

# P2 Quarterly

The Newsletter of Lee  
County's Pollution  
Prevention Program

Spring/Summer 2003

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**Do you need a speaker for an upcoming event? Would you like a specialized presentation for your next trade association meeting? Give us a call to schedule a time for your required educational needs. Lee County's Pollution Prevention Program has performed presentations in several parts of the country as well as Canada and Mexico. We are here to serve the business community.**

## **State Department of Environmental Protection (DEP) Introduces Changes For Mandated Small Quantity Generator (SQG) Program**

DEP officials in Tallahassee have some new ideas on how Counties will be used to assist local district offices with enforcement. Under State Statutes 403.7225, 403.7234 and 403.7236 every County and/or Regional Planning Council under contract with a county are required to perform hazardous waste assessments and report the data yearly. The information gathered by the Counties through the unfunded State mandate must reflect the types, quantities, and management of hazardous waste generated at the facility. DEP officials in the capital have decided district DEP offices could also utilize the information for enforcement cases. The new changes will require Counties to report the information daily that is gathered during the assessment. District offices could then use the data and perform enforcement investigations and levy fines against violators. The DEP is offering grants up to \$50,000.00 for Counties willing to enact this new "enhanced" SQG Program.

Lee County's SQG Program changed its' name to the Pollution Prevention (P2) Program over four years ago. The P2 Program is designed to educate and assist businesses with their regulatory requirements without enforcement. The P2 Program only reports for enforcement, habitual violating facilities that do not comply with hazardous waste management requirements. These types of facilities are your competitors trying to gain a financial edge with regard to operating expenditures, and are not properly managing their hazardous waste. One of the objectives of the P2 Program is to level the "playing field" for all facilities in regard to regulatory requirements. If a competitor can charge less because they mismanage their hazardous waste, there are two losers in this scenario, the honest business owner and our natural resources/environment.

Although enforcement is needed, the P2 Program believes education should be the first attempt by government to ensure compliance. Most businesses do not want to violate hazardous waste regulations, but most businesses for various reasons also lack the resources to know all regulatory requirements for their operations. Given the choice of contacting an enforcement agency or an educational agency for assistance, most choose the educational. Under this scenario, those that care to seek the knowledge of regulatory requirements will stay in compliance. Those that choose to ignore regulatory education opportunities risk the potential to be fined and/or jailed.

Lee County plans to continue the educational process for our business community and help businesses comply with regulatory requirements without enforcement. After contacting the SQG Program Coordinator in Tallahassee, we were told that the reporting requirement of the above mentioned State Statutes would remain an annual report for Lee County. Lee County's P2 Program feels it can not wear two hats as an educational program and an enforcement extension of DEP. The Board of County Commissioners does not want Lee County government performing duplicate duties of other State agencies. Therefore we will not perform enforcement activities for the DEP. We will continue our efforts to assist and educate our business community through various methods and medias. In fact, the P2 Program is finishing up details that will provide complete compliance educational classes to all regulated businesses at a minimal cost. These classes will be announced on the P2 Program web page and by direct mailings. If you are interested in attending, please contact the P2 Program at (239) 479-8126.

## **Renewal of Occupational Licenses**

Yes, it is that time of year again. If you have not received your renewal notice from the Lee County Tax Collectors Office, they are on their way! You will notice a new format for occupational license renewing. Please read the information carefully to make sure it is correct before processing the renewal.

The Pollution Prevention (P2) Program receives its' funding from the surcharge attached to your occupational license. The surcharge is for businesses that have the potential to generate hazardous waste in their operations. If you believe your business does not generate hazardous waste, contact the P2 Program at 239-479-8126 or 239-479-8519 to verify if you qualify for an Activity Certification Affidavit (ACA). The ACA exempts qualified businesses from paying the \$20.00 surcharge fee. If you pay the surcharge and then apply for the ACA, **there are no refunds of the fee.** Contact our office for an interview before payment is made to see if your business qualifies to receive the ACA exemption.

The Activity Certification Affidavit (ACA) process is **free** to the applicant, currently the only free process associated with occupational licenses. In the near future there may be a fee charged for the processing of the ACA. The cost associated with the ACA process has been absorbed in the past, but changes may be required to prevent an increase in the current \$20.00 surcharge to non-exempt occupational license holders.

The P2 Program has processed several thousand ACA's since the beginning of the State mandate that required counties to perform verification assessments at facilities. The ACA process saves the P2 Program thousands of dollars in performing field verifications at businesses that would not generate hazardous waste. Every business that has an office with florescent lights has the potential to generate hazardous waste from the improper handling of the bulbs. The P2 Program educates the business with the proper handling requirements of any waste stream that the facility may generate. If you need assistance and/or have questions regarding regulatory requirements, the \$20.00 is what and/or why you pay us, to help figure out the compliance issues of your operations.

## **Check Out What Is New With P2**

Some of you have already visited the improved Pollution Prevention web site. If you have not been able to check it out, please take the time to browse through and see the new format of this educational web site. Log on at [www.lee.gov](http://www.lee.gov), click on Departments/Divisions, and choose Natural Resources Management, then Natural Resources Site, and P2 Pollution Prevention. The improved site has some added features and a brand new look.

The new format has many different educational tools and information to help assist your business operations with the proper handling of hazardous waste. Below is brief description of what you will find when you check us out on line.

- **Staff**- You now have the capability to e-mail any member of our team. Please feel free to do so. We will be glad to answer any questions you may have.
- **Newsletters**- Newsletters are sent out every quarter. If you have any suggestion for an article please e-mail us.
- **Best Management Practices or BMP's** – This is a break down of how to handle certain types of waste that pertain to one type of business. We currently have BMP's for the following types of business: Auto Body Repair, Golf Course Maintenance, Photographic Processing, Small Mechanical Repair, and Marine Repair Facilities.

Other pages include the following with brief descriptions of what you can expect to find:

- **Events**- Page provides the dates of the CESQG Business Collection Days, Trade Shows, Business Fairs, and training opportunities with both private businesses and public agencies.
- **Links**- Page provides direct links to outside governmental agencies that can provide more in-depth regulatory explanation and possible options to lessen regulatory burdens.
- **Hazardous Waste Management**- Page has specific information on fluorescent lighting, definition of empty and other useful data that pertains to the operations regulated at your facility.
- **Frequently Asked Questions**- Page has questions and the answers that have been asked in the field and at the customer service counter about hazardous waste and related subjects.
- **Activity Certification Affidavit (ACA) Process**- Page explains the complete scope and process of the surcharge attached to your facility's occupational license.
- **Job Opportunities**- We post jobs that are available within our Division of Natural Resources Management. If you want to be part of our team check this page out! Applications must be submitted through Lee County's Human Resources Department.
- **Ask the Expert**- Page gives you the opportunity to ask us any question you may have about your regulatory requirements and/or more explanation on a subject or specific information.

## **If Enforcement Folks Were Knocking at Your Door, What Would You Do About Unknown Issues?**

If your facility was not in regulatory compliance, it would be too late if the Department of Environmental Protection (DEP) were the one's knocking! Don't go to jail for improper management which includes handling, storage, and disposal of your facility's hazardous waste. The following examples of enforcement cases were taken from DEP's website ([www.savefl.org/strike/news](http://www.savefl.org/strike/news)). Could this happen to you? Read on to see what it could **cost you in time and money**.

A **body shop** was found to have crushed and dismantled mobile homes and **illegally buried** onsite, insulation, asphalt, and various car parts. The owner was charged with 3 felonies that could get him **5 years in jail and/or \$5000 for each charge**. He was also charged with 5 misdemeanors that add up to **6 months and/or \$10000 for each charge**.

A **refuse collection business** was found to have truckloads of other people's garbage dumped on their property illegally. This is considered felony littering and could get the owner **5 years in jail and/or \$5000 fine**.

A **dishwashing machine corporation** was found **illegally discharging hazardous liquids** into a ditch on the front of their property. They were found in violation of two different laws: Florida Litter law, 3<sup>rd</sup> degree felony, **1 year in jail and \$5000 fine**. Disposing of hazardous waste without a permit, 3<sup>rd</sup> degree felony, **1 year in jail and \$5000 fine**.

A **metal recycling company** was found **illegally disposing** of waste tires, waste oil, anti-freeze, and acetone. They were charged with 2-counts of felony litter, which could get them up to **5 years in prison**. They were also required to clean up and remove the waste at the site.

A **professional lawn care** was found **illegally dumping** used oil, pesticides, hydraulic fluids, anti-freeze, and other lawn care chemicals for a year onto a vacant lot. The owner was charged with Commercial Dumping, 3<sup>rd</sup> degree felony, **5 years jail and \$5000 fine**. Other charges could be added when results come back from the soil tests done at the dumping site. If contamination is disclosed, it'll take a lot of lawn cutting to cover the cost of additional fines and the clean up requirements.

A **salvage company** was found **illegally dumping** hazardous waste that was stored in rusted paint cans. They were dumped in front of a thrift shop. Also at his location they found **illegally buried waste**. Charged: 3<sup>rd</sup> degree felony, **5 years in jail and/or \$50,000 each day of violation for each count**; 1 felony count of illegal commercial dumping; 1 felony count illegal disposal of hazardous waste in a non-permitted facility; 1 felony count transporting hazardous waste without a manifest.

If you would like to read these cases in more detail you can find them on the DEP website ([www.savefl.org/strike/news/](http://www.savefl.org/strike/news/)).

If you would like questions to your hazardous waste disposal needs answered please call the Pollution Prevention Program at (239) 479-8126.

## **Your Weapon For Mass Compliance Is Being Offered!**

Lee County's Pollution Prevention Program is offering a series of educational compliance classes on regulatory requirements that pertain to facility operations. You will learn what is a hazardous waste, how to store it properly and then what disposal options are available in Lee County. The first class will cover the Code of Federal Regulation's (CFR) Resource Conservation and Recovery Act (RCRA). This Federal law defines and regulates hazardous waste and the facilities that generate them. If you were to try and read these regulations from a web page, and then apply the requirements to your operations, the likelihood that things would be missed and/or misinterpreted is high! For the uneducated folks with regard to CFR, it seems to be written in Greek by Russian attorneys. Without all the reference material cited in CFR, it is next to impossible to decipher what a facility is required to do to comply with the "double talking" regulations.

The P2 Program has simplified the language so that all who attend will understand the regulatory minimums of their facility's operations. The class will cover how to make a hazardous waste determination, how to properly store the waste, the proper disposal option(s) and record keeping requirements for the waste stream. The class should run about three hours and can be attended by all who have the responsibility to comply with these regulations. There will be a minimum fee of \$10.00 per person and this will cover the printed classroom material, room rental, and continental breakfast.

**New Team Member**

The Pollution Prevention Program has hired Mindell (Mindy) Peterson as our new Senior Environmental Specialist. Mindy will be performing facility assessments to verify operations and compliance needs based on the facility's operations. She is changing environmental careers and looks forward to the new challenges of this position. Mindy was previously with the Florida Fish & Wildlife Commission as a Marine Research Associate performing manatee protection and recovery.

**Compliance With Permits Is Not Pollution Prevention**

Complying with permits issued by governmental agencies doesn't mean a facility does not pollute. A recent discussion at a forum of regulators prompted a debate on the differences between compliance of permits and pollution prevention. Some would want you to believe that complying with permits means the facility meets "with the intent" of the rules and therefore by definition they do not pollute. Others said the permit is an allowance to facility's to pollute within "acceptable limits".

One can wonder what the true "intent" of a legislative rule was, once it is passed into law and delegated to an agency for enforcement. One can also wonder who approved the "acceptable limits". Is this person still around, or did they die from mercury poisoning while eating fish with "acceptable limits"?

The environment is like your body, it reacts to what you put into it. You wouldn't drink a glass of used oil, so why dump it on the ground? The responsibility as stewards of the earth is ours, the human race. We can prevent pollution and preserve the environment for future generations, also known as your children and grandchildren. The legacy of the industrial revolution does not have to be dirty air and water. If this "intent" is our legacy, then it must be "acceptable" to us all.

**The CESQG Business  
Collection Day Schedule  
Sponsored by :  
Lee County's  
Department of Solid Waste  
(Disposal Fee Involved)**

**July 24, 2003  
October 23, 2003**

**Collection times for the CESQG  
scheduled events are from  
8:00 a.m. to 3:00 p.m. Location  
of the CESQG collection day is  
North Airport Road at Page Field.  
Scheduled collection days and  
times are subject to change  
and/or cancelations, depending  
on inclement weather. *There is a  
fee involved for disposal.* If you  
have any questions regarding the  
associated fees, please contact  
US Liquids of Florida directly at  
1-800-624-5302.**

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