



P2 Quarterly

The Newsletter of Lee
County's Pollution
Prevention Program

Winter 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 next 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.

Official Notice....

Under Sections 403.7234 and 403.7225 (16) Florida Statutes (FS), Lee County is required to perform the Notification, Assessment and Verification Program. The FS requires Lee County notify potential generators (businesses) of hazardous waste about their legal responsibilities to manage their hazardous waste. The FS also requires that 20% of the generators be verified in the field as to their operations and handling of their hazardous waste. This means every business that is identified as a potential generator of hazardous waste should be field assessed at least every five years.

Counties throughout Florida have approached these FS requirements in different formats. Some require operational permits along with the occupational license, others perform the program utilizing an ordinance system that allows the County to levy fines for non-compliance, and some have contracted with Regional Planning Councils to comply with the FS. Lee County adopted the FS by resolution that allowed them to start assessing a \$20.00 fee per occupational license of potential hazardous waste generators. This fee funds the operational requirements of the FS. With this funding, the delegated program, Lee County's Pollution Prevention (P2) Program (formally known as Small Quantity Generator (SQG) Program) has been performing the FS since 1989.

Lee County's P2 Program does not cite or collect penalties from businesses due to non-compliance. The main goal of the P2 Program is to meet the FS and assist businesses with the many regulatory requirements that they may have. Once the facility has been assessed, information and cost saving P2 technology relating to the operations is supplied to the business as an assistance tool for complying with State and Federal regulations.

If you have received this newsletter, you are paying the \$20.00 surcharge attached to the occupational license Lee County issued to you. You are also known as a potential generator of hazardous waste and may be required to perform other duties to comply with hazardous waste regulations. If you are not sure of all the legal requirements pertaining to operations and hazardous waste management, please contact the P2 Program office @ (239)-479-8126 to schedule an on-site assessment.

This newsletter serves as the FS portion of notifying businesses of their legal responsibilities and is an invitation to contact the P2 Program with any questions you may have regarding the laws/requirements of your operations. The only wrong questions in the management of hazardous waste are the ones that are not asked or go unanswered. It is less expensive to comply with regulations than to be held liable for non-compliance.

The Lee County P2 Program is designed to assist businesses with their management plan for the hazardous waste they generate in their operations. We have assisted several businesses in Lee County and helped them make the best decision for handling their waste that saves them money and maintains compliance with regulatory requirements. Can we help you with your situation?

Occupational License, Hazardous Waste and Your Business?!

For any business that operates in Lee County, an occupational license is required before operations can begin. Business owners should begin the process by deciding a couple of key issues that will dictate the steps to receive the occupational license. First the name of the business will determine if it needs to be registered as a fictitious name and/or a corporation with the State of Florida. If you are the sole proprietor and your legal name is in the name of the business, no registration with the State is required. Location of the office will require zoning approval from the authorized jurisdiction. Locations within unincorporated areas of Lee County will require zoning approval through the Department of Community Development located at 1500 Monroe Street in downtown Fort Myers. If within a city, contact that city's zoning department for location approval. The next step is to verify if you are eligible to receive an approved Activity Certification Affidavit (ACA) from the Division of Natural Resources Pollution Prevention Program. You can call (239) 479-8519 or (239) 479-8126 or come to the Hazardous Waste counter located at 1500 Monroe Street in Fort Myers and find out if the business operations are eligible for the ACA. To determine this, a series of questions are asked. Should the business receive an approval, they sign an affidavit stating they do not generate any hazardous waste under the occupational license that will be issued for the business. The business then goes to the Lee County Tax Collector and pays the appropriate fee for their occupational license. When a business is not eligible for the ACA, they will pay an additional \$20.00 attached to the occupational license at the Tax Collector's Office.

When businesses pay the surcharge they provide funding for the State mandated notification, verification and assessment program also known in the past in Lee County as the Small Quantity Generator Program. The program in Lee County has evolved into the nationally recognized Lee County Pollution Prevention (P2) Program. The P2 Program performs on-site assessments throughout Lee County for all businesses paying the \$20.00 surcharge attached to their occupational license. The assessment helps to determine the status of a facility and which State and Federal regulations apply to their operations. They also receive quarterly newsletters and immediate assistance with hazardous waste management requirements. The P2 Program offers Best Management Practices (BMP's) for specific businesses and guidance sheets on how to handle other certain types of potentially harmful waste.

We have experienced and knowledgeable Senior Environmental Specialists (SES) that will come to your business and look at the operations. It is similar to the inspection the State would do only with one major difference, we don't issue fines, we offer waste management solutions. The SES will explain the documentation that you need to keep on file to protect your business investment from expensive fines. They will assist in the proper management of your waste to insure everything is within compliance as required in the law. So when the State's Department of Environmental Protection (DEP) visits your company you will feel confident that it is safe from costly fines.

Don't Be Fooled by Statute Limitations

Over six years after their disposal, Ohio state officials discovered approximately 300 leaking drums of hazardous waste buried under piles of old tires and automobile parts at an auto salvage yard. Identifiable information on the drums led officials to the owners, Budd Brothers d/b/a Century 21 Painting of Austintown Ohio. Brothers maintained he could not be held liable because the statute of limitations had expired. A state of appeals court upheld a lower courts decision ruling that the statutes of limitations were continuing because the drums were leaking at the time of discovery. Brothers was ultimately responsible for its hazardous waste disposal management. The "cradle to grave" rule means just that, the generator of the hazardous waste is responsible for the management of the hazardous waste they generate. They were charged with six counts: 1) illegally transporting hazardous wastes, 2) failing to evaluate wastes, 3) illegally disposing of hazardous wastes, 4) illegally storing hazardous wastes, 5) criminal endangering, and 6) failing to complete a hazardous waste manifest. Brothers was required to pay \$120,000 plus interest to the Hazardous Substance Superfund over a period of eighteen months. Could this happen to your business? Yes, if you do not conduct business with reputable firms, the "cradle to grave" rule can be costly to your operations and your integrity in the community. Ask questions, require references and shop around for the best service that meets your needs to assure compliance at reasonable cost.

Operation Cleansweep For Unused, Expired Pesticides

Do you have unused and/or expired pesticides at your business? Have you tried to send the unwanted pesticide back to the manufacturer with little success? Did you know there is an option to get rid of them legally? Here is a solution to your compliance requirement that addresses your disposal needs.

Operation Cleansweep is a program offered through the Department Of Environmental Protection (DEP). The web page will help answer some of the questions you may have. (www.dep.state.fl.us/waste/categories/cleansweep-pesticides/default.htm)

Operation Cleansweep is a one-time free disposal option for expired pesticides. **Businesses that may benefit include agricultural operations, golf courses, pest control services, nurseries or ranches.** The DEP offers a pick up service that comes to your business site to pick up **only** cancelled, suspended or unusable pesticides.

Businesses that may **not** participate for **free** include pesticide manufacturers/ distributors, universities, any government institution or homeowners. They may participate but they will **pay for the cost of disposal.**

Operation Cleansweep only picks up pesticides defined as follows: *Any substance or mixture of substance to prevent, destroy, repel, or mitigate pests. Pests can include insects, mice and other animals, weeds, fungi, bacteria and viruses. Pesticides include insecticides, herbicides, fungicides, rodenticides, and miticides.* (www.dep.state.fl.us/waste/categories/cleansweep-pesticides/pages/materials.htm)

Operation Cleansweep will not accept fertilizers, nutritionals, animal medicines or biological control agents. Pesticides in gas cylinders are not accepted but those in aerosol cans are acceptable. Cleansweep only handles these types of waste.

Any other hazardous waste, such as paint, batteries, bulbs, filters, solvents etc. can be disposed of at Lee County's Conditionally Exempt Small Quantity Generator (CESQG) Business collection day on April 24, July 24 and October 23 in 2003. Business collection days are held on Thursdays at Page Field Airport on US 41. There are disposal fees based on the type and amount of the hazardous waste to be disposed.

For more information on Operation Cleansweep please contact Keith Myhre at (877) 851-5285 or www.dep.state.fl.us/waste/categories/cleansweep-pesticides/default.htm

For management/disposal information on any other types of Hazardous Waste at your business please call (239) 479-8126 for assistance.

Rechargeable Batteries Overview

Public Law 104-142, known as the "Mercury Containing and Rechargeable Battery Management Act," requires specific management of spent recyclable batteries. Some of these batteries contain nickel, cadmium and iron. These three metals can be extracted and recycled and re-used in all types of manufacturing. The common abbreviation for this type of battery is *Ni-Cd*. The nickel in the battery is not regulated under the Resource Conservation and Recovery Act (RCRA), however, the cadmium within the battery is regulated. Cadmium is one of eight metals covered under the Toxicity Characteristic Leaching Procedure (TCLP) in 40 Code of Federal Regulation (CFR), Part 261.24. This law regulates this type of metal waste as a hazardous waste.

To lessen the burden of disposal on "generators" of spent Ni-Cd's, Congress passed a law known as 40 CFR Part 273, the Universal Waste Rule (UWR). Under this rule, specific types of waste which can be recycled is allowed and promoted as a method of disposal.

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This reduces the cost of disposal and additional regulatory requirements and conditions for facilities previously required under RCRA.

There are some options in complying with the requirements of the UWR. Those options are as follows:

1. Become a member of a program sponsored by the Rechargeable Battery Recycling Corporation.
2. Contract with a hauler to pick up from our facility/facilities and transport our waste under the UWR to a recycling facility.
3. Transport the batteries to a privately owned facility in Lee County for consolidation and transportation to a recycling facility.
4. Phase out the use of all equipment that utilize Ni-Cd batteries.

Each one of these options has its own unique advantages and disadvantages to implementation as our official policy for complying with the rules.

Cost of materials and personnel resources is always a concern. With the options available, each will cause variations in the cost and time for handling and disposing of the Ni-Cds. Everyone affected by this needs to discuss and formulate a plan to address this regulated issue.

P2 Program Hires New Employee

Susan Machinski recently accepted the position of Senior Environmental Specialist in the Lee County Natural Resources P2 Program. She was previously an engineer with the Florida Department of Environmental Protection Northeast District. Her educational background is in engineering and chemistry.

Come see the P2 booth at the SW Florida/Lee County Fair February 28 thru March 9! See you there!

The CESQG Business Collection Day Schedule Sponsored by the Department of Solid Waste (Disposal Fee Involved)

**April 24, 2003
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 days 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 City Environmental Services of Florida, Inc. directly at 1-800-624-5302.

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