

**Hazardous Waste  
Default Penalty Matrix Guidance  
June 10, 2008**

This Default Penalty Matrix guidance is for direction in penalty calculations regarding violations of the Colorado Hazardous Waste Regulations (6 CCR 1007-3), and section 25-15-308, C.R.S. of the Colorado Hazardous Waste Act. The cell categories set out in this document are intended solely for the guidance of Department personnel. They are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in litigation with the Department. The Department reserves the right to be at variance with this guidance. The Department also reserves the right to change this guidance at any time with appropriate publication.

Regulatory/Statutory Requirement	Seriousness of Violation	Impact or Threat to Public Health or Environment
<b>Hazardous Waste Determination</b>		
Hazardous waste determination, Section (§) 262.11	Moderate	Minor
<b>Container Marking and Labeling</b>		
Marking 90/180-day containers, § 262.34(a)(2) and § 262.34(a)(3) and § 262.34(d)(4)	Minor	Minor
Marking SAA containers, § 262.34(c)(1)(ii) and § 262.34(g)(1)(ii)	Minor	Minor
<b>Training</b>		
Failure to provide initial training, § 265.16(a)	Major	Major
Failure to provide annual refresher training, § 265.16(c)	Moderate	Moderate
Failure to retain training documents, § 265.16(d)(1) – (4)	Moderate	Minor
Failure to provide SQG training, § 262.34(d)(5)(iii)	Moderate	Moderate
<b>Contingency Plan</b>		
Failure to have a contingency plan, § 265.52	Major	Major
Failure to have a complete contingency plan, § 265.52	Moderate	Moderate

Regulatory/Statutory Requirement	Seriousness of Violation	Impact or Threat to Public Health or Environment
<b>Preparedness and Prevention</b>		
Failure to minimize the potential for releases, § 265.31(a)	Moderate	Moderate
Failure to maintain adequate aisle space, § 265.35	Minor - LQG Minor - SQG	Moderate - LQG Minor - SQG
Failure to make arrangements with local response authorities, § 265.37	Minor - LQG Minor - SQG	Moderate - LQG Minor - SQG
Failure to have required emergency response equipment, § 265.32	Minor	Moderate
Failure to appoint an emergency coordinator and Failure to post emergency response information. § 262.34(d)(5)(i) and § 262.34(d)(5)(ii)	Minor  Moderate	Minor  Minor
<b>Container Management, Subpart I</b>		
Failure to manage waste in containers that are in good condition, § 265.171	Minor	Minor, Moderate if outdoors
Failure to keep containers closed, § 265.173	Minor	Minor, Moderate if outdoors
Failure to conduct weekly inspections, § 265.174	Minor	Minor
Failure to meet the 50 feet distance requirement for a LQG, § 265.176	Minor	Moderate
Failure to segregate incompatible waste, § 265.177	Minor	Moderate
<b>Hazardous Waste Tank Systems</b>		
Failure to obtain a tank integrity assessment, § 265.192	Moderate	Moderate
Failure to provide adequate secondary containment, § 265.193	Moderate	Moderate
Failure to provide overfill prevention, § 265.194	Moderate	Moderate
Failure to conduct daily inspections, § 265.195	Minor	Minor

Regulatory/Statutory Requirement	Seriousness of Violation	Impact or Threat to Public Health or Environment
<b>Tank Marking and Labeling</b>		
Failure to properly label tanks with the words hazardous waste, § 262.34(a)(3)	Minor	Minor
Failure to track date of which each period of accumulation begins either on or attached to the tank or on a tank log sheet, §262.34 (a)(2)	Minor	Minor
<b>Recordkeeping</b>		
Failure to file a Biennial Report, § 262.41	Minor	Minor
Failure to file an exception report, § 262.42	Minor	Minor
Failure to notify the Division when a signed TSD copy is not received within 60-days from waste shipment, § 262.42(c).	Minor	Minor
Failure to properly complete a manifest, § 262.20(a)	Minor	Minor
<b>Land Disposal Restrictions</b>		
Failure to maintain LDR forms, § 268.7	Minor	Minor
Failure to properly complete LDR Forms, § 268.7	Minor	Minor
<b>Use Oil Requirements</b>		
Failure to mark or label tanks and/or containers of used oil § 279.22(c)	Minor	Minor
Failure to cleanup releases of used oil, §279.22(d)	Minor	Minor
Failure to close containers of used oil stored outdoors, § 279.22 (b)	Minor	Minor
<b>Universal Waste Requirements</b>		
Failure to properly manage universal waste § 273.13 (for Small Quantity Handlers) and § 273.33 (for Large Quantity Handlers)	Moderate - SQH Moderate - LQH	Moderate - SQH Moderate - LQH
Failure to properly label containers of universal waste § 273.14 (SQH) and § 273.34 (LQH)	Minor	Minor

Regulatory/Statutory Requirement	Seriousness of Violation	Impact or Threat to Public Health or Environment
<b>Notification Requirements</b>		
Failure to notify and obtain an EPA Identification Number, § 262.12 and Part 99	Moderate	Minor
<b>Failure to Pay Generator Fees</b>		
Failure to pay generator annual fees, § 262.13	Minor	Minor
<b>Self- Certification Requirements</b>		
Failure to submit accurate self-certification documentation, § 261.5(b)(4) and § 262.43	Minor	Minor
<b>Conditionally Exempt Small Quantity Generator</b>		
Accumulating more than a total of 1000 kilograms of hazardous waste on site at one time, § 261.5 (g)	Moderate	Moderate
<b>Non-Permitted Activities</b>		
Illegal disposal off-site, Section 25-15-308(1)(a), C.R.S.	Major	Major
Illegal disposal of Solvent Rags, Section 25-15-308(1)(a) C.R.S.	Moderate	Minor
Illegal disposal on-site, Section 25-15-308(1)(b), C.R.S.	Major	Major
Illegal storage, Section 25-15-308(1)(b), C.R.S.	Major	Major
Illegal treatment, Section 25-15-308(1)(b), C.R.S.	Moderate	Moderate