1. The generator completes the Waste Characterization Form ("WCF") Sections A through H and submits it with supporting documents to the landfill.
2. The landfill completes Section I, Application for Minor Permit Modification (Application) and submits it with the WCF and supporting documents to the Solid Waste Permitting Unit ("SWPU").
3. The SWPU Secretary:
    a. Assigns the SWPU tracking ID. This is of the form: YY-MM-NN, where "YY" is the two-digit year padded with a leading zero, "MM" is the two-digit month padded with a leading zero for months 1 through 9, and NN is a two-digit serial number that begins with 01 at the beginning of each month. The SWPU ID contains only numerals and dashes, and does not contain other punctuation marks or letters.
    b. Logs receipt of the Application and WCF in the Secretary's portion of the Special Waste Log and attaches a Routing Slip.
    c. Completes the "Checked in by Secretary" section of the Routing Slip.
    d. Delivers the documents to the Environmental Resources Specialist ("ERS").
4. The ERS:
    a. If a landfill asks for rush handling for a valid reason, the ERS writes "RUSH: Fax to landfill immediately upon signing," on the top of the Routing Slip and follows the Application through the review process to ensure that it is handled promptly. The goal for rush handling is to fax the response to the landfill within 24 hours of the rush application's being made. Rush handling is available only if unforeseen circumstances prevent the regular procedure from being followed. An example of an unforeseen circumstance might be a truck wreck that spills a waste that cannot be stored. Economic losses by the Generator, Landfill, or others, are not sufficient to qualify a waste for rush handling. For example, failure to plan for a two-week review of the permit modification application, or failure to properly estimate the amount of waste, by themselves, are not sufficient for rush handling.
    b. Determines whether copies of all documents should be provided to the Field Operations Unit Supervisor for possible investigation of RCRA violations, and if so, makes the copies and delivers them.
    c. If forms are <u>administratively incomplete</u>, the ERS notes the deficiency, initials and dates the Routing Slip, and returns all documents to the Secretary who:
        i. Completes the "Returned to Landfill by Secretary" section of the Routing Slip.
        ii. Copies all documents.
        iii. Mails the original Application and WCF, and a copy of the Routing Slip to the Landfill.
        iv. Puts the original Routing Slip and copied Application and WCF in the "To Be Filed" basket.
    d. If forms are <u>administratively complete</u>, the ERS:
        i. Determines whether an established disposal policy applies to this waste.
        ii. Completes the "Recommendation by ERS" section of the Routing Slip, indicating the granting or denial of the Application by initialing the proper space.

iii. Prepares the letter of response to the landfill.

iv. Completes the ERS's portion of the Special Waste Log.

v. Forwards the Application to the SWPU Supervisor.

5. The SWPU Supervisor:
    a. Completes the "Recommendation by SWPU Supervisor" section of the Routing Slip and indicates his recommendation to grant or deny the Application by initialing the appropriate space.
    b. Forwards the Application to the Assistant Director.
6. The Assistant Director:
    a. Reviews all documents and asks for additional review or grants or denies the Application.
        i. If the Assistant Director grants the Application, the Assistant Director signs the letter.
        ii. If the Assistant Director does not accept the Supervisor's recommendation, the Assistant Director writes instructions for the Supervisor.
    b. Completes the "Decision by Assistant Director" section of the Routing Slip, indicating his/her decision by initialing the proper space.
    c. Returns the Application to the SWPU Supervisor.
7. The SWPU Supervisor:
    a. If the Assistant Director asks for additional review, returns the Application to the ERS.
    b. If the Assistant Director approves or denies the Application, forwards the Application to the Secretary.
8. The SWPU Secretary for an administratively incomplete, approved, or denied application:
    a. Completes the "Mailed to Landfill by Secretary" section of the Routing Slip.
    b. Mails the letter to the landfill. If the application is administratively incomplete or denied, the Secretary includes in the letter copies of all review documents.
    c. Records in the Secretary's portion of the Special Waste Log the Assistant Director's decision and the date that the reply was mailed.
    d. Places original documents in the "To Be Filed" basket for filing.

Special Waste Routing Slip

Check-in by Secretary: SWPU ID: _____ By Fax:____Initials: _____ Date:_____

Recommendation by ERS

Landfill:_____Generator: _____

Waste: _____Dated: _____Place: _____

_____Amt.&Freq.: _____ Until: _____

_____Sample Freq.: _____ Daily Cover:_____

_____ G D O: _____

_____Rush Handling, Date: _____ Time: _____

Hold for: _____Begin: _____ End: _____

Copy of all documents provided to Field Operations Unit Supervisor: Yes No Date:_____

Administratively Incomplete: _____Deny:_____Grant: _____ Date:_____

Recommendation by SWPU Supervisor

_____

_____

_____Deny:_____Grant: _____ Date:_____

Decision by Assistant Director

_____

_____

_____

Add'l Review Req'd: _____Deny:_____Grant: _____ Date:_____

Mailed to landfill by Secretary

_____Faxed: Initials: _____Date: _____Time:_____

_____Mailed: Initials:_____Date: _____

Additional Notes:

Initials	Date	Note
____	_____	_____
____	_____	_____
____	_____	_____
____	_____	_____
____	_____	_____
____	_____	_____
____	_____	_____
____	_____	_____
____	_____	_____

Special Waste Review Log

The SWPU Secretary will maintain a log of the following information in an Excel file:

1. SWPU ID number
2. Receipt information:
    a. Date
    b. Received by Fax (check)
    c. Landfill name
3. Assistant Director's Decision
    a. Date of review
    b. Decision: approved, denied, administratively incomplete, or additional review required
4. Notification of Landfill
    a. Date and time faxed, if applicable
    b. Date mailed

The ERS will maintain a log of the following in an Excel file:

1. SWPU ID number
2. Whether the application is a duplicate of a previously submitted application
3. Generator's name
4. Waste description
5. Whether the current application is to add more waste or extend the time of an existing minor modification.
6. Amount to be disposed of
7. Disposal frequency
8. Whether the application was held for receipt of information, and what that information was
9. Date on which his review was completed
10. Recommendation to Approve or Deny the application, and whether the application was Administratively Incomplete (denied without review).
11. If a rush review is approved:
    a. Approval date
    b. Approval time

The SWPU Supervisor will maintain a log of the following in an Excel file:

1. Date of review
2. Recommendation or decision

Review for Administrative Completeness
West Virginia DEP Waste Characterization Form

SWPU ID: _____ Reviewer: _____ Date: _____

Minor permit modification application is to be DENIED without review if any of the following are true.

1. Illegible; Significant information on one or more documents was not easily legible. _____

2. Form: Use of the Waste Characterization Form instead of the Solid Waste Profile is required for submissions received after March 31, 2004._____

A. Responsible Parties: Missing or incomplete information for:

1.Generator_____2.Transporter_____3.Contractor (N/A is ok)_____4.Laboratory (N/A is ok) ____

B. Waste Description

1. Anticipated total weight was omitted. _____
2. Length of time was omitted. _____
3. Process description was omitted or was not sufficiently detailed. _____

C. Hazardous Potential

1. One or more questions in Section C were blank or completed "N/A." _____

D. General Characteristics

1. Constituent weight percents were omitted or do not add to 100%._____
2. Consistency was not checked. _____
3. Percent solids and/or method for determining were not provided for sludge._____
4. Color was not provided._____
5. Odor was not provided. _____

E. Miscellaneous

1. Place of generation was not provided._____

F. Documents Enclosed

Following documents were omitted: MSDS _____ Chain of Custody _____ Lab Manager Signature ____

Lab Report ____ Analytical Summary ____Photo____ Report ___Map_____ Other (specify) _____

G. Generator Certification not completed, or was completed improperly. _____

H: Minor Permit Modification Application

1. **Analyses:** More than 1 yr old ___ Other:_____
2. _____

Notes:_____

_____

_____

_____

_____

_____

_____

Reviewing Special Waste Applications

February 2, 2004

Purpose

The purpose of requiring minor permit modifications, and therefore reviewing, applications for minor permit modifications to accept special waste, is to help competent, well-intentioned generators or their contractors, and competent, well-intentioned landfills from mistakenly disposing of hazardous waste or other prohibited waste in a municipal solid waste landfill.

The purpose of these Guidelines is to assist the reviewers of applications to make correct and consistent decisions to grant or deny permit modifications.

Application and Review

The Generator or its agent, usually a Contractor, completes a Waste Characterization Form and attaches relevant MSDSs, laboratory reports, and other information. The Waste Characterization Form and attachments are submitted to the Landfill.

The Landfill completes the Application for Minor Permit Modification to Accept Special Waste, and forwards the complete application package to the Solid Waste Permitting Unit.

The Solid Waste Permitting Unit (SWPU) reviews the Application. The ERS III and the SWPU Supervisor conduct the SWPU review. Next, the Assistant Director determines, based on information provided with the Application and the recommendations of SWPU reviewers, whether to grant or deny the minor permit modification. If the permit modification is granted, the Landfill may accept the waste.

General Guidelines for Review

Remembering that the purpose of requiring minor modifications is to help prevent capable and well-intentioned people from making mistakes, the reviewer should use common sense in making decisions and give the generator and landfill the benefit of the doubt.

Review for Administrative Completeness

Legibility

All information relevant to disposal of the waste must be easily legible. If relevant information cannot be read at arm's length, consider it not to be easily legible.

Some documents may have information, like company name, repeated on each page. If this repeated information is illegible on some pages, but no attempt at deception is apparent, the documents should be accepted as being legible. If information that is not relevant to the disposal of the waste, such as a laboratory telephone number, is not legible, but the relevant information is legible, the document should be accepted as legible. Signatures that are illegible due to the signer's poor handwriting should be accepted.

Responsible Parties

Enough information must be provided to allow the DEP to contact each Responsible Party.

Generator Certification

All blanks must be completed.

Review of Waste Characterization Form

Process Description

Review the composition and characteristics of the waste. Could the described process reasonably be expected to generate this waste?

Hazardous Potential

All blanks must be completed with "Yes" or "No." If they were not, the application is administratively incomplete.

Constituent Weight Percents

The Generator must make a good faith effort to estimate accurately the weight percents of each constituent that is significant for the disposal of the waste. The weight percents must add to 100%, taking into account the constituents occurring at less than 1% by weight.

Percent Solids

The Generator must make a good faith effort to estimate accurately the percent solids, or to provide the appropriate test results. For sludge or material that used to be sludge, only moisture/solids determinations by EPA method 160.3 or 2540 are acceptable. If the Generator solidified the sludge, the method 160.3 or 2540 results must be provided. If the landfill solidified the sludge, a paint filter test is required.

Review of Application for Minor Permit Modification to Accept Special Waste

All information must be provided.

Review of Laboratory Analyses

Chain of Custody

A Chain of Custody must be provided for each sample. Samples must have been collected less than one year before the date that DEP received the minor modification application. If the Chain of Custody is not included for any sample, or if any sample is more than one year old, the application is administratively incomplete.

Laboratory Certification

A Laboratory Certification bearing the appropriate signature must be provided for each set of laboratory analyses. Preliminary laboratory results are not acceptable. If the Laboratory certification is not included for any sample, the application is administratively incomplete.

Analyses

Note the Analytical Guidelines for Special Waste, above.

Compare the sample numbers and requested analyses on the Chain of Custody with the analytical reports. The Generator must provide all analyses that were conducted on the waste and that are relevant to its disposal. If it appears that results were not provided for some samples or for some significant tests, the application is administratively incomplete.

The laboratory report should state clearly which tests were performed and what the results were. Check the qualifiers. If the laboratory report is not clear, or if results are invalid according to the qualifiers, the application is administratively incomplete.

Review of MSDS

If the waste is fully described by the MSDS, the MSDS is sufficient for characterizing the waste. If the material described by the MSDS is mixed with other materials, the other materials must also be characterized. If for any other reason the MSDS does not fully describe the waste, additional characterization is required.

As the following points are reviewed, highlight the MSDS with an orange or pink highlighter as an aid to subsequent reviewers. By using orange or pink, the highlights will be visible on photocopies.

Product

Verify that the provided MSDS represents the material present in the waste. Be skeptical if the MSDS is from a different manufacturer than the waste.

NFPA and/or HMIS codes

If NFPA and/or HMIS codes are given, check them for hazards that may be associated with this waste. Consider whether the permit modification should require special provisions for worker safety. Explanations of specific codes are attached. Following is an explanation of these two hazard code systems.

> "HMIS is a complete system designed to aid employers and their employees in day-to-day compliance with OSHA's Hazard Communication Standard. It includes hazard evaluations; a rating system for acute and chronic health, flammability and physical hazards; labels providing at-a-glance information on the hazards and PPE; employee training; and a written compliance program. HMIS was developed by the NPCA."* HMIS codes rate health effects, flammability, and physical hazard (approximately the same concept as reactivity or instability) on a 0 (less hazardous) to 4 (more hazardous) scale. HMIS has gone through two revisions, and these comments refer to HMIS III. Earlier versions of the HMIS used rated "reactivity" rather than "physical hazard."
>
> "NFPA is a fire protection hazard warning system designed to provide rapid, clear information to emergency responders on materials under conditions of fire, chemical spill, or other emergency situations. This labeling system was developed by the NFPA. Like HMIS, it includes labels and a numerical rating system, but the basic purpose of the label information is different."* NFPA codes rate health effects, flammability, and reactivity on a 0 (less hazardous) to 4 (most hazardous) scale.
>
> "The ratings in the Health and Flammability categories [of HMIS and NFPA ratings] are different because the defining criteria are not the same and because HMIS must be concerned with chronic as well as acute health hazards."*
>
> * Source: http://www.paint.org/hmis/hmis_faq3.cfm

Regulations

If the material is classified as a hazardous waste under RCRA, or should not be disposed of in a MSW landfill according to other regulations, the application must be denied.

Disposal Considerations and Cleanup and Disposal

Note any special conditions for cleanup of spills, and consider whether the permit modification should require special precautions for worker safety.

NFPA® Hazard Rating Codes

Health Hazard Codes (Blue)		Example
4 Danger	May be fatal on short exposure. Specialized protective equipment required	Hydrogen cyanide gas
3 Warning	Corrosive or toxic. Avoid skin contact or inhalation	Chlorine gas
2 Warning	May be harmful if inhaled or absorbed	Ammonia gas
1 Caution	May be irritating	Turpentine
0	No unusual hazard	Peanut oil

Flammability Hazard Codes (Red)		
4 Danger	Flammable gas or extremely flammable liquid	Propane
3 Warning	Flammable liquid flash point below 100° F	Gasoline
2 Caution	Combustible liquid flash point of 100° to 200° F	Diesel fuel
1	Combustible if heated	Corn oil
0	Not combustible	Water

Reactivity Hazard Codes (Yellow)		
4 Danger	Explosive material at room temperature	TNT, trinitrotoluene
3 Danger	May be explosive if shocked, heated under confinement or mixed with water	Fluorine gas
2 Warning	Unstable or may react violently if mixed with water	Calcium metal
1 Caution	May react if heated or mixed with water but not violently	Phosphorus
0 Stable	Not reactive when mixed with water	Liquid nitrogen

Special Notice Key (White)		
W	Water Reactive	Magnesium metal
Oxy	Oxidizing Agent	Ammonium nitrate
Acid	Acid	Hydrochloric acid
Alk	Alkali or base	Sodium hydroxide
Corr	Corrosive	Sulfuric acid
☢	Radioactive	^{137}Cesium
	Biohazard	Medical waste

Reference: National Fire Protection Association, http://www.nfpa.org/Codes/Interpretations/FAQ704/FAQ704.asp

HMIS III® Hazard Rating Codes

Health Hazard Codes (Blue)

* Chronic Hazard	Chronic (long-term) health effects may result from repeated overexposure
4 Severe Hazard	Life-threatening, major or permanent damage may result from single or repeated overexposures
3 Serious Hazard	Major injury likely unless prompt action is taken and medical treatment is given
2 Moderate Hazard	Temporary or minor injury may occur
1 Slight Hazard	Irritation or minor reversible injury possible
0 Minimal Hazard	No significant risk to health

Flammability Codes (Red)

4 Severe Hazard	Flammable gases, or very volatile flammable liquids with flash points below 73° F, and boiling points below 100° F. Materials may ignite spontaneously with air. (Class IA)
3 Serious Hazard	Materials capable of ignition under almost all normal temperature conditions. Includes flammable liquids with flash points below 73° F and boiling points above 100° F as well as liquids with flash points between 73° F and 100° F. (Classes IB & IC)
2 Moderate Hazard	Materials that must be moderately heated or exposed to high ambient temperatures before ignition will occur. Includes liquids having a flash point at or above 100° F but below 200° F. (Classes II & IIIA)
1 Slight Hazard	Materials that must be preheated before ignition will occur. Includes liquids, solids and semi solids having a flash point above 200° F. (Class IIIB)
0 Minimal Hazard	Materials that will not burn

Physical Hazard Codes (Orange)

4 Severe Hazard	Materials that are readily capable of explosive water reaction, detonation or explosive decomposition, polymerization, or self-reaction at normal temperature and pressure.
3 Serious Hazard	Materials that may form explosive mixtures with water and are capable of detonation or explosive reaction in the presence of a strong initiating source. Materials may polymerize, decompose, self-react, or undergo other chemical change at normal temperature and pressure with moderate risk of explosion
2 Moderate Hazard	Materials that are unstable and may undergo violent chemical changes at normal temperature and pressure with low risk for explosion. Materials may react violently with water or form peroxides upon exposure to air.
1 Slight Hazard	Materials that are normally stable but can become unstable (self-react) at high temperatures and pressures. Materials may react non-violently with water or undergo hazardous polymerization in the absence of inhibitors.
0 Minimal Hazard	Materials that are normally stable, even under fire conditions, and will NOT react with water, polymerize, decompose, condense, or self-react. Non-Explosives.

See the HMIS Implementation Manual for complete descriptions of rating categories.

Reference: National Paint and Coatings Association, http://www.paint.org/hmis/index.cfm