Legal and Other Requirements

Annual EMS Conference
Iowa EMS Framework (HF 2570)

PLANNING

6 Plan Components
- Yard Waste Management
- Hazardous Household Waste Collection
  - Water Quality Improvement
  - Greenhouse Gas Reduction
  - Recycling Services
- Environmental Education

Legal & Other Requirements

Objectives & Targets

Action Plan

Identify Roles & Responsibilities

Communication, Training & Awareness

Monitoring & Measurement

Assessment

Reevaluation and Modification

IMPLEMENTATION AND OPERATION

CHECKING AND ACTION

Environmental Policy Statement

Environmental Impacts

• Water Quality Improvement
• Greenhouse Gas Reduction
• Recycling Services
• Environmental Education

• Yard Waste Management
• Hazardous Household Waste Collection

Modification
Legal and Other Requirements (HF2570)

- Identify and Document Environmental Legal Requirements for Operations and Facilities within the Fenceline, Including Relevant:
  - Laws
  - Regulations
  - Permits
  - Worker Health and Safety Regulations

- Establish a Process for Tracking Changes to Regulatory and Other Requirements
Legal Requirements—Examples

- HF 2570
- Stormwater Pollution Prevention Plan (SWPPP)
- Spill Prevention, Control & Countermeasure (SPCC)
- Occupational Safety and Health Administration (OSHA)
- IAC 567 Chapter 101 Solid Waste Comprehensive Planning
- Title V Operating Permit
Other Requirements – Examples

- LEED Certification
- Energy Star
- Management Directive
- EPA/DNR Voluntary Commitments
- Responsible Recycling (R2) Certification
Legal and Other Requirements

- Typically a List of Legal and Other Requirements Affecting an Organization
  - Include Permits
  - Assign Responsibilities
  - Document Frequency of Review by Legal and Other Requirement

- Level of Detail on List Should be Useful for the Audience
  - 40 CFR 112
  - 40 CFR 112 – Spill Prevention Control and Countermeasures Plan required for facility storing over 1320 gallons of petroleum products
EMS Procedure

- Most Organizations Write an EMS Procedure for Legal and Other Requirements
  - Document and Assign Responsibilities
  - Document How the Legal and Other Requirements List was Developed
  - Include List of Services to Keep the Organization Informed of Changes
  - Describe How Changes in Regulations Will be Incorporated Into the EMS
    - Training
    - Documents and Records
Identify Applicable Legal and Other Requirements

- Determine if There is an Existing List and Who is Currently Responsible for It
  - Review for Completeness and Update as Necessary
- No Existing List?
  - Review Example Legal and Other Lists from Tier 2 EMS
  - Review Existing Permits
  - Conduct a Compliance Audit
  - Review DNR Checklists
  - Interview Responsible Staff
- Develop a List of Legal and Other Requirements that has the Appropriate Level of Detail
- Communicate List and Train Staff as Needed
Reviewing and Maintaining List

- Review List on a Periodic Basis
- Update List When Activities Change or New Processes are Added that Affect Legal and Other Requirements
  - Installation of a Tank
  - Sign on to Voluntary Commitments
- Review Regulations for Changes and Update List
  - LGEAN – Free List Serve
  - Federal and State Registers
  - Legal Services
Applicable Legal and Other – Sometimes Missed

- Tank Management
  - Inventory Control Records
  - Inspections/Testing
  - Tank Component Upgrades
- Spill Prevention Control and Countermeasures
  - Develop Plan if Petroleum Products Stored Over 1,320 Gallons
  - Inspections
Applicable Legal and Other – Sometimes Missed

- Storm Water Pollution Prevention Plans
  - Inspections
  - Sampling, if required
  - Annual Plan Review

- Air Emissions
  - Painting
  - Welding
Example – Metro Waste Authority

- Compliance Audits were Conducted to Review Existing Activities, Identify Applicable Legal Requirements, Identify Compliance Gaps, and Set a Schedule and Responsibilities for Closing the Gaps
- Developed a Detailed List of Legal and Other Requirements
- Created a Compliance Calendar to Track Regulatory Due Dates
- Wrote an EMS Procedure to Document Process and Assign Responsibilities
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Example– Cass County Environmental Control Agency

- Reviewed CCECA’s Existing List of Environmental Regulations
- Surveyed their EMS Fenceline to Identify Current Regulations and Permits that are Applicable
- Compared CCECA List against Metro Waste’s Legal and Other List to Find Gaps
- Updated List Accordingly
# Cass County Example List

**Cass County Environmental Control Agency**

**Cass County Landfill & Recycling Center**

**Legal and Other Requirements Review**

*This copy is a work in process - not complete*

**Environmental Management Systems**

**Responsibility - Operations Manager / Environmental Management Representative**

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Develop a Written Procedure

- How, Who, and When You Identify?
- Where Can You Find Them?
- How Do You Make Sure They Are Current?
- What Happens When There Are Changes?
- What’s Covered?
  - Local, State, Federal Regulations
  - Legal Requirements
  - Other Requirements
What is in Place Already?

- What Process Does Your Organization Follow?
- Do You Have Access to Legal Requirements When Needed?
- Do You Have a System to Keep Up-to-Date?
- Are There Any Ways to Improve Your System?
Best Practices

- Review Existing Lists with EMS Fenceline in Mind
- Refer to Tier 2 Examples and Update Accordingly
- Develop a Clear Procedure, Including Methods to Keep Updated and Accessible
- When Activities Change, Legal and Other Requirements Need to be Checked
- On a Routine Basis, Monitor Compliance With the Legal and Other Requirements Identified
Questions?