

To: Environmental Health and Safety Coordinator

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Ref: What's In Your Dumpster? Make Sure It's NOT Hazardous or Universal Waste.

ENFORCEMENT OF HAZARDOUS WASTE DISPOSAL REGULATIONS: Reportedly, local inspectors (Environmental Compliance Officers) have gone into dumpsters at auto service facilities to determine the occurrence of illegal waste disposal. They have cited heavy fines for violations when hazardous waste and universal waste are found in the dumpster. Alameda and Santa Clara counties sued an auto dealership chain and recently obtained a settlement of \$3.38 million. See link below.

<https://www.mercurynews.com/2018/02/26/san-jose-autonation-settles-environmental-protection-lawsuit/>

The responsibility of proper disposal of hazardous waste rests on the Business Operator. We have outlined some policies and procedures that management must use to stay clear of such enforcement. The recommendations are as follows:

HAZARDOUS WASTE

https://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Generator_Requirements.pdf

An average dealership generates hazardous waste, such as used motor oil, used absorbent (used to absorb haz waste), used coolant, used parts washer fluid, non-metal used oil filters, waste thinner (from bodyshop), contaminated fuel etc. Other waste, such as tires and used automotive batteries, are not classified as hazardous but are regulated, i.e., you cannot dispose of in dumpsters, instead, it must be recycled. Clarifier waste must be tested by a lab to determine whether it should be disposed as hazardous.

Spill Kits: Properly labeled spill kits must be provided at strategic locations to combat any spill. A spill kit is no longer a few bags of kitty litter. Spill kits must consist of snakes, absorbent pads, and bags of absorbent. Kits must be capable of mobilization in a matter of seconds. Employee training is mandatory.

Containers Labeling: Proper and clear labeling is important in guiding employees place the waste in the right containers. Dealers must contact their hazardous waste haulers and others to provide them with labeling that is compliant for all hazardous waste and universal waste containers. Labeling may need special waste codes and accumulation start dates.

Storage Containers & Tanks: All hazardous waste must be stored in structurally sound and compatible containers. Generally, the containers should be covered to protect from the elements. As part of the best management procedures, tank areas may be covered with an awning. If a minor spill were to occur in the tank area during use, rain water could carry the oil to storm sewers. A covered area could prevent such a discharge. Any open secondary containment should be protected from rain water as well. In general, the secondary containment area must be clean and free of any oil or rain water so as to catch any accidental leaks. Storage capacity above 1320 gallons needs a Spill Prevention Control & Countermeasures (SPCC) Plan. See 40 CFR112. In California, waste tanks need structural assessment every 5 years from a registered Professional Engineer (PE), however, facilities generating less than 1000 kg/month are exempt from this requirement.

Train Employees: Employees must be trained to place hazardous waste in properly labeled containers. Unidentified waste should not be mixed with other waste. Employees should seek guidance from their manager regarding the proper storage of unidentified waste for later disposal through a licensed hauler. The employees must be trained that under no circumstances should they place waste in storm sewers, sanitary sewers, dumpsters, or any other locale. Illegal disposal is a crime that carries time! State law requires that training be documented and made available to the local inspector.

Time Limits: All hazardous waste from the facility must be picked up every 90 days. Direct your hauler to ensure that waste is collected every 90 days. Smaller facilities that generate less than 1000 kg/month (about 270 gallons of used oil) of hazardous waste every month for a calendar year have a 180-day limit. All hazardous waste generated at the facility are counted towards the 1000 kg/month calculation. For facilities generating less than 1000 kg/month of hazardous waste (Federal Term: Small Quantity Generator), the maximum accumulation time is 180 days, or 270 days, if the waste must be transported more than 200 miles for treatment and disposal. Accumulation start date must be noted by the generator.

Federal Exemption (Non-California Dealers): Used oil is not considered a hazardous waste under federal regulations and facilities with less than 100 kg/month of hazardous waste are classified as Conditionally Exempt Small Quantity Generator (CESQG). The dealers that fall in this CESQG category have no accumulation limit on hazardous waste.

Inspection Log: All hazardous waste storage tanks must be inspected periodically and a log must be maintained. In California, tanks need to be inspected a minimum of 5 days per week and during the weekends if they are being used. If the facility does not use the tanks on state or federal holidays, then the inspections are not required for those days. Ensure employee initials are present on the log and the log kept in files for 3 years. Federal law requires tank inspections on a monthly basis. See attached Log.

Dumpster Review & Other Miscellaneous Matters: Management must control what goes into dumpsters and trash cans to ensure that risks are minimized. If dumpsters are left open at night and an outsider dumps regulated waste into the dumpster, then the facility operator is not only responsible for the disposal of waste but may be cited for illegal disposal. Keep dumpsters secure and locked at night. Similarly, if outsiders were to place any regulated waste in trash containers, the dealership is liable. Train your staff in the drive to keep a watchful eye. Some may even try to dispose of oil and filters that were changed at home. If the facility is a used oil recycling center, then the oil may be accepted from the public under accepted policies and procedures. Wastes that are mixed accidentally must be disposed of separately. They usually cost more than regular waste streams as they cannot be recycled and may head for the incinerator.

Note: For used oil filter disposal, see our Newsletter from August 2016, Used Oil Filters – The Other Shoe Drops (CA Only). <https://epaoshablog.com/2016/08/22/used-oil-filters-the-other-shoe-drops-ca-only-august-2016/>

UNIVERSAL WASTE

https://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/upload/UW_Factsheet1.pdf

Electronic Devices: Includes any electronic device that is a hazardous waste, such as computers, televisions, VCRs, stereos, copiers, and fax machines

Batteries: Household-type, e.g. rechargeable nickel-cadmium, silver button, mercury, or alkaline

Electric Lamps: Fluorescent tubes and bulbs, high intensity discharge lamps, sodium vapor lamps, and electric lamps that contain added mercury

Mercury-Containing Equipment: Thermostats, mercury switches, and mercury thermometers

Non-Empty Aerosol Cans: Non-empty aerosol cans must be recycled. Unlike California, non-empty aerosol can disposal in other states does not meet stringent scrutiny.

Cathode Ray Tubes: California classifies CRTs as hazardous waste.

Federal Exemptions: In 2011, US EPA created an exemption for businesses that generate a combination of hazardous waste (RCRA wastes) and universal waste in an amount of less than 100 kg/month. California has enacted regulations that require all facilities, without any exemptions, must recycle all universal waste.

UNIVERSAL WASTE MANAGEMENT REQUIREMENTS

- Do not dispose of universal waste or treat universal waste except as provided for in the regulations
- Use proper containment – non-leaking, compatible containers
- Segregate universal waste in distinct areas
- If applicable, comply with zoning requirements when storing universal waste

- Have spill kits readily available to deal with accidental spills (mercury-containing devices)
- Accumulate universal waste no longer than one year
- Provide training to personnel who manage universal waste or who supervise personnel who manage universal waste, and keep training records
- Respond to releases of universal waste or its contents; determine if spill residuals are hazardous waste

Disposal or Recycling: The dealership should contact a hauler and have the waste shipped to one of the recycling facilities. The hauler can provide the dealership with an appropriate container that is properly labeled. Facilities across the US that provide containers for storing used lamps that can later be shipped for recycling. See www.lamprecycle.org, www.almr.org and www.nema.org. Many recycling facilities use mail-in boxes to collect waste lamps. The recycler sells the box at a fixed price, which includes shipping costs. The customer fills the box with waste lamps and ships it back to the recycler. Shipping paper is your proof of disposal.

STORAGE & DISPOSAL OF UNIVERSAL WASTE

Storage: Generally, the container must be closed, structurally sound, compatible, and lacking evidence of leakage, spillage, or damage. Fluorescent lamps are fragile so this would require special containers that prevent breakage or spillage. Store non-automotive batteries in a plastic bucket.

Labeling: The labeling requirements are quite simple, i.e., label “Universal Waste – Used Lamps” or “Universal Waste – Batteries” as appropriate. Bold labeling on containers (plastic buckets) will prevent containers being used for trash.

Time Limitations: Waste can be stored on-site for one year. The dealership must be able to prove that lamps have not been stored for more than one year. Record the “Start Date _____” on the container.

Training: Employees need to be trained for handling and disposal. Properly labeled containers for storage are helpful to employees to recognize that waste is being managed and recycled.

Contractor Takes Away: Many facilities have their electrical contractors take away lamps that have been replaced at the facility. All the dealership has to do is have the hauler note on the invoice, with labor parts and annotation, stating that the lamps have been taken away for recycling. Keep paperwork in the Black Box.

Documentation: Haulers disposing lamps are not required to have any special license or permits. Disposal documents in the form of Bill of Lading or other shipping documents are to be retained on site for a period of 3 years. The document that must list the record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste shall include information as follows:

- (1) The name and address of the dealership and the destination facility
- (2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps, mercury switches, etc.)
- (3) The date of receipt for the shipment of universal waste

Household Waste Disposal Sites: Local cities or counties may have household waste roundup. Do not ship waste from commercial establishments (dealerships) to these locations.

CSI recommends that the dealership also obtain some form of written assurance from the hauler that states that the waste was indeed delivered to a recycling facility. It is prudent to obtain Pollution Liability Insurance and General Liability Insurance documentation from the hauler as well.

DISCLAIMER: *The contents of this newsletter are merely for informational purposes only and are not to be considered as legal advice. Employers must consult their lawyer for legal matters and EPA/OSHA consultants for matters related to Environmental, Health & Safety. The article was authored by Sam Celly of Celly Services, Inc. who has been helping automobile dealers comply with EPA and OSHA regulations since 1987. Sam received his BE (1984) and MS (1986) in Chemical Engineering, followed by a J.D. from Southwestern University School of Law (1997). Our newsletters can be accessed at www.epaoshablog.com. Your comments/questions are always welcome. Please send them to sam@cellyservices.com.*