

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

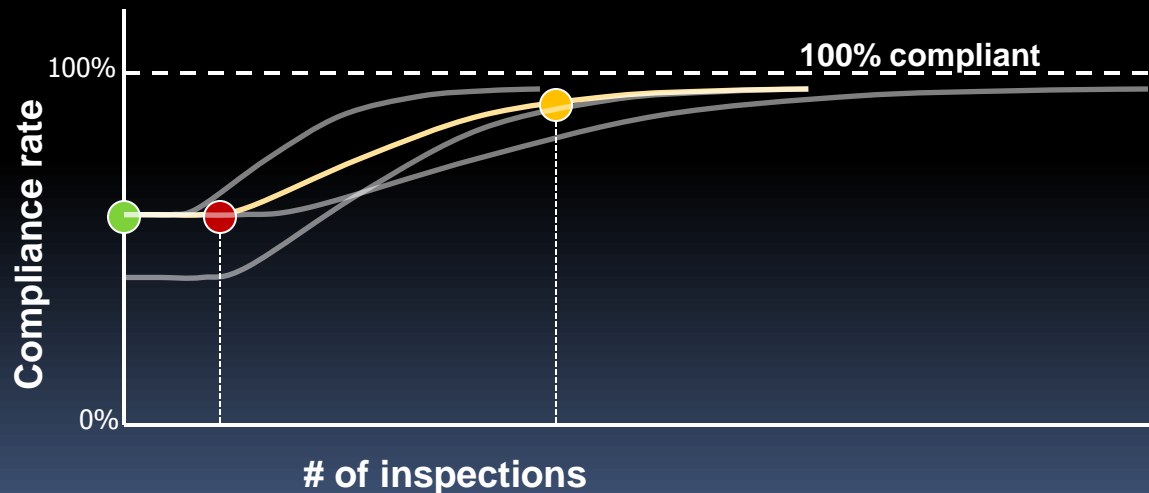
ERP Consortium

September 27, 2012

Joe Schieffelin

Improving Compliance Rates

- Traditional Method
 - Compliance rate = fn (inspection frequency)
 - as desired compliance rate ↑ , # of inspections must ↑

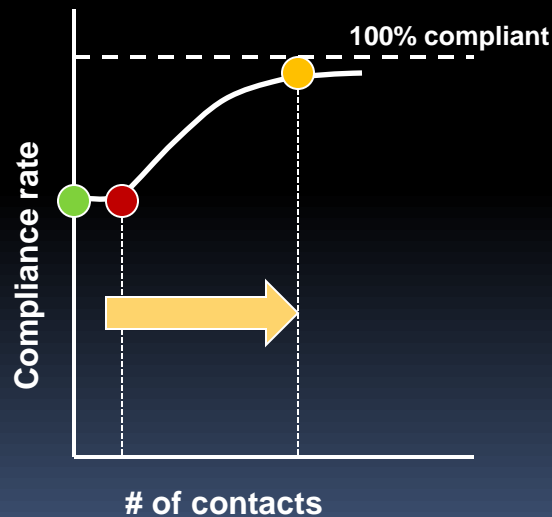


Improving Compliance Rates

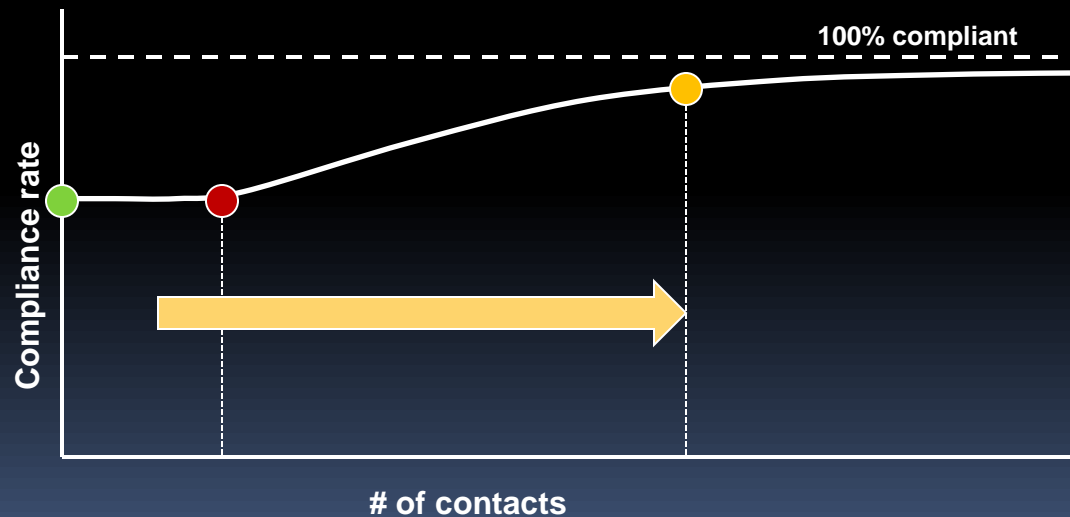
■ Traditional Method

■ Effects of group size

- As group size ↑, # of contacts must ↑ to get same compliance rate



Small Group



Large Group

The Odd Couple



Oscar & Felix

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 (SOGs)



- ~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

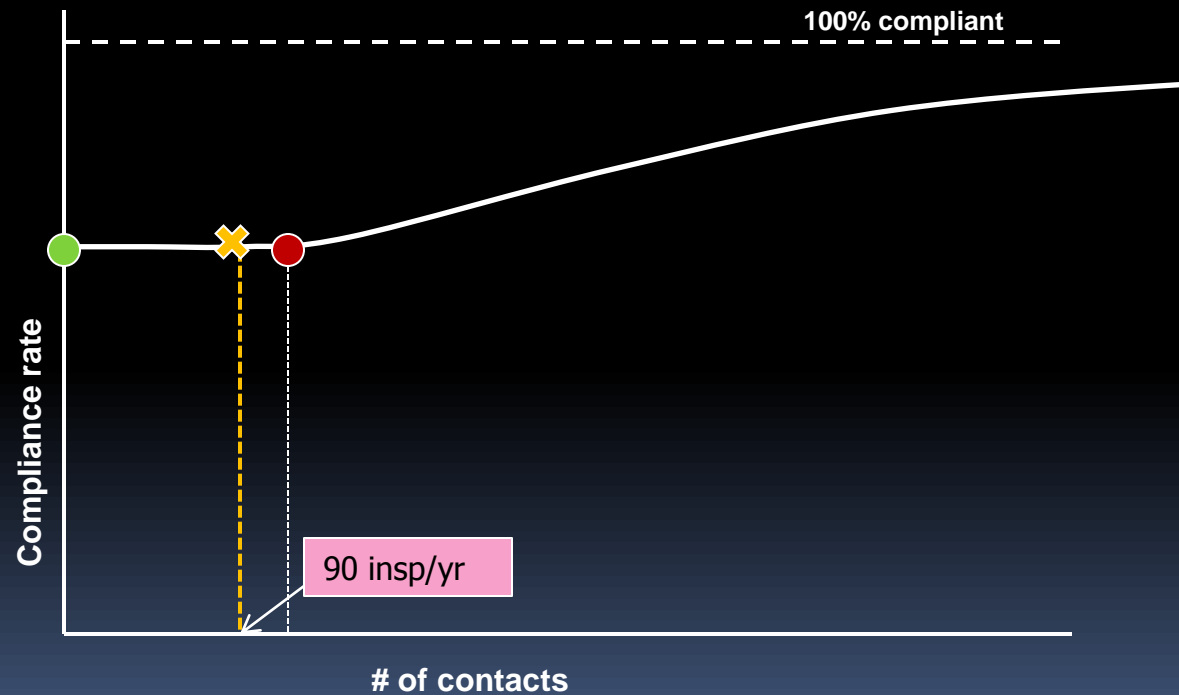
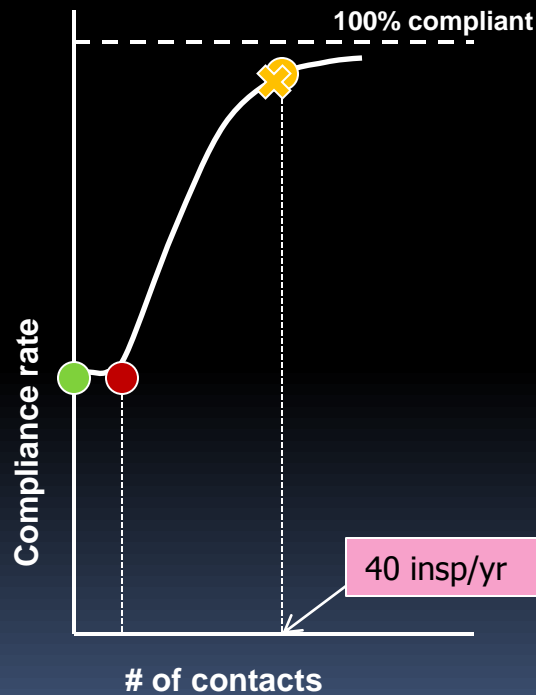
The Odd Couple



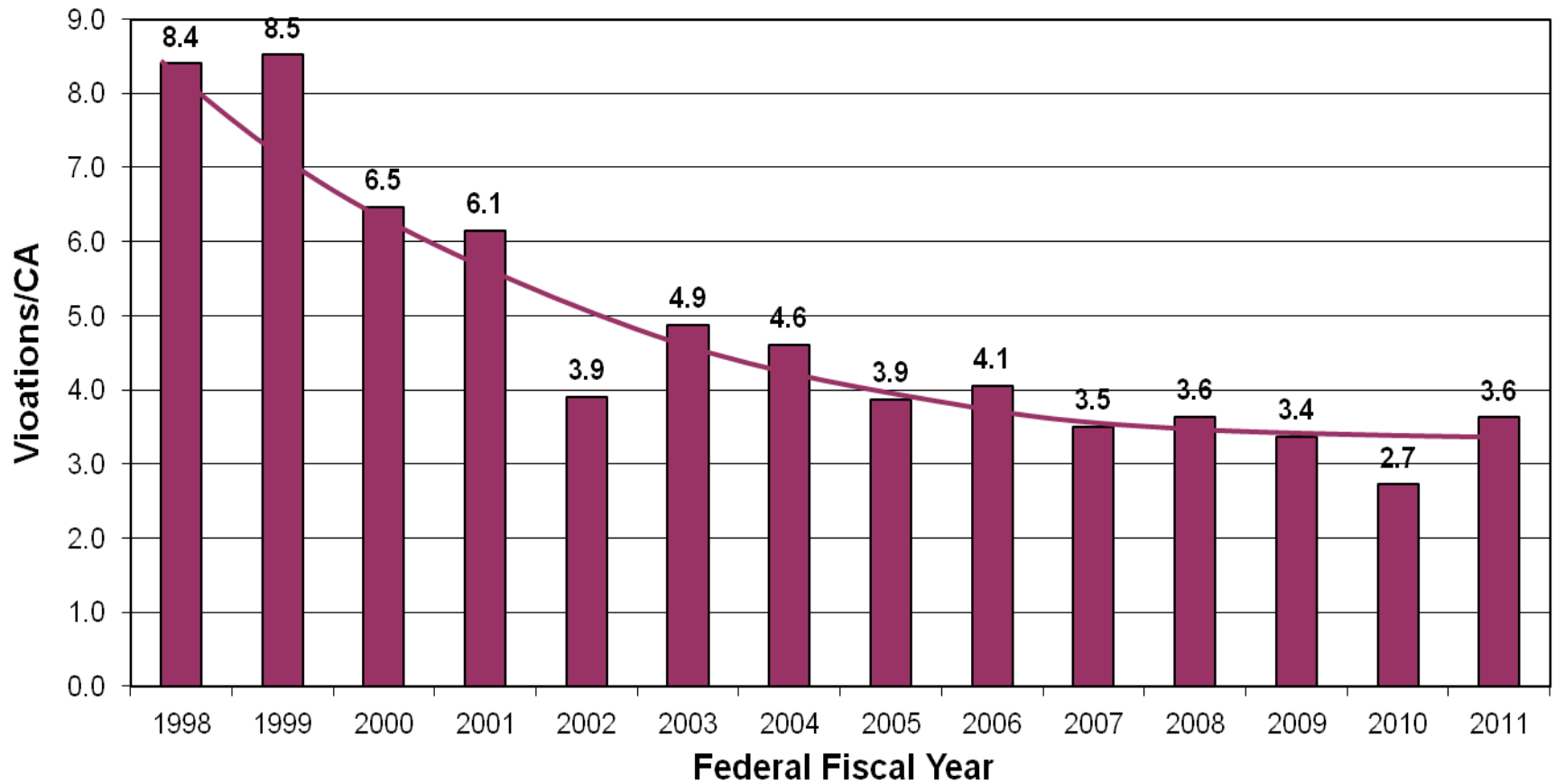
■ LQGs



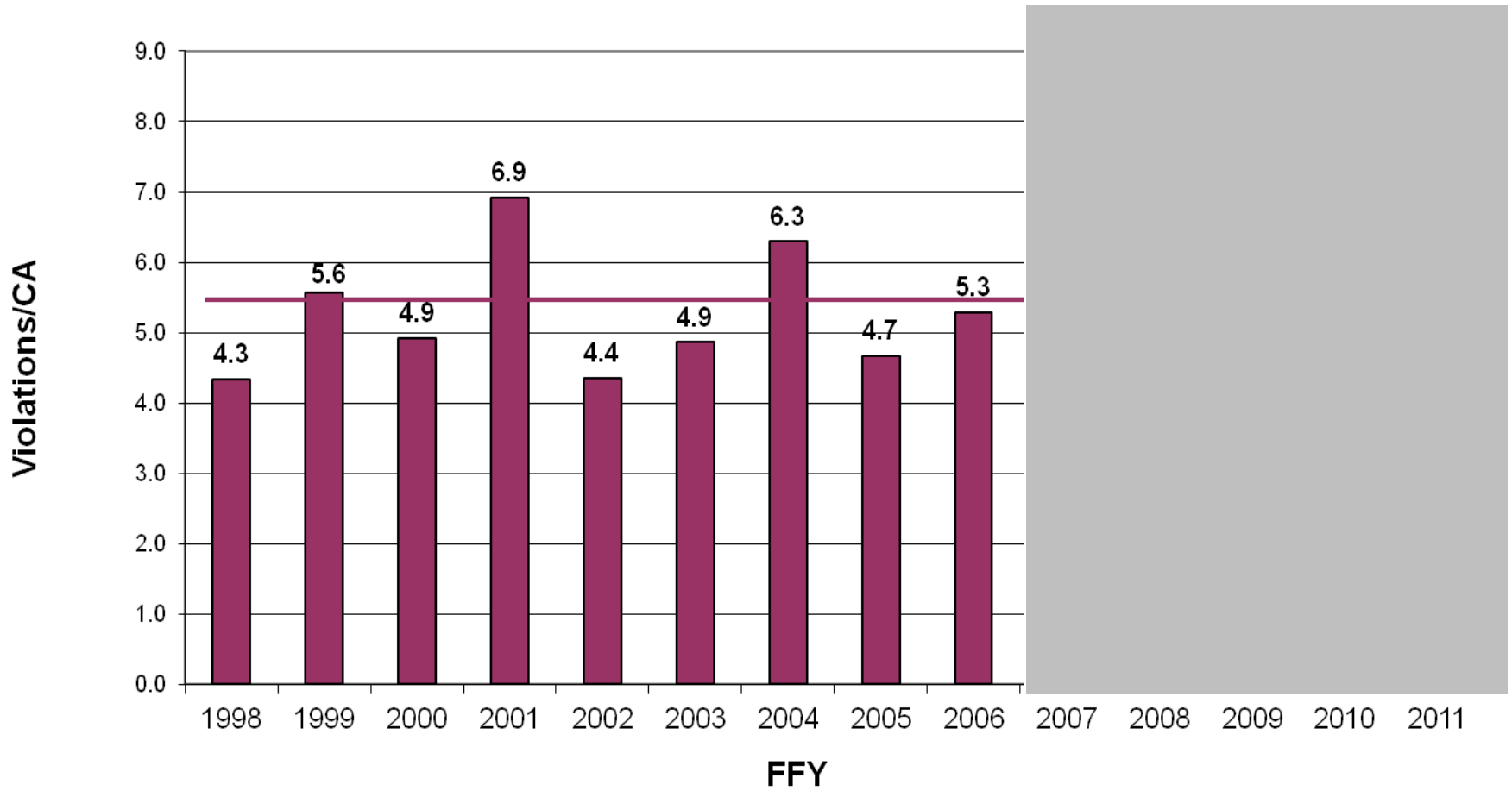
■ SQGs



LQGs - # of Violations Per Compliance Advisory



SQGs - # of Violations per Compliance Advisory



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.”

**SMALL QUANTITY GENERATOR (SQG)
2009 HAZARDOUS WASTE COMPLIANCE SELF-CERTIFICATION CHECKLIST**

Checklist:

5.	If you answered "NO" to any of the questions listed in Section C, please indicate the item (for example C.2.) and explain how and by what date you plan to return to compliance.
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D. Hazardous Waste Container Management <i>For more information, go to the Guidance Document Link to Section D</i>	YES	NO	N/A
1. Are all containers used to store hazardous waste labeled with the words "Hazardous Waste"?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Are all containers used to store hazardous waste in good condition (not rusted, dented, bulging or leaking)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Are all containers used to store hazardous waste kept closed except when adding or removing waste?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Are incompatible wastes segregated from each other? For example, are acids and bases stored separately?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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 <i>For more information, go to the Guidance Document Link to Section E</i>	YES	NO	N/A
1. Are off-site shipments of hazardous wastes that are not covered by a reclamation agreement accompanied by a hazardous waste manifest?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Are all hazardous waste manifests completed accurately?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

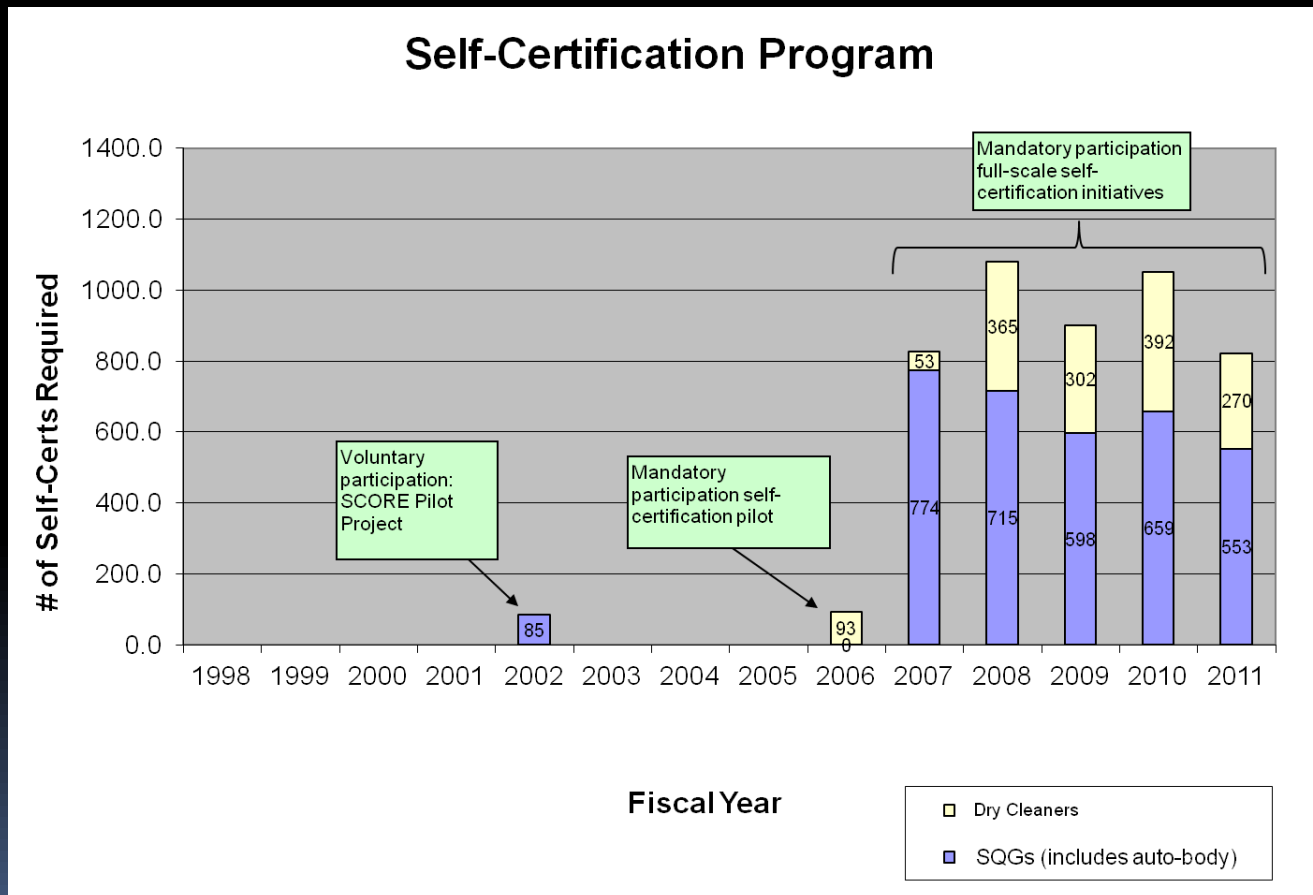
Data Pairs:

	1	2	3	4	5
Anheuser-Busch Inc,	Yes	Yes	Yes	Yes	Yes
Anheuser-Busch Inc,	Yes	Yes	Yes	Yes	Yes
ARCHITECTURAL DOORS & WINDOWS LLC	Yes	Yes	Yes	N/A	Yes
Arthur's Auto Collision & Paint, Inc.	Yes	Yes	Yes	N/A	Yes
ARVADA SQUARE AUTO	Yes	Yes	Yes	Yes	Yes
Ashland Distribution	Yes	Yes	Yes	Yes	Yes
Aspen Technologies	Yes	Yes	Yes	Yes	Yes
Aurora Public Schools	Yes	Yes	Yes	Yes	Yes
Auto Truck Service	Yes	Yes	Yes	N/A	N/A
Autocrafters of Colorado	Yes	No	Yes	Yes	No
AVX Corp.	Yes	Yes	Yes	Yes	Yes
Bach Composite Colorado Inc.	Yes	Yes	Yes	Yes	Yes
BAE Systems	Yes	No	Yes	Yes	Yes
Barber-Nichols Inc	Yes	Yes	Yes	Yes	Yes

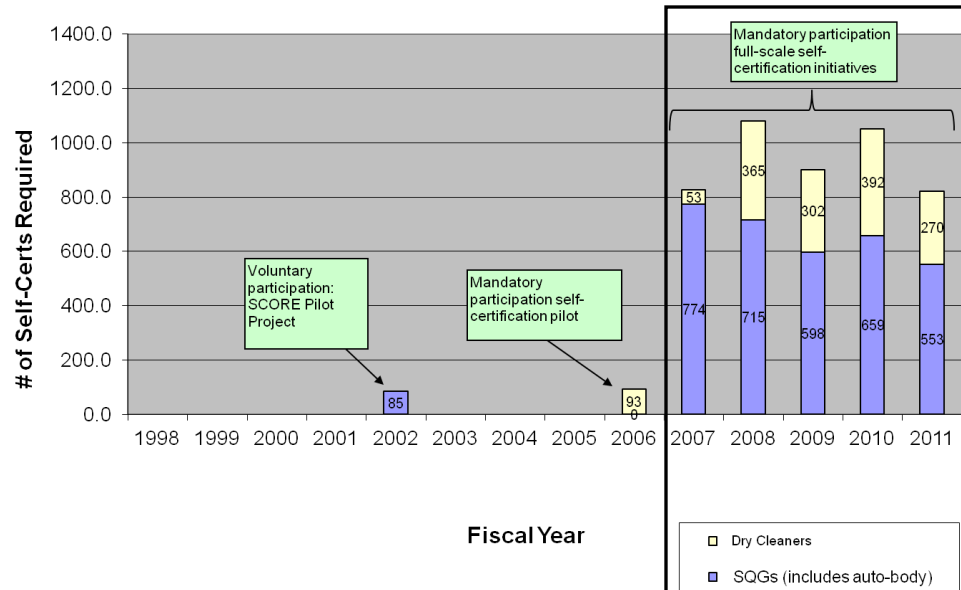
Possible data pairs:

Facility answer	Inspector answer		# in 2008
Yes	Yes	GOOD!	997
Yes	No	BAD!	77
Yes	NA	ok, but . .	
No	Yes	ok, but . .	
No	No	bad, and . .	1
No	NA	ok, but . .	
N/A	Yes	ok, but . .	
N/A	No	bad, and . .	7
N/A	N/A	good	

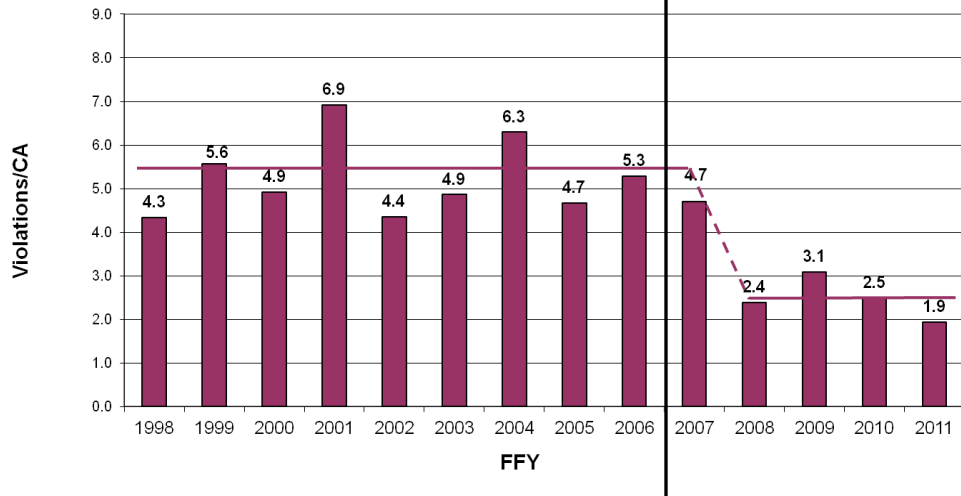
History of Self-Certification



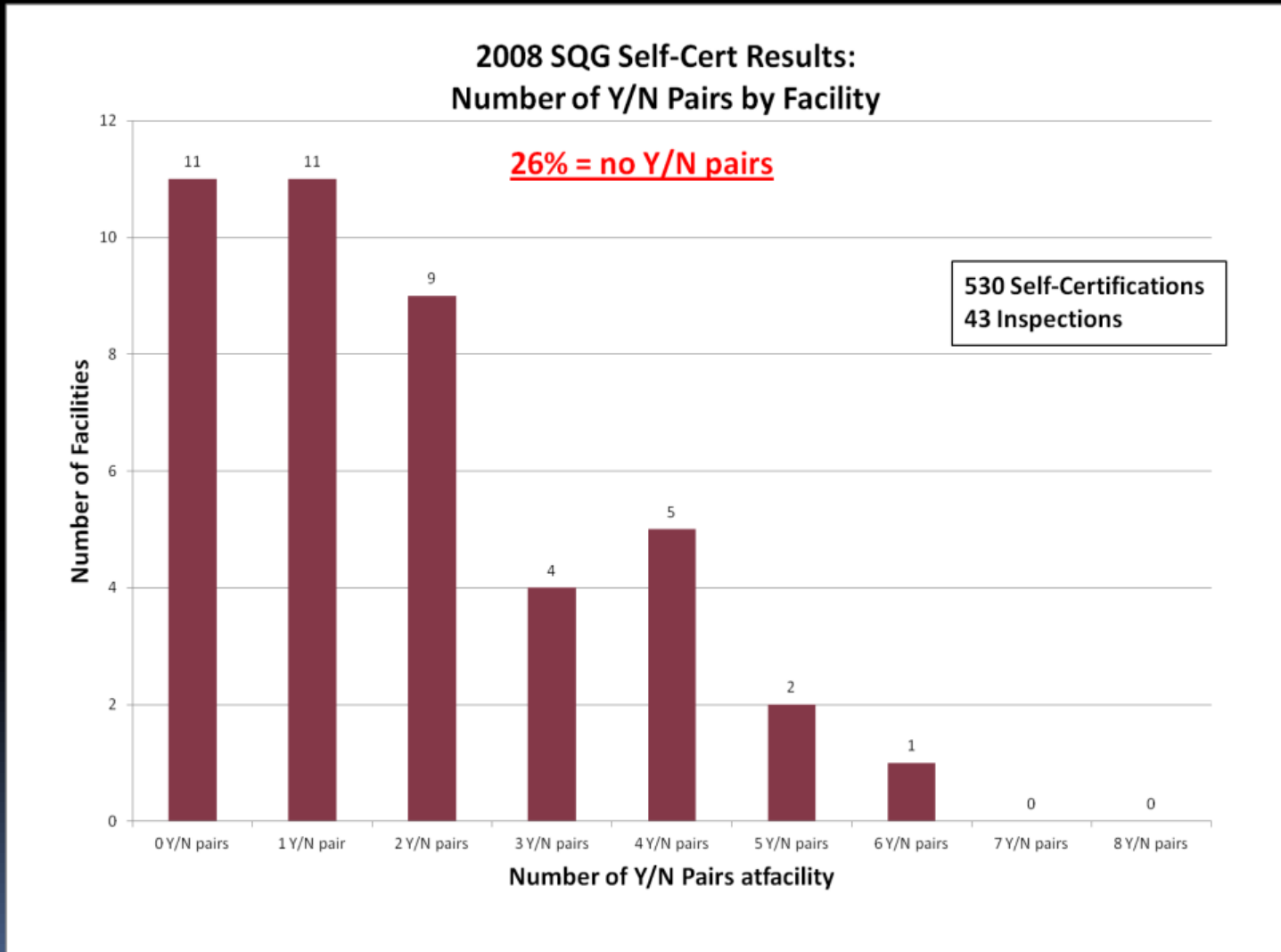
Self-Certification Program



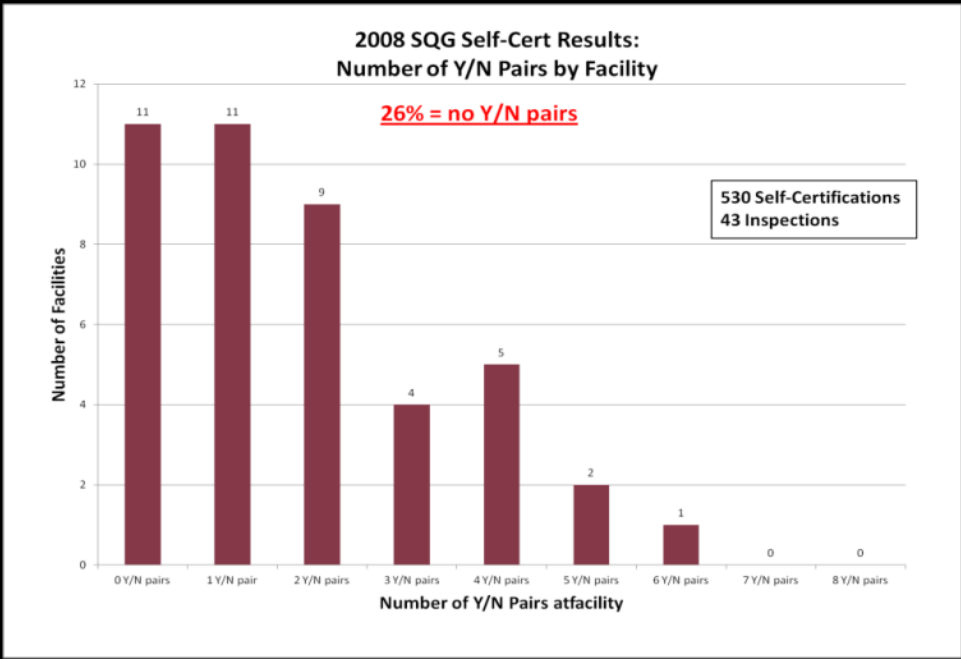
SQGs - # of Violations per Compliance Advisory



Compliance Rate Across SQG Sector



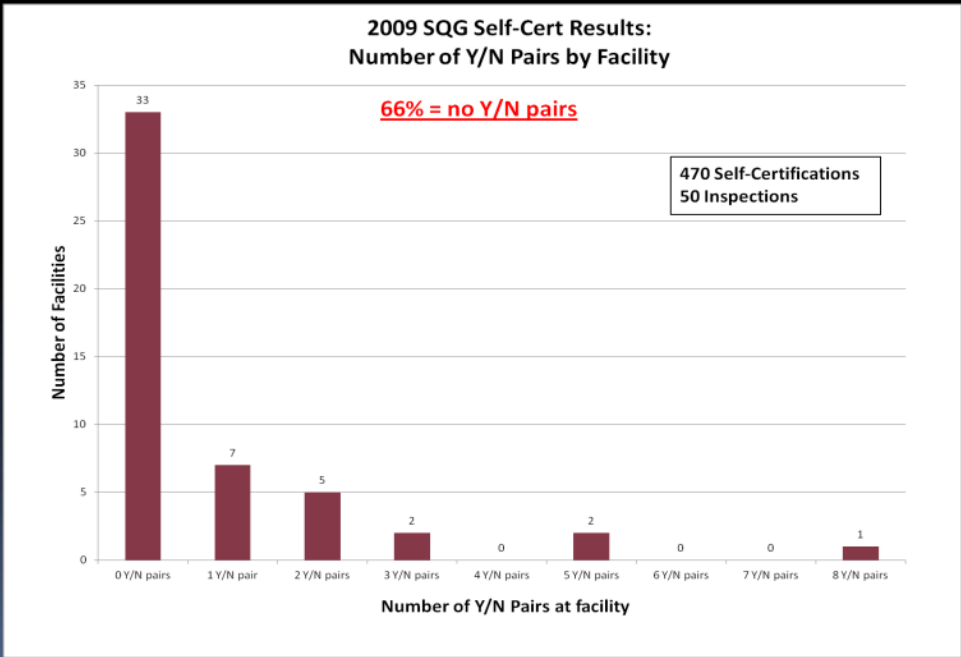
2008



Compliance Rate by Group (SQGs):

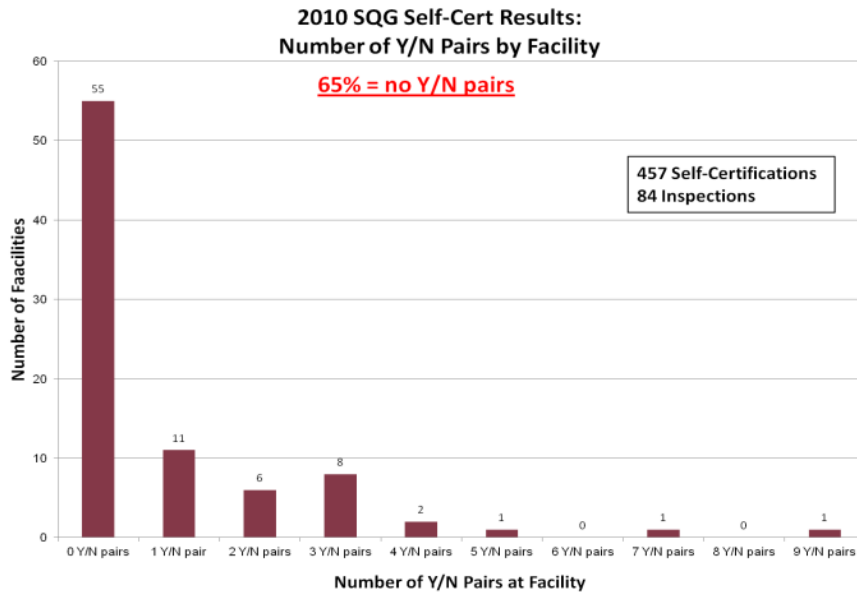
SQG compliance rate = 26%

2009



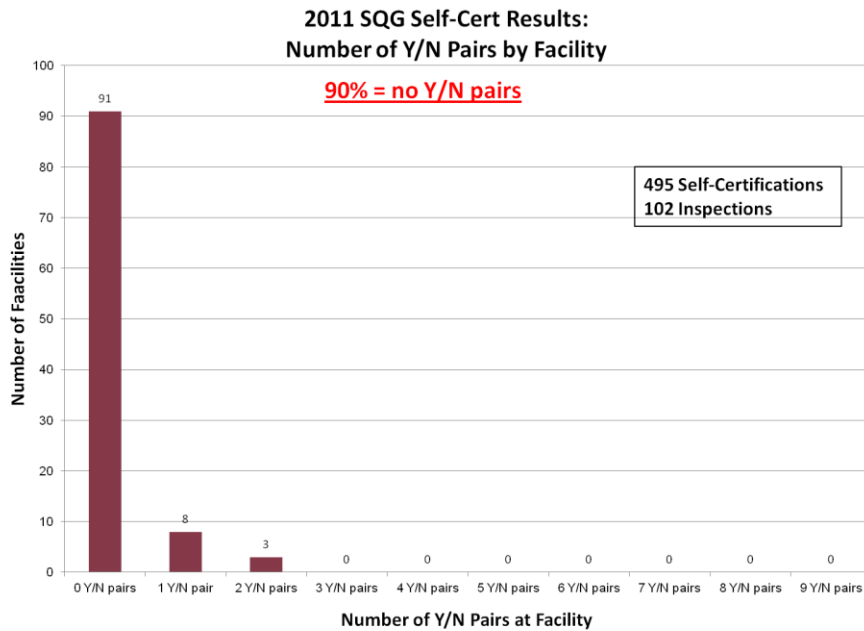
SQG compliance rate = 66%

2010



SQG compliance rate = 65%

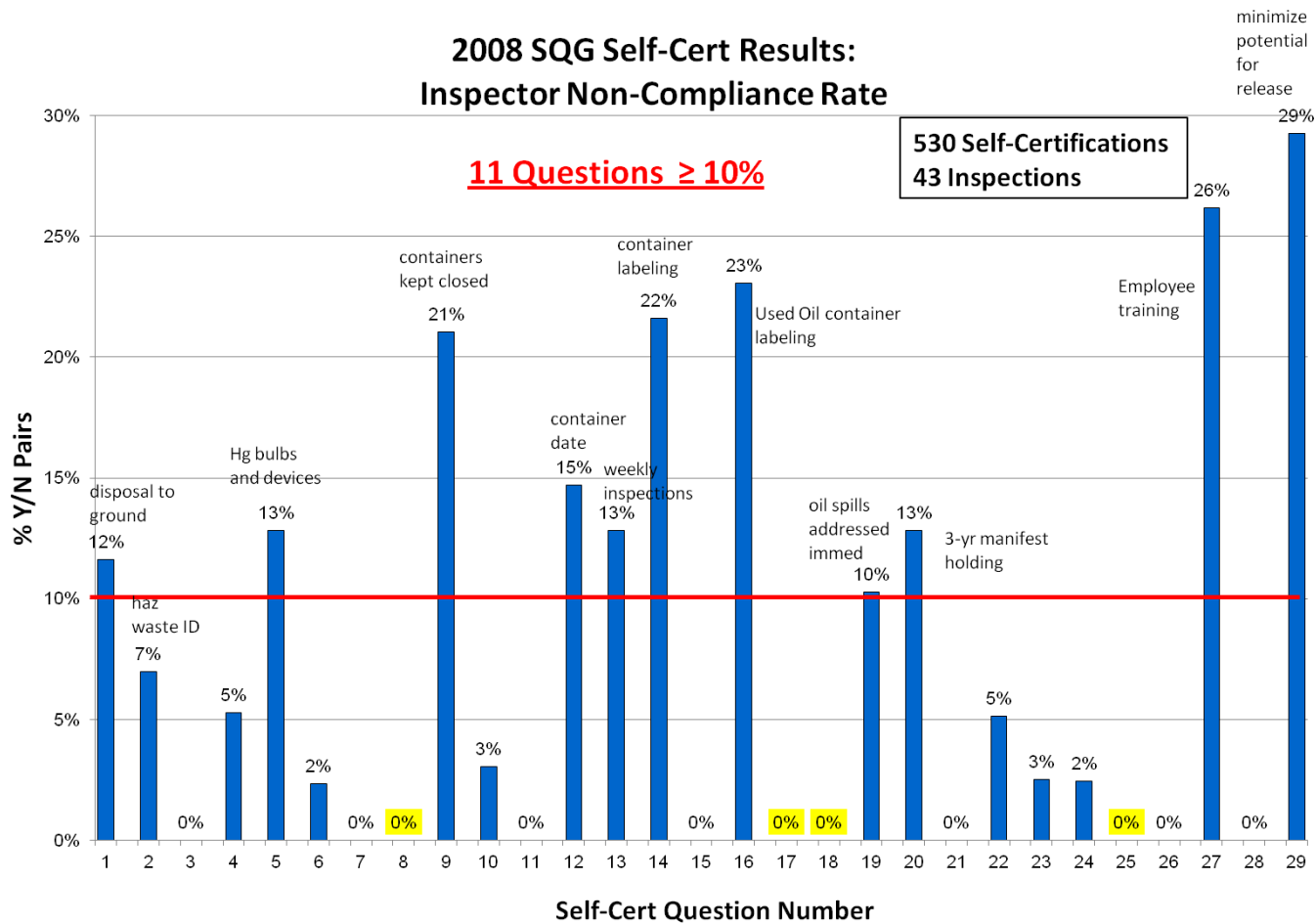
2011



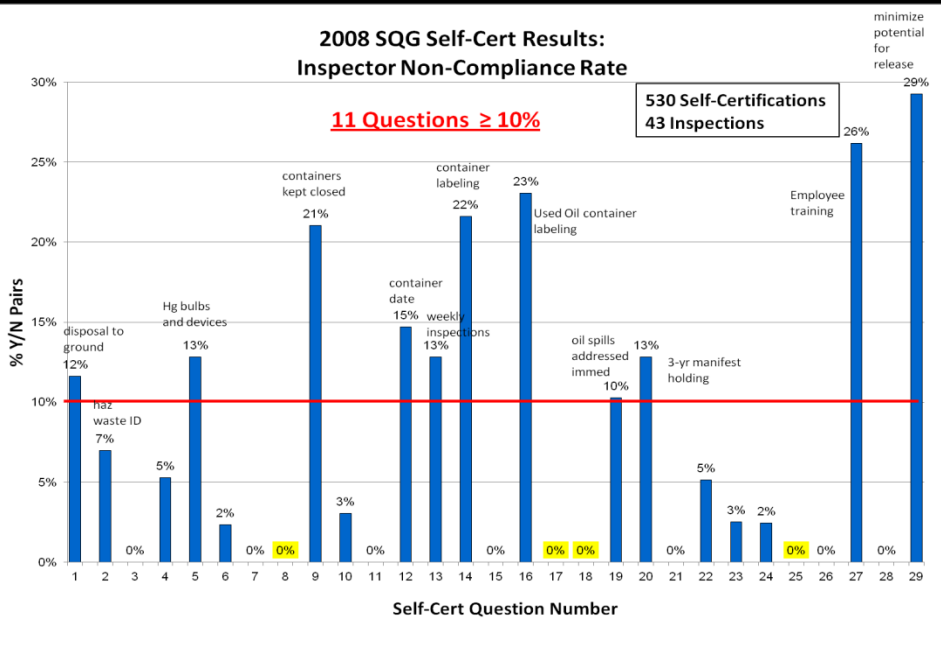
SQG compliance rate = 90%

SQG Compliance Rate by Regulatory Requirement

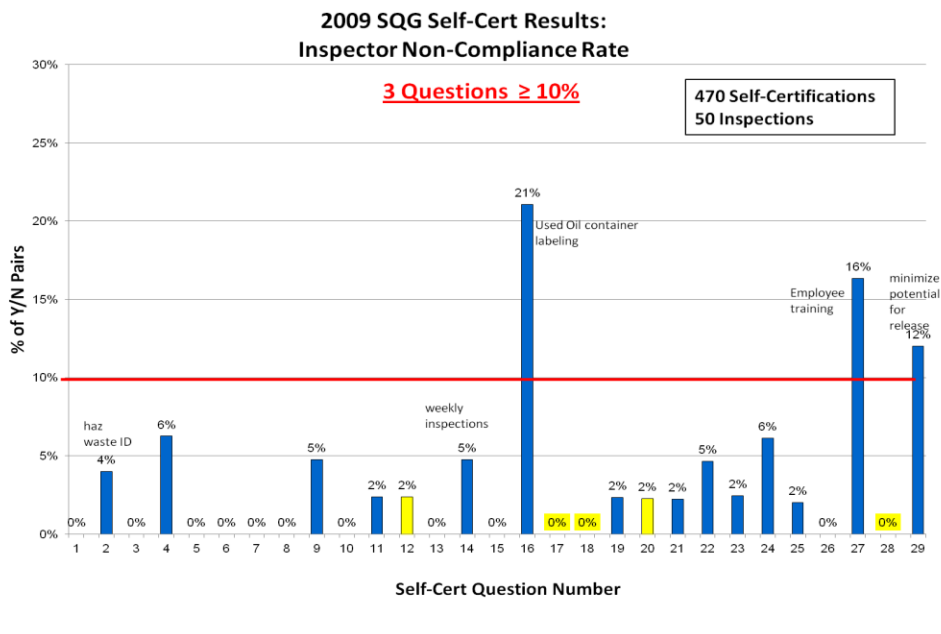
2008 SQG Self-Cert Results:
Inspector Non-Compliance Rate



2008

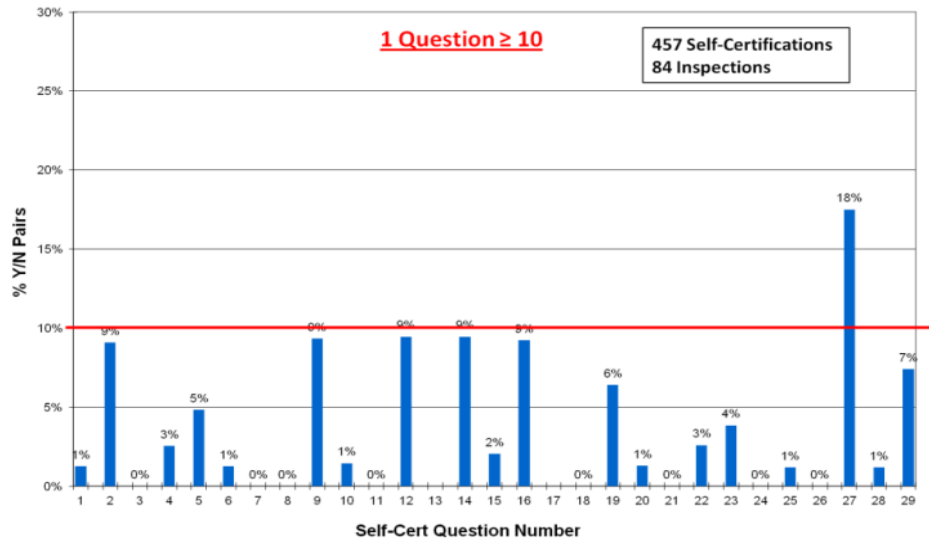


2009



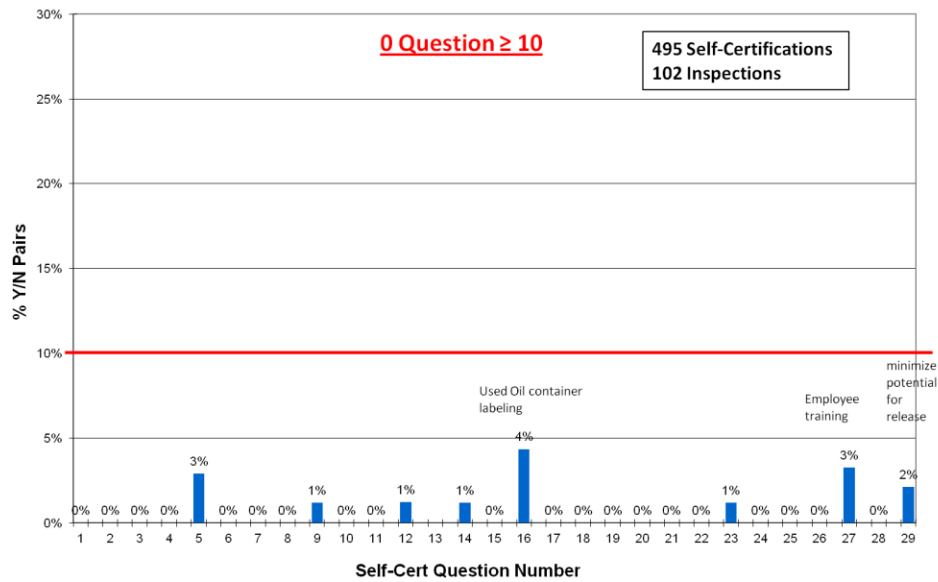
2010

2010 SQG Self-Cert Results: Inspector Non-Compliance Rate

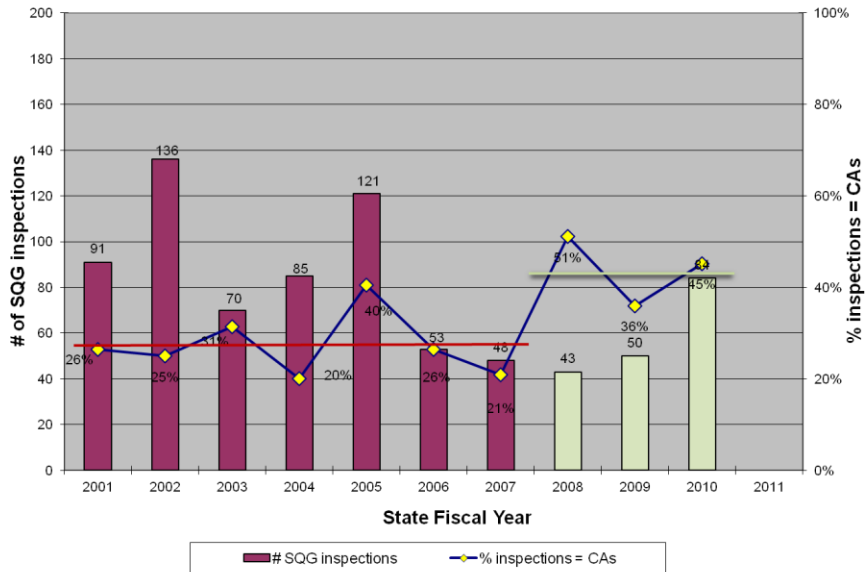


2011

2011 SQG Self-Cert Results: Inspector Non-Compliance Rate



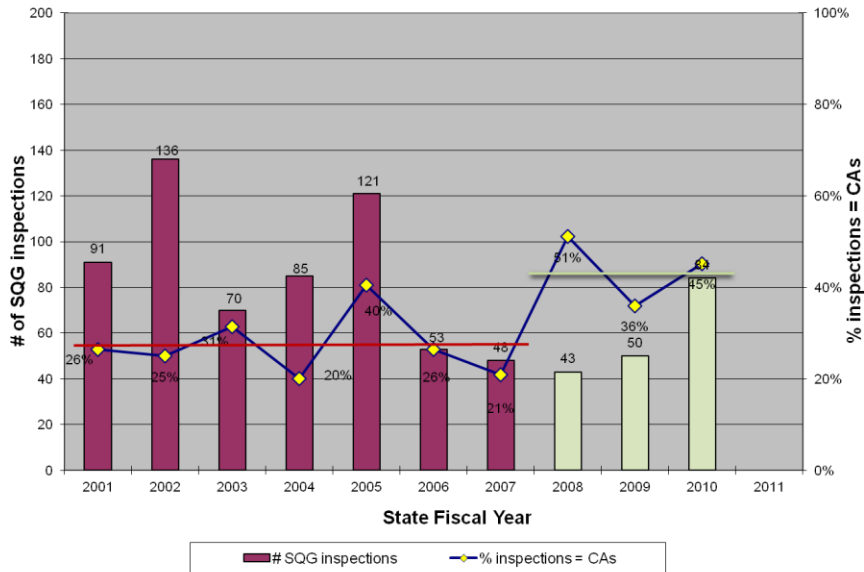
SQG Informal Enforcement Rate



Effects on SQG Enforcement

Increase in Compliance Advisories

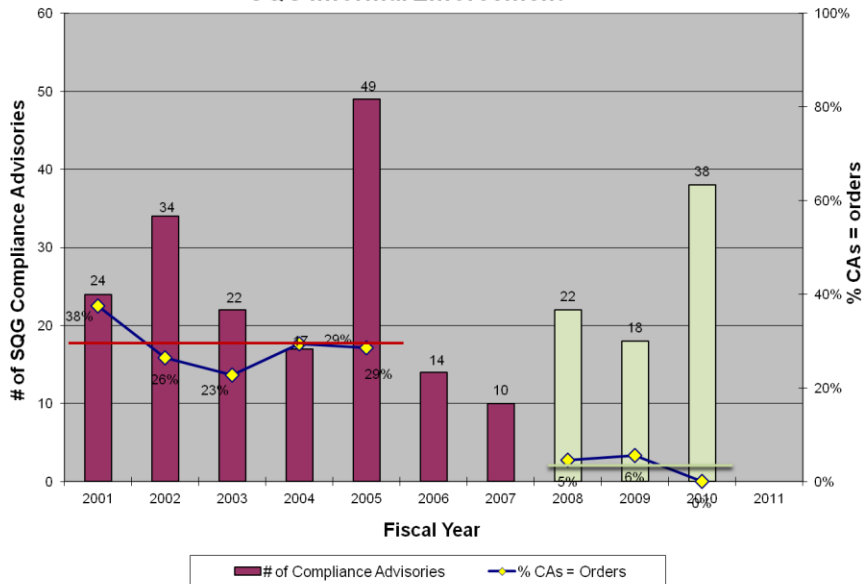
SQG Informal Enforcement Rate



Effects on SQG Enforcement

Increase in Compliance Advisories

SQG Formal Enforcement vs SQG Informal Enforcement



Big Decrease in Compliance Orders

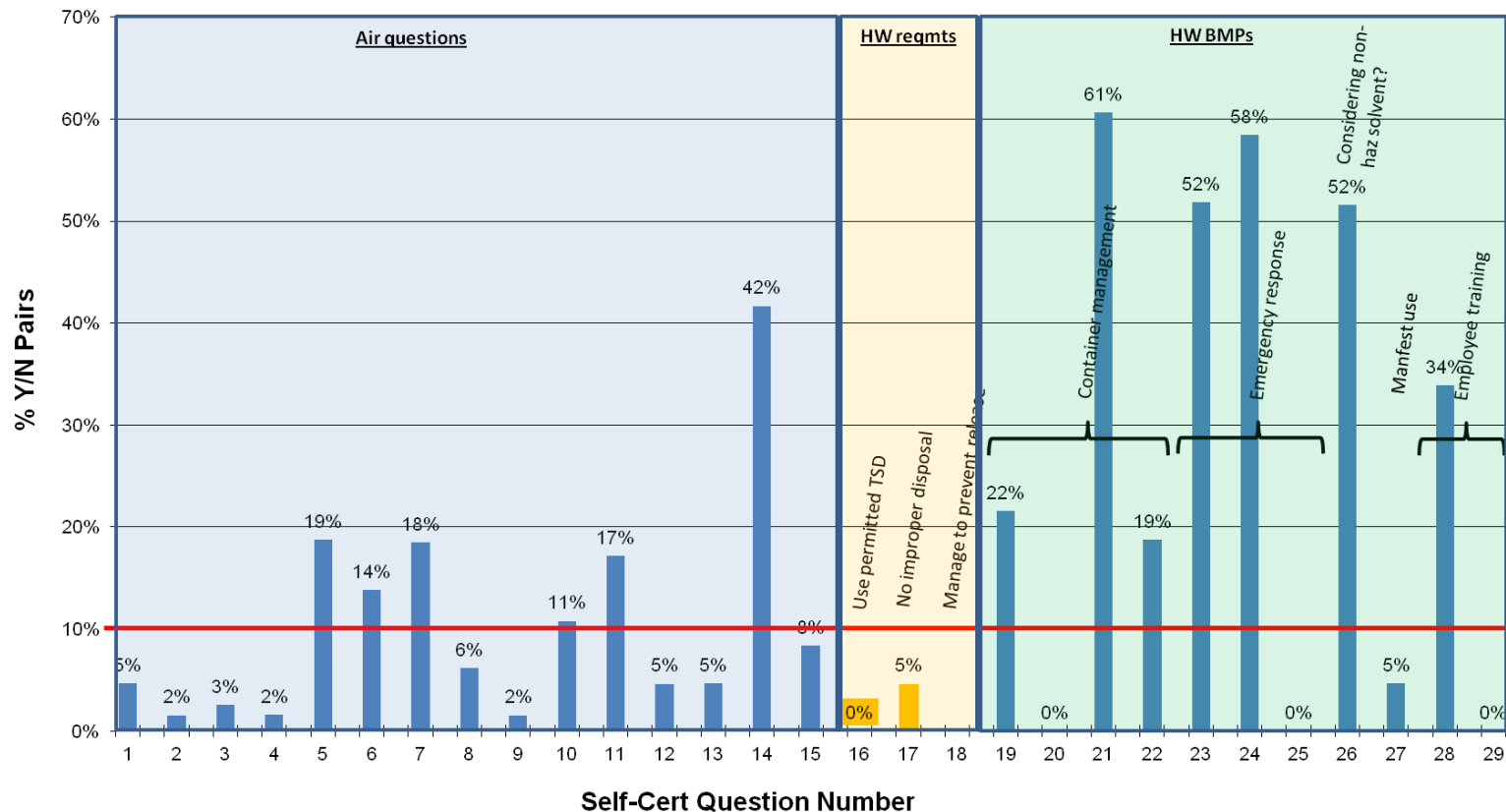
Dry Cleaners

- 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

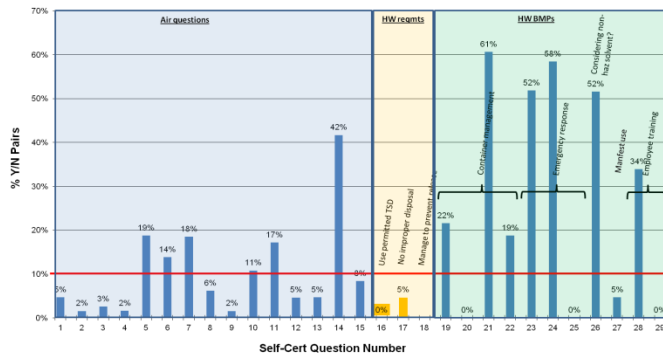
258 Self-Certifications
64 Inspections



2009

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

258 Self-Certifications
64 Inspections

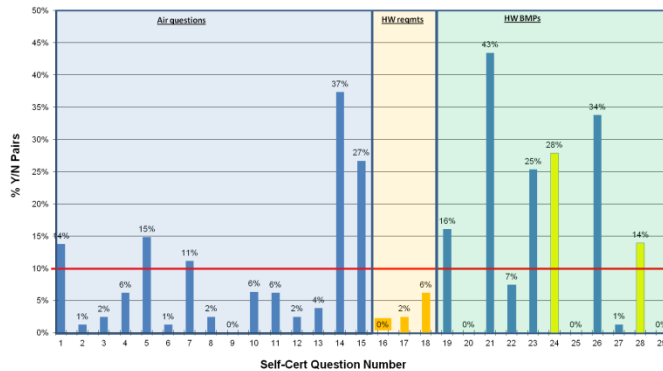


Compliance Rate by Requirement (Dry Cleaners):

2010

2010 Dry-Cleaner Self-Cert Results:
Inspector Non-Compliance Rate

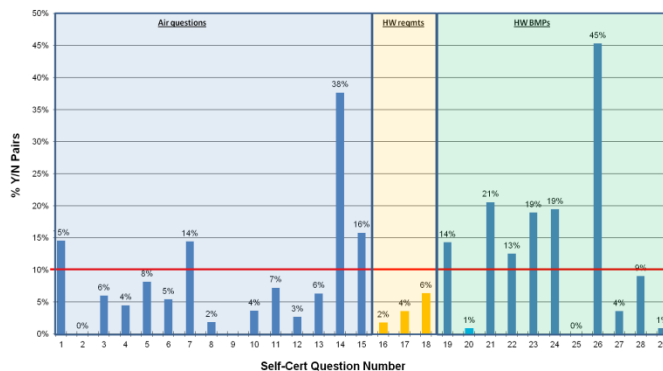
284 Self-Certifications
81 Inspections



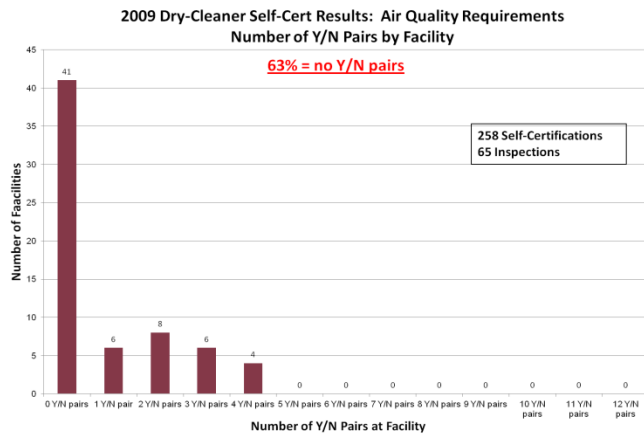
2011

2011 Dry-Cleaner Self-Cert Results:
Inspector Non-Compliance Rate

236 Self-Certifications
112 Inspections



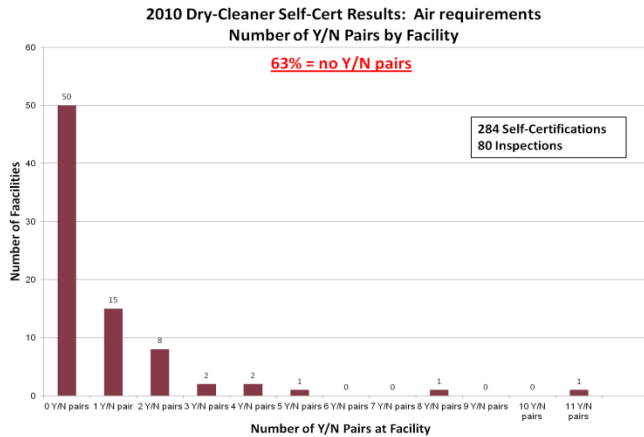
2009



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

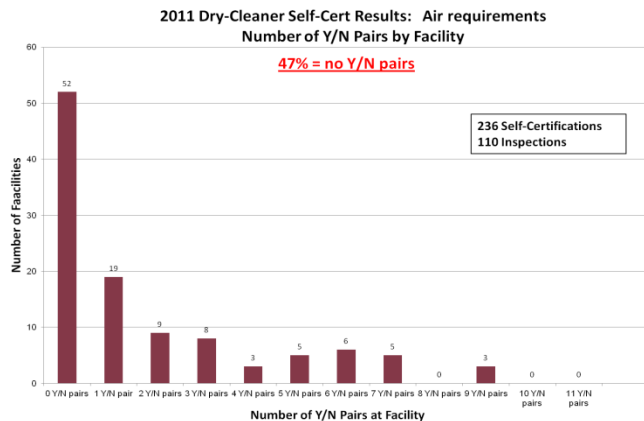
DC compliance rate = 63%

2010



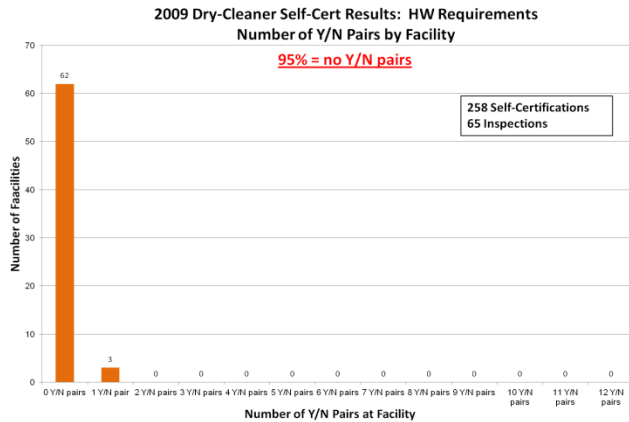
DC compliance rate = 63%

2011



DC compliance rate = 47%

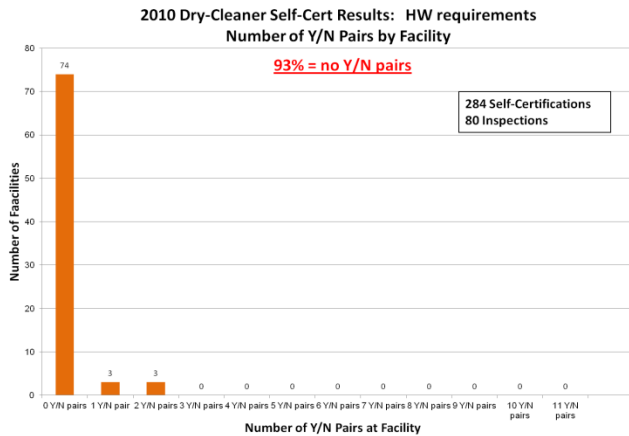
2009



Compliance Rate by Group (Dry Cleaners – HW Requirements):

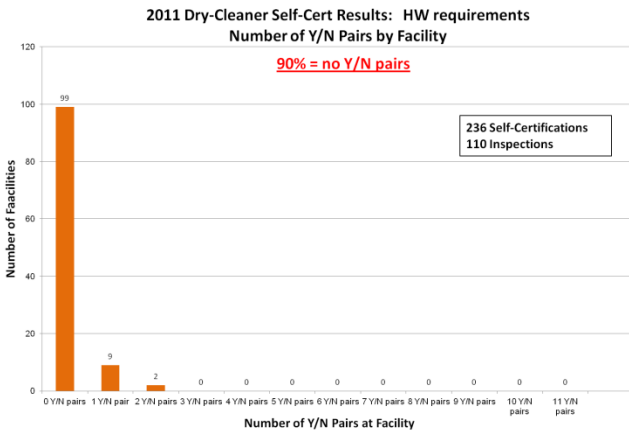
DC compliance rate = 95%

2010



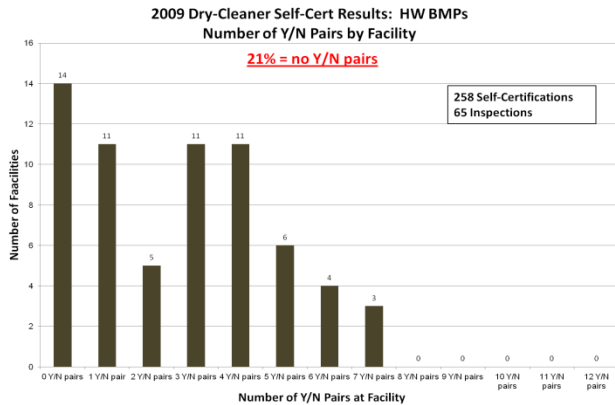
DC compliance rate = 93%

2011



DC compliance rate = 90%

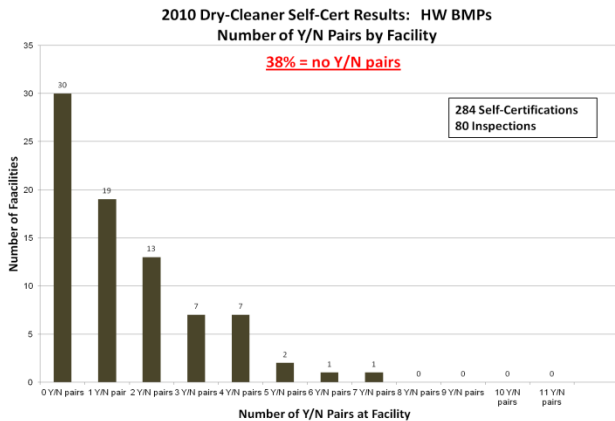
2009



Compliance Rate by Group (Dry Cleaners – HW BMPs):

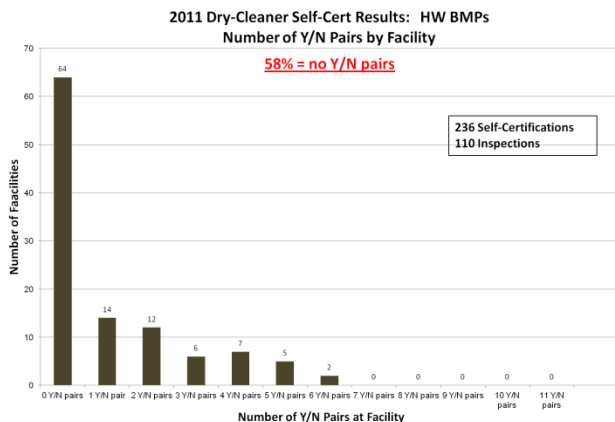
DC "compliance rate" = 21%

2010



DC "compliance rate" = 38%

2011



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!