



# COMPLIANCE & PREVENTION

## quarterly

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### Definition of Solid Waste Revised to Encourage Recycling

A final federal rule under the Resource Conservation and Recovery Act (RCRA) streamlines regulation of hazardous secondary materials (HSM) when they are recycled by reclamation. Ohio must adopt rule changes before it takes effect here.

The rule excludes most materials from the federal hazardous waste system that are:

- generated and legitimately reclaimed under the control of the generator;
- generated and transferred to another company for legitimate reclamation under specific conditions; or
- determined by U.S. EPA or an authorized state to be non-wastes on a case-by-case basis via a petition process.

The HSMs that are not eligible for exclusion under the new rules are:

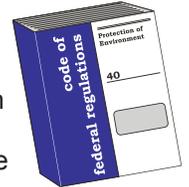
- HSM used in a manner constituting disposal;
- HSM burned for energy recovery (for example, blended to make a fuel);
- inherently waste-like materials (OAC rule 3745-51-02 (D));
- lead acid batteries; and
- listed hazardous wastes K171 and K172 (spent catalyst from petroleum refining operations).

### KEY POINTS FROM THIS ISSUE

- ☑ 5,600 U.S. facilities could benefit from recycling rule change
- ☑ New Ohio Green Fleets program encourages fleet emission reductions
- ☑ Ohio EPA transfers mercury switch removal to national program

The rule also contains a provision to determine which recycling activities are legitimate under the new exclusions and non-waste determinations.

U.S. EPA estimates that about 5,600 facilities handling approximately 1.5 million tons of hazardous secondary materials annually may be impacted by this rule. The activities most affected are metals and solvent recycling. U.S. EPA estimates that the regulation will save approximately \$95 million per year for the affected industries.



### When are these rules effective?

In Ohio, these rules will be effective when Ohio EPA formally adopts the rules into the Ohio Administrative Code. We anticipate that the rule adoption process will take close to a year to complete. The rules are not automatically effective in Ohio because the rules are considered less stringent than the current definition of solid waste rule and exclusions and therefore, U.S. EPA does not require us to adopt these rules. For more information about this rule revision, visit [www.epa.gov/epawaste/hazard/dsw/rulemaking.htm](http://www.epa.gov/epawaste/hazard/dsw/rulemaking.htm).

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### Web-Based Compliance Assistance Centers

Since 1996, U.S. EPA has worked with industry, academic institutions, environmental groups and other agencies to develop Web-based Compliance Assistance Centers. The centers provide businesses, local



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governments and federal facilities with information and guidance on environmental requirements and ways to save money through pollution prevention techniques. The centers also include telephone assistance lines, fax-back systems and e-mail discussion groups for easy access to plain-language materials and environmental compliance resources.



- First-Stop Shopping – a starting place for small businesses, local governments, facilities and technical assistance providers to get comprehensive, easy-to-understand compliance information targeted to specific industry sectors.
- Seamless Information Transfer – Internet linkages between the regulated community and their technical and regulatory assistance providers and between the providers themselves to share tools and knowledge and prevent duplication of efforts.

The centers support the following sectors:

- agriculture;
- automotive recycling;
- automotive service and repair;
- chemical manufacturing;
- colleges and universities;
- construction;
- federal facilities;
- healthcare;
- local government;
- metal finishing;
- paints and coatings;
- printed wiring board manufactures;
- printing;
- transportation;
- tribal governments and Indian country; and
- U.S./Mexico border issues.

Visit the centers to obtain:

- updates on relevant regulatory developments;
- sector-specific regulatory explanations;
- compliance tools and training;
- personal answers to questions;
- databases on technologies and techniques;
- pollution prevention tips and ideas;
- links to other assistance providers, vendors and suppliers; and
- state resource locators for a wide range of topics and state-specific environmental compliance information.

The centers provide:

- Compliance Assistance Tools – plain-language guides, consolidated checklists, fact sheets and other tools.
- Links Between Pollution Prevention and Compliance Goals – access to information and technical assistance on technologies to help minimize waste production and maximize environmental performance.
- Information on Ways to Reduce the Costs of Compliance – technologies and best management practices that reduce pollution while saving money.

Visit the centers at [www.epa.gov/oecaerth/assistance/centers/index.html](http://www.epa.gov/oecaerth/assistance/centers/index.html).

## Ohio Green Fleets Program Launched

In August, Clean Fuels Ohio launched Ohio Green Fleets (OGF). OGF is a voluntary program designed to significantly improve environmental performance of business and government vehicle fleets across the state.



OGF will help fleets self-assess their characteristics, priorities and goals; determine applicability of available technologies; assess and secure available funding; develop and execute implementation plans of applicable technologies; and recognize and promote fleet achievements.

While Clean Fuels Ohio promotes alternative fuels such as biodiesel and ethanol, the organization is fuel and technology neutral. Diesels are a primary target, but other fleet-types can also participate. Other eligible vehicles include buses, medium- and heavy-duty trucks, locomotives, construction equipment, cargo-handling vehicles, light-duty commercial and passenger vehicles. Vehicles involved in agricultural operations, mining or marine vessels are not eligible.

Perhaps one of the most important elements of OGF will be the development of a statewide scoring system designed to measure and recognize actual performance in reducing emissions. Points will be awarded for the various reductions in the four emissions of concern and other factors. The points will determine a designation of one, three or five stars.

Ohio Green Fleets plans to brand the program, much like U.S. EPA's EnergyStar, which is now widely known and sought-after by consumers. Key to the program will be an annual recognition and award ceremony to publicize and honor fleets. Winners will receive OGF decals for their fleets, indicating the level of recognition they received, along with a marketing release and other promotional materials.

Fleets can sign up two vehicles to start and gradually get more stars by adding additional vehicles. This will be a good way to see if the program will be cost-effective by comparing early numbers. While it's too soon to determine how many fleets will sign on, OGF is encouraged by the number of companies who have already expressed an interest. Most members will probably be diesel truck owners. OGF is actively working to build relationships with members to develop a green fleet policy tailored to their specific needs. Hands-on support and assistance includes educational materials, workshops, information seminars and help locating grants and other funding for retrofitting/upgrading equipment.

### About Clean Fuels Ohio

Clean Fuels Ohio is a statewide nonprofit organization dedicated to increasing the use of cleaner and energy-efficient domestic fuels and vehicles to improve air quality and health, reduce climate change, curb dependence on imported petroleum and support Ohio's economy.

For more information about OGF, go to [www.ohiogreenfleets.org/](http://www.ohiogreenfleets.org/) or contact Brad Couch, Program Development Director, at [Brad@CleanFuelsOhio.org](mailto:Brad@CleanFuelsOhio.org) or (614) 884-7336.

### Ohio's Voluntary Mercury Switch Removal Program Update

In September 2006, Ohio was one of the first states to partner with the National Mercury Vehicle Switch Removal Program (NMVSRP) to collect automobile mercury switches. The state used the NMVSRP system and contractors for switch collection and accounting, but administered incentive awards from an Ohio fund. Ohio EPA offered \$3.00 per switch or ABS brake unit versus the national program offering \$1.00 per switch. Ohio's administration of the program offered considerable benefits to automobile recyclers in Ohio.



In August 2008, NMVSRP increased the incentive amount to \$4.00 per switch and \$6.00 per ABS brake unit. Ohio EPA determined that it was best for Ohio auto recyclers to fully integrate into the national program. The meant transferring the administration of financial incentives to the national program and its contractor, End of Life Vehicle Solutions (ELVS). Ohio's switch program completed its transition to full administration by the NVMSRP on September 1, 2008.

Since Ohio's switch collection program began, auto recyclers in Ohio collected 41,310 mercury-containing automobile switches for recycling and were awarded \$123,900 in incentives. Now all collections, accounting and incentive awards come from the NMVSRP. Under

NMVSRP, everything works exactly the same but incentive payments will be coming from the NMVSRP. All auto recyclers originally signed up for the Ohio program have been signed onto the national program. No paperwork will be needed to collect the switches. ELVS will send auto recyclers a W-9 form to fill out when they turn in their first bucket.

Since the transition, more than 5,000 additional switches have been collected. More information on the program is available at [www.epa.state.oh.us/ocapp/sb/switch\\_removal\\_program.html](http://www.epa.state.oh.us/ocapp/sb/switch_removal_program.html).

### State Challenge Goal for Performance Track

Ohio became the first state to have its own Challenge Goal under U.S. EPA's Performance Track program.



Performance Track applications are accepted twice a year. Ohio's challenge goal was made available to Ohio Performance Track participants as part of the September-October application process. The goal asks participants to commit to a 50 percent reduction of one Toxic Release Inventory (TRI) chemical as part of their goal-setting process. To stay in the program, Performance Track participants must commit to four goals every three years. A participant has the option of committing to one state or regional challenge goal in lieu of two regular Performance Track goals since state or regional challenge goals are based on the environmental priorities of the state or U.S. EPA region. There are a series of regional challenge goals; however, Ohio is the first state to have its own challenge goal. The challenge goal supports Ohio EPA's ongoing efforts to reduce TRI emissions in Ohio.

### Frito-Lay Recognized for Performance Track Efforts

U.S. EPA recognized Frito-Lay in Wooster for its Performance Track efforts at an event on September 23, 2008. Several government officials, senior plant management and Ohio EPA staff participated in the event.

The Performance Track program recognizes manufacturing facilities with a strong record of environmental compliance that have committed to above-standard goals for continuous improvement in environmental performance. The Frito-Lay Wooster plant has more than 340 employees and produces 72 million pounds of snack foods annually.

The facility has reduced water use by 22 percent and natural gas use by 18 percent since 1999. Frito-Lay Wooster has set several goals for environmental improvement over the next few years, including reducing total water usage, decreasing landfill waste, improving recycling and reducing energy use.

For more information about Performance Track, contact Mike Kelley at Ohio EPA's Office of Compliance Assistance and Pollution Prevention at (614) 644-2930 or visit [www.epa.gov/performance-track/about.htm](http://www.epa.gov/performance-track/about.htm).

More information about Ohio Performance Track members is available at <https://yosemite.epa.gov/opei/ptrack.nsf/vaMembersSortPages/faMembersByState#oh>.

### Need Help?

Ohio EPA's Office of Compliance Assistance and Pollution Prevention is a non-regulatory program and one-stop location for information about environmental requirements, compliance concerns and pollution prevention. Services are free. Contact us at (800) 329-7518 or (614) 644-3469.

### How You Can Make a Difference

You can make the publication of *Compliance and Prevention Quarterly* more environmentally friendly. E-mail the Office of Compliance Assistance and Pollution Prevention at [p2mail@epa.state.oh.us](mailto:p2mail@epa.state.oh.us) to request that we send you an electronic copy, an Adobe Acrobat PDF file or a message that indicates the newest version is now available on the Web. It's that easy to make a difference.

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