



The Environment and Your Business: A Primer For Building Compliance into Your Operation



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Agency

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ACRONYMS

CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EMS	Environmental Management System
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
HAPs	Hazardous Air Pollutants
HSWA	Hazardous and Solid Waste Amendments
HW	Hazardous Waste
NCP	National Oil and Hazardous Substance Pollution Contingency Plan (or National Contingency Plan)
NPDES	National Pollutant Discharge Elimination System
OPA	Oil Pollution Act
OSHA	Occupational Health and Safety Administration
P2	Pollution Prevention
PCBs	Polychlorinated Biphenyls
POTW	Publicly-Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SBO	Small Business Ombudsman
SDWA	Safe Drinking Water Act
SIC	Standard Industrial Classification Group
SIP	State Implementation Plan
SOP	Standard Operating Procedure
SPCC	Spill Prevention, Control, and Countermeasure
TRI	Toxics Release Inventory
TSCA	Toxic Substance Control Act
TSDF	Treatment, Storage, and Disposal Facilities
USDA	U.S. Department of Agriculture
UST	Underground Storage Tank

Section 1 - Background

As a small business owner, you may have already encountered the issue of how to control waste. Whether your business emits chemicals to the air or produces solid or hazardous waste, you need to know about federal rules that protect the environment. Complying with environmental rules is important to the health and safety of you and your workers, for your business and your planet. But where do you start?

Environmental Protection Agency (EPA) prepared this document for you and your small business. With business markets becoming more competitive, both personnel and financial resources are precious to the viability of many small businesses. EPA understands that many small businesses often do not have the resources or the time to identify and understand all of the federal environmental regulations that may apply to them.

Often the problem with understanding federal environmental regulations is knowing where to start. EPA wants to provide practical, streamlined assistance to small business owners who understand the importance of running an environmentally responsible operation. This guide provides that first step for small businesses unsure of their environmental compliance status and responsibilities.

How will this document help my business?

This primer should provide you with enough information to get started in understanding the federal environmental regulations that apply to your business operations.

Businesses that are good environmental citizens build community trust and good public relations, and build good relationships with state and federal regulators. This primer provides the first step to understanding basic federal environmental

Document at a Glance

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|--------------------|--|
| Section 1 - | <i>Background</i> |
| Section 2 - | <i>Environmental Laws and Regulations - What are They and Do They Apply to My Facility?</i> |
| Section 3 - | <i>Getting Help</i> |
| Section 4 - | <i>Managing Your Business to Ensure Environmental Compliance</i> |
| Section 5 - | <i>Compliance Management Systems</i> |

requirements and describes an approach to integrating environmental considerations into your daily operations.





EPA's Role in Protecting the Environment

EPA is the federal government agency responsible for protecting the environment. EPA establishes environmental safeguards in the form of regulations. EPA then works with industries and the public to make sure they understand how to comply with the rules and requirements. EPA uses compliance assistance documents, like this one, to assist businesses in understanding how the rules affect them.

EPA relies upon its ten offices around the country to enforce the federal regulations. These regional offices ensure compliance by supporting state environmental programs and by conducting compliance and enforcement activities. EPA's regional offices also provide direct assistance to the regulated community through various technical assistance programs. EPA has given the primary responsibility for compliance and enforcement of many regulations to state and local environmental regulatory programs. EPA also works closely with the states and local governments to provide compliance assistance.

In many cases, businesses must also comply with state, local, and tribal laws. Tribes, states and localities are the first source of information on their requirements and procedures.

EPA Regional Offices

Region 1 One Congress St. Suite 1100 Boston, MA 02114 (617) 918-1111	Region 6 12 th Floor 1445 Ross Ave Dallas, TX 75202 (214) 665-6444
Region 2 290 Broadway New York, NY 10007 (212) 637-3000	Region 7 901 North 5th Street Kansas City, KS 66101 (913) 551-7000
Region 3 1650 Arch Street Philadelphia, PA 19103 (215) 814-5000	Region 8 999 18 th Street Denver, CO 80202 (303) 312-6312
Region 4 61 Forsyth Street SW Atlanta, GA 30303 (404) 562-9900	Region 9 75 Hawthorne St San Francisco, CA 94105 (415) 744-1305
Region 5 77 West Jackson Chicago, IL 60604 (312) 353-2000	Region 10 1200 Sixth Ave. Seattle, WA 98101 (206) 553-1200

EPA Programs for Small Businesses

EPA is very interested in helping small businesses understand and meet their responsibilities. In 1982, EPA established a Small Business Ombudsman (SBO) who serves as a "first-stop shop" for environmental compliance information. (www.epa.gov/SBO)

This office provides small businesses with a point of contact, assistance in getting questions answered, and assurance that small business' views are considered during Agency rulemakings. The SBO has a free hotline (**800-368-5888**) that can answer specific questions or connect you with an EPA program expert or a regional small business liaison in your geographic area. EPA also supports ten on-line compliance assistance

centers (see box on right) that provide information on regulations and compliance approaches as they apply to certain types of businesses or activities.

As you talk to people at EPA, and as you read this primer, you may become aware of certain environmental responsibilities that you never knew you had and that you have not satisfied.

As you review the requirements that follow, do not become alarmed if you discover that you may be in violation of some environmental laws. EPA has many programs to help small businesses come into compliance.

Are you concerned about contacting EPA because you think if you ask them for help, they may discover you are out of compliance and impose large fines? EPA has a Small Business Compliance Policy (discussed in Chapter 3) which can result in a reduction or complete waiver of fines if you follow certain procedures. EPA wants to work with you to ensure a clean environment.

RESOURCES

A variety of compliance assistance and tools are available to help you comply with federal environmental laws. These resources can help you understand your environmental obligations and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies:

Compliance Assistance Centers: Provide comprehensive, easy-to-understand compliance information targeted specifically to 10 industry and governmental sectors.
www.assistancecenters.net

National Compliance Assistance Clearinghouse: Provides an extensive collection of compliance assistance materials and contacts.
www.epa.gov/clearinghouse

Small Business Environmental Home Page: Helps small businesses access environmental compliance and pollution prevention information.
www.smallbiz-enviroweb.org

EPA Pollution Prevention Resource: Provides resources on P2 programs and technical assistance.
www.epa.gov/p2/resources/index.html

Pollution Prevention Resources Exchange: Improves the dissemination of pollution prevention information.
www.p2rx.org

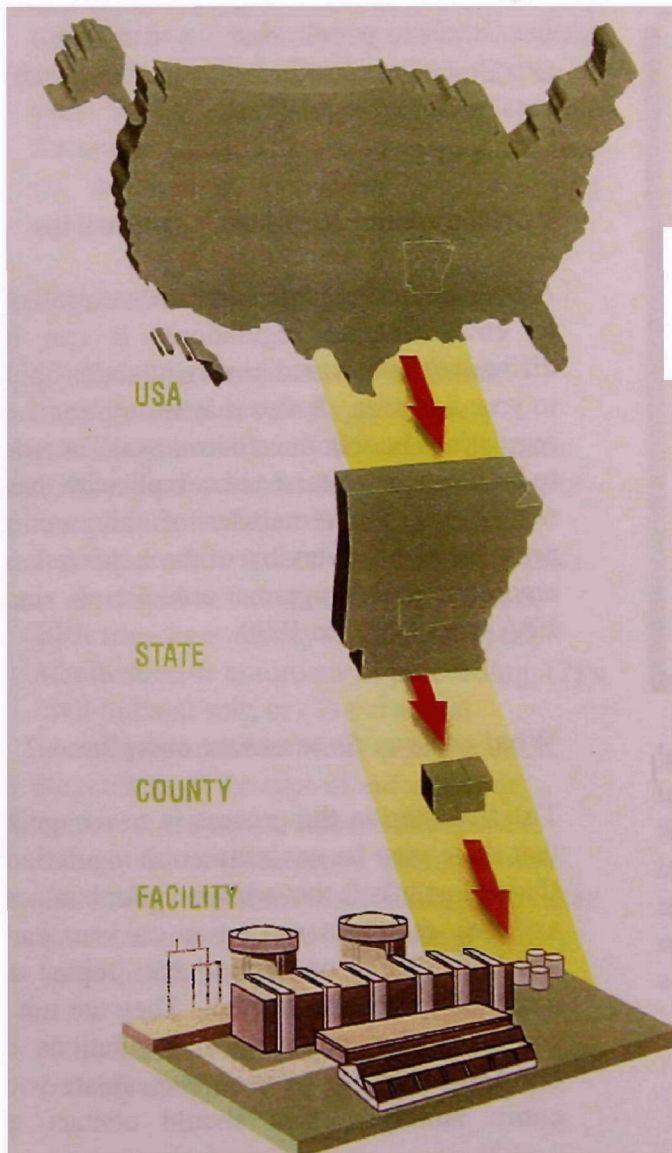
Section 2 - Federal Environmental Laws and Regulations - What Are They and Do They Apply to My Company?

What are environmental regulations?

One of the most confusing aspects of federal environmental regulations is understanding how they come into existence. This short description should help you better grasp this process.

Federal environmental laws are passed by Congress and signed by the President in the

same manner as laws relating to education, crime, taxes, highways, and so on. Congress gives EPA the authority to write regulations that implement the laws. EPA also has the authority to enforce these regulations by checking to see whether facilities are complying with the rules. In many cases, Congress gives EPA the authority to allow tribes and states, and in some cases local governments, to implement and enforce



EPA writes and enforces Federal environmental regulations.

Example: "Used oil is not a hazardous waste but must be managed according to EPA's used oil regulations in 40 CFR..."

States often are given the authority to enforce Federal regulations. They may also develop more stringent regulations.

Example: "Used oil **IS** considered hazardous waste in our state. You must follow the hazardous waste regulations for storage and disposal. See section..."

Local authorities may add even more stringent rules.

Example: "Used oil may not be collected in areas zoned for..."

Your operation must comply with ALL regulations.

federal regulations. Tribal or state laws must be at least as stringent as the federal ones, and may be even more demanding.

Where do I find federal environmental regulations?

The Federal Register is a daily publication created by the federal government that lists notices, federal actions, executive orders, proposed and final regulations and general information. It is intended for use by the regulated community and the general public.

Regulations On-line

All Federal Regulations are maintained on the Internet. Use the search engines to find specific Federal Register or Code of Federal Regulation references. The EPA homepage (www.epa.gov) has links to the Government Printing Office homepage which houses on-line versions of the Federal Register and the Code of Federal Regulations. The Federal Register and the Code of Federal Regulations can be accessed directly at the following sites:

www.gpo.gov/su_docs/aces/aces140.html
&
www.access.gpo.gov/nara/cfr/index.html

All final regulations published in the Federal Register are compiled into the Code of Federal Regulations (CFR). Chapter 40 of the CFR describes all of the environmental requirements that have been developed by the federal government. The CFR is updated on an annual basis to reflect all new regulations that were published in the previous year.

To whom should I talk first?

As mentioned above, many environmental laws allow tribes and states to implement and enforce federal requirements. EPA has established useful references for identifying state environmental regulations, requirements, and resources:

www.epa.gov/docs/epacfr40/find-aid.info/state

www.epa.gov/smallbusiness/

When you begin your inquiries about what laws apply to your business, you will also need to determine where there are applicable local laws and regulations.

Environmental Regulatory Summaries

All businesses, regardless of size, are subject to environmental regulations. It can be difficult to understand how regulations apply to your business. It also may be unclear how regulations benefit the environment. In order to help you understand and comply with these regulations, the remainder of this section provides a brief overview of the major federal environmental programs established since EPA was created in 1970.

What can you do to ensure compliance?

The first step in the process is to recognize that there may be environmental regulations (federal or tribal) that apply to your business and may require some action on your part. The flowcharts on subsequent pages are designed to get you started. They are not a comprehensive summary of regulations or checklists that can be used to evaluate your entire facility. You should contact an

environmental professional, industry trade association, or someone at your tribal environmental office to help you get started with specific questions. They can help you work through the regulations, to determine how they apply to your facility. The tribal agency also may have a person to deal specifically with small businesses like yours. They will probably encourage you to conduct an evaluation of your operations, a "self-audit", to help you to determine if you are in compliance.

Your goal should be to understand any requirements that apply and integrate environmental activities into the operation of your facility. The next section in this document provides more specific guidelines on developing a system for managing environmental compliance.

EPA Enforcement in Indian country

EPA ensures compliance with federal environmental laws by appropriately exercising its authority to take civil and/or criminal enforcement actions against out-of-compliance facilities. When a facility regulated under federal environmental laws is identified as being out of compliance, EPA uses its authority to pursue: (1) an administrative enforcement proceeding; (2) a civil judicial suit; or (3) a criminal investigation and referral for prosecution. Regardless of the type of enforcement response, the action taken is designed to remedy the environmental harm, promote nationally consistent enforcement, and deter future noncompliance by the same facility and other facilities.

EPA's enforcement actions in Indian country are guided by multiple policies,

including the 1984 Indian Policy, the *Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy* (Civil Enforcement Guidance), the *Exercise of Investigative Discretion* policy (Criminal Investigative Policy), and various program-specific and Regional policies. These policies outline how EPA works in partnership with tribes to resolve current facility noncompliance and deter future noncompliance in Indian country in a timely and effective manner.

The ownership and control of a facility impacts the process EPA uses to respond to non compliance. For facilities that are owned or managed by private parties, including tribal members, EPA responds to the noncompliance as it would anywhere else in the United States, after consideration of the tribe's interest in the facility. For facilities owned or managed by tribal governments, EPA will work cooperatively with the tribe and provide compliance assistance to help the facility comply, prior to filing a formal administrative or civil judicial enforcement action. Regardless of whether non compliance arises at a private party or a tribal facility, the availability and use of the appropriate enforcement response is designed to protect human health and the environment in Indian country.

CAA Summary of Regulations

Carbon
Monoxide

Lead

Dioxides of
Sulfur

Oxides of
Nitrogen

Ground-
level Ozone
Particulate Matter

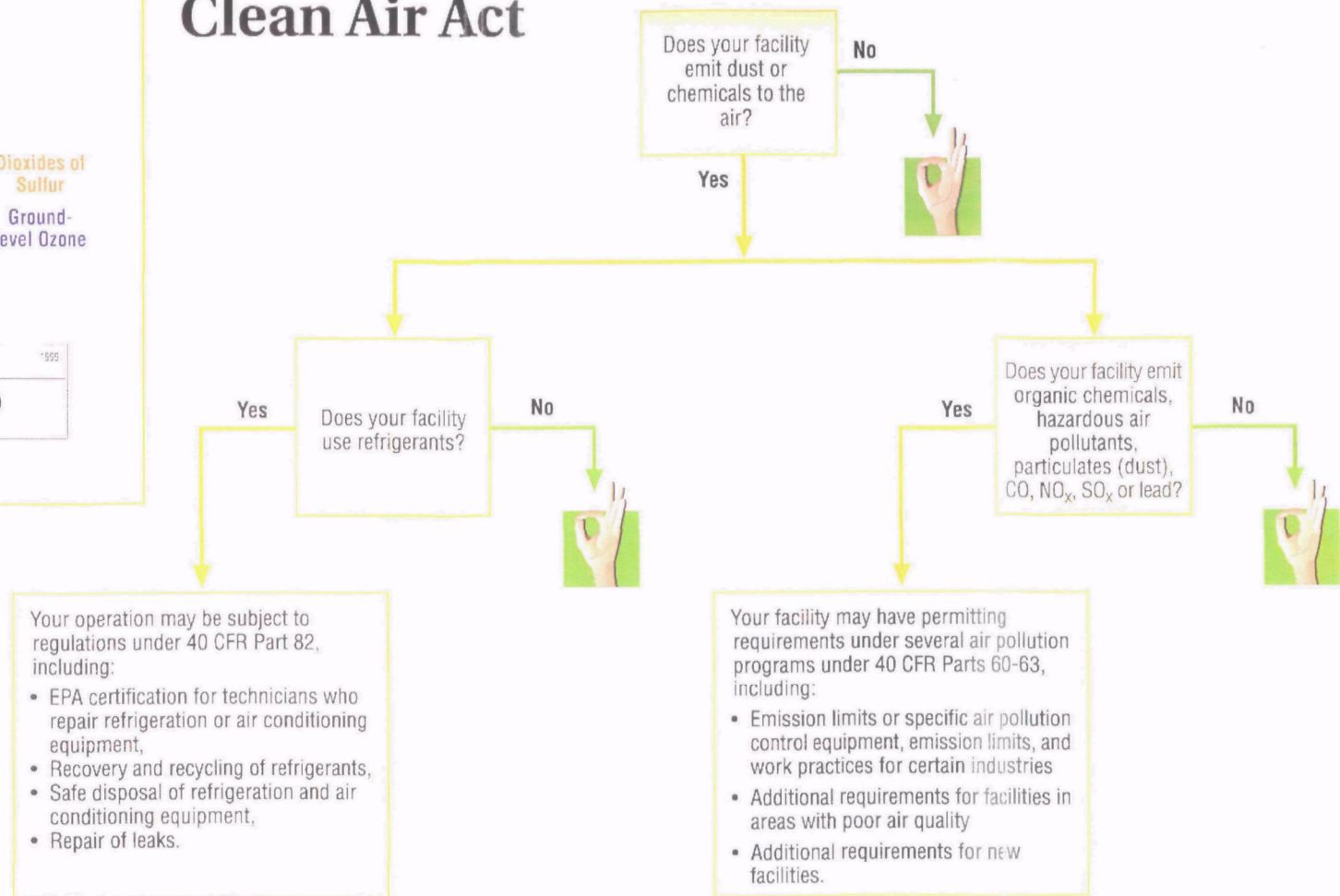
Environmental Protection Agency
Office of Air

Washington, DC

1999

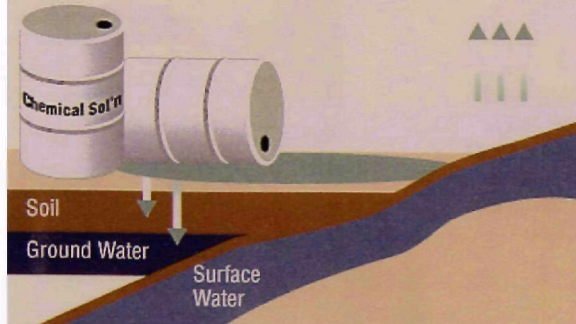
Hazardous Air Pollutants (HAPs)
188 Chemicals Listed by EPA

Clean Air Act

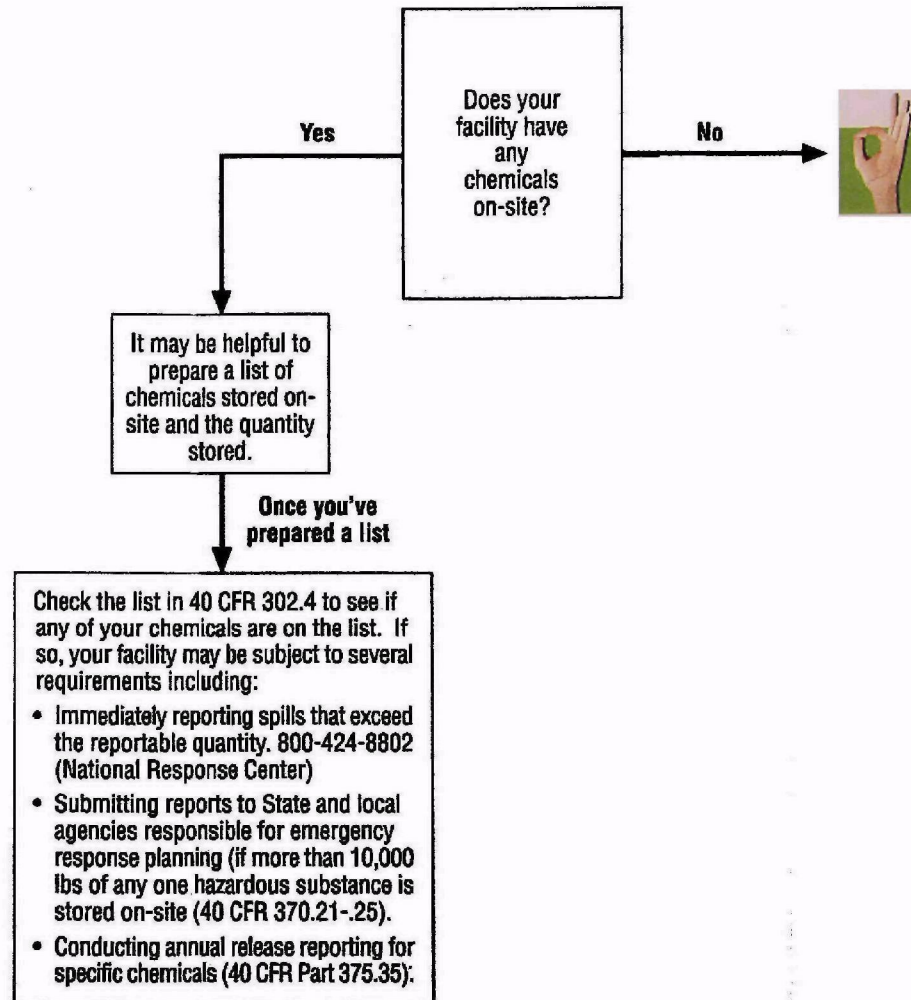


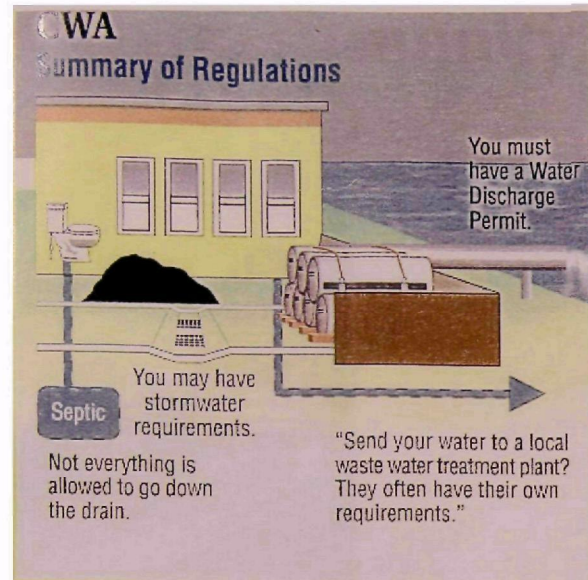
CERCLA Summary of Regulations

If not contained on-site, chemicals released to the environment may be a "Reportable Release" under CERCLA.

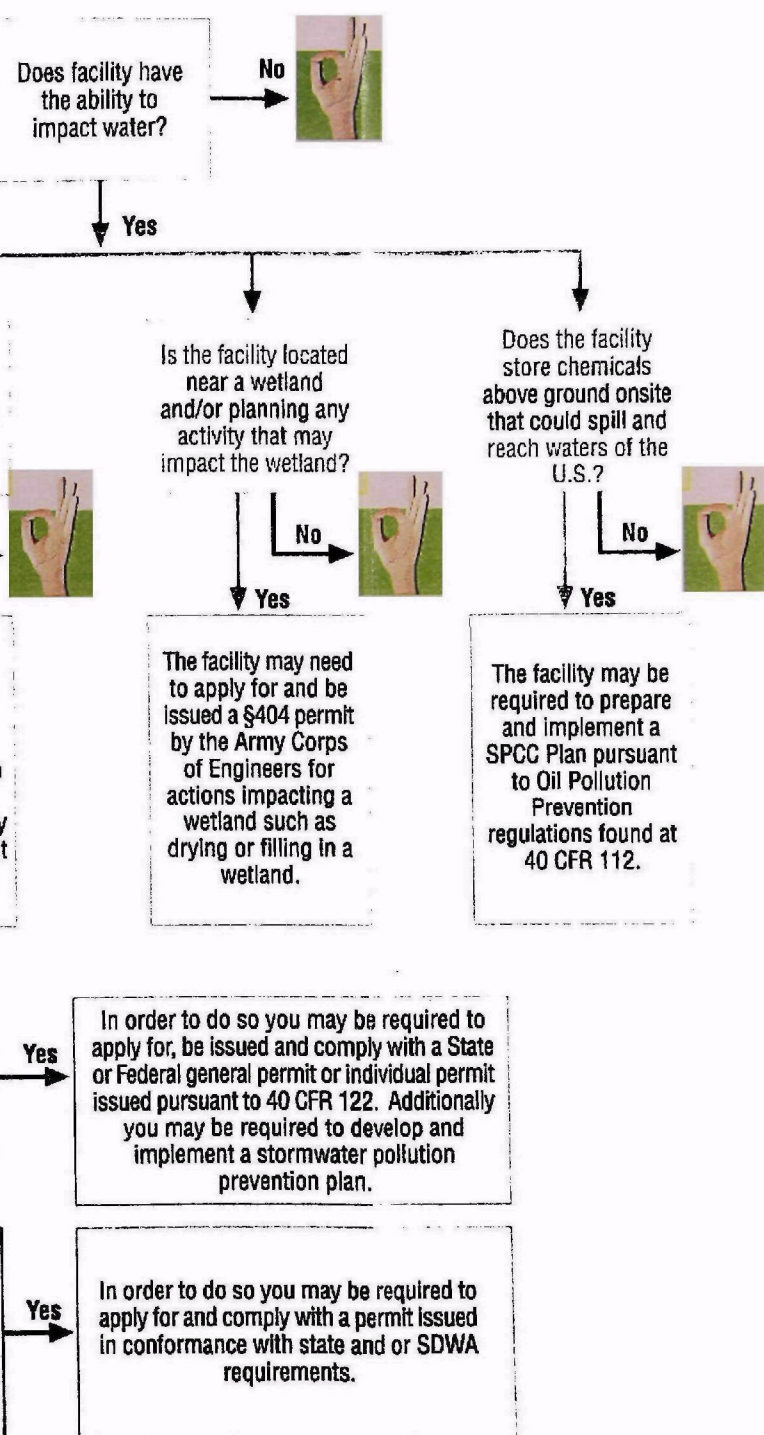


Comprehensive Environmental Response, Compensation and Liability Act

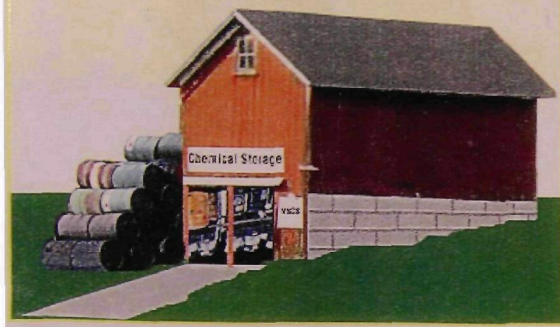




Clean Water Act

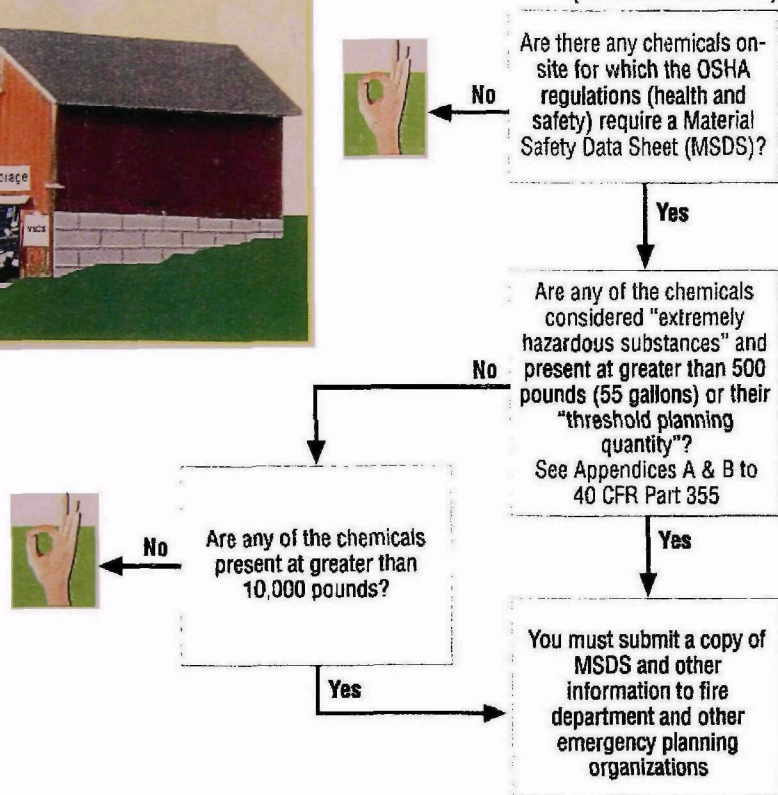


EPCRA Summary of Regulations

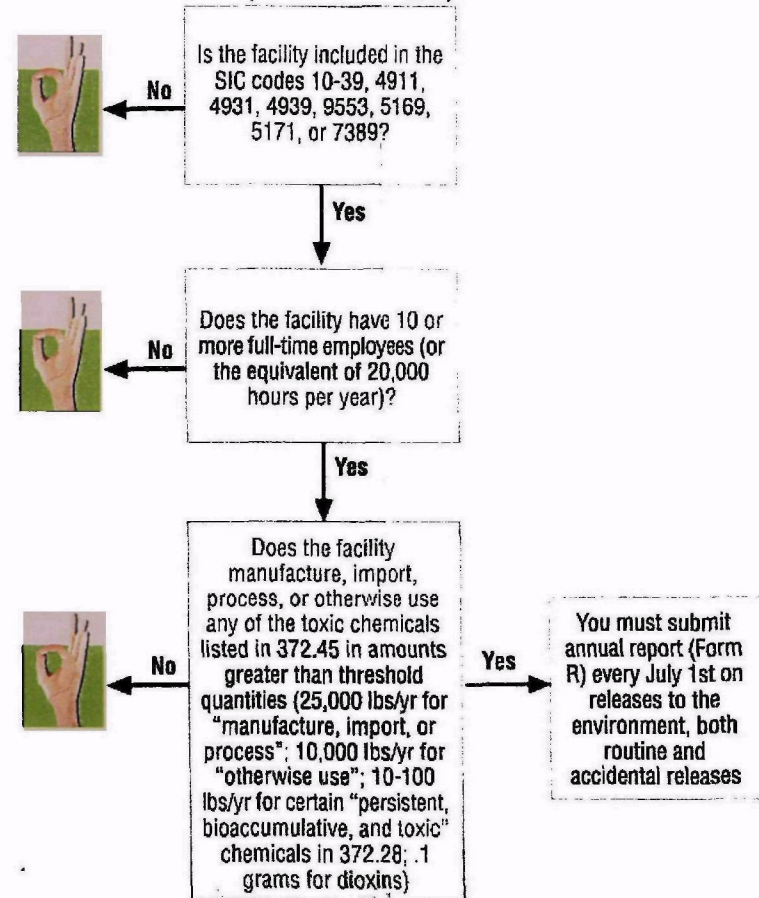


Emergency Planning and Community Right-to-Know Act

Planning Requirements: (40 CFR 370.2-370.40)



Release Requirements: (40 CFR 372.1-372.45)

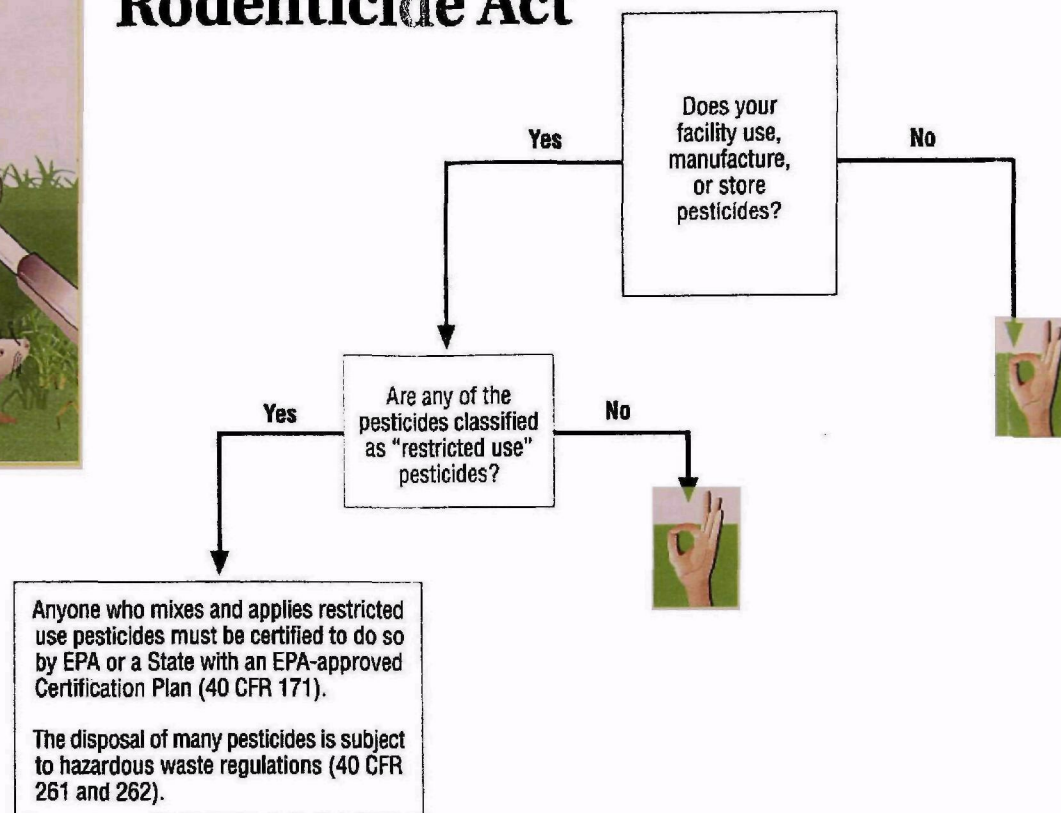


= No EPCRA Requirements

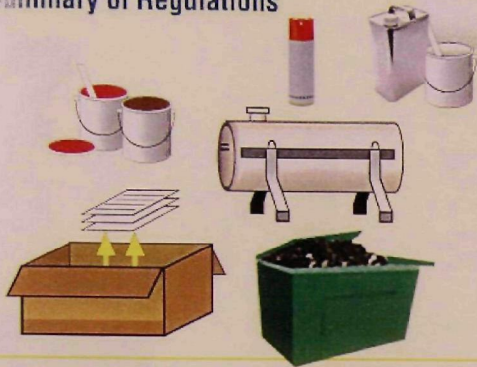
The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) actually is an amendment to the Superfund law (CERCLA). The chief EPCRA provisions relate to (1) emergency planning efforts at the State and local levels and (2) citizen access to information about potential chemical hazards in their communities. The regulations written to implement the EPCRA law pertain to submittal of chemical inventories by businesses so that, in the event of an emergency, local emergency response personnel will know how to effectively deal with the emergency. Other EPCRA requirements relate to reporting annual releases, or discharges, of hazardous chemicals to the air, water, or land. The resultant Toxics Release Inventory is accessible to the public for information and research purposes. The annual release reporting requirements of EPCRA apply to businesses and industries falling within specific Standard Industrial Classification (SIC) Groups, primarily the manufacturing sector. In addition, the requirements apply only to those specific facilities that manufacture, import, process, or otherwise use toxic chemicals above a certain threshold quantity per year. The emergency planning provisions apply to facilities that store chemicals for which Material Safety Data Sheets are required. As with the release reporting requirements, a facility must store amounts above the specified threshold quantity before the planning requirements apply.



Federal Insecticide, Fungicide and Rodenticide Act



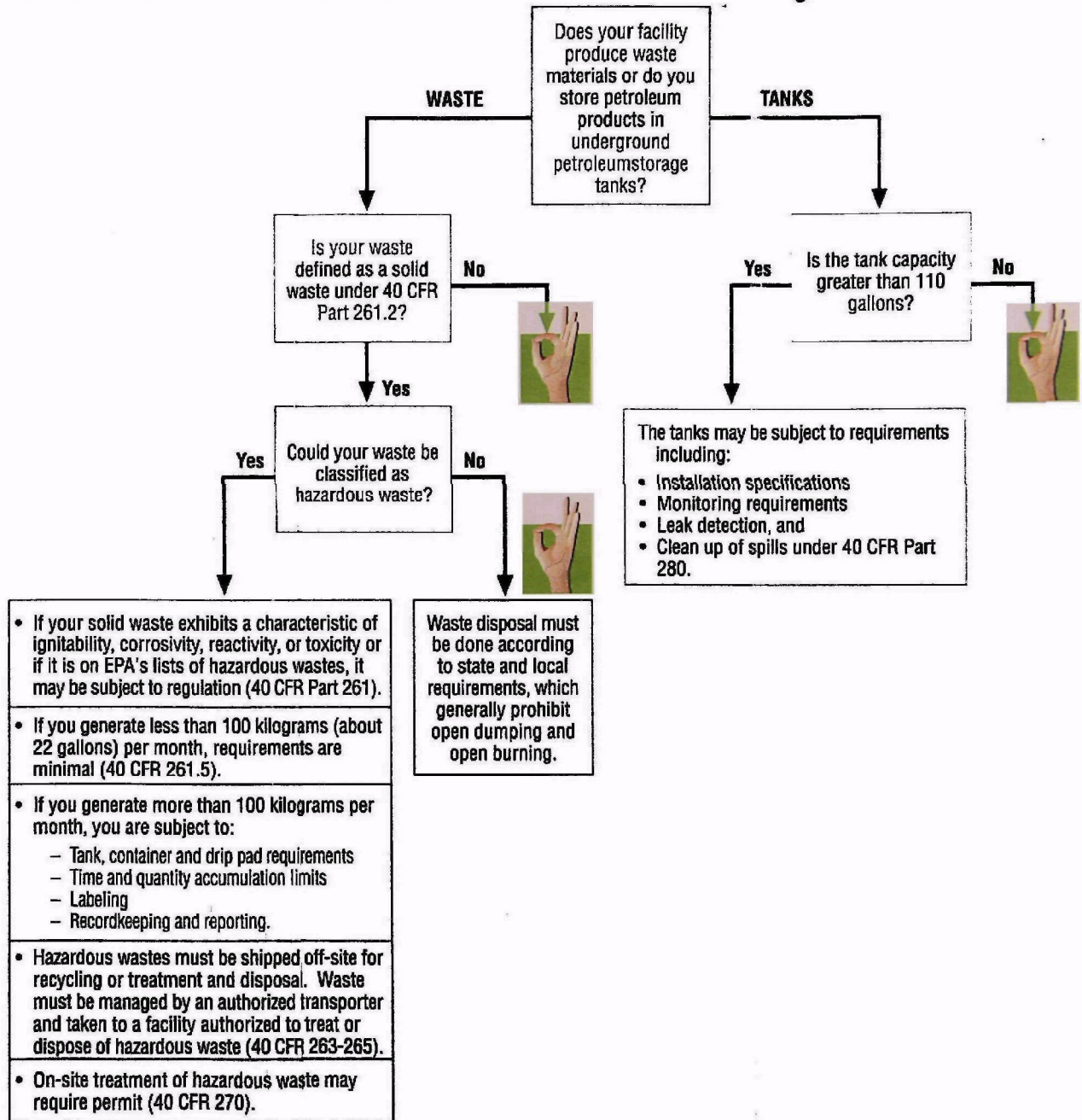
RCRA Summary of Regulations



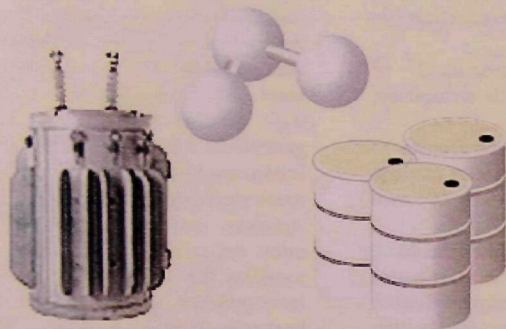
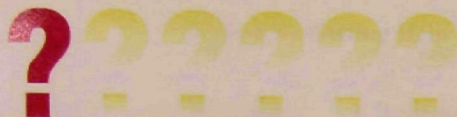
Compliant Disposal



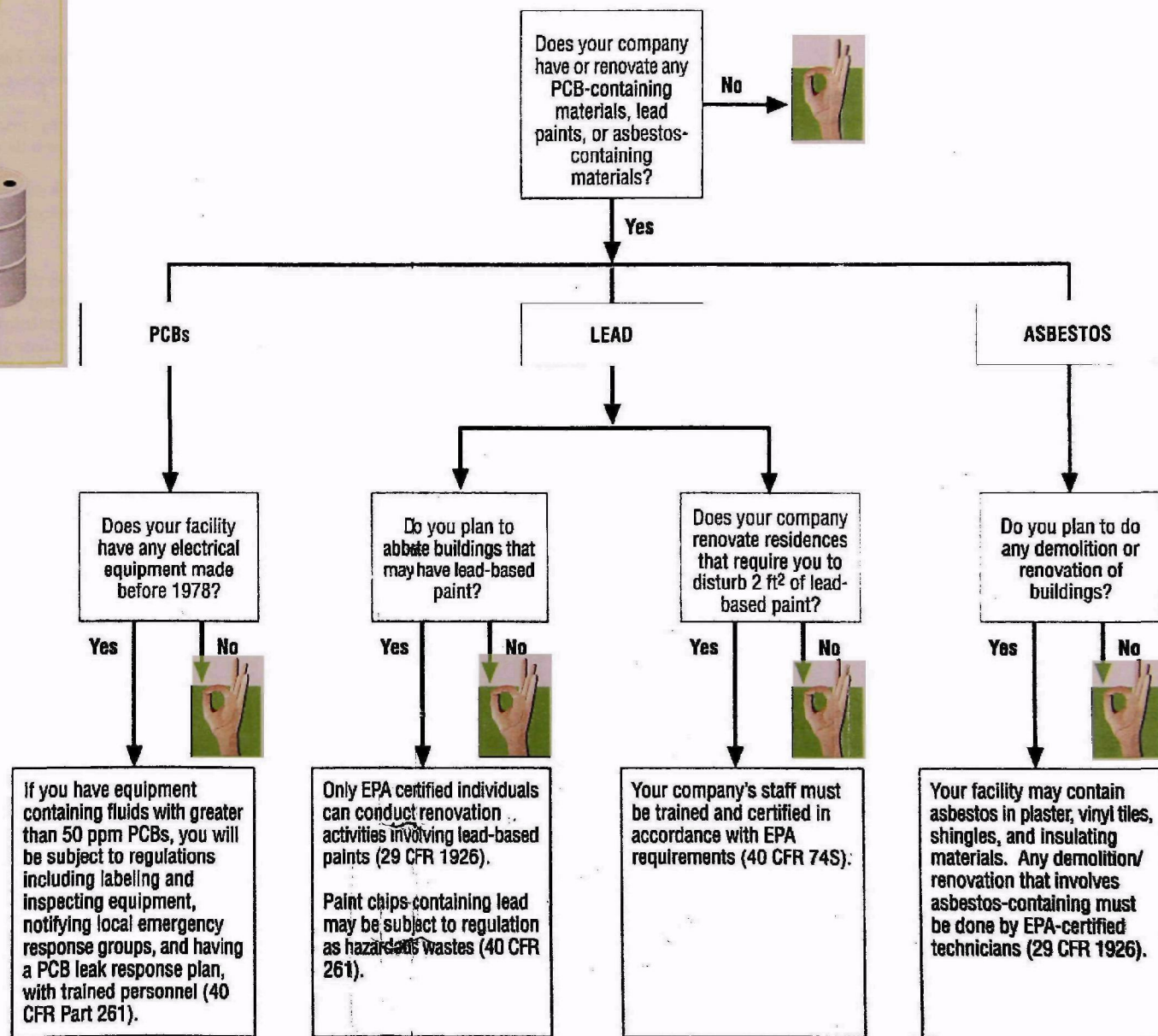
Resource Conservation Recovery Act



TSCA
Summary of Regulations



Toxic Substance Control Act



Section 3 - Getting Help

You have discovered that you may have environmental regulatory requirements that apply to activities at your facilities. So what now? If you're like most people, you may want help in understanding the exact requirements, the obligations for your company, and the best approaches for meeting these obligations. EPA has developed several resources that can assist you in learning about the regulations that apply to your company. These resources include assistance from experts, self-help documents and guidance manuals, and web resources. You may want to access these resources to better understand your requirements and to identify common approaches to compliance.

This section is intended to help you use the programs that EPA has established to assist you. We've broken this discussion into several steps to walk you through your first contact with an assistance program.

① Understand Your Situation

If you have identified a business practice that EPA or a tribe may regulate, you should be able to describe the nature of the process and the regulations you think may apply. You should be able to:

1. Describe the nature of the activities involved.
2. Provide information on the chemicals used or output generated by the activity.
3. Review equipment specifications to determine operation conditions and review product loss or emission rates.

4. Understand usage patterns for chemicals especially those released to the air or water.

5. Document your current management practices for all materials in question.

6. Identify which regulations you think may apply to your processes, wastes, or chemical uses.

7. Identify which assistance program is best-suited for your question. Keep in mind that federal and tribal regulations often vary. You will probably need to contact both EPA and a tribal regulator. A list of references for EPA assistance programs is provided in Appendix A.

② Contact Your Assistance Provider

When you call for help, you should:

1. Describe your situation and ask them to clarify the requirement(s).
2. Ask whether or not they provide on-site compliance assistance or process reviews like pollution prevention opportunity assessments. If they do not, ask whether they know of any local organizations that do.
3. Ask if on-site assistance is confidential and non-regulatory. EPA and many non-federal organizations, including states offer technical assistance without the threat of enforcement for violations found during the assistance visit.

4. If you are uncomfortable with the thought of receiving on-site assistance, ask for any guidance that they may have concerning the requirements that apply to you.

③ Get On-site Assistance

If you decide to invite a technical assistance person to evaluate your operation, you should understand that they will investigate your operation to determine how regulations apply, identify practices that may reduce your environmental impacts, and suggest approaches you might consider to ensure your company is compliant with the requirements. To prepare for an assistance visit, you should:

1. Compile information on the operation of your facility or processes that will be evaluated. Include such information as the amounts of chemicals used, loss of chemicals, flow rates of waste water, amounts of chemicals vented to the atmosphere, amounts of wastes generated, and locations of releases to the environment.
2. Compile Material Safety Data Sheets for review by assistance staff. At a minimum, you'll need to know what chemicals are used in your processes.
3. Be comfortable with the assistance staff walking through your operation and looking at your activities.
4. Ask questions of the assistance providers and make sure that you understand the requirement and your options to attain compliance.
5. Be prepared to answer hard questions. Assistance staff will ask you about the practices you have employed to control

materials and wastes. Be prepared to answer truthfully and help them to understand your situation.

6. Remember that you are doing this to attain compliance with regulations. Don't be shy about your information and the process. Assistance providers realize that you may be out of compliance. They want to help you get into compliance.

④ Listen

Non-regulatory compliance assistance programs were created to help companies just like yours. When discussing your company or participating in an on-site evaluation, pay attention to the process followed, questions asked, and the information you provide. Regulators and assistance providers do not ask questions or collect information for no reason. For example, if an assistance provider asks questions about the paints you use, the amounts used, the frequency of painting, and how fumes are vented, they are probably trying to determine your status under air regulations. That is, does your painting process and subsequent release of paint solvents to the air constitute a regulated unit. The figure on the next page lists the types of information that are critical to understanding your regulatory status.

As you talk with the regulator or technical assistance provider, take notes on the conversation. Make sure you understand which regulations may apply and list all the data you will need to adequately identify your regulatory status. Assistance organizations may also provide you with strategies for resolving issues, information on permitting procedures, and approaches

for reducing the amount of waste that you generate. Reducing waste at the source is important because you may be able to change your regulatory burden by reducing the volumes of waste produced.

⑤ The Small Business Compliance Policy

EPA established a Small Business Compliance Policy to help small businesses that discover they are out of compliance through self-inspections or compliance assistance. Use this policy to your advantage. If an assistance program finds that you are out of compliance, the Small Business Compliance Policy offers you a chance to avoid or reduce fines if you quickly correct the problem. The relief from penalties offered by the Small Business Compliance Policy is not available however, to businesses that are determined to be non-compliant through a routine inspection by federal or tribal regulators.

Can You Use the Policy?

The policy applies to facilities owned by small businesses. For the purposes of this policy, a small business is a person, partnership, corporation, or other entity that employs 100 or fewer individuals. EPA has similar policies for facilities operated by small communities or local governments. (see, www.epa.gov/compliance/incentive/smallcommunities/)

The Small Business Compliance Policy is intended to promote environmental compliance among small businesses by providing incentives for them to make use of compliance assistance programs,

environmental audits, or compliance management systems (CMS). The policy is intended to encourage small businesses to participate in any activities that may increase their understanding of the environmental requirements with which they must comply. The Policy accomplishes this in two ways: by waiving or reducing civil penalties to which a small business might otherwise be subject, and by deferring to tribes, states and local governments that offer incentives consistent with the criteria established in this Policy.

Small Business Policy Restrictions

The Policy does not apply if the small business has been subject to any of the following:

- Receipt of a warning, letter, notice of violation or citation for a violation of the same requirement within the past three years;
- A penalty reduction under this Policy (or a similar state or tribal policy) for a violation of the same or similar requirement within the past three years;
- Any two enforcement actions in the past five years, or an enforcement action for the same violation as the one just uncovered ; and
- Violation(s) were already discovered by a regulatory agency through information requests, inspections, investigations or other methods.

Or, the violation:

- Caused actual serious harm to public health, safety or the environment; or
- May present an imminent and substantial endangerment to public health, safety or the environment; or
- Involves criminal conduct.

EPA may eliminate or reduce civil penalties in several ways including:

- Waiving or reducing civil penalties in cases of good faith efforts; and
- Reducing penalties where small businesses are unable to pay fines without harming the business; or
- Reducing the civil penalty to the amount of economic benefit the business received by not complying. EPA anticipates that a situation where a small business would realize significant economic benefit through noncompliance will rarely if ever occur.

EPA will enforce all regulations for violations not remedied within the specified time frames established in the policy. For a complete version of the Small Business Policy ([see www.epa.gov/compliance/incentives/smallbusiness/](http://www.epa.gov/compliance/incentives/smallbusiness/)).

⑥ Establish a Program

Once you've gotten assistance, go back and evaluate your entire facility. Develop a program that includes all facility activities and operations. The remainder of this document will give you some ideas on how to establish a comprehensive environmental compliance management system.

Section 4 - Managing Your Business to Ensure Environmental Compliance

As we discussed earlier in this document, small businesses may be subject to a number of environmental regulatory programs. EPA's Small Business Compliance Policy favors companies that are vigilant in identifying and complying with all applicable requirements (See the discussion of the Small Business Compliance Policy in Section 3 of this document). EPA also supports companies that put forth a "good faith effort" to address all environmental requirements. A "good faith effort" involves educating oneself about the basics of the various regulatory programs, assessing current site operations to determine if any environmental regulations apply, and "fixing" those aspects of the business operations that are not in compliance.

EPA encourages all regulated facilities to plan for and address environmental requirements as part of their business operations. Companies that comply with requirements as part of their facility operations reduce their costs, face fewer risks, and have a lighter regulatory burden than companies that only react once regulators conduct inspections.

To strengthen your environmental program, you should try to integrate environmental factors into daily decision-making and both short and long-term planning. This is an efficient means of ensuring that your site remains in compliance, instead of reacting to incidents of non-compliance, which can be costly and dangerous.

For example, if your facility is planning to renovate an old warehouse, you must consider not only the cost of the new building materials, the labor costs, and the potential effect on productivity, but also whether the renovation may involve disturbing asbestos-

containing materials. If so, you will need to determine whether the renovation can be done without disturbing these materials. If not, you may want to re-evaluate the renovation effort. It would be better to perform this examination before the renovation is initiated, rather than somewhere in the middle when you risk exposing workers to asbestos. You do not necessarily need to know all the details of the asbestos regulations. Instead, you need to know whether asbestos is an issue at your site.

Waiting for issues to arise into problems also can result in expensive fines, damaged property, lost public relations, and lost productivity. For example, if hazardous material is not appropriately handled and eventually spills, the facility must use valuable time, personnel and money to contain the spill, clean it up, contact the appropriate regulatory agencies, pay any resulting fines, and purchase more material. A proactive approach helps to avoid this kind of situation.

The information presented below provides you with common sense ways to incorporate environmental considerations into the standard operating procedures in your business.

How can you manage environmental issues in your business?

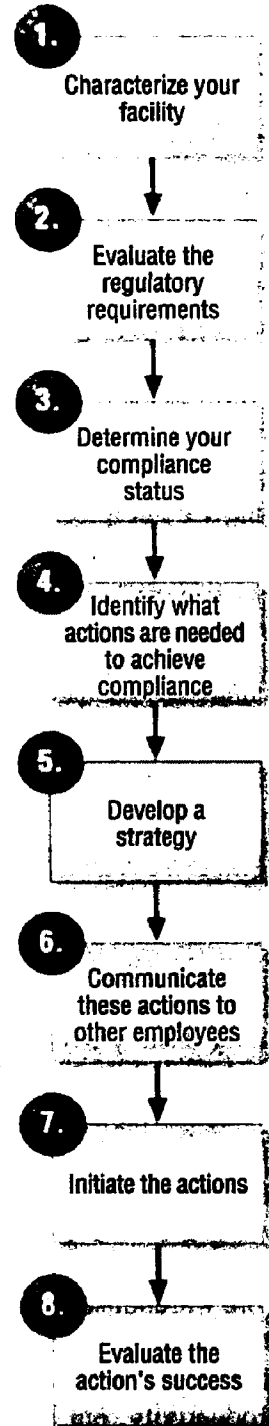
There is nothing magical about managing environmental issues. The concepts are much like the ones used to manage employee safety and health, a business budget, or quality concerns. Integrating environmental issues into a site's activities simply takes some planning and cooperation from management and other site personnel.

In an ideal situation, your business would have the resources and time to appoint a person or a team of people whose responsibility is addressing environmental concerns. This may not be feasible for a small business (e.g., six-person shop would likely not be able to devote a full-time person to environmental compliance). However, EPA cannot excuse non-compliance due to staff shortages. An environmental compliance position may be worth exploring, especially in a franchise or chain organization where one individual could be responsible for environmental issues at several small operations.

• **Characterize your facility**

To begin, it is critical to understand how your business generates non-product outputs or wastes. Wastes often lead to environmental impacts that may be the target of regulatory requirements. While most managers or owners understand their processes, they may not have ever characterized all of their non-product outputs and how these wastes result from their operations.

Steps to Managing Environmental Issues in Your Business



Identify non-product outputs by listing all of the places in your process that result in:

- ***Solid wastes*** - material that are drummed, collected in dumpsters, put in trash bags, or similarly collected and disposed of;
- ***Liquid wastes*** - free-flowing outputs discharged to sewers, floor drains, storm sewers, rivers, ponds or any other receiving waters; and
- ***Gaseous wastes*** - vapors or fumes of gases released to the environment through vents, exhaust fans, fume hoods, open windows or doors, or other openings used to ventilate an area.

Once your wastes are identified, the next step is to characterize the composition of your facility's wastes. Start by identifying which chemicals and materials are likely to contribute to the waste. The composition of the waste will be important in determining which regulations apply.

At this point, several steps may be helpful:

- ***Quantifying the amount of waste generated*** - important for determining regulatory status;
- ***Calculating costs for materials lost*** - important for documenting losses in profitability due to loss of raw materials or products;
- ***Identifying procedures that contribute to wastes*** (equipment clean outs, chemical change outs, batch changes, maintenance, etc.); and
- ***Identifying people responsible for wastes*** - important for determining how to change current procedures.

- **Evaluate the regulatory requirements**

Take the list you generated in step 1 and divide the waste streams into discharges to "land, air, and water." Now, review the regulatory summaries presented in Section 2. For each waste stream, note which regulations might apply to it. For example, if there are discharges to a floor drain in your facility, the discharge would qualify as a wastewater stream. Then, after examining the regulatory summaries, you may discover that the discharge is subject to regulation.

Going through this process, did you find areas of concern in any of these categories?

- ☐ Hazardous waste
- ☐ Air emissions
- ☐ Wastewater or stormwater discharges
- ☐ Presence of PCBs or asbestos on site
- ☐ Use of other toxic substances

As was mentioned above, the regulatory summaries are provided to help you grasp the major requirements for each federal regulation. They are not a substitute for reading the actual regulations and speaking with an environmental professional. Also, remember that some state regulations may be more stringent than the federal regulations. Call your state agency to discuss your regulatory situation.

- **Determine your compliance status**

Examine the flow diagrams that accompany each of the regulation summaries in Section 2. Work through the diagrams with the waste stream list you develop. The purpose of this effort is to determine any area where you

might be out of compliance with the federal environmental regulations. For example, assume the floor drain mentioned above runs directly into a ditch leading to a small stream on-site. Using the CWA flow diagram, you determine that the discharge from this drain is entering a water body such as a lake or stream. It, therefore, may require a permit.

Document the results of this effort by making notes of your findings for all activities at your facility. This will help you discuss environmental issues with your state agency or trade association. It also provides a written record that can help you target specific environmental compliance issues. At this point, it may be helpful to review your findings with an environmental professional, a trade association representative, or state compliance assistance liaison to confirm applicability of the regulations and areas of non-compliance.

- **Identify what actions are needed to achieve compliance**

You have documented your facility's areas of non-compliance. You now have to decide what specific actions are necessary to become compliant. There are two major ways to achieve compliance. The first is called an "end of the pipe" approach. This method does not examine the reasons why the pollution is created, it simply provides for installation of a device or system to remove the pollutant before it is discharged into the environment. *For example, in the floor drain example above, if a treatment filter was installed at the end of the drain pipe, it could remove the contaminant before it reached the stream.* You will still need a permit and may have to meet continuing permit requirements to operate this filter and drain.

A related example is that you may find you generate regulated quantities of hazardous wastes (e.g. cleaning solvents). You will need to assess your requirements as a hazardous waste generator. It may be that the solvent is very effective for your specific operation and that an adequate substitute is not available. In that case, you would need to check with your state to confirm what actions you need to take (e.g., get an EPA I.D. number, manage your spent solvents in the appropriate, labeled containers, arrange to have your waste manifested off-site to a hazardous waste treatment facility or recycler, and comply with biennial reporting requirements). This example is similar to an "end of the pipe" approach because it achieves compliance by focusing on the generated wastes, not by reducing the amount or type of chemical used.

The other major way to achieve compliance is through pollution prevention (P2). P2 focuses on reducing or even eliminating pollution by:

- Improving process efficiency,
- Using less toxic products and raw materials,
- Improving facility housekeeping,
- Recycling waste chemicals, and
- Controlling the use and storage of chemicals.

The following chart provides some starting points for thinking about P2 at your site.

APPLYING POLLUTION PREVENTION	
<i>What should I do?</i>	<i>Why?</i>
1. Get managers or other people in charge to support the P2 approach.	Without support from managers, employees may be reluctant to change. Vocal support from all levels of managers sends a clear message that P2 is a priority.
2. Get the program started by looking at operations throughout the company, developing a written P2 plan if possible, and training employees in P2.	The existence of the P2 program as a way to achieve environmental compliance must be known throughout the company. The person heading the P2 campaign must inspire all employees so that they understand that P2 is going to be the foundation for conducting business. Employees have to know that they will be held responsible for identifying chemical or process changes, and that such changes will be encouraged and supported.
3. Assess your operations to determine the raw materials used and points of waste generation. Use that information to define a baseline inventory to be used in setting P2 goals.	In order to minimize environmental risks and to maximize cost savings, you have to know what you are working with. It is critical to re-think each step of your operation, whether it is manufacturing a product or providing a service, to assess the raw material and energy inputs and the waste outputs.
4. Get ideas from the employees about possible P2 opportunities.	Employees are the ones most familiar with the details of operations. They are also in the best position to suggest how things could be done differently. Some research likely will be required as the P2 possibilities are identified. An excellent source of help on P2 is EPA's EnviroSense program.
5. Determine costs of waste management and disposal.	To institute changes to the operation, you will need the data that proves P2 will yield cost savings. You must have a baseline against which you can measure progress after putting P2 techniques in place.
6. Select the best P2 options for the company and implement those choices.	It probably will not be feasible to implement all of the P2 options that are identified. A cost/benefit analysis may help in selecting P2 projects that will yield the most benefits in the shortest period of time. If there will be capital expenditures (e.g., purchase of a new in-line recycling device), you will need to calculate the "pay-back time". You may decide to invest in projects that have a pay-back time of less than 5 years.
7. Document performance of each P2 project	You will want to measure the changes in waste generation and energy usage that result from using P2 techniques. You can then translate these changes to money saved. If the changes aren't what you anticipated, some adjustments may be necessary.
8. Maintain and sustain the P2 program for continued growth and benefits to the company.	As the P2 approach becomes a normal part of the operation, it may be possible to initiate the lower priority P2 projects to yield even more environmental and cost benefits. Throughout this process, it will be necessary to make sure employees "stay on board." It is their commitment that will contribute to the success of the P2 program.
9. Re-evaluate the program as economic situations change and/or process equipment requires upgrading.	As with most aspects in the competitive business arena, you must be regularly assessing your P2 program to see if there are further technological advances that should be tried that will give you a competitive advantage. In addition, as your equipment ages and needs to be replaced, remember to re-evaluate P2 opportunities relating to that aspect of your operation.

The P2 approach, which is also called “waste minimization,” is generally an effective and efficient way to manage environmental issues. Some of the benefits associated with this approach include decreased disposal costs, energy savings, improved regulatory compliance, and reduced environmental liability.

- **Develop a strategy**

Environmental requirements can be complex and confusing even for small facilities. If your facility is subject to several requirements, it may make sense to develop a plan of attack for addressing requirements. This plan may include:

- Identifying environmental tactics for staff,
- Determining who needs training,
- Identifying equipment and resource needs,
- Developing procedures and policies,
- Documenting incentives and penalties for superior and poor environmental performances, respectively,
- Determining who monitors compliance within your organization, and
- Establishing a schedule for achieving compliance and ongoing maintenance of environmental compliance.

- **Communicate these actions to other employees**

Line-staff personnel and managers often have numerous job requirements. It is absolutely critical that you educate the employees about their part in gaining environmental compliance. This may be simply a matter of posting reminders in the work area (e.g., “Don’t mix used oil and spent solvents!”).

Intensive training may be required initially, and regular refresher training provided as well, to enforce the point that the business is serious about sticking to the policies and procedures. If your company has a formal policy that says environmental compliance is part of everyone’s job, make sure your employees know it!

Once the employees are trained, they need to know what is expected of them with regard to environmental compliance. They need to understand how they are responsible for ensuring the company’s compliance with environmental regulations. Tying environmental compliance to performance evaluation can be a very effective strategy. Furthermore, it will be difficult for personnel to add environmental compliance requirements to their jobs if management does not appear committed to complying with environmental regulations. There are many ways in which management can demonstrate commitment. For instance, time can be set aside during meetings to discuss environmental issues; a basic statement signed by management highlighting the need for environmental compliance can be posted for all workers to see; and/or employees can be congratulated or rewarded for reducing the company’s environmental liabilities and costs. Once employees see how important environmental issues are to management, they will then place more emphasis on these topics.

- **Initiate the actions**

Once all of your employees are informed of your company’s environmental policies and procedures, it is time to initiate them. For the first week or so that the new policies are in place, you will have to be very attuned to your employees’ actions and correct them where

necessary. However, this transition period should be fairly short if you have invested the appropriate time in educating and informing your employees of the policies.

At the same time policies and procedures are put into place, staff may also be bringing new equipment on-line to address specific requirements. It is critical that staff understand how all efforts are part of the company's efforts to comply with environmental requirements, protect the community, and, if applicable, improve profitability by using pollution prevention technologies.

- **Evaluate the program's successes**

The last, and perhaps most important, step is to evaluate your environmental program's success. You should regularly evaluate your system for successes and flaws. When the program is first put in place, you should perform an analysis within the first month. This is to chart the progress of your initial program and make any necessary corrections. After the program is working smoothly, you should only have to assess it and make changes twice a year.

You should also perform an analysis of your environmental program when you make major changes to your operating process. For example, if you are a small-scale parts manufacturer, adding an additional production line would force you to incorporate changes into your environmental program. If this production change occurs when you have not revisited your environmental program for some time, you should spend the extra effort to review the whole process.

You should also review your environmental program when the environmental regulations change. Each year EPA releases a revised set

of environmental requirements through the Code of Federal Regulations. In some cases, the regulations do not change very much. At other times, the rules can be altered drastically. You should check with sources like trade associations, state agencies, environmental professionals, or EPA, which can alert you to regulation changes. In most cases, you should contact your state environmental regulatory agency at the beginning of each year for an update on their regulations or monitor regulation changes through the Internet.

Section 5 - Compliance Management Systems

As you evaluate your facility's environmental compliance situation, you might find that a more formal process is needed. Section 4 outlined a series of practical environmental considerations for you to initiate in your daily operations. However, there is a more formal method to account for environmental compliance issues in your management structure; this is commonly referred to as a Compliance Management System (CMS) (You may also have run across the term "Environmental Management System" (EMS) which is an even more formal type of management system that includes organizational structure, planning activities, achieving, reviewing and maintaining the environmental policy. For the purposes of this document, you may think of a CMS as a simplified subset of an EMS).

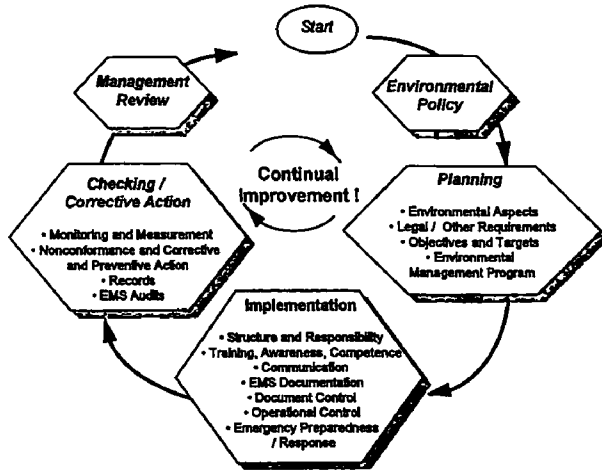
A CMS is a continual cycle of planning, implementing, reviewing and improving the actions that an organization takes to meet its environmental compliance obligations. While there are several costs associated with the creation of a CMS, the benefits include:

- improved environmental performance,
- improved environmental compliance,
- new customers and markets,
- increased efficiency and reduced costs,
- enhanced employee moral,
- enhanced public image, and
- enhanced reputation with regulators.

The CMS is traditionally divided into several different components or steps. These components are described below, so that you might better understand how it functions.

- **Environmental Policy:** An environmental policy is your management's declaration of commitment to the environment. The policy should serve as the foundation for your CMS and provide a unifying vision of environmental concern by the entire organization.
- **Planning:** In this step, you examine your environmental aspects and legal requirements, set your objectives and targets, and create your environmental management program.
- **Implementation:** This step creates the accountability structure for the CMS, implements the training program and communication system, documents the CMS, and establishes your control and emergency response procedures.
- **Checking and Corrective Action:** This step establishes the CMS's monitoring and measurement system, corrective and preventative action system, organizes relevant records, and conducts compliance audits. For additional help concerning audits, please see EPA's Protocols for Conducting Environmental Compliance Audit series (www.epa.gov/oeca/compliance/incentives/auditing/protocol.html)
- **Management Review:** Your CMS must be reviewed by management from time to time to stay "healthy." Management reviews are the key to continual improvement and to ensuring that the system will meet your organization's needs over time.
- **Evaluation of Performance:** A CMS is designed and implemented to achieve compliance with

achieve compliance with requirements. As such, you should evaluate how well your management system performs in meeting environmental regulatory requirements.



Please remember that while a CMS may seem overwhelming, its complexity and depth are determined by the size of your company and the number and type of environmental issues that your facility faces. In many cases, smaller companies may be able to skip or simplify steps because the size of the organization eases communication and implementation requirements.

The Compliance-Focused Environmental Program Checklist on the next page may help you develop a CMS for your operation.

Conclusion

EPA knows how confusing environmental compliance can be, especially for small businesses. Small businesses face many special situations which make compliance difficult, including lack of time and resources, difficulty in understanding the regulations, lack of environmental staff, etc. EPA understands these problems and wants to help. This document is one of many resources EPA can provide to assist your compliance efforts. More information can be found in the Compliance-Focused Environmental Program Checklist that follows this section and EPA's website (www.epa.gov). Good luck in your business and thank you for your interest in environmental compliance.

Listed below are a few ideas that you might find particularly useful for your small business. This list is based on work done by the NEIC.

Compliance-Focused Environmental Program Checklist

Environmental Program Element	Questions to ask employees for each Element
1. Management Policies & Procedures	
Environmental Policy	Does an environmental policy exist? How is the policy communicated to all staff? Are you familiar with the environmental policy? What does the environmental policy say? How does the policy affect you? How has the policy been communicated to you?
Site-specific Environmental Policies & Standards	What documentation exists regarding general policies, rules, and procedures for environmental principles and practices?
Environmental compliance program	Who is responsible for environmental compliance? Who will pay for penalties imposed as a result of noncompliance? Have fines been imposed? How do fines affect operations and bonuses?
Ongoing means of communicating environmental issues and information to personnel.	How do you receive information regarding changes in the environmental program? How do you know what is important and pertinent to your operations?
Specific actions to be taken to improve communication regarding environmental compliance.	Describe the communication system within the facility. How do you know what is important?
2. Organization, Personnel, and Oversight of the Environmental Policy	
Outlines formal organization for managing the environmental program	Do you know how the environmental policy is implemented and maintained? How does management advocate the policy?

Identify duties, responsibilities, and authorities of key environmental program personnel.	What are the lines of authority? Who has ultimate authority to enforce environmental directives?
3. Accountability & Responsibility	
Specifies accountability of plant management for environmental protection practices and corrective actions implemented in their area of responsibility	What level of responsibility do you have for environmental protection?
Specifies potential consequences of departure from specified operating procedures	What are the consequences of not following written Standard Operating Procedures (SOPs)?
4. Environmental Requirements	
Process for identifying, understanding, and communicating environmental requirements and changes in those requirements to affected operations.	Describe the process. Show where this has been done. Specifically, how do you detect and deal with environmental requirement changes?
	What sources are used to identify environmental requirements? Did you check with your EPA, a tribal agency and a trade organization?
5. Assessment, Prevention, and Control	
Identify the ongoing process for: - assessing - monitoring and measuring operations as they relate to environmental protection and regulatory compliance	What are the major environmental concerns/risks at the facility?

Identifying operations and waste streams where equipment malfunctions and deterioration, operator errors, and discharges or emissions may be causing, or may lead to releases of HW or hazardous constituents to the environment, or a threat to human health and the environment. Performing root cause analysis of identified problems to prevent recurring issues.	<p>What are the environmental concerns/risks related to your job or work area?</p> <p>What are the procedures for follow-up on an environmental incident?</p> <p>Do you have any reporting requirements?</p> <p>Where are records kept?</p> <p>How are these records reviewed?</p>
Process for developing and approving documented operating criteria for activities that could cause environmental impacts and/or non-compliance.	How do you develop criteria for operations that could have an environmental impact?
Describe the system for conducting routine self-inspections by department supervision and environmental coordinators. How was the system initially developed?	<p>How was the system developed?</p> <p>Who conducts inspections?</p> <p>Who receives inspection reports or results of inspections?</p> <p>How are deficiencies communicated and resolved?</p> <p>Describe the inspection process.</p> <p>What inspection responsibilities do you have?</p>
Process for ensuring input of environmental concerns and requirements in planning design, and operation of ongoing, new and/or changing buildings, processes, maintenance activities, and products.	<p>Describe the process for ensuring environmental concerns are considered.</p> <p>How are environmental issues incorporated into daily planning and operating activities, purchases, maintenance, new processes, etc.?</p>
6. Environmental Incident and Non-compliance Investigations	
Outline standard procedures and requirements for: <ul style="list-style-type: none"> - incident reporting - non-compliance reporting - investigation and development and tracking of corrective and preventative actions 	<p>Who develops the procedures?</p> <p>How, by whom, and how often are they updated?</p>
	What procedures are in place?
	<p>Describe incident reporting - what do you do?</p> <p>What is an incident?</p>

7. Environmental Training, Awareness, and Competence	
Identify specific education and training for personnel	How is necessary training and education determined? How is competence evaluated?
	How are specific training programs evaluated and identified?
Document training provided, including employees in non-environmental departments with environmental responsibilities. List overall and environmental job responsibility.	Who is trained? How do you know who has to be trained?
	What training do environmental department personnel have?
	What training have you received?
8. Maintenance of Records and Documentation	
Identify types of records developed in support of the environmental policy.	Who maintains the records and where are they maintained? What training do they have? Are there formal policies and procedures to operate the system? What protocols exist for responding to outside inquiries?
Specify system for recording and tracking: - any internal waste tracking or manifest systems - environmental data - HW determinations	Is the tracking system accessible to all employees? How are SOPs currently available to all employees? Who will respond to outside inquiries? Where is the following information kept: * waste tracking * manifests * TRI data * other environmental data
9. Pollution Prevention Program	
Describe internal program for reducing, reusing, and minimizing waste and emissions, including procedures to encourage material substitutions. The section also includes mechanisms for identifying candidate materials to be addressed by program.	Describe the program. How and when was it developed? Do you tap your employees for pollution prevention ideas? What are the results? Describe any baseline assessments. How do you track progress? Are there additional areas that you are considering?

10. Continuing Program Evaluation	
Determine if the environmental program is periodically reviewed.	<p>Annual program review schedule - who is involved and how will it happen?</p> <p>What prompts a review to occur?</p> <p>Are annual reports prepared?</p> <p>What are their distribution?</p> <p>Who is responsible for their preparation?</p> <p>Are results presented to upper management - how?</p>

Appendix A

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