SMART AUTO BODY AUTO REPAIR AND DISMANTLING

A guide to permitting requirements, environmental regulations, and best management practices for the automotive industry in New York City

Environmental Protection

Bill de Blasio, Mayor
Emily Lloyd, Commissioner

The Mission of the New York City Department of Environmental Protection is to protect public health and the environment by supplying clean drinking water, collecting and treating wastewater, and reducing air, noise, and hazardous materials pollution.

TABLE OF CONTENTS

INTRODUCTION 1

GLOSSARY 2

AUTO BODY AND AUTO REPAIR SHOPS 3

- Paint Spray Booth/Spray Gun Operations 3
- Environmental Report Form (ERF) 4
- Exhaust Systems 5
- Community Right-To-Know Law 5-6
- Oil/Water Separators/Vehicle Washing 7
- Backflow Prevention Devices 8
- Operation and Installation of Boilers and Fuel-Burning Equipment 9-10

AUTO SALVAGE AND DISMANTLING BUSINESSES 11

- Exhaust Systems 11
- Stormwater Permits 11-12
- Disposal of Mercury Light Switches 13
- Disposal of Undeployed Airbags 14

BEST MANAGEMENT PRACTICES 15-20

RESOURCES AND REFERENCES 21-22

INTRODUCTION

Complying with Government Regulations

This booklet is designed to provide auto body, auto repair, and dismantling businesses in New York City with a practical and easy-to-use guide for complying with city, state, and federal environmental rules and regulations applicable to the automotive industry. The government agencies that enforce these regulations include:

1. **The New York City Department of Environmental Protection (DEP):** responsible for enforcing the city's Air and Noise Codes, Community Right-To-Know Law, Hazardous Substances Emergency Response Law, and the "Spill Bill."

2. **The New York State Department of Environmental Conservation (DEC):** responsible for administering and enforcing the state's Environmental Conservation Laws, including regulations and registrations for air permits and surface coating processes.

3. **The U.S. Environmental Protection Agency (EPA):** responsible for implementing and enforcing federal environmental laws, including the Clean Air Act, the Clean Water Act, and the Superfund Amendments and Reauthorization Act (SARA) Title III.

While the rules and regulations outlined in this document apply primarily to auto body and auto repair shops, we have flagged those that also apply to auto salvage and dismantling businesses and have included a separate section that features regulations specific to these businesses.

In addition there is a section on best management practices (BMPs) and a Resources and References section at the end of the booklet.

The following abbreviations appear throughout this booklet:

1. **ARA NY & ARA National** – Automobile Recyclers Assn., NY
2. **BPD** – Backflow Prevention Device
3. **BTU** – British Thermal Units
4. **CCCU** – Cross-Connection Control Unit
5. **CESQG** – Conditionally Exempt Small Quantity Generator
6. **CFR** – Code of Federal Regulations
7. **CO** – Certificate of Operation
8. **DEC** – New York State Department of Environmental Conservation
9. **DEP** – New York City Department of Environmental Protection
10. **DMR** – Discharge Monitoring Report
11. **DOB** – New York City Department of Buildings
12. **DOH** – New York State Department of Health
13. **ERF** – Environmental Report Form
14. **ELVS** – End of Life Vehicle Solutions
15. **FIF** – Facility Inventory Form
16. **FDNY** – New York City Fire Department
17. **HVLP** – High Volume Low Pressure
18. **LMP** – Licensed Master Plumber
19. **MSDS** – Material Safety Data Sheet
20. **MSGP** – (SPDES) Multi-Sector General Permit
21. **NAICS** – North American Industrial Classification System
22. **NVMSRP** – National Vehicle Mercury Switch Recovery Program
23. **NYCRR** – New York Codes Rules and Regulations (State of New York)
24. **PE** – Professional Engineer
25. **RA** – Registered Architect
26. **RCNY** – Rules of the City of New York
27. **RMP** – Risk Management Plan
28. **SERC** – State Emergency Response Commission
29. **SPDES** – State Pollutant Discharge Elimination System
30. **SWPPP** – Stormwater Pollution Prevention Plan

DEP REGULATIONS FOR AUTO BODY AND AUTO REPAIR SHOPS

1. Operating a paint spray booth or spray guns

Automobile refinishing in New York City must be performed with "high volume low pressure" (HVLP) spray guns or spray guns designated as "equivalent technology" by the New York State Department of Environmental Conservation (DEC).

Requirement: You must apply for a work permit and certificate of operation (CO) and have the application certified by a NYS-licensed PE or RA, prior to commencing operation.

Renewal: The certificate of operation must be renewed every three years.

Exemptions: None

Auto body and Auto repair shops generate air pollutants that include volatile organic compounds (VOCs) that are contained in many solvents; hazardous air pollutants (HAPs); and dust. VOCs combine with other pollutants to form ozone, which gets trapped in the air we breathe and is damaging to one's health and the environment. To control the adverse impacts of hazardous air pollutants, you must obtain and know your required permit, and must comply with state and city regulations:

- mix paint properly to comply with VOC concentrations' limits;
- minimize paint odors and paint overspray;
- reduce solvent use;
- keep containers tightly closed;
- spray inside booth and maintain exhaust system to prevent overspray;
- if your shop has no spray booth, be sure the ventilation system vents exhaust air away from neighbors;
- keep accurate records of paint and solvent usage and record coating mixture exactly; and
- use only non-atomized spray gun cleaning methods.

Source: NYC Administrative Code Title 24, Chapter 1, and RCNY Title 15, Chapter 8

Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Parts 200, 201, 211, 212, 228 and 257

Requirement: You must have a DEC air permit/registration in addition to any DEP permits. The DEC application does not require a licensed PE, and can be completed with the help of the Small Business Environmental Assistance Program (SBEAP).

EPA: CFR Title 40, Part 63, Subpart HHHHHH

Requirement: No additional permit is required by EPA, but all spray painters must be specially trained and certified. Additional record-keeping and a notification report must be filed, but there are no additional fees.

***Requirements for submission of Environmental Report Form (ERF) to DEC:** Auto body shops subject to NYS air regulations for Surface Coating Processes (6 NYCRR Part 228) must complete the new Environmental Report Form, if they perform any of the following automobile refinishing operations:

- collision repair
- vehicle painting
- paint stripping or sanding
- body work
- antique auto restoration
- student training in any of the above operations

(Includes dealers or general automotive repair shops that also do body repair.)

Shops exempt from this NYS regulation and that do not generate any hazardous waste are encouraged to voluntarily submit an ERF. Completed forms must be submitted to DEC 60 days after the mailing date on the form. For more information, please check DEC's **"Environmental Compliance Guide for Auto Body Shops, December 2009."** For assistance with the ERF, call the Small Business Environmental Assistance Program (SBEAP), or Small Business Environmental Ombudsman (SBEO). (See Resources and References section for websites and telephone numbers.)

*** Please check with DEC for current status of program: (518) 402-8678**

2. Use exhaust systems for either of the following activities

- Performing a paint-drying or heat-curing process on vehicles in an enclosed structure (separate from a spray booth) with its own exhaust system; or
- Utilizing a mechanically assisted tailpipe exhaust system to, for example, exhaust tailpipe emissions to the outside air.

Requirement: You must apply for a work permit and a certificate of operation (CO) for the exhaust system and have the application certified by a NYS-licensed PE or RA.

Renewal: The CO must be renewed every three years.

Exemptions: Tailpipe exhaust systems used only for the NYS Inspection & Maintenance Program do not require this permit.

Source: NYC Administrative Code Title 24, Chapter 1, and RCNY Title 15, Chapter 8

Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Parts 200, 201, 211, 217, 228 and 257

Federal Department of Labor: CFR Title 29, Part 1910, Subpart H

3. Facilities using, storing, processing, or handling reportable substances on DEP's Community Right-To-Know Hazardous Substances List

Requirement: By March 1 of each year a facility owner must file a Facility Inventory Form (FIF) for the previous calendar year, using the ***Online Tier II Filing System*** (or via hard copy–see below) on DEP's Right-To-Know (RTK) Program website, www.nyc.gov/dep/tier2filing. The owner must include the Material Safety Data Sheet (MSDS) for each reportable substance, along with the electronically calculated fee that enables filers to pay online with a major credit/debit card, or E-check. If an owner does not have access to a computer, they can call the RTK Program at (718) 595-4659 for an appointment to visit DEP for assistance with filing online, or the owner can mail the FIF, the MSDS sheets, and the fee to: **NYCDEP, Right-To-Know Program, 59-17 Junction Blvd., 1st Floor LR, Flushing, NY 11373-5108.**

The FIF and MSDS sheets must also be mailed to the:

Toxic Substance Unit,
Bureau of Operations, NYC Fire Department
9 Metrotech Center, Brooklyn, NY 11201

If the facility meets the federal SARA Title III requirements, a copy of the FIF and the MSDS sheets must also be mailed to the:

New York State Emergency Response Commission (SERC)
NYS Office of Emergency Management,
1220 Washington Avenue, Bldg. 22, Suite 101
Albany, NY 12226-2251

If a new reportable hazardous substance is used or stored in the facility, or if a previously reported quantity of a hazardous substance increases by 25% or more, the facility owner is required to file an updated FIF report within 30 days with DEP (online or hardcopy) and FDNY (see above address), along with any new and/or updated MSDS sheets. SERC receives the FIF report one time, unless a new hazardous substance has been added to the report.

If the chemical inventory (FIF) includes an extremely hazardous substance or regulated toxic substance, at or above the federally established Threshold Planning Quantity, a Risk Management Plan must also be submitted to the DEP's RTK Program. *(The above also applies to auto salvage and dismantling businesses.)*

Renewal: The FIF must be filed by March 1 of each year for the previous calendar year.

Exemptions: If a facility owner believes they should be exempt from filing their annual chemical inventory (FIF), the owner must send a letter to DEP's Right-to-Know Program, specifically stating the reasons why an exemption should be granted. A DEP inspector will then visit the facility to verify the information before issuing an exemption.

Source: NYC Administrative Code Title 24, Chapter 7 and RCNY Title 15, Chapter 41

Applicable New York State and federal regulations:

EPA: Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, Clean Air Act, section 112(r) (Chemical Accident Prevention Provisions), 40 CFR 68.130

4. Oil/Water Separators

Requirement: If you operate a repair garage with a floor, trench, or zip drain in your work area that leads to a public sewer, you must install an oil/water separator.

If you are a new auto shop, you must file design plans and calculations for an oil/water separator with DEP by using a **Wastewater Quality Control Application** that has been certified by a NYS-licensed PE or RA. If your auto shop does not have any drains, you are also required to file this application with DEP. (See Resources and References section for DEP website.)

(The above also applies to auto salvage and dismantling businesses)

Renewal: None is necessary, once the device is installed.

Exemptions: None

Source: NYC Administrative Code Title 24, Chapter 5 and Title 28, Chapter 10 section PC-1003.4.2, RCNY Title 15, Chapter 19

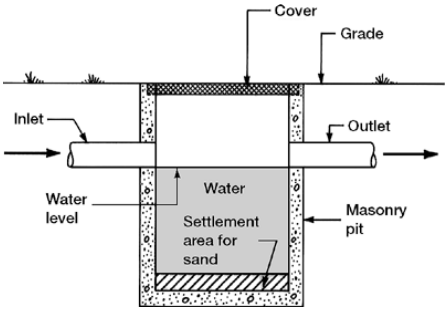
Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Part 750 (SPDES) Permit

5. Vehicle Washing

Requirement: Your vehicle washing facility, or the designated vehicle washing area in your auto shop, should have a discharge line leading to a sanitary or combined public sewer. In addition, a sand interceptor must be installed, with calculated size, based on a minimum of 15 minutes sand settling time. If there is engine washing and/or maintenance done on the premises, you are also required to install an oil/water separator, positioned after the sand interceptor. Or, you can install a combined unit, calculated to satisfy the requirements of both units. If recirculation is used, drawings showing properly selected equipment, with calculations and a full-flow schematic, must be provided.

If you are operating a new washing facility, you must file design plans and calculations for the installation of a sand interceptor with DEP by submitting a **Wastewater Quality Control Application** that has been certified by a NYS-licensed PE or RA. (See Resources and References Section for link on DEP website.)



If well water is used in your vehicle washing facility, you must submit to DEP analytical data based on DEP's "**Limitations for Effluent to Sanitary or Combined Sewers, Table A**" (included in the **Wastewater Quality Control Application**). If only city tap water is used in your facility, a confirmation statement must be sent to DEP. Also, *if applicable*, all vehicle washing owners are required to submit the following statement to DEP: "Only exteriors of the vehicles will be washed and no engine cleaning and/or any maintenance will be done on the premises."

Renewal: None is necessary, once the device is installed.

Exemptions: None

Source: NYC Administrative Code Title 24 Chapter 5 and Title 28 Chapter 10 section PC-1003.5 (sand interceptors in commercial establishments), RCNY Title 15 Chapter 19

Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Part 750 (SPDES Permit)

EPA: CFR Title 40, Part 403

6. Backflow Prevention Devices:

Requirement: You are required to install an approved backflow prevention device (BPD) on all water service lines that supply your facility with water, including those lines for fire protection, if the facility poses an actual or potential risk of contaminating the city's water supply. Plans for the installation of the device must be submitted by a NYS-licensed PE or RA. After DEP approves the plans, a Licensed Master Plumber must install the backflow prevention device, which must be tested and certified by a NYS-Certified Backflow Prevention Device Tester, and reviewed and certified by an LMP and a PE or RA.

(The above also applies to auto salvage and dismantling facilities.)

Renewal: The backflow prevention device must be tested annually by a NYS-Certified Backflow Prevention Device Tester.

Exemptions: If you believe your business does not require a backflow prevention device, hire a PE, RA, or LMP to send a letter on your letterhead to DEP's Cross-Connection Control Unit (CCCU), requesting an exemption. The letter must include all the required information as shown on the CCCU's sample exemption letters, accessible on DEP's website under

"Water and Sewer Forms." (See the Resources and References section for more details.) If the exemption is denied, you can request a DEP field inspection to determine whether a backflow prevention device is required.

Source: NYC Administrative Code Title 24, Chapter 3, and RCNY Title 15, Chapter 20

Applicable New York State and federal regulations:

DOH: NYCRR Title 10 Part 5, NYS Sanitary Code, Subpart 5-1.31 Cross-Connection Control

Business How-to-Video – Backflow Prevention Devices
www.nyc.gov/html/dep/html/businesses/how_to_videos.shtml

7. Operating or Installing a Boiler or Other Fuel-Burning Equipment

Requirement: A registration certificate must be obtained from DEP if you have operating responsibility for a boiler that uses No. 1 fuel oil, No. 2 fuel oil or natural gas in an aggregate amount (capacity of all connected fuel-burning equipment) of 350,000 and less than 2.8 million BTUs of fuel per hour. An online service for submitting new applications or renewals is available through DEP's Clean Air Tracking System (CATS) at www.nyc.gov/html/dep/pdf/air/dep_cats_user_manual_v1.0.pdf, which expedites registration and tracking of new boilers and renewals. To login to CATS, see website in the Resources and References section. If you have questions, problems, or need help using CATS, please send an email to: catsfeedback@dep.nyc.gov (*Applicable to most automotive shops.*)

You must obtain a work permit and certificate of operation if you have operating responsibility for a boiler that uses any fuel type in an aggregate amount of 2.8 million or more BTUs of fuel per hour, or uses No. 4, or No. 6 fuel oil in an aggregate amount of 1 million or more BTUs of fuel per hour. Certificates of Operation are scheduled to be available in 2014 through online CATS. (*Applicable to few automotive shops.*)

DEP will not renew any applications to use No. 6 fuel oil, if the expiration date is on or after July 1, 2012. Building owners will be required to switch to No. 4 fuel oil, the equivalent of No. 4 fuel oil, No. 2 fuel oil, or natural gas, in order for an application to be renewed. As of January 1, 2030, all boilers will be required to use only fuel oil grade No. 2 and/or natural gas to receive a new or renewed Certificate of Operation. (*The above also applies to auto salvage and dismantling facilities.*)

Renewal: Registration certificates and certificates of operation must be renewed every three years with DEP.

Exemptions: If your boiler uses an aggregate amount of fuel of less than 350,000 BTUs per hour, you do not need to file with DEP.

Source: NYC Administrative Code Title 24, Chapter 1, and RCNY Title 15, Chapter 2

Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Parts 200, 201, 211, 225, 227

Requirement: If greater than 10 million BTU/hr (1 million BTU/hr for wood), you must have a DEC air permit/registration in addition to any DEP permits. The DEC application does not require a licensed PE, and can be completed with the help of the Small Business Environmental Assistance Program.

EPA: CFR Title 40, Part 63, Subpart JJJJJJ

Requirement: Applies to units that burn coal, oil or biomass. Emission limits may apply which will require stack testing. At a minimum, a boiler tune-up is required, but the matrix is complex. Contact the SBEAP for assistance.

DEP REGULATIONS FOR AUTO SALVAGE AND DISMANTLING BUSINESSES

Auto salvage and dismantling businesses are required to apply for many of the same permits, and comply with many of the same regulations (noted in this booklet), as auto body and auto repair shops. These include air permits for fuel-burning equipment, annual submission of a Facility Inventory Form (FIF) for compliance with the NYC Community Right-to-Know Law, and approval for the installation of a backflow prevention device. The regulations listed below are specific to auto salvage and dismantling businesses.

1. Use an Exhaust System when performing the following activities:

- Operating shredding or pulverizing equipment with an associated exhaust system.
- Performing metal reclaiming (with heat) with an associated exhaust system.

Requirement: You must obtain a work permit and certificate of operation based on a completed application certified by a NYS-licensed PE or RA.

Renewal: The certificate of operation must be renewed every three years.

Exemptions: None

Source: NYC Administrative Code Title 24, Chapter 1, and RCNY Title 15, Chapter 8

Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Parts 200, 201, 211, 212, 225

Requirement: A DEC air permit/registration in addition to any DEP permits may be required. The DEC application does not require a licensed PE, and can be completed with the help of the Small Business Environmental Assistance Program (SBEAP).

2. Obtaining a Stormwater Permit for Auto Salvage and Scrap Metal Recycling Facilities

Requirement: The 1987 Clean Water Act required virtually every automotive salvage or recycling operator, operating under Standard Industrial Classification (SIC) Codes 5015 and 5093, as defined in 40 CFR 122.26(b)(14)(vi), to obtain a permit for stormwater discharges, or for the potential to discharge stormwater, to waters of the United States. SIC codes have been replaced by the **NAICS** (North American Industrial Classification System). Automobile recycling facilities are now classified as: **NAICS 423930**

(Metal scrap and waste merchant wholesalers), and **NAICS 423140** (Dismantling motor vehicles for the purpose of selling used parts; Motor Vehicle Parts (Used) Merchant Wholesalers).

Materials commonly found in auto salvage facilities, such as mercury switches, metals, used batteries and tires, brake fluid, oil, and grease often come in contact with stormwater. This results in runoff that may discharge pollutants directly, or indirectly (through public or private stormwater drainage systems), into nearby water bodies, degrading overall water quality. The automobile recycling facilities with NAICS classifications shown above must obtain the following stormwater permit coverage to control their facility's runoff.

A **SPDES Multi-Sector General Permit (MSGP)** requires a discharger of stormwater associated with industrial activity to develop and implement a site-specific **"Stormwater Pollution Prevention Plan" (SWPPP)** that includes best management practices, inspections, and requirements for controlling pollutants at their source. After the SWPPP has been developed and implemented, a Notice of Intent (NOI) form may be submitted to the address on the form to renew or gain coverage under the MSGP. You may obtain forms by calling (518) 402-8111, or downloading them from the NYSDEC website at the following link: www.dec.ny.gov/docs/water_pdf/gpnoit.pdf. As required by the MSGP, an "**Annual Certification Report**," with results of monitoring and inspections at the industrial facility, must be submitted to DEC on a **Discharge Monitoring Report (DMR)** form by March 31 of each calendar year for the previous calendar year.

Please check DEC's website www.dec.ny.gov/chemical/9009.html to determine whether MSGP coverage is required if no industrial materials and activities are exposed to precipitation (rain, snow, snowmelt, and runoff). To obtain a waiver from MSGP coverage, you must submit a No Exposure Certification form, certifying a condition of "No Exposure." This condition must be recertified every five years, if the criteria for the waiver continue to be met. You may also contact the Automotive Recyclers Association (ARA) for a "**Stormwater Guidance Manual.**" (See Resources and References section.)

Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Part 750

EPA: CFR Title 40, Part 122.26(b)(14)(vi)

3. Collecting and Disposing of Mercury Light Switches and Undeployed Airbags

The **End of Life Vehicle Solutions (ELVS)** was created by the automobile industry to help reduce mercury in the environment and to promote the recycling of mercury-containing equipment. In 2006 EPA, the automobile industry, and other environmental organizations formed the **National Vehicle Mercury Switch Recovery Program (NVMSRP).** ELVS supports this program by providing free collection buckets, free transportation, and final disposal costs for the mercury-containing equipment.

Requirement: To participate in NVMSRP, vehicle dismantlers and salvage dealers must register with ELVS. (See the Resources and References section for website and telephone information.)

New York State requires vehicle dismantlers, crushers and shredders to manage the disposal of the following hazardous materials:

Mercury Light Switches

- Manage and remove mercury light switches safely from vehicles before they are crushed, shredded, or sent for steel recycling at the same time you are removing the battery, coolant, and brake fluid.(*Owners and employees must also know the procedures for handling a mercury spill.*)
- Wrap mercury switches in padded material such as bubble wrap to prevent breakage.
- Keep the switches in a closed, sturdy, non-metal container, as mercury reacts with metal and can leak through the seams of the container. Make sure the container is clearly labeled.
- Since most automobile recyclers are businesses classified as "**Conditionally Exempt Small Quantity Generators" (CESQG)** of hazardous waste, they can store mercury switches at their shops for an unlimited time period, making the collection of sufficient quantities for recycling feasible and cost-effective.

Undeployed (Unused) Airbag Units

- An undeployed air bag must be removed from the vehicle when it enters your facility before it is scrapped or shredded.
- Undeployed air bags contain sodium azide (a propellant) and are regulated as hazardous waste when disposed of or when the cartridge is “fired.”
- When resold as products, undeployed air bags are not considered hazardous waste.
- Never discard undeployed air bags in the trash, as they are considered hazardous waste; use a licensed hauler for pick-up and proper disposal.
- Be sure that undeployed air bags are not accidentally deployed.
- Store undeployed airbags in a cool, dry and secure area, free of oil, grease, detergent, or water; label container “Hazardous Waste –Undeployed Air Bags.”
- NOTE: If the air bag has been deployed (used), it is no longer dangerous and you can either leave it in the vehicle, or manage it as a solid waste and put it in the trash.

Applicable New York State and federal regulations:

DEC: NYCRR Title 6 Part 371; 2006 Environmental Conservation Law, Article 27, Title 23

Proper management of hazardous, universal, and industrial process waste

In addition to government mandated regulations, there are many other ways you can reduce pollution and protect the health and safety of your workers, the surrounding community, and the environment. Automotive shops that generate significant quantities of hazardous, industrial, and universal waste (as do many other businesses) have to comply with New York State Hazardous Waste Management regulations, and have "cradle-to-grave" liability for the hazardous waste generated. As a shop owner, you are responsible for:

- determining which of your wastes are considered hazardous waste;
- knowing your hazardous waste category, based on the hazardous waste generated per month and accumulated in your shop; and
- properly handling, storing and disposing of hazardous waste in compliance with NYS Hazardous Waste Management regulations.

For hazardous waste determination assistance, call DEC's Waste Transporter/Waste Determination Line: 518-402-8792, or SBEAP. (See Resources and References section for telephone number.)

What is Hazardous Waste?

Hazardous waste may be a liquid, solid, or gaseous material that you no longer use and is being discarded, recycled, or stored until you have enough to dispose of properly. It is waste that is **flammable** (paint thinners and cleaning solvents); **corrosive** (battery acid, caustic paint strippers); **reactive** (products containing chemicals that could have hazardous reactions, if combined with air, water, or other substances); and **toxic** (concentrated chemicals, such as benzene, lead, and mercury batteries, and lead paints that leach into groundwater at landfills).

What is an Industrial Process Waste?

Industrial process waste includes liquids, solids, semisolids, or gaseous wastes generated when manufacturing a product or performing a service that can become hazardous. For example, cutting oils, paint sludges, equipment cleanings, and metallic dust sweepings are all considered industrial process waste.

What is Universal Waste?

Universal waste is a specific type of hazardous waste that can be handled and managed in an alternative manner in place of more complex hazardous waste requirements. Examples include: fluorescent lamps, ballasts, discarded batteries, mercury-containing thermostats, and computer monitors. (Storage of universal waste is limited to one year from time of accumulation.) For requirements on handling universal waste, please see DEC Rules under 6 NYCRR Parts 370-374.

What if I Only Generate a Small Amount of Hazardous Waste?

If your business generates a small enough quantity of hazardous waste, you are exempt from many of the mandated reporting requirements. This category of business is referred to as **CESQG**.

- You are considered a CESQG, if you generate no more than 220 pounds (approx. 27.5 gallons) of hazardous waste and less than 2.2 pounds of acute hazardous waste per calendar month, and store no more than 2,200 pounds of hazardous waste or 2.2 pounds of acute hazardous waste on site at any time.
- Hazardous waste generated in shop must be identified.
- You must comply with the maximum generation and storage quantity limits for CESQGs. (There is no time limit for hazardous waste storage.)
- Your hazardous waste must be delivered to a DEC-approved facility by a permitted hazardous waste hauler; or you can legally haul your generated hazardous waste to a DEC-approved facility.
- For more information on CESQGs, see Section 5.4 in DEC's "Environmental Compliance Guide for Auto Body Shops," and DEC's "Environmental Compliance and Pollution Prevention Guide for Auto Recyclers." (See the Resources and References section for websites and telephone numbers.)

Best Management Practices for Common Waste Materials

1. Parts Washers

- ✓ It is important to reduce the amount of dangerous waste from parts washer solvent tanks
- ✓ Pre-clean parts with a rag or brush to remove the heaviest dirt
- ✓ Only when solvent becomes too dirty to use should you exchange it for new solvent
- ✓ Keep the lid of your parts washer solvent tank closed when not in use to prevent accidental contamination with other chemicals and to minimize evaporation
- ✓ If appropriate, use an aqueous cabinet-type parts washer; they typically do not require hazardous solvents

2. Batteries

- ✓ Batteries are covered under EPA's Universal Waste Rule, making recycling more feasible
- ✓ Store batteries in structurally sound containers, keep tightly closed, and prevent breakage
- ✓ Label containers: "Universal Waste - Batteries"; "Waste Batteries"; or "Used Batteries"
- ✓ Monitor your battery storage area regularly for leaks or deterioration
- ✓ Make sure employees are informed of the proper handling and emergency procedures for universal waste
- ✓ All universal waste must be sent to a universal waste handler, a permitted facility, or foreign destination

3. Used oil

- ✓ Used oil is not a regulated hazardous waste and presently cannot be burned for heating purposes in NYC
- ✓ Used oil must never be mixed with hazardous waste
- ✓ Used oil should only be stored in sturdy, leak-proof tanks or drums, clearly labeled "USED OIL" and should comply with state or local building and fire codes
- ✓ All used oil tanks must be registered with the DEC
- ✓ Oil should never be poured down a floor drain or a sewer
- ✓ Train employees in the correct methods for handling used oil

4. Used oil filters

- ✓ Used oil filters not made of an alloy of lead and tin are not a hazardous waste
- ✓ After all oil is properly removed, the filter can be disposed of as solid waste, or recycled

5. Absorbents and Other Floor-Dry Material

- ✓ All absorbent pads or floor dry materials used to clean up spills must have a hazardous waste determination
- ✓ If your shop has a spill of a hazardous or a suspicious substance, you must call DEP and DEC immediately, using the contact numbers provided in the Resources and References section

6. Spent Antifreeze

- ✓ Antifreeze may become contaminated with lead, gasoline or solvents when circulating through an engine
- ✓ Do not dispose of used antifreeze in a floor drain, a sewer, or the trash
- ✓ If not determined to be a hazardous waste, the best way to handle used antifreeze is to recycle it
- ✓ Don't mix antifreeze with other materials
- ✓ Always store antifreeze in a dedicated leak-proof container and label it: "Spent Antifreeze – Toxic"
- ✓ Store containers on a non-porous surface

7. Car prep and body work waste

- ✓ Use the least amount of masking tape and paper possible when sanding and painting
- ✓ Paint wastes from paint stripping that contain metals, and sanding operations that contain solvents above certain levels, must be handled as a hazardous waste
- ✓ Mix non-hazardous paint waste with absorbent material, such as sawdust or cat litter, to soak up liquid until the paint is dry, and then place in the trash

8. Paint booth filters

- ✓ Ensure that spray guns are not cleaned or emptied into spray booth filters
- ✓ Never put wet paint booth filters in the trash

9. Aerosol and other spray cans

- ✓ An empty aerosol can containing no discernible product can be placed in a trash can
- ✓ If contents of a non-empty aerosol can are determined to be hazardous, the can must be managed as a hazardous waste or returned to the manufacturer
- ✓ Use up an entire spray can before starting a new one
- ✓ Don't throw partially empty spray cans into the dumpster
- ✓ Avoid cross-contaminating the spray can with other wastes

10. Spray gun wastes

- ✓ Clean equipment before waste builds up and hardens
- ✓ Wash spray guns in an enclosed gun washer or parts cleaner to reduce solvent evaporation
- ✓ Don't spray wash thinner in the open air to clean guns
- ✓ Don't dispose of spray gun wastes down the drain

11. Empty used containers

- ✓ Before disposing of empty used containers, make sure they contain no free liquid

12. Paint waste

- ✓ Buy only as much paint as needed and mix and use only the smallest amount of coating required for the job
- ✓ Have paint cups of various sizes and use the smallest paint cups whenever possible
- ✓ Use leftover paint for touch-up work, or as a primer or undercoat
- ✓ Combine leftover paint with other compatible paints and reuse
- ✓ Never dispose of waste paint down any drain

13. Shop towels and other solvent contaminated wipers

- ✓ Use cloth shop towels, rags or other absorbents that can be cleaned at an industrial laundry and reused
- ✓ Never place contaminated towels, rags or other absorbents in the trash
- ✓ Keep shop towels contaminated with hazardous waste in a closed marked container

14. Sump sludge

- ✓ Have sump sludge tested when pumped out to determine if it is a hazardous substance
- ✓ Don't put hazardous sump sludge in your dumpster

15. Thinners and solvents

- ✓ Try to extend the life of your solvents by reusing whenever possible
- ✓ Allow solids to settle, then pour off and reuse the clean solvent
- ✓ Recycle solvent by distilling it either on or off site
- ✓ Try to use non-hazardous solvents and cleaning materials
- ✓ Don't evaporate solvents as a means of disposal

16. Scrap Tires

- ✓ Store tires in a manner that prevents health and fire hazards
- ✓ Tires located outdoors should be covered to prevent mosquito breeding
- ✓ There must be adequate aisle space between tires as well as protection from sources of ignition

17. Sanding Operations

- ✓ Always use dust-free vacuum sanding systems
- ✓ Dust-free sanding systems can be manual, portable, or part of a centralized vacuum system

18. Managing Brake Fluids

- ✓ Manage brake fluid in a manner similar to used oil
- ✓ Collect uncontaminated brake fluid in your container labeled "Used Oil"
- ✓ Recycle uncontaminated brake fluid as used oil

RESOURCES AND REFERENCES

For more information about city, state and federal environmental regulations, please consult these resources.

New York City Department of Environmental Protection

- New York City Administrative Code and the Rules of the City of New York: http://72.0.151.116/nyc/
- DEP's Smart Business Guide: www.nyc.gov/html/dep/pdf/smartbiz.pdf
- Information about applying for an exemption to the backflow prevention device requirement: www.nyc.gov/html/dep/pdf/water_sewer/7.pdf
- Wastewater Quality Control Application: www.nyc.gov/html/dep/pdf/water_sewer/dewatering_application.pdf
- Clean Air Tracking System (CATS)- Boiler Registration: www.nyc.gov/html/dep/html/air/index.shtml

New York State Department of Environmental Conservation

- Environmental Compliance Guide for Auto Body Shops: www.dec.ny.gov/docs/materials_minerals_pdf/autobodygd.pdf
- New York Codes, Rules, and Regulations, Title 6: www.dos.state.ny.us/info/nycrr.html
- NYSDEC, Division of Water: www.dec.ny.gov: (518) 402-8233
- Environmental Compliance and Pollution Prevention Guide for Automobile Recyclers, Title 6: www.dec.ny.gov/docs/permits_ej_operations_pdf/autorecyclersmanual.pdf
- Automotive Recyclers Association (ARA) NY: www.arany.com; or 800-944-7278; National Automotive Recyclers Association (ARA): www.a-r-a.org; or 888-385-1005

United States Environmental Protection Agency

- Laws administered and enforced in part or in whole by EPA: www.epa.gov/lawsregs/laws/index.caa.html
- The Code of Federal Regulations: www.gpoaccess.gov/cfr/index.html
- EPA proposed boiler regulations: www.epa.gov/airquality/combustion/index.html

DEP Contact Information

- DEP's Economic Development Unit (EDU) 718-595-4436, or edu@dep.nyc.gov: for compliance assistance on local regulations and pollution prevention assistance; and copies of the regulations.
- You can also visit our website at www.nyc.gov/dep

DEC Contact Information

- New York State Department of Environmental Conservation, Central Office, Albany, NY 12233 (518) 402-9860 is divided into nine administrative regions. Region 2 NYC office: 47-40 21st Street, Long Island City, NY 11101 (718) 482-4900, www.dec.ny.gov, for administering and enforcing state permit requirements, and providing compliance assistance.

EPA Contact Information

- United States EPA Region 2, Compliance Assistance Section for the Regulated Community Hotline (877) 251-4575: for assistance on federal requirements and pollution prevention.

For Free, Confidential Assistance on State Air Regulations:

- The Small Business Environmental Ombudsman (SBEO) (877) 247-2329 or (212) 803-2288: Located at the Empire State Development, SBEO is the advocate for small businesses. It provides information on complying with environmental regulations and guides businesses through the compliance process.
- The Small Business Environmental Assistance Program (SBEAP) (800-780-7227): Located at the New York State Environmental Facilities Corporation, SBEAP provides technical services to small businesses, including compliance and permit assistance and technical advice on pollution prevention and control strategies.

Visit DEP's Website at:

nyc.gov/dep

Environmental Protection

New York City Department of Environmental Protection
Bureau of Public Affairs
Economic Development Unit (EDU)
59-17 Junction Blvd., 19th Fl., Flushing, NY 11373

Printed on recycled paper 06/14