

# The Small Business Resource

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## Compliance Workshops Help Small Businesses Understand Ohio's Hazardous Waste Regulations

Do you know if you are generating any hazardous waste from your business? Are you unsure of whether or not your business is in compliance with the hazardous waste regulations? If you need help, plan to attend one of our FREE compliance workshops. Each workshop covers:

- how to evaluate your wastes to see if they are hazardous;
- the basic requirements for small generators of hazardous waste; and
- how to prepare for a hazardous waste inspection and avoid common problems.

The Small Business Assistance Office (SBAO) and Division of Hazardous Waste Management (DHWM) are working together to bring these workshops to small business owners in the Central Ohio area. To find out more about attending a workshop near you, contact the SBAO at (800) 329-7518 or (614) 728-8573. *Hurry. Space is limited.* ☞



### Do you have an idea for a workshop topic for the SBAO?

If there is an area of compliance that you think would be helpful for the SBAO to cover in a workshop, please feel free to call Kirk Nofzinger or Laurie Stevenson with your ideas at (800) 329-7518. We would also like to know if you would be interested in attending a full-day compliance seminar, covering a variety of topics.

You can also check out our current workshop schedule by visiting our web site at [www.epa.sfafe.oh.us/other/sbao/sbaindex.hfml](http://www.epa.sfafe.oh.us/other/sbao/sbaindex.hfml).

## ***Waste Issues***

### **Ohio EPA Hazardous Waste Identification Numbers**

#### **What is an EPA identification number?**

It is a tracking number assigned by Ohio EPA's Division of Hazardous Waste Management (DHWM) for certain hazardous waste generators as well as other facilities that handle hazardous waste. Ohio EPA uses a U.S. EPA database to assign hazardous waste identification numbers. Many states issue identification numbers. Identification numbers are part of the nationwide effort to track hazardous waste from "cradle to grave."

#### **Who needs an identification number?**

All facilities that generate more than 220 pounds of hazardous waste in a calendar month are required to obtain an EPA identification number. This requirement is found in rule 3745-52-12 of the Ohio Administrative Code (OAC). Other facilities that need to get an identification number include:

- hazardous waste transporters;
- hazardous waste treatment, storage, and disposal facilities (TSDFs);
- used oil recyclers; and
- facilities that generate more than 2.2 pounds of acute hazardous waste.

#### **How do I apply for an EPA identification number?**

Contact the Division of Hazardous Waste Management at (614) 644-2922 and request a "Notification of Regulated Waste Activity" booklet (form 8700-12). You also can obtain the form and instructions from DHWM's Web page at [www.epa.stale.oh.ts/dhwm/publications.html](http://www.epa.stale.oh.ts/dhwm/publications.html).

#### **If my company generates less than 220 pounds of hazardous waste per calendar month, do I need an EPA identification number?**

No. If your facility generates less than 220 pounds per calendar month, you are not required to get an identification number.

#### **If my company moves to another location, can I take the EPA identification number to the new location?**

No. The EPA identification numbers are site-specific. They are used to track hazardous waste generated at a specific location. The company needs to request deactivation of the identification number for their old location by contacting DHWM. If the company will be generating hazardous waste at the new location, the company needs to request a new identification number for this location.



#### **Are there any fees for obtaining an EPA identification number?**

No. There are no fees for obtaining an EPA identification number.

#### **Where can I get more help?**

If you have additional questions about getting an EPA identification number, or have other questions about the hazardous waste regulations, contact the Division of Hazardous Waste Management at (614) 644-2922.

Under Ohio's laws, district or local Ohio EPA offices have the authority to inspect a company at any reasonable time. This article will help you understand and be better prepared for an Ohio EPA inspection when it happens at your company. <sup>28</sup>

## Air Issues

### Air Pollution Reporting Requirements for Equipment Malfunction

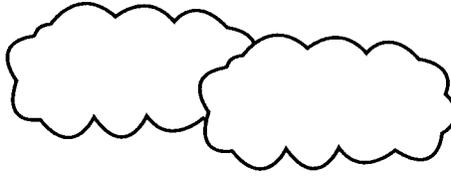
Any company that operates an air emission source is required to report equipment malfunctions to Ohio EPA. The requirements are contained in the Ohio Administrative Code (OAC) rule 3745-15-06. A malfunction is a breakdown that results in emissions of air contaminants in violation of air pollution laws. Minor equipment problems that do not result in increased air emissions do not need to be reported.

#### What if I have a malfunction?

Immediately notify Ohio EPA's district office, Division of Air Pollution Control, or delegated air pollution control office of any malfunctions. Office staff can help you determine if your malfunction is reportable.

If the malfunction continues for more than 72 hours, you are required to submit a written statement within two weeks of the date the malfunction occurred. Both notifications (phone call or written) need to include the following information:

- identification and location of the breakdown;
- the duration of the breakdown;
- the nature and quantity of air contaminants emitted during the breakdown;
- statement demonstrating that shutting down or reducing operations during the breakdown is/was not possible;



- statement that the breakdown period was reasonable in duration based on factors such as equipment installation, repair time, delivery, etc.;
- statement about alternative operating procedures and control measures to reduce adverse effects on public health or welfare during the breakdown; and
- a statement about preventive maintenance.

Ohio EPA must be notified when the condition causing the malfunction has been corrected. This notification can be given by phone if the duration of the malfunction is 72 hours or less. Otherwise, the notification must be submitted in writing.

If you have any questions, feel free to contact your local Ohio EPA district office, Division of Air Pollution Control or delegated air pollution control office. For businesses in Central Ohio, contact the Division of Air Pollution Control at (614) 728 3778.9

## Frequently Asked Questions

This is a new feature of our newsletter where we respond to some of the common questions received by the SBAO. If you would like to submit a question, feel free to call us at (800) 329-7158 or fax us your question at (614) 728-8579.

### What types of small businesses need air permits?

Many different types of small businesses may need air pollution control permits. In general, an air permit may be needed if the business is involved in activities such as: painting, sandblasting, grinding, material processing or fuel burning. Air permits also may be needed for units such as storage tanks, solvent degreasers, printing presses and dry-cleaning machines. A small business owner needs to evaluate each air emission source to determine if a permit is needed. For help, contact Ohio EPA's Small Business Assistance Program, Division of Air Pollution Control at (614) 644-4830.

### I'm starting a new business. When should I contact Ohio EPA to see if there are regulations that apply to me?

You should contact Ohio EPA as soon as you start planning your new business. It is important to work with the agency early, because some activities may take time to complete. For example, it could take a few months to get the appropriate Ohio EPA permits for your business. You can contact Ohio EPA's Small Business Assistance Office at (800) 329-7518 with questions about the regulations that apply to you and for help in getting the right reporting forms. 

# Preparing for an Ohio EPA Compliance Inspection

## The Inspection Process

Ohio EPA is divided into several different divisions, each with its own technical and field staff. This means that a company subject to air, waste and water regulations could be visited by one or more different EPA inspectors during a year. Ohio EPA routinely conducts unannounced inspections, so an inspector may arrive at your company without prior notice. The inspection process usually includes four main areas:

### Opening Meeting

An opening meeting is conducted at the beginning of the inspection. During the meeting, the inspector will ask for a description of the company's processes or services. The inspector will ask about the raw materials used and wastes or discharges from the company. The inspector will review records that relate to environmental regulations. Ohio EPA's inspection authority includes obtaining photocopies of records.

### Facility walk-through

The inspector will walk through the facility to observe processes and activities (how the company collects and handles wastes, for example). The inspector will walk around outside the building(s), looking for air emissions, water discharges or to inspect areas where wastes are handled.

### Closing meeting

During the closing meeting, the inspector will summarize his or her findings. The inspector cannot always give a complete summary of the inspection, particularly if a situation requires more information or additional research. The inspector will usually describe the general paperwork procedures that follow the inspection (e.g., issuing the inspection report, follow-up letter).

### Written Summary

A report is mailed to the company after the inspection. The report includes a letter or summary of the inspection results. The report will identify any EPA violations or other problem areas found during the inspection.

Understanding the inspection process can help prepare your company for an Ohio EPA visit. Other guidelines to help decrease the possibility of violations or penalties are outlined below.

### Before the inspection...

#### **Be prepared.**

Monitor your company's activities so you keep up-to-date and in compliance with the environmental regulations.

#### **Ask questions.**

Call Ohio EPA technical staff or other environmental professionals if you have questions about the environmental regulations.

**Make sure there is someone at the company who can contact you immediately or can accompany an inspector if you are away.**

An inspection can be conducted by Ohio EPA even if the business owner is not on site.

**Make sure your environmental records are up-to-date and in order so you can easily find them during the inspection.**

Many companies keep separate records for different program areas (i.e., separate files for air, waste and water related records). How you organize your records is up to you - the key is making sure that records can be easily retrieved during an inspection.

### When the inspector arrives on site...

**Be sure to see the inspector's identification badge.**

Inspectors may be from different EPA offices or divisions, so it's important for you to know exactly who the inspector is and what division he or she represents.

**Ask the reason for the inspection.**

The inspection could be a complaint investigation, routine inspection or part of a special Ohio EPA compliance initiative.

**Accompany the inspector at all times.**

The inspector may not recognize unique safety hazards at your company such as ladders, roofs and walkways.

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## Compliance Inspections

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### **Be cooperative.**

The inspector is on site to assess compliance with environmental regulations. A cooperative attitude from the company is helpful in getting the inspection done quickly and efficiently.

### **Ask for a written follow-up letter or inspection report.**

This is usually standard procedure, but ask when you will receive the letter or report. Remember, inspection reports are public records and you have a right to know the findings.

### **After the inspection...**

If your company receives a Notice of Violation (NOV) letter after an inspection, here are some simple DOs and DON'Ts to remember:

Additional questions about Ohio EPA inspections can be directed to your local Ohio EPA District Office. Small businesses needing help in complying with Ohio's environmental laws can also contact the Small Business Assistance Office, Central District Office at (800) 329-7518 for *free* and *confidential* help. ☞

- |       |   |
|-------|---|
| DO    | Be sure that you read and understand the NOV. If you have questions about anything in the letter, call the inspector directly.  |
| DO    | Follow the instructions in the NOV and take timely actions to correct violations. As violations are corrected, document and submit this information to the inspector.   |
| DO    | Ask for additional time if you feel the company needs this time to prepare a response to the NOV or to correct violations. Ohio EPA provides some flexibility to companies in responding to NOVs, if it is known that you are working on the problem.   |
| DO    | Keep the inspector informed of your progress in correcting violations. Remember though that your company remains in violation (and subject to enforcement action) even if additional time in responding to the NOV is granted. It is still important to return to compliance as quickly as possible.  |
| DO    | Talk with the inspector directly if you are unclear about what you need to do to correct violations.  |
| DO    | Ask for an explanation of the enforcement process. Receiving a NOV is to be taken seriously, however, it doesn't necessarily mean that the company will also receive a penalty. The NOV is just the first step in the enforcement process. Often, when a company works diligently to correct violations, fines or penalties are not sought. |
| DON'T | Throw the NOV away. Many NOVs are sent certified mail, which provides proof that you received the letter. In addition, failure to respond to the NOV and take corrective measures will usually result in a more serious enforcement action (which could mean fines or penalties).   |
| DON'T | Wait until the last day to respond. Responding before a deadline shows your company is making a good faith effort toward compliance.  |
| DON'T | Cut off communication with the Ohio EPA. Even though your company has been inspected and received a NOV, the inspector is still available to give you technical guidance.   |

## New Rules

### Changes for the 2000 TRI Report: Additional Chemicals & Lower Thresholds

Significant changes to Toxic Release Inventory (TRI) reporting will begin with the year 2000 report. The year 2000 reports are due July 1, 2001. Most of these changes relate to the reporting of persistent bioaccumulative toxic (PBT) chemicals.

PBT chemicals are of concern because they remain in the environment for a long period of time, are not readily destroyed and can accumulate in body tissue. Relatively small releases of PBT chemicals can pose a threat to humans and the environment. Because of these factors, additional TRI requirements are being implemented.

Additional PBT chemicals have been added to TRI's toxic chemical list and the reporting thresholds have been substantially lowered for all of the PBT chemicals. PBTs are now reportable at 100 pounds, 10 pounds, or as low as 0.1 grams for dioxin and dioxin-like compounds. This is contrasted with the 10,000 pound "otherwise use" threshold, which has been the lowest reporting threshold since the enactment of TRI reporting.

Ohio EPA also is eliminating the de minimis exemption for PBT chemicals, the alternate threshold certification or "form A" option and the "range code" reporting option for Form R reporting. Additional guidance concerning the level accuracy is expected. Two non-PBT changes are still pending: a lower threshold for lead and a change in phosphoric acid reporting.

### What does this mean to you?

If your company is using PBT chemicals, you may be required to complete TRI reports. Other non-PTB change also may have an impact on your TRI reporting. Now is the time to note these changes and keep them

in mind while preparing for the year 2000 report. Reporting guidance is in development and will be available on U.S. EPA's Web site at [www.epa.gov/tri](http://www.epa.gov/tri). You can also call the EPCRA/RCRA hotline (800) 535-0202; call Ohio EPA's TRI Program Staff at (614) 644-4830; or visit Ohio EPA's Web page at [www.epa.state.oh.us/dapc/fri/tri.html](http://www.epa.state.oh.us/dapc/fri/tri.html). ☞

## Pollution Prevention Issues

### Mercury Collection and Reclamation Program

In January 1998 a mercury collection and reclamation program was set up through the efforts of Bowling Green State University, Ohio EPA, Wood County government agencies and local environmental contractors. The program involves the collection of items with uncontaminated elemental mercury such as: thermometers, manometers, barometers, thermostats, medical devices, mercury switches, as well as individual containers of elemental mercury.

The program is FREE and available to individuals, schools, businesses, industries, medical and dental facilities, emergency response companies, government agencies and others wanting to get rid of mercury. Those interested in arranging for the collection of mercury need to contact one of the program participants. Once contacted, instructions are provided for the proper packaging of the mercury items. Specific arrangements will also be discussed for mercury

collection. The movement of mercury by private individuals is not encouraged. The containers of mercury are brought to Bowling Green State University's hazardous waste storage facility. From here, the mercury is consolidated and transportation to a reclamation facility is arranged.

Since the program began, mercury has been removed from a variety of sources throughout Ohio. It is hoped that others will take advantage of this valuable program to help reduce the amount of mercury in locations where it is not necessary.

For more information on the Elemental Mercury Collection and Reclamation Program, contact:

Dave Heinlen, Safety and Health Coordinator  
Department of Environmental Health and Safety  
Bowling Green State University  
Bowling Green, Ohio 43403  
(419) 372-2173; FAX (419) 372-2194  
email: [daveh@bgnet.bgsu.edu](mailto:daveh@bgnet.bgsu.edu) ☞

## Water Issues

### Ohio EPA's Non-Targeted Industrial User Program: An Overview

Ohio EPA's non-targeted industrial user program affects any significant industrial user that discharges process wastewater to a local wastewater treatment plant (called a POTW). Under the program, if the user is discharging to a POTW that does not have a pretreatment program that has been approved by Ohio EPA, then the user must get an indirect discharge permit from Ohio EPA.

Significant industrial users are those which:

- are subject to categorical pretreatment standards (40 CFR Chapter I, Subchapter N);
- discharge 25,000 or more gallons per day of process wastewater (excluding sanitary wastewater, non-contact cooling water and boiler blowdown);
- contribute five percent or more of the average dry weather hydraulic or organic capacity of their POTW; or
- have a potential for adversely affecting POTW operations or violating pretreatment requirements.

Conditions at a facility that could adversely affect the POTW or violate pretreatment requirements include discharges that:

- allow pollutants to pass through the POTW and violate their NPDES permit or Ohio's water quality standards;
- inhibit or interfere with POTW operations because of quantities or flow rates;



- pose fire or explosion hazards to the POTW;
- obstruct the flow or inhibit biological activity at the POTW;
- contain petroleum, cutting fluids or mineral oils that interfere with POTW activity; or
- pose acute worker health and safety problems due to toxic gases, vapors or fumes.

All industries that meet the definition of significant industrial user and that discharge into a POTW without an Ohio approved pretreatment program must obtain an indirect discharge permit. These permitting requirements are contained in Ohio Administrative Code (OAC) Chapters 3745-3 and 3745-36.

Ohio EPA currently regulates about 150 industries through its indirect discharge permits. Under the program, the industrial user submits an application and fee to Ohio EPA's Division of Surface Water. Ohio EPA reviews the application and issues the indirect discharge permit. The indirect discharge permit normally lasts for five years. It is important to know that after issuance of the permit, industries also are required to submit discharge monitoring reports to Ohio EPA. Ohio EPA reviews the monitoring reports and conducts inspections at permitted facilities approximately once a year.

If you have questions about the program or need permit application forms, please contact Mohammed Islam, Division of Surface Water (DSW) at (614) 644-2018. To find out if your local POTW has an approved pretreatment program, contact DSW

for assistance, or contact your local Ohio EPA district office. For businesses in Central Ohio, contact (614) 728-3778. Information on the non-targeted industrial user program is also available on DSW's web site, <http://chagrin.epa.state.oh.us/programs/pretreatment/index.html>. ☞

## Finance Corner

### Changes in the Pollution Prevention Loan Program

The Pollution Prevention Loan Program has recently undergone some changes. The



program provides low-interest capital improvement loans for the construction and/or purchase of pollution prevention related equipment. Non-retail facilities in Ohio with fewer than 500 employees are eligible for the program.

Now, loans are available from \$25,000 to \$150,000, at a fixed interest rate set at two-thirds the prime rate. Up to 75 percent of a project may be financed through the pollution prevention loan program.

Companies receiving the loans have up to five years to pay back the loan after receiving it. The program is jointly administered by Ohio EPA and Ohio Department of Development. For more information, contact Bill Narotski, Office of Pollution Prevention, at (614) 728-1264. Or, visit OPP's web page for more information at [www.epa.state.oh.us/opp/pplp/pplpfact.html](http://www.epa.state.oh.us/opp/pplp/pplpfact.html). ☞

**SBAO**  
**Small Business Assistance Office**  
**Ohio EPA**

Are you a small business owner? Do you have questions about environmental regulations?

If you need help understanding the regulations and how to comply with them, give us a call at 1-800-329-7518 or 614-728-8573.

**Our services are FREE and CONFIDENTIAL**



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