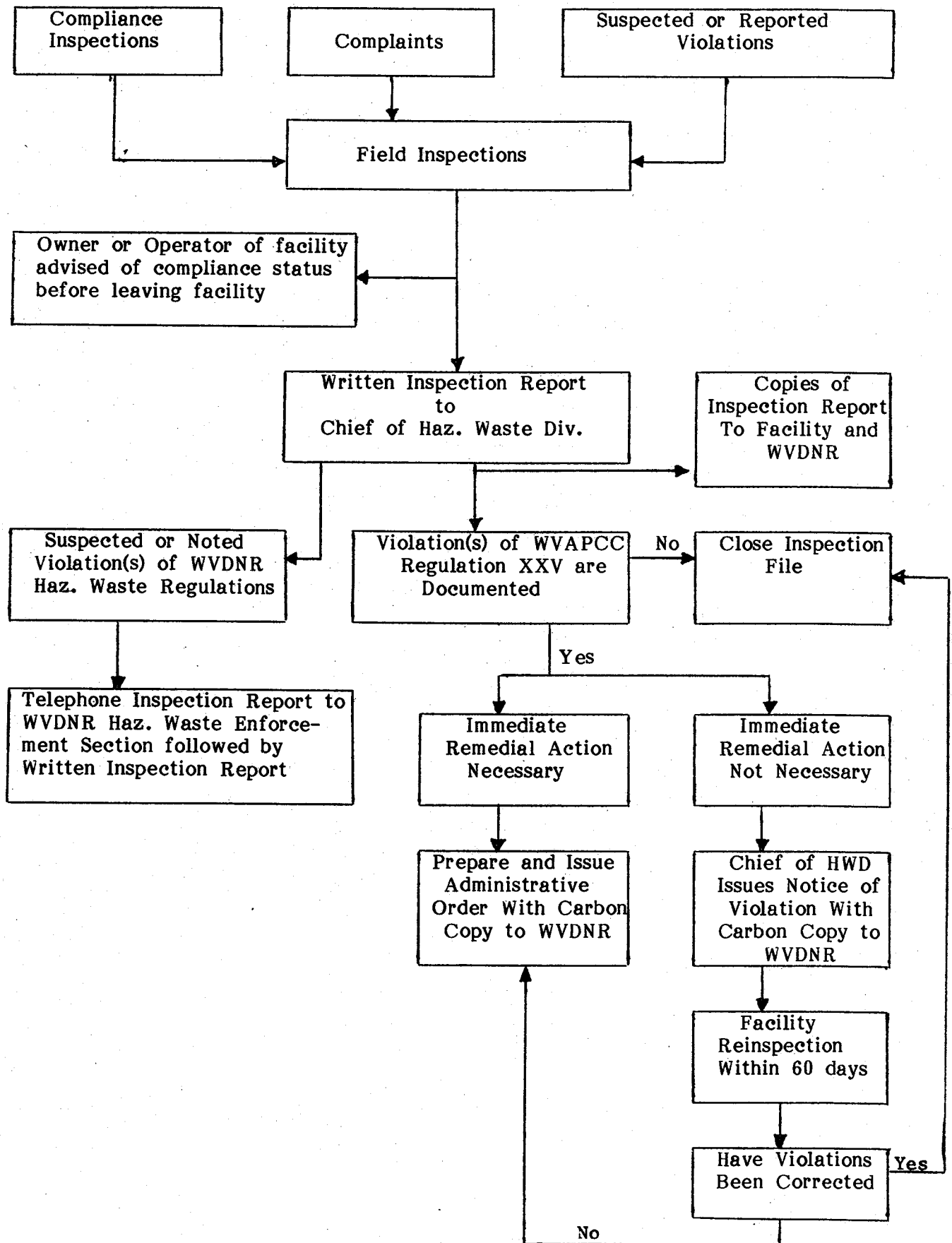


MANIFEST EXCEPTION OR DISCREPAN

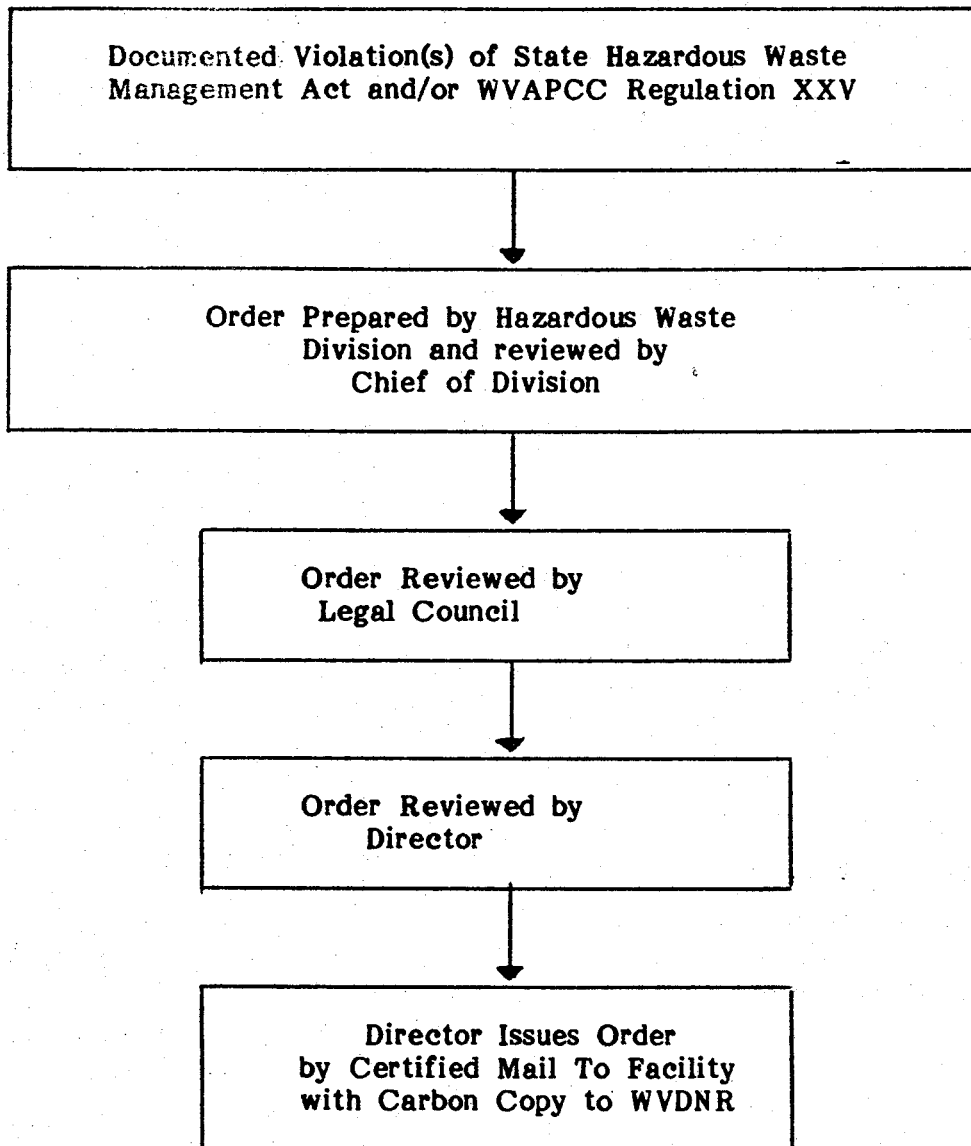


APPENDIX K

WVAPCC
COMPLIANCE/ENFORCEMENT
PROGRAM



**WVAPCC
ADMINISTRATIVE ORDERS**



APPENDIX L



WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION
1558 Washington Street, East
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-2275 OR 348-3286

Date _____

CERTIFIED MAIL

Plant Manager _____

Company Name _____

Address _____

RE: NOTICE OF VIOLATION(S)

Dear _____:

On _____, 19_____, an inspection was made of your facility by the Hazardous Waste Division personnel of this agency. That inspection confirms that the _____ of Chapter 20, Article 5E, of the Code of West Virginia and is in violation of the West Virginia Air Pollution Control Commission's Regulation XXV - "To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities" in particular, Sections _____, _____, and _____ of said regulation, by causing or allowing:

This letter hereby gives you notice of violations and confirms my verbal discussion with _____ on _____, 19_____.

(Name and Title)

APPROVED: _____

(Name and Title of Supervisor)

dp: Carl G. Beard, II
Director

APPENDIX M

WEST VIRGINIA DEPARTMENT OF HIGHWAYS

HAZARDOUS WASTE

ENFORCEMENT PROGRAM

1984-1985

- I. In 1981 the State of West Virginia legislated regulations governing the transportation of hazardous waste. These regulations were to be consistent with the current Federal Regulations which govern the transportation of hazardous waste. The enforcement of these regulations was delegated to the West Virginia Department of Highways.
- II. The purpose of the Transportation Section of the Hazardous Waste Management Act is to establish an accurate and consistent means of monitoring the generators (by auditing manifests) and transporters of hazardous waste through, to, and from the State of West Virginia. Using the data collected, the information will substantiate the projected expenditures for the fiscal year 1984-85 and enable the department to plan for a more comprehensive program in coming years.
- III. The first means of insuring proper manifesting of hazardous waste for transportation originates at the generator of the hazardous waste. The West Virginia Department of Highways conduct annual audits of companies who generate hazardous waste for transportation (see manifest inspection map for generator of hazardous waste Attachment I). Inspections reveal volumes of hazardous waste that have been transported to disposal or storage facilities in various parts of the United States. The inspector reviews all hazardous waste manifests and/or records, and records any suspected

violations which are not in compliance with Federal and State Regulations. These violations or manifest defects are reported on the Department of Highways Violation Form (see Violation Form Attachment II). This form is filed in triplicate. The original is given to the generator, the West Virginia Department of Highways retains a copy and the third copy is sent to the Federal Highway Administration. If the generator is found in violation of Federal and State Regulations, a warning will be issued to the company demanding immediate compliance with the law. Refusal to adhere to such a warning will result in legal action. We are utilizing a computer system to keep track of all hazardous waste being transported from intrastate generators. We are in the process of enhancing our program by utilizing a more defined record keeping system. We feel that thru the audits and computer tracking, a registration system would not be needed.

- IV. The second means of monitoring transporters of hazardous waste transpires at weigh station checks on various roads and highways in the State of West Virginia (see highway inspection map for transportation Attachment I: I). All vehicles are stopped and shipping papers are requested for inspection. If their papers do not indicate that hazardous waste is being transported then the transporter is released. If hazardous waste manifests are produced, a comprehensive inspection including their manifest, vehicle and the product packaging will be rendered using the violation checklist form

for hazardous waste transportation (see Attachment IV). If no violation appears either on the manifest, vehicle or product packaging, then the transporter is released. The information form mentioned above will be retained in the central office in Charleston, West Virginia for future reference. If violations appear on the manifest check, a West Virginia Department of Highways Violation Form (see Attachment II) is completed and treated in the same manner as that of the generator for audit violation mentioned previously. If violations appear on the vehicle check, the West Virginia Department of Highways Form (see Attachment II) is completed and an out-of-service sticker (see Attachment V) is placed on the window of the vehicle. This action means that the vehicle cannot be moved unless towed until all said violations have been corrected and vehicle is in safe operating condition according to Federal and State Regulations.

- V. In order to insure prudent bookkeeping practices, the Department of Highways has issued a monthly report form that shows the various activities that have been completed, along with the total expenditures. The inspectors will be responsible for sending this information along with any violation forms to the central office in Charleston, West Virginia. This information will be recorded on a computer for future reference and follow-up (see monthly report form Attachment VI).

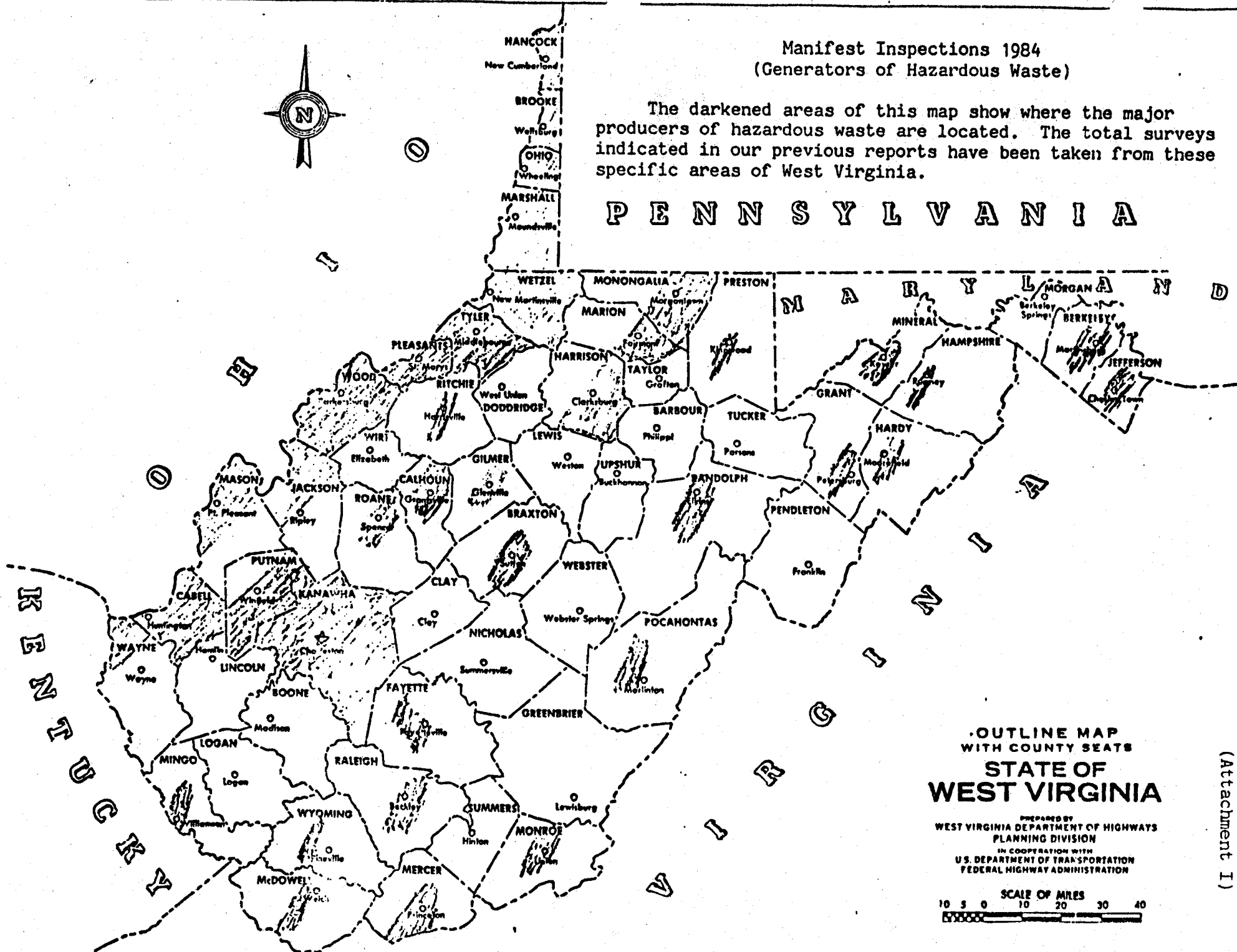
VI. The West Virginia Department of Highways will submit a quarterly report form (see Attachment VII) to the Department of Natural Resources that covers our activities and costs incurred during that three month period.

VII. The major portion of the budget for fiscal year 1984-85 pertains to salaries. The program is presently staffed with five employees that have been certified by the Federal Highway Administration. This school covered the subjects of hazardous material and hazardous waste transportation regulations and enforcement. The West Virginia Department of Highways has established six positions which are included in the budget and salaried according to a percentage year worked (see Total Expenditures form Attachment VIII). The remainder of the expenditures incurred is included in our cost breakdown.

Manifest Inspections 1984
(Generators of Hazardous Waste)

The darkened areas of this map show where the major producers of hazardous waste are located. The total surveys indicated in our previous reports have been taken from these specific areas of West Virginia.

P E N N S Y L V A N I A



ATTENTION
PRIOR RETURN TO:
WITHIN 15 DAYS

West Virginia Department of Highways
Highway Services Division
Hazardous Waste Section
1900 Washington Street, East
Charleston, West Virginia 25305
Telephone: (304) 348-3338

Generator/Transporter: _____	EPA ID No.: _____
Address: _____	Telephone: _____
Location of Inspection: _____	Audit: _____ Vehicle: _____
DOH Official: _____	Time: _____ Date: _____

Hazardous Waste Manifest and Packaging Violations

Document No.	CFR Reference

Nature of Driver: _____ Chf. Lic. No.: _____ State: _____

Vehicle Safety Violations Yes _____ No _____

Type Vehicle	Make	Serial No.	Tractor Lic. No.	Trailer Lic. No.	O.S.

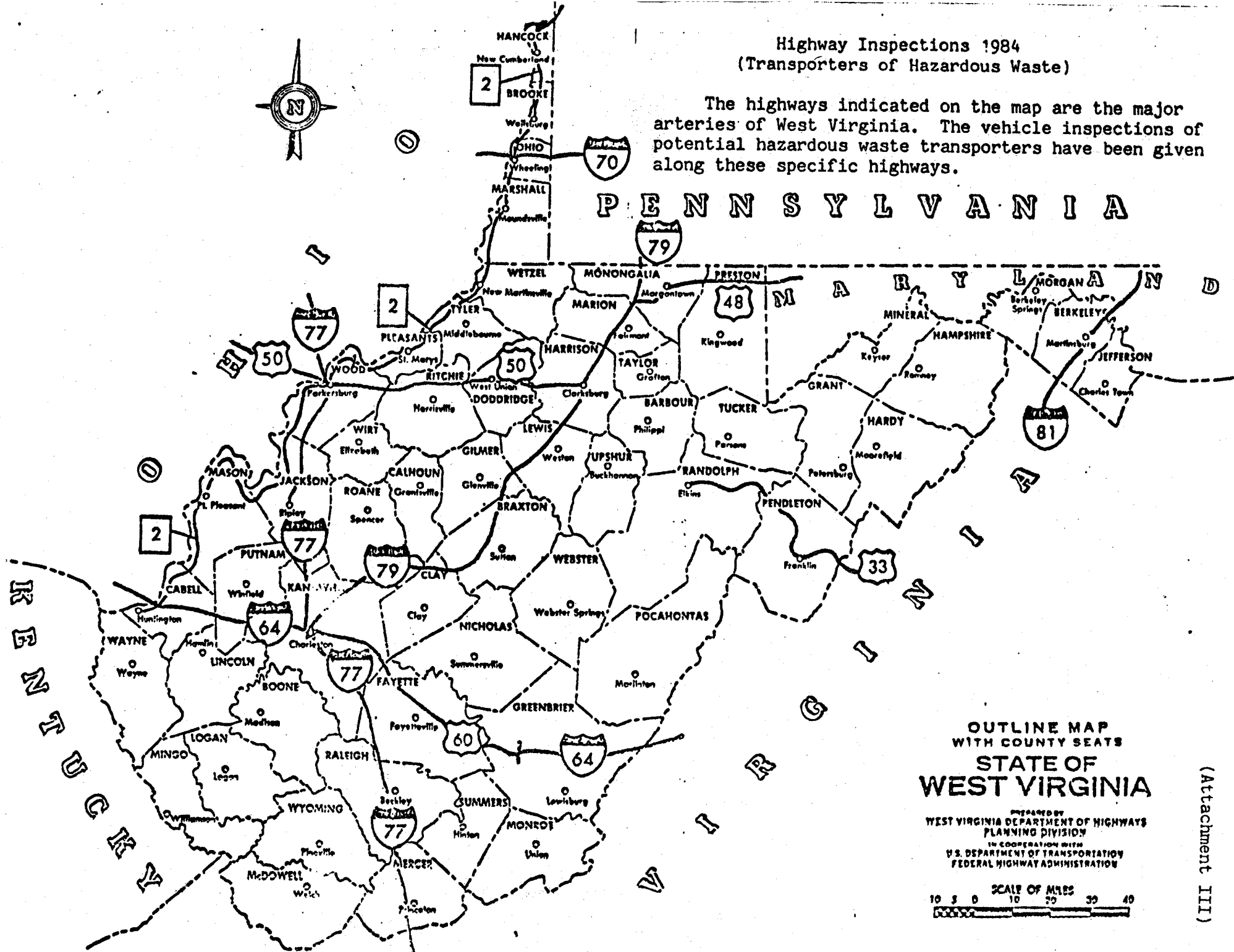
CFR Reference

When vehicle is placed OUT OF SERVICE the vehicle WILL NOT BE MOVED (unless towed) until all necessary repairs have been completed, and the vehicle is restored to SAFE OPERATING CONDITION.

Nature of Qualified Repairman: _____ Time: _____ Date: _____
 Address: _____
 Nature of Company Official: _____ Title: _____

Highway Inspections 1984 (Transporters of Hazardous Waste)

The highways indicated on the map are the major arteries of West Virginia. The vehicle inspections of potential hazardous waste transporters have been given along these specific highways.



WEST VIRGINIA DEPARTMENT OF HIGHWAYS

VIOLATION CHECKLIST

HAZARDOUS WASTE MANIFEST CHECKLIST	VIOLATIONS	REFERENCE
1. Manifest Document Number		CFR 40 262.21 a (1)
2. Generator Name		CFR 40 262.21 a (2)
3. Address		CFR 40 262.21 a (2)
4. Telephone Number		CFR 40 262.21 a (2)
5. EPA ID Number		CFR 40 262.21 a (2)
6. Handwritten Signature and Date		CFR 40 262.23 a (1) (2)
7. Transporter Name		CFR 40 262.21 a (3)
8. EPA ID Number		CFR 40 262.21 a (3)
9. Handwritten Signature and Date		CFR 40 262.23 a (2)
10. Facility (storage or disposal)		CFR 40 262.21 a (4)
11. Address		CFR 40 262.21 a (4)
12. EPA ID Number		CFR 40 262.21 a (4)
13. Proper Shipping Name		CFR 49 172.202 a (1)
14. Hazardous Class		CFR 49 172.202 a (2)
15. UN or NA ID Number		CFR 49 172.202 a (3)
16. "RQ" (if required)		CFR 49 172.203 a (2)
17. Limited Quantities (if required)		CFR 49 172.203 (b)
18. Type of Container		CFR 49 172.202 4 (b) (c)
19. Number of Containers		CFR 49 172.202 4 (b) (c)
20. Total Quantity (weight)		CFR 49 172.202 4 (b) (c)
21. Packaging (markings)		CFR 40 262.32 (a) (b)
22. Packaging (requirements)		CFR 49 173

SAFETY CHECKLIST

VEHICLE CHECKLIST: (SAFETY)	O.S.	REFERENCE
1. Break Lights		CFR 393.25
2. Directional Lights		CFR 393.25
3. Breaks		CFR 393.42
4. Air Leaks		CFR 393.46
5. Low Air Warning Device		CFR 393.51 (b)
6. Spring Leafs		CFR 346.3 (m)
7. Suspension System		CFR 396.7
8. Lug Nuts		CFR 296.3 (j)
9. Tires		CFR 393.75 (a,b,f)
10. Steering Box		CFR 396.3 a (5)
11. Leakage (product)		CFR 177.801
12. Placards (if required)		CFR 177.823
13. Fire Extinguisher		CFR 393.95 (a) (2)
Others		

TANKER CHECKLIST: (SAFETY)	O.S.	REFERENCE
A. TOP		CFR 178.300
1. Blow Out Disc		
2. Locking Device		
3. Hinges		
4. Gaskets		
5. Pressure Vents		
6. Drains		
7. Roll Over Protection		
B. BOTTOM		CFR 178.300
1. Shear Section		
2. Discharge Controls		
3. Tubing		
4. Certification		
5. Test Date		
6. Markings		
7. Leakage		

Generator: _____	TSD Facility: _____
Address: _____	Address: _____
Telephone: _____	Telephone: _____
EPA ID No.: _____	EPA ID No.: _____
EPA Expiration Date: _____	EPA Expiration Date: _____

Transporter: _____
Address: _____
Telephone: _____
EPA ID No.: _____
EPA Expiration Date: _____

VOID

OUT-OF-SERVICE VEHICLE

No. 0057

This motor vehicle has been declared
UNSERVICEABLE

by the

**West Virginia Department of Highways
Roadside Services Division**

THIS VEHICLE IS NOT TO BE OPERATED UNTIL REPAIRED.

This sticker shall be removed only under the conditions stated on the "Out-of-Service Notice." Unauthorized removal shall make the person responsible liable under Section 7, Article 5E, Chapter 20, code of West Virginia.

Inspector's Signature.....

West Virginia Department of Highways Hazardous Waste Monthly Report

Highway Services Division, Safety Section
Hazardous Waste Transportation

Signature of Inspector: _____ Title: _____ Mo/Yr _____

Activities:

Vehicle Inspections (Highways)

Manifest Inspections (Generators)

Administrative (scheduling, training, expenditures)

Clerical (recording, filing)

Others (emergency calls)

Code

I-H

11-6

III-A

IV-C

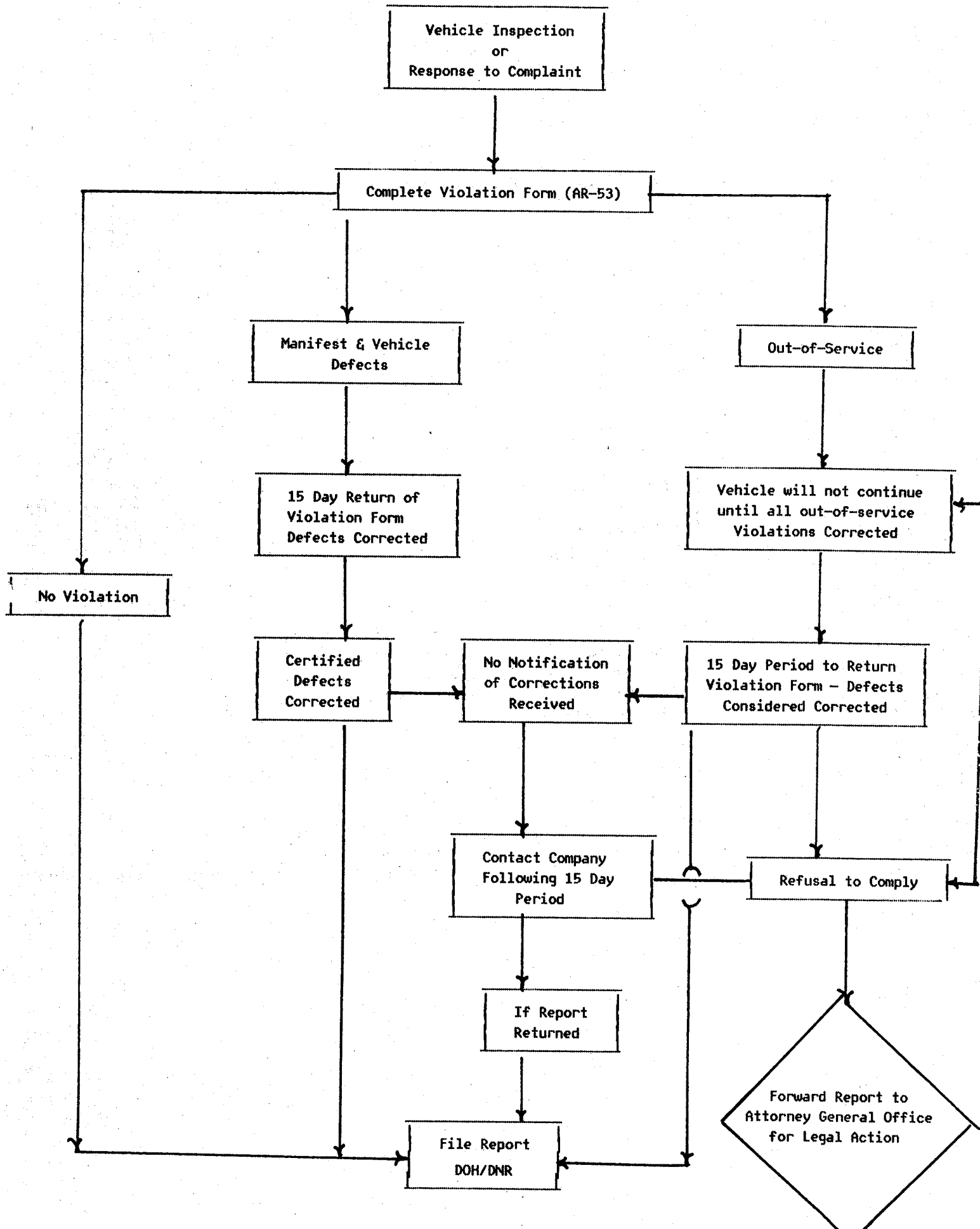
V-0

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Note: Please attach pertinent information concerning Hazardous Waste Transportation to the report.

APPENDIX N

DOH ENFORCEMENT FLOWCHART



DOH ENFORCEMENT FLOWCHART

