CSI NEWS

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In This Issue

Bright Idea 1
Tire Fee Re-Pressurized 2
SCAQMD Simplifies..... 3
Freon Log Revisited..... 3
444.1 Billion Dollars 4

Bright Idea?

You cannot dump your fluorescent lamps into the dumpster any more! The US EPA has made changes to waste rules applying to spent mercury-containing light bulbs that requires recycling of these lamps and prohibit landfill disposal.

The rule has been adopted to reduce the disposal of mercury containing wastes into landfills. Mercury is a toxic pollutant that accumulates in our body. Children are at a high risk as they absorb more mercury as a percentage of their body weight. Examples of wastes that are being regulated under this new rule are fluorescent, high-intensity discharge, neon, mercury vapor, high pressure sodium, metal halide, thermostat (with metallic mercury in an ampoule), batteries (non-automotive), and lamp ballasts.

The new EPA rule classifies these light bulbs as a "universal waste." That EPA designation lessens the regulatory burden as compared to having the used lamps labeled hazardous waste. Also, the universal waste designation would be less expensive in terms of recordkeeping, storage, transportation and disposal. Currently there are 1 billion fluorescent lamps discarded each year in the US of which 10% are recycled. The new rule would increase the recycling rate to more than 60%. As the lamps are fragile and break easily, sending these lamps to a hazardous waste landfill would not help. Recycling probably is the only answer. The federal EPA rule, however, exempts household and conditionally exempt small quantity generators (CESQG) from this requirement.

Exemptions: Businesses with total generation of hazardous wastes (RCRA wastes) and universal wastes that do not exceed 100 kilograms in a calendar month are not required to recycle the universal wastes provided the wastes are disposed in a landfill permitted to accept such wastes and no more than 25 fluorescent lamps are discarded in a single day. This means if your RCRA wastes, i.e., petroleum solvent and lacquer thinner, are less than 100 kg a month, the rule exempts you from handling the lamps as a universal waste. Households are also exempt from universal waste requirements under the EPA rule.

Non-Exempt Entities: If your business generates more than 100 kilograms per month of universal waste and hazardous waste (RCRA waste) then you are required to recycle the universal wastes. The dealership should contact a hauler and have the waste shipped to one of the recycling facilities. The hauler can provide the dealership with an appropriate container that is properly labeled. California currently has three permitted recycling facilities as follows:

- Allied Technical Group, Fremont, CA (510) 490-8686
- Lighting Resources, Ontario, CA (909) 923-7252
- Mercury Technologies, Hayward, CA (510) 429-1129

Businesses may contact these facilities for setting up disposal. CSI has knowledge that other haulers collecting wastes from dealerships such as waste oil and waste oil filters are also offering services to collect the universal wastes. To summarize the requirements of the rule and to facilitate recycling, the dealership must undertake steps as follows:

Storage: Waste must be stored in a container that prevents breakage or spillage. Fluorescent lamps are fragile so this would require special containers. Also, the containers should be kept closed, structurally

sound, and compatible with the contents of the wastes.

Labeling: The labeling requirements are quite simple, i.e., label "lamps" "waste batteries/ballasts" etc..

Time Limitations: Waste can typically be stored on-site for one year. The dealership may store the waste for more than one year if the purpose of accumulation is to facilitate proper recovery, treatment or disposal. CSI is of the opinion that the dealership can go beyond one year provided they are doing so to facilitate getting a better rate for disposal of larger quantities of this material.

Training: Employees needs to be trained for handling and disposal. Also, training has to be provided for emergency/spill response.

Haulers: Haulers do not need any special registration. No manifests or special records are required. DOT labeling is required for containers as mandated by US DOT.

California has adopted the federal regulations as described above. However, in early 2001, California will enact regulations that are more stringent than federal regulations. These California regulations, as proposed, will take away the household exemption and CESQG exemptions. Under the proposed rule, households will be required to take the universal wastes to the local collections sites on a periodic basis in a fashion similar to that of household paints, solvents, wastes, etc.

Businesses are somewhat apprehensive about ways and means to comply with the new rule. The good news is that enforcement of this regulation is so far non-existent but that is subject to change. New businesses are setting up to help businesses comply with the new rule. Contractors that routinely replace fluorescent lamps and ballasts at the dealership may also be willing to dispose of the lamps for an additional cost. *(Universal Waste Regulations – Emergency Regulations)*

Tire Fee Re-Pressurized

California has had a tire-recycling fee since January 1, 1995. Recently a new legislation, Senate Bill 876 (Escutia) was signed by the Governor on September 28, 2000 that will change the Tire Recycling Fee in a significant manner. The legislation will impact procedures for charging the fee and submission to state treasury, the amount of the fee that needs to be submitted to the state, and waste tire disposal documentation.

The legislation was enacted after two major fires in northern California burnt for long periods of time. The Filbin stockpile in Westley and the Royster stockpile in Tracy burnt over 8 million tires. Further, these fires spewed dirty black smoke that could be observed for miles for a period of 6 months. California generated over 30 million waste tires annually of which only 19 million are recycled. The adverse impact of pollution caused by the burning tires, and stockpiles of these tires at many locations led the legislator to enact this new legislation.

Under the new legislation that goes into effect on January 1, 2001 a "California Tire Fee" has been imposed as follows:

- Every person who purchases a new tire shall pay a California Tire Fee of $1.00 per tire.
- The retail seller shall charge the retail purchaser the amount of the California Tire Fee as a charge that is separate from and not included in, any other fee or other amount by the purchaser. (MEANS-Separate item on invoice!)
- Retail seller shall retain 3% of the fee as reimbursement for any costs associated with the collection of the fee. The remainder is to be paid to the California Tire Recycling Management Fund in the State Treasury on a quarterly basis. CSI concludes that this means to complete the quarterly return as earlier with a minor modification-the dealerships cut is reduced from 10% to 3%!)
- The California Tire Fee must be separately stated by the retail seller on the invoice given to the customer at the time of sale. Any disposal fee paid to waste tire hauler for disposal of old and used tires shall be identified separately from the California Tire Fee.
- The new tire is defined as new tire sold with a new or used motor vehicle, including the spare tire, construction equipment, farm equipment, or installed as part of service being done on the customer's vehicle.

- Reading items iv) and v) together means you have to collect a $5.00 fee for every new or used car sold with 5 tires and disclose so on the vehicle sales contract.
- If you make false statement or representation in any document for compliance with the law, a civil penalty up to $25,000.00 can be imposed for each violation. In addition, administrative penalties of up to $5,000.00 can be imposed for each day for someone who continues to violate any rule or regulation under this law.
- Lastly some amendments to waste tire shipping papers. A "California Uniform Waste and Use Tire Manifest" must be completed at the time of waste tire pickup. The manifest must indicate the number of tires being shipped, the types of tires, the date of shipment, and the origin and intended final destination of shipment. The hauler must be registered with the Integrated Waste Management Board as a waste and used tire hauler. The transportation of 10 (or fewer) waste tires by the dealership does not require registration with the board. A copy of the waste manifest shall be submitted to the board on a quarterly basis by the generators of waste tire (CSI is of the opinion that this is a new requirement). The manifest will also bear the signature of the generator and the waste tire hauler.

All this will do is require that the dealership make changes to the invoices and sales contracts. Start now, as January 1, 2001 is not so far away. California Motor Car Dealers Association is working on the new forms and hopes to make them available to dealers before the year's end.

SCAQMD Simplifies

South Coast Air Quality Management District (SCAQMD) has eased the recordkeeping requirements on a wide variety of businesses using Volatile Organic Compounds (VOCs) typically found in paints and solvents. The amendments to Rule 109 of the SCQAMD will allow business to keep records of solvent usage on a monthly basis rather then a daily basis, as long as they:

- Are not subject to daily emission limits
- Do not use air pollution equipment
- Use solvents that meet AQMD VOC limits.

Dealership should review their "Permit to Operate" document issued for their spray operations from SCAQMD. If the emission (usage) limits are stated on a daily basis, then daily logs still need to be kept. Permits with monthly emission limits can forgo daily recordkeeping and only maintain logs on a monthly basis.

Dealerships who wish to amend their permits to reflect only monthly emission limits and remove the "daily limits" from the permit can do so by filing an application (Form 400A) with the SCAQMD. A fee of $315 is required with the application fee.

Freon Log Revisited

All employees utilizing freon recycling machine must be certified by an agency approved by the US EPA under Section 609 that covers technicians working on motor vehicle units utilizing freon (CFC-12). This is a federal requirement and is applicable to all dealerships in all 50 states.

In southern California, the SCAQMD has enacted additional rules (as of 1991) that require recordkeeping on usage and maintenance of the freon recycling machine. Many dealers let these requirements pass for a few reasons. One, the SCAQMD enforcement on this rule has been lax and second, freon is now being used only on an intermittent basis. SCAQMD staff, however, has advised CSI that the rule is good and violators to this rule are subject to fines and penalties. The rule requirements are as follow:

- No freon unit will be serviced unless the freon is recovered or recycled using approved recycling equipment.
- The equipment should be tested every 6 months for leaks using an electronic halogen detector or other approved equipment.
- No freon is to be added to an air conditioning equipment unless it has no detectable leaks as measured by an electronic halogen detector or fluorescent trace dyes scanned by a UV Lamp.
- No person shall sell or distribute any refrigerant for motor air conditioning

systems in containers of capacity less than 20 lbs.

- Records shall be kept for two years and shall be made available to an inspector as follows:
  - Pounds of refrigerant purchased, used, recovered, recycled, stored and sold *(CSI has a blank form for recordkeeping).*
  - The semi-annual maintenance records for any recovery and recycling equipment that includes:
    1) Name of the person performing maintenance;
    2) Date of maintenance;
    3) Results of the leak test; and
    4) What equipment was checked, modified, serviced or replaced.
  - Annual document of training of all personnel performing or supervising refrigerant recovery or recycling.
  - Annual documentation of freon shipped off-site, if any.

If the dealership needs any assistance in compliance with any of these SCAQMD guidelines, they may contact CSI at (562) 624-1103.

444.1 Billion Dollars

The cost of unintentional injuries in the United States cost $444.1 billion in 1996. To make these numbers more understandable, National Safety Council has reduced them to a more understandable scale. $444.1 billion is equivalent to 68¢ of every $1 paid in 1996 federal personal income tax, or 58¢ of every $1 spent on food in the US in 1996. Also, $95.7 billion was spent for injuries at home and that equals to a $82,400 rebate on a single family home built in 1996. Motor vehicle crashes also costed 176.1 billion and that equals to $20,700 rebate on each new car sold in 1996!

Inserts

Waste Antifreeze: The waste antifreeze insert with this newsletter incorporates the changes made to waste antifreeze disposal documentation in the state of California. Please replace the existing insert on waste antifreeze with the enclosed memo in your black box.

Labor Law Poster: Enclosed is a list of current labor law posters required in the state of California.

The ***CSI News*** is a periodic publication of CSI and should not be considered as legal advice or legal opinion on any specific facts or circumstances. The contents are for general information purposes only. For further information regarding issues addressed in this publication, please contact your CSI representative. Edited by Sam Celly, MS, JD, REA, ASP

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