

SBAP

# The Small Business Resource

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## On-site Assistance Available to Help You Complete Air Permit Applications

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Are you confused about whether your small business needs an air permit from Ohio EPA? Do you already have a permit application, but haven't completed it because it's confusing? If so, Ohio EPA's Small Business Assistance Program (SBAP) may be able to help. SBAP is part of the Division of Air Pollution Control, and was established in 1995 to help small businesses understand and comply with air pollution regulations.

When it opened, the SBAP established a site visit program so business owners could get fast and accurate assistance with air permit applications. While on-site, SBAP staff can help you complete permit applications, and explain the air pollution regulations in easy-to-understand terms. The on-site service is free and the office operates confidentially, which means that your information is not shared with inspection or enforcement staff at the agency.

Because many industrial operations are complex and unique, a physical site visit is often the best way to determine what regulations apply. Site visits can be arranged at the convenience of the business owner, and someone is usually available within 10 business days of the request. A typical SBAP site visit usually takes about 1-2 hours and includes:

- a plant walk-through,
- a discussion of permitting requirements, and
- assistance in completing permit application forms (if necessary).

Following the site visit, a letter with recommended actions for the company is sent out. This cooperative approach has greatly improved many small business owners' understanding of regulations. The SBAP site visit program continues to gain popularity as well, with an average of more than 200 site visits each year to small businesses statewide. Some of the most common industries receiving visits have been dry cleaners, body shops, metal parts fabricators and manufacturers. Many SBAP clients have expressed their appreciation for the help they received to guide them through the confusing maze of EPA regulations.

If you haven't taken advantage of the SBAP site visit program, you are encouraged to do so. To request a site visit, or to learn more about the SBAP services, call (614) 644-4830.

## Water Issues

### Proposed Wastewater Rule for Metal Products and Machinery

U.S. EPA recently proposed new wastewater standards for the metal products and machinery (MP&M) industry. When finalized, these regulations will require the control of discharges to surface waters and to publicly-owned wastewater treatment plants (POTWs).

#### What Businesses Are Regulated by the Proposed Rule?

The proposed wastewater standards will apply to facilities that manufacture, rebuild or maintain finished metal products, parts, or machines. Some small-business sectors that may be subject to the rule include:

- electronic equipment
- mobile industrial equipment
- motor vehicles
- metal finishing and electroplating job shops
- precious metals and jewelry
- printed wiring board

This proposal will divide all the regulated industrial categories into eight subcategories, and each subcategory will have separate wastewater standards.

#### Are There Any Exemptions?

U.S. EPA has established some exemptions for facilities that are not expected to be heavy polluters. These exemptions are based on wastewater flow rates.

#### What happens next?

U.S. EPA is accepting comments on the proposed standards until May 3, 2001. Once the proposed standards



are finalized, existing businesses will have three years to come into compliance, and new businesses will have to comply once they begin discharging wastewater.

#### Where Can I Get More Information?

More information on the proposed MP&M standards can be found on Ohio EPA's Web site at [www.epa.state.oh.us/opp/mpm.html](http://www.epa.state.oh.us/opp/mpm.html).

## Waste Issues

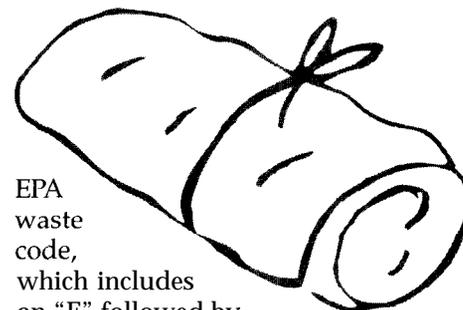
### Handling Solvent Contaminated Wipers

Many small businesses such as painters, printers, auto repair shops and manufacturers use solvents and wipers to clean equipment. Spent solvent often meets the definition of a listed or characteristic hazardous waste under Ohio's regulations. After cleaning, the wipers (including disposable and reusable shop towels or rags) are contaminated with solvents.

If you generate solvent contaminated wipers at your business, these wipers must be evaluated to see whether they are hazardous or not BEFORE you dispose of them. Under Ohio's regulations, you cannot throw solvent wipers in the trash unless you can demonstrate that they are not hazardous. And, in many cases, solvent wipers are hazardous, even if they seem dry when you dispose of them.

#### Wipers Contaminated with Listed Solvents

Some solvents are classified as hazardous wastes because they appear on a specific list in Ohio's hazardous waste regulations. These solvents are known as F-listed solvents, and the listing is found in Ohio Administrative Code rule 3745-51-31. These solvents have a specific



EPA waste code, which includes an "F" followed by three digits (e.g., F001, F002, F003, F004, F005). Examples of F-listed solvents include: methylene chloride, 1,1,1-trichloroethane, xylene, toluene, methyl ethyl ketone and acetone.

Wipers that are contaminated with a listed solvent are also considered a listed hazardous waste, regardless of how the solvent got on the wiper or the quantity of solvent on the wiper. Whether the solvent is applied to the surface of equipment or directly to a wiper prior to use, the wipers pose similar hazards. In each situation, the wiper would carry the same F-listed waste code as the solvent. Even if the wiper appears dry or has been rung out, it is still considered a listed hazardous waste.

#### Wipers Contaminated with Characteristic Solvents

Other solvents that are not included on the F-list can still be regulated as hazardous if they possess certain hazardous characteristics, such as ignitability Ohio EPA's

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definition of an ignitable waste includes liquids with a flash point of less than 140° F (60° C). Ignitable hazardous wastes carry the waste code of D001. Solvents that commonly meet this definition include spent mineral spirits, Stoddard solvent and some solvent blends.

In most cases, if you have wipers that are contaminated with only characteristic solvents, the wipers will not be considered ignitable. That is because solvent wipers do not meet the definition of liquid wastes.

However, a wiper can still meet the definition of an ignitable hazardous waste for other reasons. A wiper that can spontaneously combust, catch fire through friction or burn vigorously enough to create a hazard is regulated as a D001 hazardous waste. When you evaluate whether your wipers, you need to look at these additional properties, as well.

### Contaminants from Cleaning

In addition to solvents, wipers can pick up dirt, grease and other contaminants from cleaning. Under Ohio's regulations, wastes that are contaminated with certain organic chemicals or heavy metals are also considered hazardous. This depends on the level of contamination present. Wastes that are contaminated above certain regulatory levels are considered characteristic (toxic) wastes. Toxic hazardous wastes are assigned the EPA waste codes of D004 through D043, depending on the contaminant(s) present.

Your wipers may be hazardous if, during use, they pick up heavy metals such as lead, cadmium, chromium or mercury, or organic chemicals such as benzene, MEK or pesticides. A complete list of the toxic constituents that are regulated, their thresholds, and EPA waste codes can be found in OAC rule 3745-51-24.

### Options for Handling Wipers

Once you have contaminated wipers, there are two ways to handle them: dispose of them or send them off-site to a commercial laundry or dry cleaner for recycling.

#### *Wipers That Are Disposed of*

Any company that sends contaminated wipers for disposal must evaluate those wipers to determine whether they are hazardous before they dispose of them. This includes determining whether the wipers are listed or characteristic hazardous wastes as described earlier. Under Ohio's regulations, you must keep this waste evaluation information on file at your business.

If you have wipers that are contaminated with *characteristic solvents* only, and they do not pose a combustion or fire hazard, you can dispose of them as nonhazardous waste along with other solid wastes from your business. Some important points, however:

- solid waste landfills cannot accept liquid wastes, so the wipers cannot contain free liquids;
- you must ensure that the solvent you are using is strictly a characteristic solvent and NOT a listed solvent. If you are using a listed solvent, the wiper would be classified as hazardous;
- you also need to ensure that the wipers have not picked up any other contaminants (such as heavy metals) that might make them hazardous.

If you have wipers that are hazardous and you want to dispose of them, you must send these wipers to a permitted hazardous waste disposal facility. You **CANNOT** throw wipers that are classi-

fied as hazardous waste in the dumpster with your regular trash.

#### *Wipers Sent for Cleaning*

A better option to manage solvent wipers is to send them off-site to a dry cleaner or commercial laundry for cleaning. Under this scenario, Ohio EPA has determined that solvent wipers that will be cleaned and reused are not subject to the hazardous waste regulations, because you are not discarding them.

All solvent wipers, whether listed or characteristic, are eligible for this exclusion if:

- the wipers contain no free liquids; and
- the wipers are sent for cleaning and reuse to either a commercial laundry that is subject to regulation under the Clean Water Act or a dry cleaner.

### Where Can I Get More Help?

If you have additional questions about how to manage your solvent wipers, contact the Division of Hazardous Waste Management at (614) 644-2917, or your local Ohio EPA district office.

## Ohio EPA's Proposed Changes to the Scrap Tire Regulations

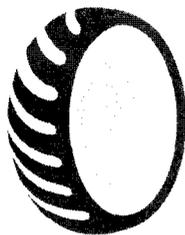
In February 2001, Ohio EPA issued a public notice regarding amendments to the scrap tire regulations. Some of the major changes include:

- A new definition of tire-derived chip (TDC) was adopted to allow for an expansion of the civil engineering uses of scrap tire shreds. Beneficial uses for TDC were also added to the rule.

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## Scrap Tire Enforcement continued from page 3

- The cost to scrap tire transporters for financial assurance was reduced by deleting the requirement to make annual inflationary adjustments. The annual inflation adjustment for other scrap tire facilities was also deleted. This may change, however, if state-funded scrap tire cleanup costs increase significantly



- For tire transporters, there are now rules on the operation of portable equipment for load-consolidating.
- For scrap tire recovery facilities, there are now rules on the operation of portable equipment for production of useable materials.
- The scrap tire shipping paper system was simplified.
- Mosquito control procedures were revised and clarified.
- Criteria for review and approval of scrap tire facility registration and permit applications were reformatted and consolidated into more easily understood categories.
- Scrap tire storage guidelines were updated to reflect the 1998 edition of the National Fire Protection Association's (NFPA) Standard for Storage of Rubber Tires.
- Rules were revised to address scrap tire fire situations.

The public comment period ended March 16, 2001, and the regulations will be finalized later this year. If you have any questions about these regulations, contact Ohio EPA's Division of Solid and Infectious Waste Management, Scrap Tire Program at (614) 644-2621.

## Air Issues

### Toxic Release Inventory Lead Reporting Threshold Changes

Earlier this year, the Toxic Release Inventory's (TRI) reporting threshold for lead was reduced. Currently businesses are not required to report their lead or lead compound releases unless they manufacture or process more than 25,000 pounds annually, or use more than 10,000 pounds annually.

Beginning with TRI reporting year 2001, the annual lead reporting threshold level will be 100 pounds. Reports for TRI reporting year 2001 are due July 1, 2002. This change also includes modifications to certain reporting exemptions and requirements. If your business will manufacture, process or otherwise use 100 or more pounds of lead or lead compounds this year, you should keep track of this year's lead usage now to be able to report it next year.

If you have questions about this change or are unsure if you need to file a TRI report, contact Mark Besel or Muhammad Elsalahat with the TRI Program at Ohio EPA at (614) 644-4830. Or visit the program's Web site at [www.epa.state.oh.us/dapc/tri/tri.html](http://www.epa.state.oh.us/dapc/tri/tri.html).

### Understanding Environmental Enforcement

If your business is inspected and violations are found, you could be subject to environmental penalties. Under Ohio's laws, you may face penalties up to \$10,000 for each day of violation!

#### Common Environmental Violations

- not evaluating wastes to see if they are hazardous
- missing or incomplete records



- improperly disposing of wastes
- failure to have permits for air or wastewater discharges
- not maintaining equipment
- exceeding discharge limits
- unpermitted discharges to storm sewers
- installing equipment without a permit
- failure to perform sampling or testing

However, most businesses found in violation can return to compliance without facing enforcement penalties. By taking steps to ensure that you are in compliance, and by understanding the enforcement process, you can avoid environmental penalties at your business.

If your business is inspected by Ohio EPA and violations are found, these are documented in a letter. Sometimes this is called a warning letter or Notice of Violation (NOV). This letter outlines the violations found and the steps needed to achieve compliance. The letter will also request that you submit documentation within a certain time period to confirm that your company has returned to compliance.

If you receive a NOV from Ohio EPA, correct the violations as soon as possible. And, don't forget to send Ohio EPA documentation to confirm that you have reached compliance. In many cases, businesses end up facing penalties because they ignore NOVs or fail to correct violations in a timely manner.

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### What is Escalated Enforcement?

Escalated enforcement usually happens when a company fails to adequately respond to a NOV. Another way that enforcement can escalate is if serious violations are found at your company. This may include situations where employees are in danger, or there is a significant environmental threat (e.g., illegal dumping, water contamination, significant spills, etc.).

If a company does not respond to NOVs, or if other circumstances arise that warrant an enforcement action, Ohio EPA can exercise a number of more formal enforcement options. These include:

- Sending a warning letter from Ohio EPA's Director
- Developing administrative findings and orders against a company
- Referring a company to U.S. EPA for enforcement action
- Referring a company to the Ohio Attorney General's Office

If there is a formal enforcement action against a company, this typically includes negotiating a settlement with attorneys. A settlement can include a penalty payment, a compliance plan or compliance schedule and a requirement to submit written proof of compliance. If a case is referred to the Attorney General's Office, the case is resolved through a court action.

### Other Agencies May Be Involved in Enforcement

Besides Ohio EPA, other government agencies may be involved in environmental enforcement. For example, Franklin County has an

Environmental Crimes Unit. Deputies in this unit are responsible for investigating, citing and prosecuting violations of environmental laws in Franklin County. For more information, you can visit the Environmental Crime Unit Web site at [www.sheriff.\\_franklin.oh.us/office/environmental.asp](http://www.sheriff._franklin.oh.us/office/environmental.asp)

Local agencies such as the health department or zoning authorities may also have ordinances in place on issues such as solid waste disposal or open burning. It's important that you are aware of and in compliance with all the environmental regulations that apply to your business.

### Help Your Company Avoid Enforcement

Being involved in an enforcement action can mean a lot of time and money for your business. Don't risk putting your business in a position where environmental enforcement could be initiated. If you do not understand the regulations or need help, contact Ohio EPA's Small Business Assistance Office for **free** and **confidential** help. The SBAO can help you determine what regulations apply to your business, and provide guidance on measures needed to stay in compliance. For additional information, please call SBAO at (800) 329-7518 or (614) 728-8573.

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## New Resources for Small Businesses

The following resources are now available from Ohio EPA:

***The Regulation Of Used Oil: Transporters and Transfer Facilities***, December 2000.

***The Regulation of Used Oil: Used Oil Generators***, October 2000.

***The Regulation of Used Oil: Used Oil Burners***, January 2001.

These fact sheets are helpful resources in explaining Ohio's used oil regulations in easy to understand terms. If you would like copies, contact the Division of Hazardous Waste Management at (614) 644-2917, or visit their Web site at [www.epa.state.oh.us/dhwm/factsheet.html](http://www.epa.state.oh.us/dhwm/factsheet.html).

**Environmental Management Systems and Pollution Prevention**  
Need more information about an EMS for your business? If so, visit the updated Web site from the Office of Pollution Prevention at [www.epa.state.oh.us/opp/ems/emsinfo.html](http://www.epa.state.oh.us/opp/ems/emsinfo.html).

***Woodworking & Refinishing Pollution Prevention Opportunities***  
Contact Ohio EPA's Office of Pollution Prevention at (614) 644-3469 for copies of this fact sheet, or visit their Web site at [www.epa.state.oh.us/opp/woodworking.pdf](http://www.epa.state.oh.us/opp/woodworking.pdf).

### ***Handling Solvent Contaminated Wipers***

Fact sheet from Ohio EPA, Small Business Assistance Office and Division of Hazardous Waste Management, April 2001.

### ***Understanding the SPCC Plan Requirements***

Fact sheet from Ohio EPA, Small Business Assistance Office and Division of Emergency and Remedial Response, March 2001.

### ***Ohio Publications Catalogue for Small Businesses***

Ohio EPA, Small Business Assistance Office, January 2001.

## Emergency Planning and Community Right-to-Know (EPCRA) Annual Reports Due March 1st

Your company may be required to complete reports under the EPCRA regulations. The EPCRA reporting requirements apply to companies that are subject to OSHA's Hazard Communication Standard and that use, produce or store the following substances:

- 10,000 pounds or more of a hazardous chemical; or
- the reportable threshold (one to 500 pounds, depending on the substance) or more of an extremely hazardous substance.

A hazardous chemical is any chemical covered by OSHA's Hazard Communication Standard. While there isn't a specific listing of hazard-

ous chemicals, they include any chemical or chemical mixture that exhibits hazardous characteristics. Hazardous characteristics include: health, fire, or reactivity hazards or the potential for a sudden release of pressure. Hazardous chemicals include gasoline, diesel fuel, paints, solvents and other chemicals.

An extremely hazardous substance is any one of 360 chemicals on a specific list in EPA's regulations. Examples of extremely hazardous substances include chlorine, ammonia and nitric acid.

If your company handles either hazardous chemicals or extremely hazardous substances in greater than threshold quantities, you must file a report to the State Emergency Response Commission (SERC), your

county's local emergency planning committee, and your local fire department by March 1.

For more information on this reporting requirement, contact Ohio EPA's Right-to-Know Office at (888) 644-2260, or visit SERC's Web page at [www.epa.state.oh.us/derr/serc](http://www.epa.state.oh.us/derr/serc).

## Calendar of Events

### Workshop: Electric Restructuring Opportunities for Manufacturers

June 8, 2001

8:00 a.m. - 2:30 p.m.

contact: Omar Farooq, (614) 466-1809  
Ohio Department of Development

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