

Environmental Department

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ENVIRONMENTAL UPDATE

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Focus: Recent Hazardous Waste Enforcement Actions in New Hampshire

Hazardous waste enforcement has recently been of particular importance to federal and State regulators in New Hampshire. For example, in the first quarter of 2002, three hazardous waste enforcement actions were settled with New Hampshire manufacturers. One company paid an \$8,500 penalty; the second paid \$7,500 in cash and undertook two supplemental environmental projects costing \$82,000; and the third company paid a penalty in excess of \$35,000.

Certain alleged violations were common to each case: (1) inadequate training of employees who manage hazardous wastes, (2) failure to conduct and document inspections of hazardous waste storage areas properly, and (3) failure to label waste containers properly. Other violations included failure to: (1) have or maintain a complete hazardous waste contingency plan, (2) post emergency information; (3) obtain a permit for storage of hazardous waste for more than 90 days; (4) make hazardous waste determinations; (5) submit an accurate annual hazardous waste report; (6) accurately complete hazardous waste manifest records; and (7) have enough aisle space in storage areas. The waste streams at these companies were not unusual. They included
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Are you in Compliance With EPCRA?

EPA has sharpened its focus on EPCRA enforcement. The Emergency Planning and Community Right To Know Act ("EPCRA") is a federal law that requires subject facilities to file annual reports with EPA regarding chemical usage and storage. Other requirements include reporting chemical emissions and interacting with State and local authorities regarding emergency planning.

Many facilities, including comparatively small manufacturers, are affected by EPCRA and are frequently surprised to learn they have compliance obligations. For example, storage of fuel on site or substances that require an MSDS sheet (if such storage exceeds EPCRA's threshold planning quantities) could trigger EPCRA obligations. Routine environmental auditing can help identify and correct any instances of non-compliance.

EPA recently pursued significant enforcement actions around the country, including Region 1 (New England). In some cases, EPA negotiated reductions in the penalties it assessed in return for the companies undertaking supplemental environmental projects (SEPs) that accomplished a significant reduction of chemical emissions, or that provided funding to purchase emergency response equipment for local responders. In negotiating reductions, EPA accounted for a variety of factors such as redesign of storage tank and containment areas, elimination of toxic chemical(s) from processes or inventory, improving piping, installing flow meters, installing a waste separation tank, improving toxic chemical handling process, and providing more training to employees in the areas of risk management and reporting requirements.

corrosive and metallic wastes, lead-contaminated sand and debris, paint and lacquer waste, and waste oil.

Any facility that manages hazardous waste should take note of these enforcement actions and learn from them. Such problems, which are quite common, can frequently be identified and corrected through basic environmental auditing. In these types of situations, an ounce of prevention is definitely worth a pound of cure.

Environmental Deadlines

July 1 – EPCRA Toxic Release Inventory due (Form R)

Oct. 15 - Air emission fees due to NHDES for all holders of New Hampshire State Air Permits