Colorado’s ERP Program: Self-certification For SQGs And Dry Cleaners

ERP Consortium
September 27, 2012
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Improving Compliance Rates

- Traditional Method
  - **Compliance rate** = $fn$(inspection frequency)
    - as desired compliance rate $\uparrow$, # of inspections must $\uparrow$
Improving Compliance Rates

- Traditional Method
  - Effects of group size
    - As group size $\uparrow$, # of contacts must $\uparrow$ to get same compliance rate

![Graphs showing compliance rate vs. # of contacts for Small Group and Large Group.](image-url)
Large Quantity Generators (LQGs)
- 115 in Colorado
- Generate ~75,000 tons of hw/yr
  - Without top 5 LQGs, generate ~10,000 tons/yr
- ~Larger companies
  - More sophisticated compliance programs
  - More stable env. staff
- ~40 inspections/yr
  - ~35%/yr
  - 100% in 3 yrs
- ~1 FTE
- Measurable increases in compliance rates

Small Quantity Generators (SQGs)
- ~650 in Colorado
- Generate ~8,000 tons of hw/yr
  - ~80% of LQG generation without considering top 5 LQGs
- ~Smaller companies
  - Almost no sophistication in compliance programs
  - High env. staff turnover
- ~90 inspections/yr
  - ~15%/yr
  - 100% in 7 yrs
- ~2 FTE
- No measurable increases in compliance rates
The Odd Couple

- **LOGs**
  - Compliance rate
  - # of contacts: 40 insp/yr

- **SQGs**
  - Compliance rate
  - # of contacts: 90 insp/yr
There had to be a Better Way

To increase SQG compliance rates, we needed to:

- Increase inspection rate
- Increase regulatory sophistication in SQG universe
  - Awareness of regulatory requirements
  - Awareness of non-compliance consequences
  - High relative importance of compliance in larger realm of what small businessmen must do
  - Awareness of cost/benefit of compliance and “beyond compliance”
- Compensate for high staff turn-over at SQGs

...Without increasing our resources (much)
Options

- Mass-mailings
  - We tried this, measured this, and it failed miserably

- Trainings
  - We have been doing this - popular w/business, but no measured compliance rate improvement

  - Self-Certification
Self-Certification

- Compliance checklist sent to every sector member each year
  - w/ Instruction booklet/guidance document
- Each facility **required** to complete checklist and submit (2007 – regulatory requirement)
  - Electronically or hard-copy
- HW inspectors choose statistically significant # of random facilities to inspect using the **same** checklist
- Results compared and evaluated
Self-Certification

§ 262.43 Additional reporting.

(a) The Department, as deemed necessary, may require generators to furnish additional reports concerning:

(1) compliance with the regulatory requirements of 6 CCR 1007-3; and
(2) the quantities and disposition of wastes identified or listed in Part 261.

(b) (1) Any generator of hazardous waste who receives a Self-Certification Checklist from the Department shall complete and return the checklist within the time specified in the instructions provided by the Department.

(2) The Department shall provide generators a reasonable amount of time to complete and return a checklist. At a minimum, the generator shall have 14 days from the date of receipt to return the checklist. A checklist is deemed returned on the date it is received by the Department. The Department may provide an extension of time to complete and return a checklist upon request.

(3) The self-certification checklist shall contain a certification in substantially the following form, which must be signed by an authorized representative of the generator:

“\[I, the undersigned facility representative, certify that:

i. I have personally examined and am familiar with the information contained in this submittal; ii. the information contained in this submittal is to the best of my knowledge, true, accurate, and complete in all respects; and iii. I am fully authorized to make this certification on behalf of this facility.\]

I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate, or incomplete information.”
Checklist:

**D. Hazardous Waste Container Management**

*For more information, go to the Guidance Document Link to Section D*

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are all containers used to store hazardous waste labeled with the words “Hazardous Waste”?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are all hazardous waste containers, except satellite accumulation containers, marked with the date when the first drop of hazardous waste is added to the container?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Are all containers used to store hazardous waste in good condition (not rusted, dented, bulging or leaking)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Are all containers used to store hazardous waste kept closed except when adding or removing waste?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Do you inspect weekly, and correct any issues noted, all containers that are used to store hazardous waste and look for: containers in poor condition, leaking containers, compatibility of wastes, hazardous waste labels, accumulation start dates, and ensure that the containers are closed?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Are incompatible wastes segregated from each other? For example, are acids and bases stored separately?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Are containers shipped to an appropriate treatment, storage, and disposal facility (TSD) within 180 days (or 270 days if the TSD is more than 200 miles away)?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. If you answered “NO” to any of the questions listed in Section D, please indicate the item (for example D.2.) and explain how and by what date you plan to return to compliance.

**E. Off-Site Shipment of Hazardous Waste**

*For more information, go to the Guidance Document Link to Section E*

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are off-site shipments of hazardous wastes that are not covered by a reclamation agreement accompanied by a hazardous waste manifest?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are all hazardous waste manifests completed accurately?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Possible data pairs:

<table>
<thead>
<tr>
<th>Facility answer</th>
<th>Inspector answer</th>
<th># in 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>GOOD!</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td>BAD!</td>
</tr>
<tr>
<td>Yes</td>
<td>NA</td>
<td>ok, but . .</td>
</tr>
<tr>
<td>No</td>
<td>Yes</td>
<td>ok, but . .</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
<td>bad, and . .</td>
</tr>
<tr>
<td>No</td>
<td>NA</td>
<td>ok, but . .</td>
</tr>
<tr>
<td>N/A</td>
<td>Yes</td>
<td>ok, but . .</td>
</tr>
<tr>
<td>N/A</td>
<td>No</td>
<td>bad, and . .</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>good</td>
</tr>
</tbody>
</table>
History of Self-Certification

Self-Certification Program

# of Self-Certs Required

Voluntary participation: SCORE Pilot Project
Mandatory participation self-certification pilot
Mandatory participation full-scale self-certification initiatives

Fiscal Year

Dry Cleaners
SQGs (includes auto-body)
Self-Certification Program

Fiscal Year

# of Self-Certs Required

Voluntary participation: SCORE Pilot Project
Mandatory participation self-certification pilot
Mandatory participation full-scale self-certification initiatives

SQGs - # of Violations per Compliance Advisory

Violations/CA

FFY
Compliance Rate Across SQG Sector

2008 SQG Self-Cert Results:
Number of Y/N Pairs by Facility

26% = no Y/N pairs

530 Self-Certifications
43 Inspections
Compliance Rate by Group (SQGs):

SQG compliance rate = 26%

SQG compliance rate = 66%
2010 SQG compliance rate = 65%

2011 SQG compliance rate = 90%
SQG Compliance Rate by Regulatory Requirement

2008 SQG Self-Cert Results:
Inspector Non-Compliance Rate

11 Questions ≥ 10%

530 Self-Certifications
43 Inspections

% Y/N Pairs

- disposal to ground 12%
- haz waste ID 7%
- Hg bulbs and devices 13%
- containers kept closed 21%
- container labeling 22%
- container date weekly 15%
- inspections 13%
- oil spills addressed immned 10%
- 3-yr manifest holding 13%
- employee training 29%
Effects on SQG Enforcement

Increase in Compliance Advisories
Effects on SQG Enforcement

Increase in Compliance Advisories

Big Decrease in Compliance Orders
Dry Cleaners

- Includes **ALL** Dry Cleaners – SQGs and CESQGs
- All SQG Dry Cleaners have been subtracted from the SQG data
Dry Cleaner Compliance Rate by Regulatory Requirement

2009 Dry-Cleaner Self-Cert Results: Inspector Non-Compliance Rate

- 258 Self-Certifications
- 64 Inspections
Compliance Rate by Requirement (Dry Cleaners):

2009

2010

2011
Compliance Rate by Group (Dry Cleaners – Air Requirements):

DC compliance rate = **63%**

DC compliance rate = **47%**
Compliance Rate by Group (Dry Cleaners – HW Requirements):

DC compliance rate = 95%

DC compliance rate = 93%

DC compliance rate = 90%
Compliance Rate by Group (Dry Cleaners – HW BMPs):

DC “compliance rate” = **21%**

DC “compliance rate” = **38%**

DC “compliance rate” = **58%**
Self-Certification

To increase SQG compliance rates, we needed to:

- Increase inspection rate  (from 15% to 100%/yr)
- Increase regulatory sophistication in SQG universe
  - Awareness of regulatory requirements
  - Awareness of non-compliance consequences
  - High relative importance of compliance in larger realm of what small businessmen must do
  - Awareness of cost/benefit of compliance and “beyond compliance”
- Compensate for high staff turn-over at SQGs  (each facility re-trained every year)

... Without increasing our resources (much)
  (no net FTE increase)
THE END!