NEW MEXICO ENVIRONMENT DEPARTMENT-SOLID WASTE BUREAU

GUIDELINES FOR ESTABLISHING A PERMANENT HOUSEHOLD HAZARDOUS WASTE (HHW) PROGRAM @ PERMITTED FACILITIES

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These guidelines are for solid waste facilities that may collect, store and/or dispose of house hold hazardous waste (HHW). Household hazardous waste is exempted from the RCRA Hazardous Waste rules per 40 CFR 261.4(b)(1).

GENERAL GUIDELINES:

1. Receive written approval for the program as a revision to the currently permitted facility from the NMED Solid Waste Bureau prior to implementation.

2. Any contractor, subcontractor, or other organization working on behalf of the sponsor to conduct the collection program will be bound to any and all conditions of the approved collection program plan.

3. All wastes must be properly packaged to prevent reactions, spills, or leaks, and must be properly labeled.

4. The transportation of household hazardous waste from a collection or storage site must be accompanied by shipping papers. The identity of the program sponsor and date(s) of collection, as well as the volume, waste type, hazard class, and destination of the waste must be listed on the shipping document. Shipping papers or manifests which contain waste solely of household origin must be clearly marked "Household Hazardous Waste." Copies of these forms must be kept on file with the operating record at the facility for review by the SWB.

5. All wastes must be reused; treated and/or disposed of at a facility which is authorized to accept hazardous waste and properly permitted or authorized to accept hazardous waste under RCRA; or recycled at an approved recycling facility.

GENERAL HHW FACILITY STANDARDS

1. A description of the operation of the facility, including but not limited to:

(a) days and hours of operation;

(b) identification of the owner/operator;

(c) persons who will be allowed to use the facility, fees to be charged, and whether the facility will be run on an appointment or open basis. **Note**: Only HHW or conditionally exempt small quantity generators (CESQG) should be allowed to use the facility.

2. Site Plans. Site plans must include:

(a) general site layout, including traffic flow on and adjacent to the property and current land use along property borders;

(b) identification of waste handling and storage areas, locating the specific waste types which would be managed in each area; and

(c) location of all emergency and spill cleanup equipment (such as fire extinguishers, absorbent, extra drums, eye wash, emergency shower, etc.)

3. Waste Control Plan. The waste control plan must identify measures that will be taken to identify ineligible generators and unacceptable waste types, and actions that will be taken if these materials are brought to the facility.

PACKAGING & STORAGE REQUIREMENTS

1. Use and Management of Containers.

(a) Condition of containers. If a container holding household hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the waste from this container to an undamaged container or manage the waste in some other way that complies with the requirements of this Subpart;

(b) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the household hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired. All waste must be protected from the elements with containment and/or cover of some kind.

(c) Management of containers.

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

ii) A container holding household hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(iii) A container holding household hazardous waste must be marked with words identifying its contents.

(d) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers or the containment system caused by corrosion or other factors.

(e) Containment.

(i) Container storage areas, other than those described in clause ('b') of this subparagraph, must have a containment system that is designed and operated as follows:

(a) A base must underlay the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

(b) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquid resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.

(c) The containment systems 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 need not be considered in this determination.

(d) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity, in addition to that required in subclause ('3') of this paragraph, to contain any run-on which might enter the system.

(e) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in a timely manner as is necessary to prevent overflow of the collection system.

(ii) Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by clause ('a') of this subparagraph provided that:

(a) the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(b) the containers are elevated or are otherwise protected from contact with accumulated liquid.

(f) Special requirements for ignitable or reactive waste. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

(g) Special requirements for incompatible wastes.

(i) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container. **Note:** See attached **Appendix I** recommended segregation list.

(ii) Waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(iii) A storage container holding a waste that is incompatible with any waste or other material stored nearby in other containers must be separated from other materials or protected from them by means of a dike, berm, wall, or other device.

2. Storage of household hazardous waste in tanks must be managed in accordance with all applicable laws and regulations (including permits as needed), and at no time may incompatible or reactive wastes be placed in the tank.

3. Waste may be stored for a period not to exceed 180 days unless otherwise approved by the Department, provided that the storage capacity of the facility is not exceeded.

4. The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specifically designated locations. "No smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

5. At no time may reactive or incompatible wastes be mixed.

SECURITY PLAN

1. The facility must have:

(a) an artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and a means to control entry, at all times, through the gates or other entrances to the active portion of the

facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

INSPECTIONS

1. The owner or operator must conduct inspections often enough to identify problems in time to prevent harm to human health or the environment, and must inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to a release of hazardous constituents.

2. Inspection schedule.

(a) The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, and responding to environmental or human health hazards.

(b) This schedule must be kept at the facility, available for inspection by authorized Department personnel.

(c) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.)

(d) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction of any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use.

3. The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

4. The owner or operator must record inspections in an inspection log or summary. These records must be kept for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

RECORD KEEPING & REPORTING

1. Each facility must maintain the following records:

(a) For each container into which consolidated household hazardous waste is placed, a log sheet must be used which contains the following information:

(i) beginning date of accumulation;

(ii) date material was entered and type of material; and

(iii) the date container became full.

(b) The facility must maintain an overall waste log, which lists each container stored on site, and includes waste type, hazard class, beginning and ending accumulation dates and location of each.

(c) The facility must maintain inspection logs, as required by paragraph (d)(4) of this section.

2. Copies of the logs required in paragraph (1) of this subdivision must be retained by the permittee for a period of three years after waste shipment.

3. Copies of shipping papers or manifests must be retained by the permittee for a period of three years after shipment.

4. Annually, by February 15 for the preceding calendar year, a year end report provided by NMED-SWB must be submitted to NMED-SWB which contains:

(a) total volume (tons) of household hazardous waste collected and volume and disposition of any collected materials not included in the reporting requirements of paragraph (3) of this subdivision (e.g., usable or reusable products)

PREPAREDNESS & PREVENTION

1. Design and operation of facility. Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

2. Required equipment. All facilities must be equipped with the following:

(a) an internal communication or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

(b) 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 State or local emergency response teams;

(c) portable fire extinguishers, spill control materials, and decontamination equipment; and

3. Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

4. Access to communications or alarm system.

(a) Whenever household hazardous waste is being collected, poured, mixed or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device either directly or through visual or voice contact with another employee.

(b) If there is ever just one employee on the premises while the facility is operating, that employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance.

5. Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, and decontamination equipment to any area of facility operation in an emergency.

CONTINGENCY PLAN.

1. Update the facility Contingency Plan to include HHW potential releases

PERSONNEL TRAINING

1. All HHW facility personnel must successfully complete a program of training (preferably as listed under OSHA 29CFR 1910.120 and 1910.200) and on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with these requirements. The owner or operator must ensure that this program includes all of the elements described in the training description required under subparagraph (3) of this subdivision.

2. This program must be directed by a person trained in hazardous material management procedures, and must include instruction which teaches facility personnel hazardous material

management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

3. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:

(‘a’) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(‘b’) communication or alarm systems;

(‘c’) response to fires or explosions;

(‘d’) response to spills

(‘e’) use of PPE (personal protective equipment)

(‘f’) waste segregation training

4. Facility personnel must successfully complete the program required in paragraph (1) of this subdivision within six months after the date of their employment or assignment to the facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training requirements of paragraph (1) and (3) of this subdivision.

5. Facility personnel must take part in an annual refresher of the initial training required in paragraph (1) of this subdivision.

6. The owner or operator must maintain the following documents and records at the facility:

(a) the job title for each position at the facility related to household hazardous waste management, and the name of the employee filling each job;

(b) a written job description for each position listed under subparagraph (a) of this paragraph. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of employees assigned to each position;

(c) a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subparagraph (a) of this paragraph; and

(d) records that document that the training or job experience required under paragraphs (1), (2) and (3) of this subdivision has been given to, and completed by, facility personnel.

7. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same organization.

8. An outline of the training program to be used at the facility and a brief description of how the training program is designed to meet actual job tasks should be submitted with the plan.

FINANCIAL ASSURANCE.

1. The owner or operator of the household hazardous waste facility must update the CPC Plan and submit the plan along with an updated Financial Assurance plan for approval by the Department.

2. The closure plan must be amended whenever changes in the operation of the facility affect the closure plan.

APPENDIX I

GUIDELINES FOR SEGREGATING HHW MATERIALS

FLAMMABLES AND COMBUSTIBLES

Acetone
Adhesives
Air freshener
Alcohols
Asphalt driveway topping
Automotive body filler
Automotive oils
Barbecue lighter fluid
Benzene
Brake fluid
Creosote
Cutting oil
Dap
Diesel fuel
Denatured alcohol
Duplicator fluid
Enamel/oil-based paint
Epoxy paint
Ethanol
Ether
Fiberglass resins (unsolidified)
Fingernail polish remover
Floor/furniture polish
Formaldehyde solution
Formalin
Gasoline
Glues
Grease
Isopropyl Alcohol
Kerosene
Lacquer paint
Latex paint (unsolidified)
Latex/water-based paint
Lighter fluid
Linseed oil
Liquid wastes
Liquid sandpaper
Methanol
Naphtha
Neats foot oil
Oils
Organic solvents
Paint strippers
Paint thinners
Paraffin oil
Perfume
Petroleum distillates
Plastic model cement
Plastic roof cement
Polyurethane cement (unsolidified)
Power steering fluid
Primers
Roofing cement
Rug/upholstery cleaners
Sealers
Shellac thinner
Spot remover/cleaning fluids
Thinner
Tile cement
Tire black
Toluene
Transmission fluid
Turpentine
Varnish
Wallpaper cement
WD-40
White gas
Wood/tile putty
Wood stain
Xylol/xylene

OXIDIZERS

Ammonium nitrate
Bleach
Calcium hypochlorite
Chlorates
Fertilizers
Fluorine
Hair Coloring
Hair dye
Hydrogen peroxide
Iodine
Nitric acid
Peroxides
Potassium permanganate
Sodium hypochlorite
Toilet bowl cleaner with bleach

POISONS

Ant and roach killer
Anti-freeze
Bacterial pipe cleaner
Baygon
Black flag
Chlordane
Chrome-silver polishes
DDT
Diazinon
Dimethylamine salts
Disinfectants
Dog repellant
Dursban
Ethylene glycol
Flea spray/powder
Fungicides
Gopher killer
Insect sprays
Lindane
Malathion
Methylene chloride
Mole killer
Moth crystals
"OFF" insect spray
Pentachlorophenol
Pharmaceuticals
Plant food
Pruning paint
Pyrethrins
Raid
Rock salt
Rose dust
Round-up
Sevin (dust)
Snail/slug killer
Strychnine
Tree root/stump killer
Weed and grass killer
Windshield wiper fluid

HEAVY METALS

Arsenic
Bordeaux Mix
Chromium
Copper sulfate
Lead arsenate
Lead compounds
Mercury

CORROSIVES (ACIDS)

Boric acid
Car battery acid
Copper cleaners/metal cleaners
Disinfectants
Ferric chloride
Hydrochloric acid
Muriatic acid
Phosphoric acid
Pool acid
Sheep dip
Sodium bisulfate
Toilet bowel cleaners

CORROSIVES (BASES)

Ammonia and ammonia based cleaners
Battery terminal cleaner
Caustic soda
Cess pool cleaners
Drain cleaners
Lye
Oven cleaners