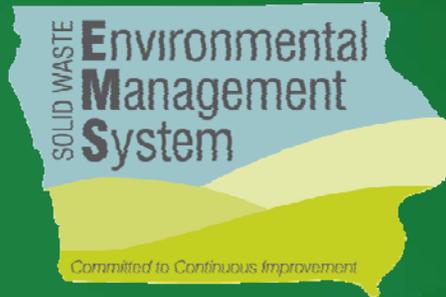




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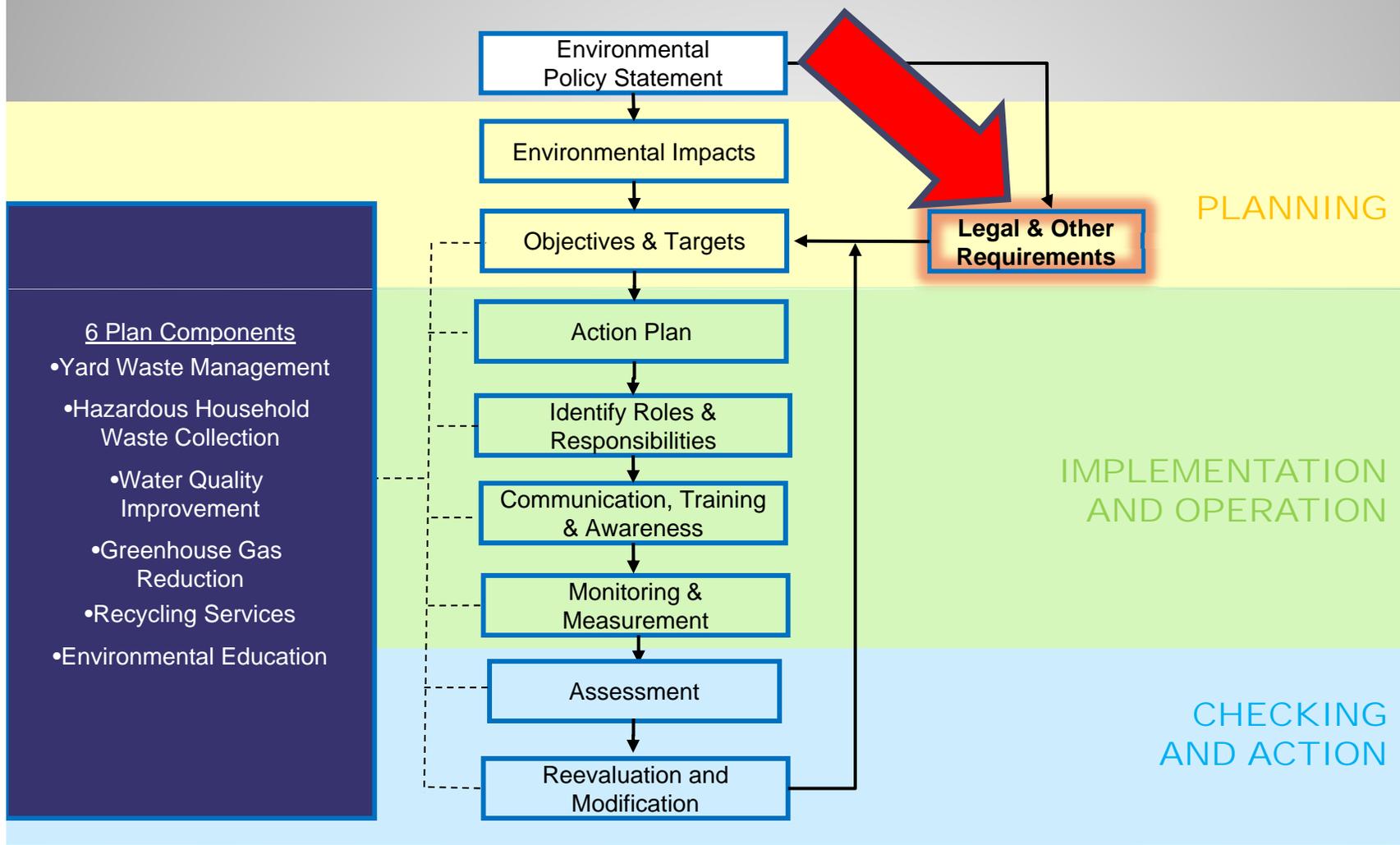
# Legal and Other Requirements

Annual EMS Conference



G R E S H A M  
S M I T H   A N D  
P A R T N E R S

# Iowa EMS Framework (HF 2570)



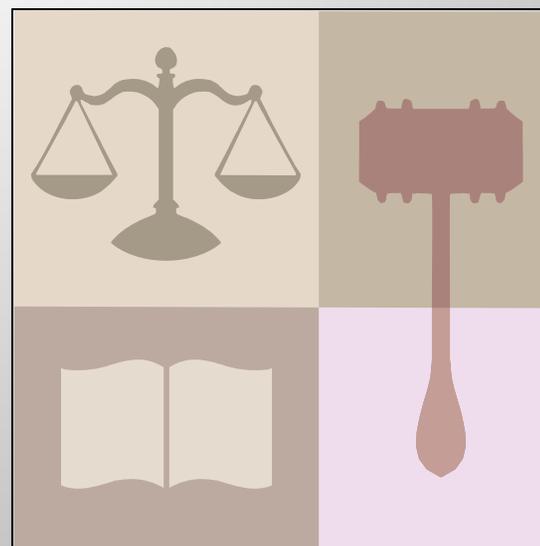
- 6 Plan Components
- Yard Waste Management
  - Hazardous Household Waste Collection
    - Water Quality Improvement
  - Greenhouse Gas Reduction
  - Recycling Services
  - Environmental Education

# 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

# MWA Example List



 <p><b>Metro Waste Authority</b> Your Partner in Environmental Solutions</p>	<p><b>Legal and Other Requirements</b></p>	
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Citation	Description	Reference
<b>State Regulations</b>		<a href="http://www.legis.state.ia.us/IAC.html">http://www.legis.state.ia.us/IAC.html</a>
<b>Air Programs</b>		
567 IAC 20	Scope of Title – Definitions – Forms – Rules of Practice	
567 IAC 21	Compliance	
567 IAC 22	Controlling Pollution	
567 IAC 23	Emission Standards for Contaminants	
567 IAC 24	Excess Emission	
567 IAC 25	Measurement of Emissions	
567 IAC 26	Prevention of Emergency Emission Episodes	
567 IAC 27	Certificate of Acceptance	
567 IAC 28	Ambient Air Quality Standards	
567 IAC 29	Qualifications in Visual Determination of the Opacity of Emissions	
567 IAC 31	Nonattainment Areas	
567 IAC 33	Special Regulations and Construction Permit Requirements for Major Stationary Sources – Prevention of Significant Deterioration (PSD) of Air Quality	
567 IAC 34	Provisions for Air Quality Emissions Trading Programs	
PCBHRR: Polk County Board of Health Rules and Regulations.		



# 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

Regulations	Descriptions	Agency	Information Location	Review Frequency	Permit #	LF	RCC
<b>Federal Regulations</b>							
US Code Clean Water Act (Title 33 Chapter 26)	Restoration and maintenance of nation's waters	USEPA	<a href="http://www.gpoaccess.gov/cfr/index.html">www.gpoaccess.gov/cfr/index.html</a>	Annual		x	x
CFR Title 40 Part 50	National Primary and Secondary Ambient Air Quality Standards	USEPA	<a href="http://www.gpoaccess.gov/cfr/index.html">www.gpoaccess.gov/cfr/index.html</a>	Annual		x	x
CFR Title 40 Part 51.156	Review of New Sources and Modifications	USEPA	<a href="http://www.gpoaccess.gov/cfr/index.html">www.gpoaccess.gov/cfr/index.html</a>	Annual		x	
CFR Title 40 Part 260	Management of hazardous waste	USEPA	<a href="http://www.gpoaccess.gov/cfr/index.html">www.gpoaccess.gov/cfr/index.html</a>	Annual		x	x
CFR Title 40 Part 61	National Emission Standards for Hazardous Air Pollutants for Source Categories	USEPA	<a href="http://www.gpoaccess.gov/cfr/index.html">www.gpoaccess.gov/cfr/index.html</a>	Annual		x	
CRF Title 40 Part 258	Municipal Solid Waste Landfill Criteria	USEPA	<a href="http://www.gpoaccess.gov/cfr/index.html">www.gpoaccess.gov/cfr/index.html</a>	Annual		x	x
General Permit	Stormwater Discharge		Internal Filing - EMS	Annual		x	x
Title V Operating Permit	Identifies all federally Enforceable Requirements Regarding Air Pollution		Internal Filing - EMS	Annual		x	
CFR Title 49	Federal Transportation Regulations		<a href="http://www.gpoaccess.gov/cfr/index.html">www.gpoaccess.gov/cfr/index.html</a>	Annual		x	x
OSHA	Occupational Safety Health Administration		<a href="http://www.osha.gov">www.osha.gov</a>	Annual			
SWPPP	Stormwater Pollution Prevention Plan			Annual			
CWA 404 permit	Wetlands Permit			Annual			

# 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?

DISCUSSION



## 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



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# Questions?

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