
CSI NEWS

Celly Services Inc.

Vol. 1 • No. 1 • July 15, 1994

ENVIRONMENTAL AFFAIRS

Hazardous Waste Management -- Cost Analysis

The California Attorney General's Office has sent several automobile dealers notices regarding deceptive advertising practices being used for hazardous waste disposal charges. The Attorney General's office is specifically concerned with advertisements (i.e. coupons) that list a price for a service with a notation "Plus Hazardous Waste Disposal."

CSI, not being a law firm, is prohibited from giving legal advice. However, we wish to extend to dealerships information on proper advertising practices that automobile dealers may use when the service involves a hazardous waste charge. The Attorney General's office permits dealers to advertise as follows:

Lube, oil & filter special-\$16.95

(Includes \$1.50 for disposal of hazardous waste)

Senior Assistant Attorney General, Mr. Elkins informs CSI that any advertisement should state *the total price* for the service, including the hazardous waste charge. He noted that this requirement is limited to advertisements and does not apply to estimates.

Spray Booths Pre-certified for Air Quality Permits

Speedy permits are now available for a variety of automotive spray booths, which have been added to South Coast Air Quality Management District's (SCAQMD) pre-certified equipment list.

Three manufacturers--Binks Manufacturing, Bleeker Brothers and Spraybake Inc.--produce 44 different spray booth models that meet SCAQMD's pre-certified requirements.

Business owners who buy certified equipment pay only \$150 for a "permit to operate" application, which is processed within three days. Permits for similar uncertified equipment can take up to 30 days.

SCAQMD also has certified certain soil remediation systems of gasoline contaminated soil sites.

For more information on this SCAQMD program, contact Andrew Lee at (909) 396-2643.

Financial Responsibility for Underground Storage Tanks

Federal underground storage tank (UST) regulations mandated that each UST owner/operator be able to mitigate the damages from a leaking UST up to \$ 0.5 million per incident and \$ 1 million annually (if your monthly throughput is 10,000 gallons or less). This required UST owners/operators to obtain insurance or some form of financial responsibility by December 31, 1993.

In California, state law mandates that UST owners/operators contribute to an Underground Storage Tank Cleanup Fund (USTCF). Contribution to the fund ensures compliance with the federal requirements stated above. UST owners/operators are required to file a return and pay \$0.006 per gallon of throughput to the state of California. In the event of an UST leak, the fund will provide for cleanup costs, to a maximum of \$490,000 per incident and \$990,000 annually. The owner/operator will be responsible for the first \$10,000.

The state now wants owners/operators to *demonstrate* that they have a net worth of \$100,000 to cover the first \$10,000 of the cleanup costs. This can be accomplished in a number of ways such as a letter from the company financial officer stating that the net worth of the company exceeds \$100,000, *or* through independent insurance coverage. The letter stating this net worth should be kept on company property. Another form called "Certification of Financial Responsibility" needs to be mailed to the local regulating agency for underground storage tanks. We at CSI can provide you with the forms and also help you complete them.

Waste Tire Disposal Regulations

The state of California requires used tire haulers to be registered with the state, effective January 1, 1995. Trucks used for transporting used tires will require a special decal from the state. Also, dealerships will be required to obtain proper documentation for the disposal of waste tires. At the time this newsletter went to press, exact details of the documentation requirements were not available.

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HEALTH AND SAFETY AFFAIRS

Job Safety

The National Safety Council & Bureau of Labor Statistics estimate that 6000 to 8500 workers died due to job-related injuries and illnesses in 1992. The National Safety Council reported that the total cost of deaths and injuries to the nation, employers and individuals was \$116 billion. Sprains and strains, which include back injuries, accounted for 44% of occupational injuries that resulted in days away from work. Back injuries alone account for almost one-third of the workers' compensation lost-time cases, and are also one-third more expensive than lost time cases in general (\$24,000 for back claims vs. an average cost of \$17,000). Motor vehicle accidents account for the largest number of deaths, with work-related homicide a close second.

Indoor Air Quality (IAQ)

Federal OSHA has recently proposed a rule for indoor air quality with special emphasis on environmental tobacco smoke. Officials predict the rule to be of the most expensive ever proposed by OSHA. Cost is estimated at \$8.1 billion. The rule holds employers, rather than building owners, responsible for compliance. The rule states that in areas where smoking is allowed, an exhaust system must vent air directly outside. The rule mandates that employers maintain and operate Heating, Ventilation & Air Conditioning (HVAC) systems.

The National Institute of Occupational Safety & Health (NIOSH) has found HVAC to be a primary cause of IAQ problems. Other causes include indoor contaminants and microbial organisms. Of note, Cal-OSHA has a minimum building ventilation standard that requires proper design *and* operation of the ventilation system.

In California, the Smokefree Workplace Act (AB-13) authored by Assemblyman Terry Freidman, (D-Encino) cleared the State Senate on June 30, 1994. If the bill is approved by the Assembly and signed by the Governor, it will be the toughest smoking law in the country. The Act, which prohibits smoking in most enclosed workplaces, protects the health of employees by eliminating exposure to second hand smoke. It also protects the health of California businesses by immunizing them from claims due to

adverse effects of second hand smoke. Aides to Assemblyman Freidman are optimistic about the Governor signing AB-13. Of note, the Governor signed an order banning smoking in all state buildings in 1993. A preliminary survey of automotive dealerships conducted by CSI shows that most dealerships have already banned smoking inside buildings and as such would be unaffected by the proposed legislation.

Personal Protective Equipment

A Federal-OSHA rule designed to enhance the use of personal protective equipment (PPE) such as safety glasses, hard hats, face shields, safety shoes and gloves, went into effect on July 5, 1994. The rule is expected to improve worker acceptance of PPE by permitting better, more comfortable designs, not required by current standards.

Enforcement

Federal OSHA has increased the *minimum* penalty for willful, serious violations of OSHA regulations to \$25,000 from the previous level of \$5,000.

Currently, the penalties that can be assessed by Cal-OSHA are as follows:

- *Minimum* penalty for willful and repeated violations (not involving death or injury) is \$5,000.
- *Minimum* penalty for willful and repeated violations involving death or injury is \$35,000.
- *Maximum* penalty for general violations (non-serious) and regulatory violations is \$7,000.
- *Maximum* penalty for failure to abate a violation is \$7,000.
- *Maximum* penalty for serious violations is \$7,000.
- *Maximum* penalty for willful or repeated violations is \$70,000 for each violation.