

Code(s) DOT 49 CFR 173.3:

(c) Packages of hazardous materials that are damaged or found leaking and hazardous materials that have been spilled or leaked may be placed in a metal removable head salvage drum that is compatible with the lading and shipped for repackaging or disposal under the following conditions.

(1) The drum utilized may be either a DOT specification or a non-DOT specification drum as long as the drum has equal or greater structural integrity than a package that is authorized for the respective material in this sub-chapter. Maximum capacity shall not exceed 110 gallons.

Code(s) EPA 40 CFR 264.175:

(a) Container storage areas must have a containment system that is designed and operated in accordance with paragraph (b) of this section.

(b) A containment system must be designed and operated as follows:

(3) The containment system must have sufficient capacity to contain 10% 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.

Code(s) OSHA 29 CFR 1910.106 (e)(2)(iii):

Separation and protection. Areas in which flammable or combustible liquids are transferred from one tank or container to another container shall be separated from other operations in the building by adequate distance or by construction having adequate fire resistance. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided.

Do you have drip pans under all drum faucets or leaks?

Do you have large diameter funnels to transfer liquids into drums?

Do you have drum covers to protect the integrity of drums stored outside as per 40 CFR 265.173?

Code(s) Uniform Fire Code - Division IV, Section 80.402 (b)(2)(F):

Dispensing and Use - Spill Control, Drainage Control, and Secondary Containment. Rooms or areas where hazardous material liquids are dispensed into containers exceeding a 1-gallon capacity or used in open containers or systems exceeding a 5-gallon capacity shall be provided with a means to control spills. Secondary containment shall be provided when the capacity of an individual container exceeds 55 gallons or the aggregate capacity of multiple containers exceeds 100 gallons.

OSHA Compliance

The citations issued by OSHA compliance officers usually carry a penalty, depending on the severity of the violation. All penalties are assessed on the basis of the gravity of the violation, size of the business, good faith of the employer and the employer's history of previous violations. There are several types of OSHA violations that carry various penalties as follows:

Other-Than-Serious Violations include situations that would affect safety or health, but would "probably not cause death or serious physical harm." OSHA can penalize employers up to \$7,000. A group of other-than-serious violations may be treated as one serious violation.

Serious Violations create a substantial probability that death or serious physical harm could result from a condition, practice, method, operation or process in a place of employment. OSHA will issue a citation unless the employer did not and could not have known about the violation. Serious violations carry a maximum penalty of \$7,000.

Willful Violations show evidence that the employer committed an intentional violation and carry a minimum penalty of \$5,000 and a maximum penalty of \$70,000.

Criminal/Willful Violations occur when an employer willfully violates any standard and that violation in turn causes death to an employee. If this happens, the employer will be fined, upon conviction, not more than \$10,000 or imprisoned for not more than six months, or both. Additional criminal penalties are imposed by the courts, not by OSHA.

Repeated Violations occur when an employer fails to bring a previously cited condition into compliance. OSHA can issue a penalty of up to \$70,000 to employers who repeatedly violate the OSHA Act.

Specific standards which were cited by Federal OSHA inspectors during the period October 1997 through September 1998 as they relate to this compliance guide are as follows:

OSHA Standard	Number of Citations	Number of Inspections	Penalty Amount
1910.106	1155	669	\$ 803,727
1926.152	267	183	\$ 103,119

1910.106
Flammable and Combustible Liquids
1926.152
Flammables and Combustibles - Construction Code

(NOTE: THIS DOES NOT INCLUDE CITATIONS AND PENALTIES ASSESSED BY STATE OSHA REGULATORS.)

OSHA's average penalty for noncompliance is insignificant in comparison to the potential for multi-million dollar litigation concerning an injured or deceased employee.

EPA Compliance

One of EPA's most important responsibilities is ensuring compliance with federal laws that protect public health and safeguard the environment. Effective deterrence requires inspecting,

bringing penalty actions and securing compliance and remediation of harm. However, EPA realizes that achieving compliance also requires the cooperation of thousands of businesses and other regulated entities subject to these requirements.

The EPA encourages regulated entities to voluntarily discover, disclose, correct and prevent violations of federal environmental law. As an incentive, the EPA eliminates or substantially reduces the gravity component of civil penalties and also does not recommend these cases for criminal prosecution.

Repeat violations or those that result in harm or may present endangerment are not considered for relief, and companies are not allowed to gain economic advantage over competitors by delaying their investment in compliance. Corporations remain criminally liable for violations that result from conscious disregard of their legal obligations, and individuals are liable for criminal misconduct.

Penalties

EPA's enforcement program provides a strong incentive for responsible behavior by imposing stiff sanctions for noncompliance.

Section 3008 of RCRA (Resource Conservation and Recovery Act) provides very serious civil and criminal penalties for violations. If EPA determines that any person is violating "any requirement" of Subtitle C (RCRA permit regulations), it may either issue an administrative order or commence a civil action against the alleged violator in federal district court. An administrative order issued by EPA under 3008 may impose penalties of up to \$25,000 per day of noncompliance.

EPA has developed a civil penalty policy that assists the government in calculating the appropriate penalty. The penalty calculation usually consists of three elements: (1) gravity of the infraction (potential for harm); (2) economic benefit from noncompliance (savings); and (3) any reasons, such as good faith or a history of compliance or noncompliance, to adjust the penalty up or down.

In addition to civil penalties, 3008(d) establishes criminal penalties for individuals and corporations that knowingly violate any of the RCRA regulations pertaining to storing, treating, transporting, disposing of, or otherwise handling hazardous waste in violation of a permit or regulations issued by EPA.

*A person convicted of any of these violations is subject to a fine of up to \$50,000 per day or two years imprisonment, or both. Repeat offenders' penalties are doubled.

*Any person who knowingly violates and "who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury" is subject to a fine of \$250,000 and imprisonment for up to 15 years, or both. If the violator is an organization, the fine can be up to \$1,000,000.

Although these EPA penalties are significant, they pale in comparison to the cost of a major clean-up of a hazardous material spill or the potential for litigation concerning harm to public health.

This is only a brief overview and should not be used as a substitute for the actual regulations. Many states have their own hazardous waste regulations based on the federal requirements. Some states have more stringent regulations than the federal program. When this is the case, you must comply with the state regulations.

Uniform Fire Code - Division VIII,
Section 79.803 (a) states:

"Class I liquids shall not be run into containers unless the nozzle and containers are electrically interconnected. The provisions of this section shall be deemed to have been complied with where the metallic floor plates on which the container stands while filling are electrically connected to the fill stem or where the fill stem is bonded to the container during filling by means of a bond wire."

OSHA 29 CFR 1910.106 (e)(2)(ii):

Incidental storage or use of flammable and combustible liquids. Containers. Flammable or combustible liquids shall be stored in tanks or closed containers..

OSHA 29 CFR 1910.106 (a)(9):

Closed container shall mean a container as herein defined, so sealed by means of a lid or other device that neither liquid or vapor will escape from it at ordinary temperatures.

OSHA 29 CFR 1910.106 (e)(2)(iv)(a):

Flammable liquids shall be kept in covered containers when not actually in use.

Code(s) OSHA 29 CFR 1910.106 (a)(29):

Safety Can shall mean an approved container, of not more than 5 gallons capacity, having a spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

OSHA 29 CFR 1910.1030:

The blood borne pathogens section applies to all occupational exposure to blood or other potentially infectious materials.

OSHA 29 CFR 1910.1030 (d)(4):

(A)Housekeeping. (i) General. Employers shall ensure that the worksite is maintained in a clean and sanitary condition. (g) Communication of hazards to employees. (1)(i)(A) Warning labels shall be affixed to containers of regulated waste, (B) Labels required by this section shall include the Biohazard symbol. (C) These labels shall be fluorescent orange or orange-red, with lettering and symbols in contrasting color.

OSHA 29 CFR 1910.106 (e)(2)(ii)(b):

Incidental storage or use of flammable and combustible liquids.

(b) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed:

- (1) 25 gallons of Class IA liquids in containers
- (2) 120 gallons of Class IB, IC, II, or III liquids in containers
- (3) 660 gallons of Class IB, IC, II, or III liquids in a single portable tank.

OSHA 29 CFR 1910.106 (d)(3)(i&ii):

Design, construction, and capacity of storage cabinets

(I) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

OSHA 29 CFR 1910.108 (f)(2):

(2) Waste Cans. When waste or rags are used in connection with dipping operations, approved metal waste cans shall be provided and all impregnated rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily at the end of each shift.

Eagle Safety Cans: Oily Waste Cans Butt Can

OSHA 29 CFR 1910.106 (h)(8)(iii):

Waste and residues. Combustible waste material and residues in a building or operating area shall be kept to a minimum, stored in closed metal waste cans, and disposed of daily.

* Not more than 60 gallons may be Class I and Class II liquids. No more than 120 gallons of Class III liquids may be stored in a storage cabinet, according to OSHA 29 CFR 1910.106(d)(3) and NFPA 30 Section 4-3.1.

Note: Not more than three such cabinets may be located in a single fire area, according to NFPA 30 Section 4-3.1.

Uniform Fire Code 79.201:

(g) Storage Cabinets. 1. General. When provisions of this code require that liquid containers be stored in storage cabinets, such cabinets, and storage shall be in accordance with this section.

Cabinets shall be conspicuously labeled in red letters on contrasting background FLAMMABLE-KEEP FIRE AWAY.

2. Quantities. The quantity of Class I or Class II liquids shall not exceed 60 gallons and the total quantities of all liquids in a storage cabinet shall not exceed 120 gallons.

3. Construction. Cabinets may be constructed of wood or metal. Cabinets shall be listed or constructed in accordance with the following:

A. Unlisted metal cabinets. Metal cabinets shall be of steel having a thickness of not less than 0.043 inch. The cabinet, including the door, shall be double walled with 1 ½ inch air space between the walls. Joints shall be riveted or welded and shall be tight fitting. Doors shall be well fitted, self-closing, and equipped with a latching device. The bottom of the cabinet shall be liquid-tight to a height of at least two inches.