


Legal and Other Requirements

February 1, 2023



SOLID WASTE **E**nvironmental
Management
System

Committed to Continuous Improvement



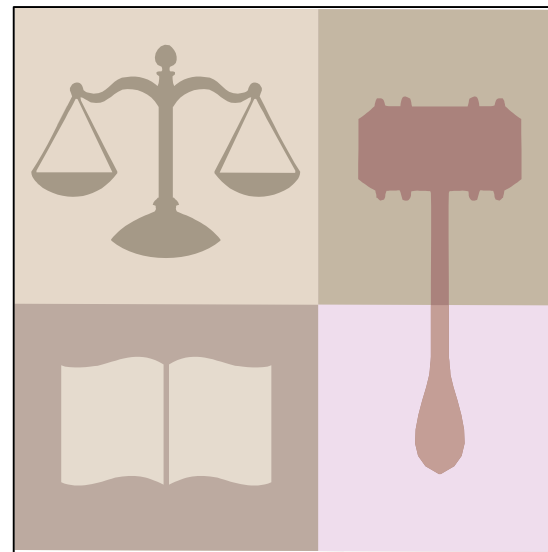
Legal and Other Requirements

- ① Identify and Document Environmental Legal Requirements for Operations and Facilities within the Fenceline, Including Relevant:
 - Laws
 - Regulations
 - Permits
 - Worker Health and Safety Regulations
- ① Establish a Process for Tracking Changes to Regulatory and Other Requirements



Legal Requirements– Examples

- ⦿ IAC 567 Chapter 101 Solid Waste Comprehensive Planning
- ⦿ IAC 455j – EMS
- ⦿ 40 CFR 260 - Management of Hazardous Waste
- ⦿ Occupational Safety and Health Administration
- ⦿ Stormwater Pollution Prevention Plan (SWPPP)
- ⦿ Green House Gas Reporting



Other Requirements– Examples

- ⦿ Management Directive
- ⦿ LEED Certification
- ⦿ Energy Star
- ⦿ EPA/DNR Voluntary Commitments
- ⦿ Responsible Recycling (R2) Certification



Legal and Other Requirements

- ① List of Legal and Other Requirements Affecting an Organization
 - Include Permits
 - Assign Responsibilities
 - Document Frequency of Review by Legal and Other Requirement
- ① Level of Detail on List Should be Useful for the Audience
 - 40 CFR 112
 - 40 CFR 112 – Spill Prevention Control and Countermeasures Plan required for facility storing over 1320 gallons of petroleum products



Identify Applicable Legal and Other Requirements

- ① Determine if There is an Existing List and Who is Currently Responsible for It
 - Review for Completeness and Update as Necessary
- ① No Existing List?
 - Review Example Legal and Other Lists from Tier 2 EMS
 - Review Existing Permits
 - Conduct a Compliance Audit
 - Review DNR Checklists
 - Interview Responsible Staff
- ① Develop a List of Legal and Other Requirements that has the Appropriate Level of Detail
- ① Communicate List and Train Staff as Needed

Reviewing and Maintaining List

- ⦿ Review List on a Periodic Basis
- ⦿ Update List When Activities Change or New Processes are Added that Affect Legal and Other Requirements
 - Installation of a Tank
 - Sign on to Voluntary Commitments
- ⦿ Review Regulations for Changes and Update List
 - LGEAN – Free List Serve
 - Federal and State Registers
 - Legal Services



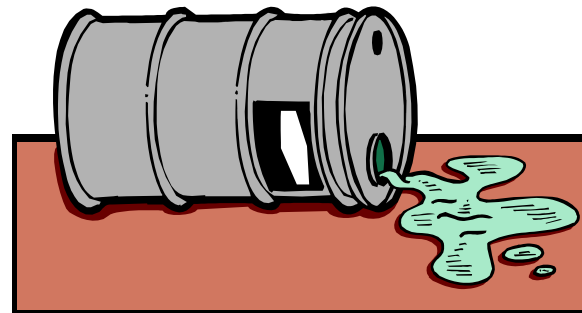
EMS Procedure

- ◎ Most Organizations Write an EMS Procedure for Legal and Other Requirements
 - Document and Assign Responsibilities
 - Document How the Legal and Other Requirements List was Developed
 - Describe Process for Maintaining and Updating the List
 - Describe How Changes in Regulations Will be Incorporated Into the EMS
 - Training
 - Documents and Records



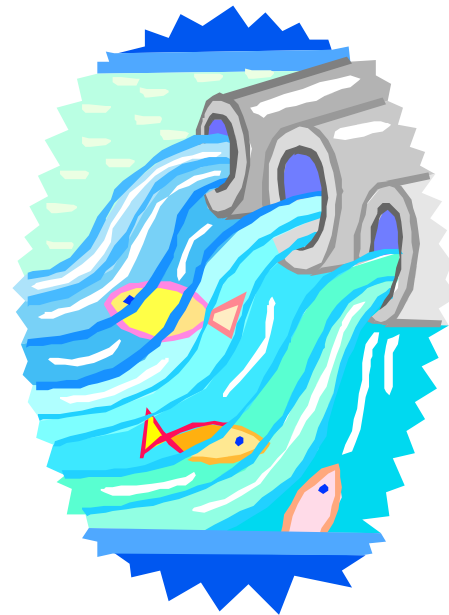
Applicable Legal and Other – Sometimes Missed

- ◎ Tank Management
 - Inventory Control Records
 - Inspections/Testing
 - Tank Component Upgrades
- ◎ Spill Prevention Control and Countermeasures
 - Develop Plan if Petroleum Products Stored Over 1,320 Gallons
 - Inspections



Applicable Legal and Other – Sometimes Missed

- ① Storm Water Pollution Prevention Plans
 - Inspections
 - Sampling, if required
 - Annual Plan Review
- ① Air Emissions
 - Painting
 - Welding
 - Emergency Generators



Identifying Legal and Other

- ① Refer to DNR's Example List
- ① Conduct Compliance Audit to:
 - Review Existing Activities
 - Identify Applicable Legal Requirements,
 - Identify Compliance Gaps,
 - Set a Schedule and Responsibilities for Closing the Gaps
- ① Update List of Legal and Other Requirements
- ① Develop System to Track Regulatory Due Dates and Review List for Changes
- ① Write an EMS Procedure to Document Process and Assign Responsibilities

DNR Example List



Example Legal and Other List

Record No.	Title	Regulatory Agency	Legislation Last Changed	Link	Person Responsible	Review Frequency	Last Review Date	Next Date
376	IAC 567 Chapter 101 Solid Waste Comprehensive Planning	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
377	IAC 567 Chapter 102 Permits	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
378	IAC 567 Chapter 104 Sanitary Disposal Projects with Processing Facilities	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
379	IAC 567 Chapter 105 Organic Materials Composting Facilities	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
380	IAC 567 Chapter 106 Citizen Convenience Centers and Transfer Stations	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
381	IAC 567 Chapter 108 Beneficial Use Determinations	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
382	IAC 567 Chapter 109 Special Waste Authorizations	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
383	IAC 567 Chapter 110 Hydrogeologic and Investigation and Monitoring Requirements	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				
384	IAC 567 Chapter 111 Environmental Management System Annual Reports	IDNR		http://search.legis.state.il.us/nlx1/gateway.uijari/ncj3870___environmental%20protection%20commission%20__5b567__5d/1000___chapter%20100%20scope%20of%20title%20-%20definitions%20-%20forms%20-__2e/_c_5670_1000.xml?f=templates\$fn=default.htm				



Develop a Written Procedure

- ⦿ How, Who, and When You Identify?
- ⦿ Where Can You Find Them?
- ⦿ How Do You Make Sure They Are Current?
- ⦿ What Happens When There Are Changes?
- ⦿ What's Covered?
 - Local, State, Federal Regulations
 - Legal Requirements
 - Other Requirements

What is in Place Already?

- ⦿ What Process Does Your Organization Follow?
- ⦿ Do You Have Access to Legal Requirements When Needed?
- ⦿ Do You Have a System to Keep Up-to-Date?
- ⦿ Are There Any Ways to Improve Your System?

DISCUSSION



Best Practices



- ⦿ Review Existing Lists with EMS Fenceline in Mind
- ⦿ Refer to Tier 2 Examples and Update Accordingly
- ⦿ Develop a Clear Procedure, Including Methods to Keep Updated and Accessible
- ⦿ When Activities Change, Legal and Other Requirements Need to be Checked
- ⦿ On a Routine Basis, Monitor Compliance With the Legal and Other Requirements Identified

Questions?

SOLID WASTE Environmental
Management
System

Committed to Continuous Improvement