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Environmental Laws

There are many environmental regulations that apply to small businesses like printers, auto maintenance shops, dry cleaners, contractors, etc. For a small business owner with many priorities, it can be challenging to figure out which regulations apply and to keep up with the changes in these laws.

To help you identify areas where your business might be subject to regulation, this fact sheet describes the major environmental laws that Ohio EPA oversees. This fact sheet provides only a broad overview of the major environmental laws that could apply to a small business -- it does not cover every requirement.

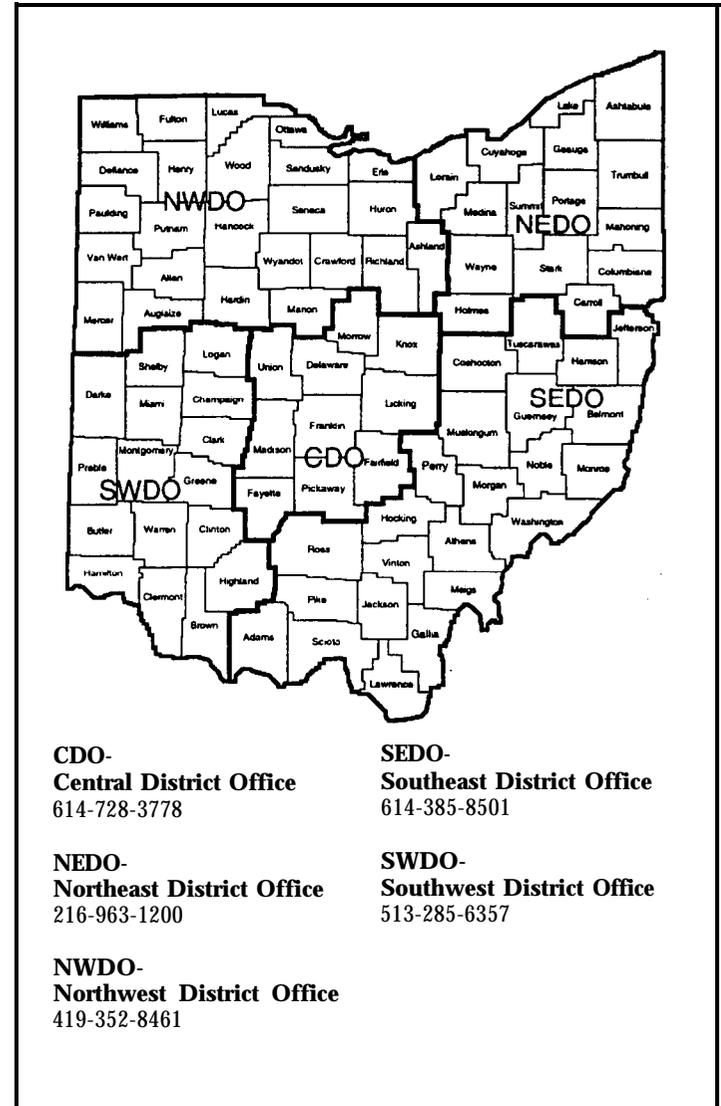
Technical staff and written resources in each division of Ohio EPA are available to help you gain a better understanding of specific environmental regulations. If you have additional questions or need more information about the environmental regulations, you can contact your local Ohio EPA District Office (see map).

Business owners should be aware that there are also other agencies responsible for environmental regulations. These include agencies such as: the Public Utilities Commission of Ohio, Department of Transportation, Department of Natural Resources, State Fire Marshal's Office, local air pollution control agencies and health departments. To get information on additional requirements that might apply to your business, you may need to contact these and other agencies.

Clean Air Act, 1970

The Clean Air Act (CAA) regulates sources of air pollution, including stationary sources such as manufacturing plants and mobile sources such as cars and planes. Under the law, the U.S. Environmental Protection Agency (U.S. EPA) set National Ambient Air Quality Standards (NAAQS) for protection of public health and the environment. States are required to meet NAAQS through state-specific implementation plans (SIPs) that help control the emissions of air pollutants.

Some examples of regulated air pollutants include: volatile organic compounds, nitrogen dioxide, sulfur dioxide, heavy metals, carbon monoxide and toxic chemicals.



The Clean Air Act has been amended several times, most recently in 1990 to address problems such as acid rain, ozone depletion and air toxics. The 1990 amendments include several new requirements that apply directly to smaller sources of air pollution, often small businesses.

Under the Clean Air Act, businesses are required to get permits for units/activities that discharge pollutants to the air. Permits are required to install (“permit to install”) and to operate (“permit to operate”) these sources of air pollution. Some smaller (or “de minimis”) air pollution sources are exempt from the permitting requirements.

The permit indicates which pollutants are being released, how much may be released and how the pollutants will be controlled or monitored.

A small business could be regulated under the Clean Air Act and required to get a permit if it is operating a unit that discharges air pollutants. Examples of typical units that might be regulated include:

- coating/paint booths
- metal parts finishing/electroplating units
- dry-cleaning machines
- gasoline dispensing systems, storage tanks
- solvent degreasing units
- grinding/sandblasting areas
- printing presses
- welding stations
- process ovens and boilers

Ohio EPA's Division of Air Pollution Control is responsible for the Clean Air Act programs.

Clean Water Act, 1977

The Clean Water Act (CWA), a 1977 amendment to the Water Pollution Control Act (1972), regulates discharges of pollutants to “waters of the United States.” Examples of such waterways would include surface waters such as streams, ditches, rivers and lakes. Under the Clean Water Act, EPA’s authority includes setting pollution limits on discharges from municipal, industrial, commercial, and certain agricultural sources.

A business that discharges wastewater directly to any surface water needs to obtain a National Pollutant Discharge Elimination System (NPDES) permit from Ohio EPA. The NPDES permit helps to maintain the quality of surface waters by controlling the quantity and types of pollutants that can be discharged. The permit typically contains discharge (“effluent”) limitations, monitoring and reporting requirements.

The Clean Water Act also includes regulations for companies that discharge wastewater to a local wastewater/sewage treatment plant (also called a “publicly owned treatment works” or POTW). These companies (called “indirect dischargers”) are subject to pretreatment regulations under the CWA. If a company is discharging wastewater to a public treatment system, obtaining permission and, in some cases, a permit for the discharge will be required.

Stormwater runoff from certain industrial sites can also carry pollutants directly to surface waters. In 1987 the CWA was amended to include regulations for controlling stormwater runoff from certain industrial sites. Under these rules, permits and stormwater management plans are required by some companies.

A small business will be subject to CWA requirements if it has wastewater discharges. Obtaining a permit for discharges may be necessary.

Units such as holding tanks, catch basins, oil/water separators used to collect or treat wastewaters would also be subject to permitting requirements. In addition, certain businesses (like industrial manufacturing plants) may be required to obtain a stormwater permit and develop a stormwater management plan.

Ohio EPA's Division of Surface Water is responsible for the Clean Water Act programs.

In addition to the above, under Ohio’s water pollution control laws a business must submit plans and obtain a permit for the installation or modification of an on-site sewage treatment system.

Ohio EPA's Division of Surface Water is responsible for reviewing the plans and permit applications for on-site sewage treatment systems.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, 1980

CERCLA established a federal “Superfund” to help clean up abandoned, contaminated waste sites. Through CERCLA, EPA can seek out parties responsible for any contamination at these sites and take an enforcement action to require their cooperation in the cleanup.

Ohio EPA's Division of Emergency and Remedial Response handles the CERCLA program and oversees Superfund site cleanup activities.

Emergency Planning and Community Right-to-Know Act, 1986

Title III of the Superfund Amendment and Reauthorization Act (SARA) created the Emergency Planning and Community Right-to-Know Act (EPCRA). This law helps to provide emergency responders and the public access to information on hazardous chemicals in their communities. Reporting requirements under EPCRA for businesses include:

- *Emergency Release Notification (Section 304)*

Reporting requirements for accidental releases of certain hazardous substances, extremely hazardous substances or oil in greater than threshold quantities (also called “reportable quantities”).

- *Community Right-to-Know Reporting Requirements (Sections 311 and 312)*

These chemical inventory reporting requirements apply to any facility that (1) is required by the Occupational Safety and Health Administration (OSHA) to have a Material Safety Data Sheet (MSDS) for a hazardous chemical and (2) has hazardous chemicals on site in greater than threshold quantities.

- *Toxic Chemical Release Inventory Reporting (Section 313)*

Data gathered under this program is used by EPA to inventory toxic chemical emissions from companies (called the Toxic Release Inventory or TRI). A company must file a report under this section if (1) it has 10 or more full-time employees (2) has SIC code(s), between 20-39 (plus coal and metal mining) and (3) manufactures or processes toxic chemicals in greater than threshold quantities.

A small business may be required to submit reports under these regulations if it is storing certain chemicals on site in greater than the “threshold” amounts. Additionally, the company may need to report if there is a release or spill of a chemical.

Ohio EPA's Division of Emergency and Remedial Response, Chemical Emergency Preparedness Unit oversees the Section 304, 311 and 312 requirements.

Ohio EPA's Division of Air Pollution Control, Toxic Release Inventory Unit oversees the Section 313 TRI requirements.

Safe Drinking Water Act, 1974

The Safe Drinking Water Act (SDWA) was passed to protect our sources of drinking water. The law covers both above and underground sources of drinking water. Under the law, EPA is authorized to establish water quality standards to ensure that drinking water is free from harmful contaminants like organic, heavy metal, radioactive and biological contaminants. Other standards, set to control contaminants like suspended solids, chlorides, iron and pH, help improve the quality of drinking water as well.

Public water systems are subject to water quality standards and operating requirements under the SDWA. Public water systems are those that have at least 15 connections or regularly provide drinking water to 25 or more people (60 or more days per year). There are also standards that apply to the construction/installation of new public water systems.

The regulations include standards that communities must follow to help protect their drinking water wells (called "wellhead protection"). For the protection of groundwater sources, there are also strict regulations and permitting requirements for companies that inject wastes underground.

If a business has its own drinking water well that meets the definition of a public water system, drinking water regulations would apply. Regulations would also apply to new drinking water well construction activities.

In addition, businesses disposing of industrial wastes in underground units like pits, wells or septic tanks are subject to EPA's underground injection control ("UIC") regulations.

Ohio EPA's Division of Drinking and Ground Waters is responsible for the Safe Drinking Water Act Programs.

Resource Conservation and Recovery Act, 1976

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to regulate the management of wastes. RCRA was enacted to regulate active waste management sites. Abandoned or old, inactive sites are regulated differently (see section on "CERCLA").

Ohio's regulations adopted under the authority of RCRA include regulations for wastes such as trash, compost waste, scrap tires and construction/demolition debris. Waste haulers, composting facilities, transfer facilities and landfills are some of the handlers that need to meet specific requirements. State standards have also been established for facilities that handle infectious/medical wastes.

RCRA also sets standards for how hazardous wastes need to be handled from point of generation to final disposal (called "cradle-to-grave" regulation). The hazardous waste regulations apply to anyone who generates, transports, treats, stores or disposes of hazardous waste.

A small business will be subject to regulations under RCRA if the company is generating or handling waste. Solid wastes must be sent to a licensed landfill. Companies that handle wastes like scrap tires, compost waste, infectious waste and construction/demolition debris must follow additional requirements. Requirements will also apply if your company generates a hazardous waste. Examples of common hazardous wastes generated by small businesses include:

- dirty solvents
- solvent contaminated wipers
- spent acids
- painting wastes
- old chemicals
- process sludges

The Division of Solid and Infectious Waste Management is responsible for Ohio EPA's solid and infectious waste programs.

The Division of Hazardous Waste Management is responsible for Ohio EPA's hazardous waste program.

Toxic Substances Control Act, 1976

Toxic Substances Control Act (TSCA) regulates both the manufacture of new chemicals as well as the management of certain toxic chemicals. Chemical manufacturing companies need to test toxic effects of new chemicals produced. Manufacturers and importers of new chemicals also have reporting requirements under this program.

TSCA includes regulations for polychlorinated biphenyls (PCBs), asbestos and chlorofluorocarbons (CFCs). Companies that handle these wastes need to be aware of and follow specific regulations under TSCA.

A small business manufacturing chemicals may be subject to the TSCA requirements. In addition, a small business may be subject to the TSCA requirements if it has other materials on such as PCBs.

Ohio EPA's Division of Emergency and Remedial Response, Chemical Emergency Prevention Unit is responsible for the PCB program.

Oil Pollution Control

Oil Pollution Act, 1990

Clean Water Act Section 311, 1977

The Oil Pollution Act amended Section 311 of the Clean Water Act to help address discharges of oil and petroleum products into waterways. Under these regulations, preplanning and engineering controls are required to help reduce oil spills to waterways. Companies must have a Spill Prevention, Control and Countermeasure ("SPCC") plan which documents the prevention, control and response capabilities in place.

The SPCC regulations apply to non-transportation-related facilities with:

- A total (aggregate) aboveground oil storage capacity of greater than 1,320 gallons (or greater than 660 gallons capacity in a single aboveground container), or
- A total underground oil storage capacity greater than 42,000 gallons.

Other facilities that gather, store, process, refine, distribute or consume oil and petroleum products could also be subject to the spill prevention requirements if a discharge of these materials into waterways could be expected.

If a small business is storing oil on-site in the above quantities, the Spill Prevention and Countermeasure Plan (SPCC) requirements apply.

The Ohio EPA's Division of Emergency and Remedial Response oversees the SPCC program and requirements.

For more information about any of the EPA regulations, contact your local Ohio EPA district office or the Ohio EPA's Small Business Assistance Office at 1-800-329-7518.