



# aware



Winter 1998

Environmental Assistance Network Newsletter

## Table of Contents

### Staying Clean with EPA

page one

### Accepting Used Motor Oil From the Public

page four

### California Ergonomics Rule in Effect and Pennsylvania Program for Used Oil and Filters

page six

### Questions and Answers

page seven

### News Briefs

page seven

### Federal Environmental Hotlines

page eight

1-800-542-3914

# Staying Clean with EPA

**Note:** In this article, when the term "EPA" is used, it can mean federal, state or local environmental agencies.

Automobile dealers are subject to inspection by the EPA and may be issued citations and fines for noncompliance with environmental regulations.

The last thing your dealership needs is an EPA enforcement action or investigation. The time and expense involved in these actions can be devastating to a business. This article will help you to understand how to minimize your risk of being involved in enforcement actions.

## common violations

EPA citations at auto service centers most often result from violations in the following areas:

- mobile air conditioning/refrigerant recycling
- storage of fuels, oils and other hazardous materials
- storage and transportation of wastes
- wastewater discharges

- air permits; for example, paint spray booths or used oil heaters
- vapor controls for gasoline dispensing
- contamination of property

One of the most noteworthy cases was the \$38 million dollar fine levied in 1987 by a judge in Dade County, Florida. The fine was against the owner of a small automotive service garage who ignored notices of violation issued by the county enforcement agency. The agency demanded that the owner correct a leaking pipe on an underground used oil storage tank.

In another case, the owner of an Illinois automotive dealership faced over a million dollars in fines and possible jail time for various environmental violations. While waiting over a year for the local fire marshal's approval to install a new aboveground storage tank for used oil, one of the dealer's temporary used oil storage drums leaked, dispersing oil into the stormsewer and a nearby creek. This precipitated an EPA inspection that found

additional problems. The dealer was not storing hazardous wastes properly and had failed to train employees on handling hazardous wastes.

These are just a few examples of how regulatory noncompliance may involve your dealership in an EPA enforcement action. It should help you to know more about how the enforcement process works.

## the enforcement process

The enforcement process often begins when an enforcement agency reviews the dealership's records and discovers a violation. These situations include unrenovated permits, unanswered EPA inquiries or laboratory reports showing pollutant levels in a waste or wastewater stream exceeding limits.

Another way a dealership may face an enforcement action is when a vendor or supplier of a dealership is being investigated by the EPA. For example, upon

continued on page two

# Staying Clean with EPA

review of the records of a used oil transporter, EPA found the transporter had taken used oil from the dealership and disposed of it at a Superfund site.<sup>1</sup> In this case, the dealership may be held liable for all or a portion of the cleanup costs.

EPA inspection is another common way to become involved in enforcement. Inspections are commonly precipitated through some type of complaint, by either an employee or ex-employee, neighbor, customer or competitor. If there is a complaint, justified or not, your chances of being visited by the agency are nearly 100%. Inspections also result from routine or targeted inspection drives. In most cases, the chances of being inspected through a routine or scheduled inspection is quite small, simply because of a lack of agency funds and staff to conduct routine inspections.

## the inspection

Typically, an inspection will cover one area of regulation, such as air emissions, wastewater discharges or hazardous wastes. However, the goal of many agencies is to

conduct what is termed a multi-media inspection—covering most or all regulated areas at the same time. The inspector(s) may enter unannounced. They will definitely want to look at your records and see your facility. Inspectors will have many questions and might even work from a prepared checklist. They may stay for an hour or most of the day.

If you have an environmental consultant, you may want to ask the inspector to schedule the inspection time so the consultant can be present. By all means, treat the inspector with respect and try to be as cooperative and courteous as possible. Answer the questions directly, briefly and as truthfully as you can. When you are unsure of the answer to a question, let the inspector know you can find out and provide the information later.

At the end of the inspection, ask for a verbal summary of the inspector's findings. Carefully review with the inspector any improvements that should be made or any areas

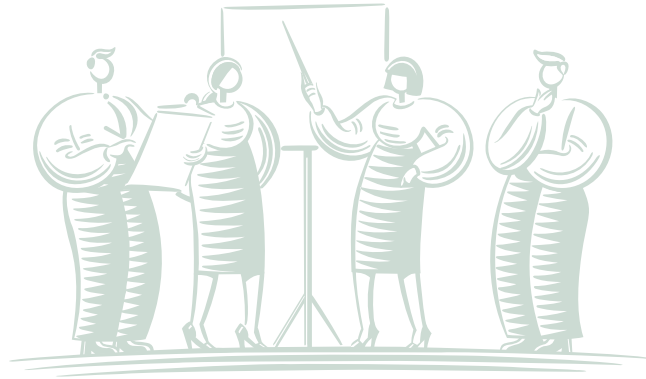
that do not meet the requirements. Ask if there will be any follow-up reports issued by the inspector, or if any corrective actions need to be taken. Violations will be noted in the report, and the dealership will be given a time period (30 or 60 days, for example) to correct the violation and offer proof to the agency.

## avoiding enforcement actions

The best way to avoid EPA enforcement is by making sure your dealership is in compliance and operating with excellent environmental management practices on a day-to-day basis. There are hundreds of federal, state and local environmental requirements. The only cost-effective way to achieve compliance, and to keep up to date, is to implement an environmental management program, as described in Chapter 1 of *The Environmental Guidebook* contained in your Toyota Environmental Assistance Network (EAN) binder.<sup>2</sup>



continued



- Has your dealership designated an environmental/safety coordinator?
- Does it budget for environmental expenditures?
- Are internal audits and surveys conducted periodically to determine compliance?
- Are key employees and technicians given the appropriate level of training?

These questions all refer to important elements of an environmental management program—and are essential to reduce the risk of fines and other penalties.

## recommendations

Toyota Motor Sales, U.S.A., Inc. established The Environmental Assistance Network (EAN) for all Toyota and Lexus dealers. The EAN binder, distributed to all dealers, includes *The Environmental Guidebook* and the *Compliance Audit System*.

Take the time this week to review *The Environmental Guidebook*. Perhaps it is time to conduct an internal audit using the *Compliance Audit System*. Of course, the *Environmental Guidebook* and the *Compliance Audit System* are general guidelines. Be sure to check with

state and local environmental agencies for special requirements that apply in your area. Toyota also recommends that you consider retaining an environmental professional to assist you in identifying issues specific to your facility. If there are any areas not in compliance, or that might be questionable, make a prioritized schedule to correct these items

Also, review what you would do in case of an announced or unannounced EPA inspection. Can you answer the following questions:

- Who are the personnel authorized by the dealership to interface with the EPA inspector?
- Who are the other personnel allowed to participate in the inspection and discussions with the inspector?
- Are there backup personnel designated, in case the primary personnel are not present?

Dealerships not implementing some type of environmental management program are leaving themselves wide open for EPA

violations and potentially heavy fines. Follow the guidelines in *The Environmental Guidebook*, and be sure to check with the state and local environmental agency for special requirements that may apply in your area. Then you can rest a little easier, knowing that if you are inspected by the environmental authorities, your dealership should be found in good order.

<sup>1</sup> According to the National Automobile Dealers Association (NADA), hundreds of dealerships are involved in Superfund sites. Superfund sites are abandoned, contaminated sites that are targeted for cleanup by the government. Anyone may be held liable for the cleanup costs, even if they contributed a small amount of waste to the site, even if it was many years ago and was legal at the time. Superfund settlements can amount to hundreds of thousands of dollars or more.

<sup>2</sup> If you cannot locate your copy of *The Environmental Guidebook* or *Compliance Audit System*, or would like another copy, please contact EDC at 419-422-1200 for order information.



# Accepting Used Motor Oil From the Public

TODAY, MANY  
AUTO DEALERS,  
INDEPENDENT  
SERVICE STATIONS,  
FRANCHISED AUTO  
PARTS STORES AND  
EVEN FARMERS'  
COOPERATIVES  
ARE ACCEPTING  
USED MOTOR OIL  
FROM THE PUBLIC.



City- and county-sponsored events throughout the country are held every year (or more often) to accept used oil and other household hazardous waste materials. In the late '80s the practice of accepting used motor oil from do-it-yourselfers (DIYs) for recycling started to become more popular, resulting in a large increase in recycling DIY oil.

According to a 1996 American Petroleum Institute (API) study of the 342 million gallons of motor oil sold to DIYs, nearly 60% was collected for recycling in 1993. But previous to the mid-'80s, only 20% of used oil was estimated to have been recycled. With increasing numbers of available retail locations accepting the DIY oil, this number is expected to increase considerably in the coming years.

Acceptance at retail locations is a much-needed service and offers the dealership promotional opportunities to build customer relations and public image. Here are some guidelines for implementing a customized used oil recycling program:

- Do not keep containers in which the customer brings in his used oil, as this will create an additional waste disposal problem. Instead, offer special *reusable* containers.

- Visually inspect the used oil—do not accept suspicious materials.
- Consider using a separate drum or tank for DIY oil to avoid potential contamination.
- Have the DIY contributors sign a log with a statement verifying the material is used oil only.
- Post a sign and provide a brochure explaining your policy and the need to collect DIY oil.
- Include your new public service in advertisements. Include other environmental efforts in your promotion.
- In addition to accepting used oil, it may be worth considering accepting used oil filters for a small charge.

Consider accepting DIY oil if your dealership does not already. If you do, take this opportunity to review your policies.

A complete package on DIY collection is available from the American Petroleum Institute (API) in Washington, D.C. at (202) 682-8042. Some states and local governments require businesses which sell motor oil to accept DIY oil. For state information, contact the Used Oil Recycling Coordinator given in *Appendix A* of your *Guidebook* contained within the Environmental Assistance Network (EAN) binder.



# California

## Ergonomics

### Rule in Effect

The California Occupational Safety and Health Standards Board has received approval from the Office of Administrative Law on an amended “ergonomics” standard, requiring employers to minimize work-related repetitive motion injuries. The state regulation, effective July 3, will be triggered at any worksite when at least two employees performing identical tasks have been diagnosed with a work-related repetitive motion injury (RMI) within 12 consecutive months. Should that occur, the employer must establish and implement a program designed to minimize the condition. The employer must also evaluate the affected worksite, control the exposures that cause RMI and provide training to affected employees.



## Pennsylvania Program for Used Oil and Filters

The Pennsylvania Department of Environmental Protection has announced a public-private partnership to increase recycling of used oil and oil filters. The partnership is being formed to increase voluntary efforts to recycle more than 28 million gallons of oil and 15.3 million

light-duty oil filters sold in the commonwealth each year. Current members of the partnership include the American Petroleum Institute, Filter Manufacturers Council, Steel Recycling Institute, National Oil Recyclers Association and Used Oil Management Association.

# QUESTIONS & ANSWERS

**Q** *At our dealership, we have 2,100 gallons of total outdoor aboveground storage capacity for used oil, gasoline and virgin motor oil. Do we need a spill prevention, containment and countermeasure (SPCC) plan?*

**A** The answer is probably yes, since you have over 1,320 gallons of total capacity aboveground. This type of question has been debated since the 1970s. You should contact the state water pollution control agency (listed in Appendix A of *The Environmental Guidebook*). They may have a more lenient interpretation which might exempt your facility; contact them to find out the current policy.

**Q** *We moved refrigerant recycling equipment from one location to another in the same city. Do we need to notify EPA?*

**A** Yes. You need to write EPA to amend your original notification, stating the equipment has been moved to the new location. Write to: Mobile Air Conditioning Recycling Program Manager, Stratospheric Ozone Protection Branch, U.S. EPA, 401 M Street SW, Washington, D.C. 20460. We suggest you give them a copy of the old letter also. By all means, keep a copy for your records.

**Q** *What is the best way to dispose of scrap lead weights used to balance wheels?*

**A** Your scrap battery hauler or a local metal recycler should be happy to take them from you. Before delivering material to any hauler or recycler, you should check with your state and local agencies to confirm that the business has a good compliance record.

**Q** *Do we need an EPA permit to recycle antifreeze on site?*

**A** If you use the method where antifreeze recycling equipment is connected to the vehicle's radiator and treated without being taken out and stored, you may not need a permit. With any other method, you may need a permit, unless you can prove your used antifreeze is nonhazardous. You will need to check with your state agency (see Appendix A in *The Environmental Guidebook*) for the current policy.



# NEWS BRIEFS



During May, the federal EPA and state agencies inspected 10,050 underground storage tank facilities, including service stations and truck and bus fleet refueling locations. A total of 3,192 leak detection violations were found. In about 400 cases, fines ranged from \$50 to \$300,000 and totaled more than \$1 million. A semiannual report from EPA's Office of Underground Storage Tanks shows there are 1,031,960 registered underground storage tanks in operation in the U.S. and its territories. This is a drop of 32,518 tanks since the beginning of fiscal year 1997.

A New Jersey waste oil recycling business operating in Philadelphia and its owner have been fined \$125,000. The firm was found guilty of illegally mixing hazardous chemicals with used oil and blending the used oil with fuel for industrial burners.

A vehicle maintenance facility of a Las Vegas telephone company fleet was fined over \$21,000 by the U.S. EPA for using an unacceptable refrigerant, HC-12a, as a replacement for CFC-12 in vehicle air conditioning units. CFC-12 replacements must be approved by the EPA. To date, the EPA claims the manufacturer of HC-12a has not submitted the necessary information to the EPA to demonstrate the safety of using HC-12a in car and truck air conditioning systems. To determine if a refrigerant is currently EPA-accepted, call the EPA refrigerant hotline at (800) 296-1996.

## FEDERAL ENVIRONMENTAL HOTLINES:

Clean Air Act	(202) 260-7400
Clean Water Act	(202) 260-5700
Community Right-to-Know	(800) 535-0202
Department of Transportation (DOT) Hazardous Materials	(800) 467-4922
Environmental Protection Agency (EPA) Hazardous Waste	(800) 262-7937
Occupational Safety & Health Administration (OSHA)	(800) 321-6752
RCRA (EPA Region IX only)	(415) 744-2074
RCRA/Superfund/UST	(800) 424-9346
RCRA/Superfund (EPA Region II—NJ only)	(800) 346-5009
RCRA/Superfund (EPA Region II—NY only)	(800) 424-9346
Refrigerant Recycling	(800) 296-1996
Safe Drinking Water	(800) 426-4791
Small Business and Asbestos Ombudsman	(800) 368-5888
Spill Prevention, Control and Countermeasures	(202) 260-2342
Stormwater NPDES Permitting	(202) 260-9545
Stormwater (Phase I)	(202) 260-9529
Stormwater (Phase II)	(202) 260-6599
For Others Not Listed Above	(800) 752-6367



or visit the EPA Web site: [www.EPA.gov](http://www.EPA.gov)

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### aware

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## ATTENTION SERVICE MANAGERS

### *EAN Provides Updates to Guidebook for Toyota and Lexus Dealers*

Included with your issue of **aware** is your fifth update to *the Environmental Guidebook* provided by the EAN. Toyota Motor Sales, U.S.A., Inc. and the EAN distributed the entire *Guidebook* to Toyota and Lexus Dealers nationwide in October 1995. The updates will help keep the *Guidebook* current with major changes in EPA regulations and add new subject material as needed. **IMPORTANT:** Take the time now to follow the instructions carefully. Add/remove/replace the pages as explained on the cover sheet.

*The purpose of **aware** is to assist Toyota and Lexus dealerships in developing sound environmental practices and policies. The information presented in this publication is not intended as legal or professional advice. The information may be condensed and/or simplified to aid in its presentation to the widest possible audience. Readers should seek advice from qualified legal or environmental professionals regarding the applicability of any information presented to the reader's specific situation. Toyota Motor Sales, U.S.A., Inc. assumes no responsibility or liability to any person for reliance upon the information presented in this publication. Toyota Motor Sales, U.S.A., Inc., further assumes no responsibility for articles authored by the Environmental Development Corporation of Findlay, Ohio.*