



## Hazardous Substance/Waste Cleanup Oversight Checklist

01/03/2019

### Cleanup Capability Assessment

The person responsible for the material at the time of the spill is responsible for ensuring that the spilled material, residue, or contaminated media no longer presents a hazard to human health or the environment either through clean up or other appropriate action, as stated in R315-263-31 of the Utah Administrative Code.

The Utah Hazardous Materials Mitigation Act section 19-6-309(1)(b) identifies the potential for UDEQ intervention in a cleanup if the Responsible Party (RP) is “unwilling” or “unable” to appropriately mitigate a release of a hazardous substance (including hazardous wastes). Answers to the questions below should assist in an evaluation of a contractor’s abilities to adequately mitigate a hazardous substance release.

Does the contractor have an EPA hazardous waste ID number?

R315-262-18 and R315-263-11 of the Utah Administrative Code requires Large and Small Quantity Generators and Transporters of hazardous waste to obtain an ID number before treating, storing, disposing of, transporting or offering for transportation hazardous waste. To look up a company name and determine if they have an EPA ID number visit the Utah Division of Waste Management and Radiation Control Hazardous Waste Management Program webpage at the URL below, scroll down the page to the Hazardous Waste Handlers and click one of the links. The links open pdf documents that can be searched.

<https://deq.utah.gov/waste-management-and-radiation-control/hazardous-waste-management-program>

R315-262-11 of the Utah Administrative Code requires a person who generates a solid waste to make an accurate determination as to whether that waste is a hazardous waste. How does the contractor plan to determine if the waste is hazardous or not?

Does the contractor have pollution liability insurance?

If the contractor is transporting the waste, does the contractor have a Federal Motor Carrier Safety Administration Hazardous Materials Safety Permit?

Can the contractor provide HAZWOPER training credentials for contractor employees?

29 Code of Federal Regulations 1910.120(e)(6) requires written certificates to be given to each person who completes HAZWOPER training. The regulation states that any person who is not certified shall be prohibited from engaging in hazardous waste operations.



## Hazardous Substance/Waste Cleanup Oversight Checklist - Continued

Ensure the responsible party has notified:

- UDEQ at (801) 536-4123 (24-hr number) as required by R315-263-30 of the Utah Administrative Code and
- The National Response Center at 1 (800) 424-8802 when there has been a release to surface water or a storm drain or when otherwise required by federal law.

Contact UDEQ (801) 536-4123 if the RP or their contractor appears to be unwilling or unable to appropriately mitigate a hazardous substance/waste spill.

### Ongoing Cleanup Evaluation Checklist

The contractor must determine if the spilled material is a hazardous waste. Waste must be stored in drums appropriately labeled with hazard and waste codes. See R315-262-16(b)(6)(i) and R315-262-17(a)(5)(i) of the Utah Administrative Code.

Waste containers must be kept closed. See R315-262-16(b)(2)(iii) and R315-262-17(a)(1)(iv)(A) of the Utah Administrative Code.

All hazardous waste must be shipped using a uniform hazardous waste manifest or e-Manifest. R315-262-20 of the Utah Administrative Code requires a generator who transports or offers for transport a hazardous waste to prepare a manifest on EPA Form 8700-22 or to use the EPA electronic manifest (e-Manifest) system.

Failure to follow any of the hazardous waste rules cited in this guidance document is subject to a penalty of up to \$13,000 per day per violation [Utah Solid and Hazardous Waste Act Subsection 19-6-113(2)].