

Compliance Insight: The Way Forward

Rosalie Skefich
Custom Environmental Services

Overview

- **Forgotten Compliance Assessments**
- **Forgotten Allowances**
- **Compliance Tools**
- **Future Requirements**

Forgotten Compliance Assessments

Hazardous Materials Inventory

- Proposition 65 chemicals / No Significant Risk Levels
- CA Acutely Hazardous Materials / Federal Extremely Hazardous Substances
 - Cal-ARP / Federal RMP / OSHA PSM /
- Form R Chemicals
 - Water-soluble nitrates
 - Categories (metal compounds, glycol ethers, PAHs)
 - 100 pounds for lead

Forgotten Compliance Assessments

Hazardous Materials Inventory

- Create list of CERCLA substances with Reportable Quantities
- Create list of RCRA Listed Wastes with Reportable Quantities

Forgotten Compliance Assessments

Hazardous Materials Acquisition

- Purchasing chemicals from out of country triggers TSCA requirements.
- Receiving hazardous materials at your facility triggers DOT training.

Forgotten Compliance Assessments

Hazardous Waste Onsite Management

- Only 1 quart of Acutely Hazardous Waste generated in any calendar month will trigger LQG requirements for entire year.
- If storing hazardous waste containing volatiles in storage tanks, then RCRA Air Emission Standards apply.

Forgotten Compliance Assessments

Hazardous Waste Onsite Management

- Use of Consolidated Manifest has inherent stipulations :
 - See DTSC Fact Sheet Flow Chart.
 - LQGs (excluding used oil) are not eligible.
 - Registered transporter must have notified DTSC of their intent to use this option.
 - Transporter must “confirm” to generator that waste reached authorized facility.
- Used oil tank labeling differs from used oil container labeling.

Forgotten Compliance Assessments

Hazardous Waste Onsite Management

- Container rinsing or destruction may trigger hazardous waste treatment permit (Tiered Permitting).
- Oil-water separators trigger Tiered Permitting.
- Employee who signs hazardous waste manifest must be RCRA and DOT-trained and is certifying that pollution prevention program has been established.

Forgotten Compliance Assessments

Hazardous Waste Onsite Management

- Fluorescent lamps effective 2/9/04
 - Classified as hazardous waste containing mercury or Universal Waste for reduced requirements.
 - No longer 25 per day per dumpster.
 - No longer can trash Phillips Alto® high-pressure sodium “green-tip lamps” in California.

Forgotten Compliance Assessments

Hazardous Waste Onsite Management

- Cathode Ray Tubes (CRT)
 - If accept >5 CRTs from offsite sources or Large Quantity Generator of CRTs, then must submit annual notifications to DTSC by February 1, 2005.
 - Comprehensive list of recyclers on DTSC website.
 - After February 2006, will manage cell phones, VCRs, and other Consumer Electronic Devices similarly.

Forgotten Compliance Assessments

Hazardous Waste Onsite Management

- Recyclable Materials Report
 - If recycling >100 kg/mo onsite, then submit report to CUPA.
 - No report is required if offering recyclable material to offsite facility.

Forgotten Compliance Assessments

Hazardous Waste Offsite Management

- Generator is responsible for final disposal or treatment even if original manifest does not identify site.
- Specify ultimate disposition of your waste at profile stage.
- Always ask for Certificates of Disposal / Destruction.

Forgotten Compliance Assessments

Hazardous Waste Offsite Management

- Hazardous Waste of Concern
 - Over 650 materials listed.
 - Transport of listed Explosives, Poison Material or Poison Gas triggers reporting requirements if quantity or type discrepancies are noted.
 - Discrepancy defined as 3% of piece count or difference in type (e.g., soil replaced for a poisonous solid)

Forgotten Compliance Assessments

Wastewater and Air Quality

- Industrial wastewater discharge permit applications should be submitted for everything but non-contact wastewater and sanitary.
- If SPCC Plan, then automatically triggers CA APST Act notification requirements.
- Annual backflow prevention device testing is required.

Forgotten Compliance Assessments

Wastewater and Air Quality

- Air toxics inventory and emissions estimate must be submitted to air district to obtain AB 2588 exemption for a “low-level” facility per Guidelines Appendix E, General Exclusion Note (1).
- Change of business name and/or business ownership triggers air permit application.

Forgotten Compliance Assessments

- **Local Hazard Mitigation Plan for local governments, including school districts, should have been submitted for FEMA approval by 11/1/04.**
- **Community water systems ERP due within 6 months of their Security Vulnerability Assessment or 12/31/04.**

Forgotten Allowances

- **F00X codes are only for solvents that were in concentrations >10% in material before becoming waste.**
- **P00X / U00X codes are only for commercial chemical products.**
- **Satellite Accumulation Areas.**
- **Laboratory waste treatment.**

Forgotten Allowances

- **Very small generators (CESQUWG) are exempt from Universal Waste requirements between 2/6/04 and 2/8/06.**
 - 1) <100 kg/mo of RCRA and UW combined (except CRT),
 - 2) < 1kg AHW, and
 - 3) generates < 5 CRTs/year
- **Monthly allowable disposal quantities for batteries, lamps, thermostats**
 - < 20 pounds batteries
 - 30 lamps
 - No mercury thermostats
 - 100 kg of Consumer Electronic Devices

Forgotten Allowances

- **Remote site consolidation for non-RCRA waste allowed with annual CUPA notification.**
 - Moved within 10 days
 - Move < 275 gallons or < 2500 pounds
 - Municipalities may move 500 gallons

Forgotten Allowances

- Reuse treated wastewater (~>20%) onsite to eliminate regulation under Tiered Permit.
- Wastewater treatment influent may not be hazardous waste.
- Spent rags sent to industrial laundry are not hazardous waste.

Forgotten Allowances

- **Reduced storm water monitoring after six sampling events.**
- **Facility emission limit (<1 ton/year of any criteria pollutant) exemption in some air districts.**
- **Annual air emissions report is not required in SCAQMD if facility emissions are <4 tons/year.**

Forgotten Allowances

- **Some jurisdictions have exemptions (i.e., increased storage amounts) for hazardous materials that typically required reporting under Business Plan.**

Compliance Tools

- **Baseline Multi-Media Compliance Audit**
 - Compliance Calendar
 - File Reorganization
 - Environmental agency contacts and programs regulated
 - Employee Training Matrix

- **Air Emission Sources Matrix**

- **Waste Disposition Matrix**

Compliance Tools

- **California Training Navigator® by Network Environmental Systems, Inc.**
- **Cal-EPA Listservers**
(www.calepa.ca.gov/listservs/)
- **Battery Preparation and Packaging Guidance by Kinsbursky Brothers, Inc.**

Future Requirements - FED

- **Removal of requirements to use SW-846 (1/05)**
- **Revisions to hazardous waste manifest (1/05)**
- **Management of mercury-containing equipment as Universal Waste (6/05)**
- **Recycling exclusion for CRTs (8/05)**
- **Regulation of solvent-contaminated shop towels/wipes (10/06)**

Future Requirements - CA

- **All waste generators – new management and recordkeeping requirements for rejected hazardous waste shipments.**
 - If rejects load and didn't sign manifest, load is shipped back to generator or alternate facility.
 - If rejects load and did sign manifest, new hazardous waste manifest and ship back to generator or alternate facility.
- **Electronic waste generators – SB 50 regulations effective immediately.**
 - 1/1/05 BOE fee collection from retailer begins.
 - Payments made for manufacturer take-back

Future Requirements

- **All USTs – SWRCB “Training Plus” Regulations / Designated Operator and Compliance Certification required by 12/31/04.**
- **Gasoline USTs – CARB Phase I Enhanced Vapor Recovery installed by 4/1/05.**
- **Gasoline ASTs – CARB Enhanced Vapor Recovery; workshops Spring and Summer 2005; Board Hearing early 2006**

QUESTIONS