

# Is Your Golf Course A "Small Quantity Generator of Hazardous Waste?"

By Bill Roberts

During the month of March, a series of workshops were held in Wisconsin addressing the issue of "hazardous waste management for small quantity generators." Individual members of the Wisconsin Golf Course Superintendents Association may be, by strict definition, not classified as "small quantity generators" and, thus, may not perceive any real need to investigate the procedures, regulations and potential litigation that may result from generating any quantity of hazardous waste. However, the simple fact is that without the regulations, without proper planning and without a sense of responsibility it will prove difficult, if not impossible to dispose of such materials.

The Wisconsin Department of Natural Resources, in conjunction with the University of Wisconsin-Extension, have developed a "joint program for educating small businesses on the hazardous waste laws." "Program Directors", who have presented a very objective, concise and timely overview of the subject included Mary E. Hamel, Public Information Officer with the Department of Natural Resources and Amy L. Wachs, Hazardous Waste Specialist with the Community Dynamics Institute of the University of Wisconsin-Extension.

Beginning by presenting several "worst-case" examples, Ms. Hamel described three situations which detailed disastrous results as a result of improper disposal, accidental leakage or simple irresponsibility. Love Canal, New York where a suburban housing development was built over a chemical company's land fill is now a deserted neighborhood as is Times Beach, Missouri where a "hauler" applied dioxin contaminated sludge to town roads in an effort to "cheaply" seal those surfaces. Closer to home, Ms. Hamel cited the 1974 Soo Line Railroad derailment in Buelah Station, Wisconsin which allowed liquid phenol to leak into the groundwater and contaminate twenty private home wells. We have all read or heard stories of similar damages done to our environment and, in fact, there are 28 such sites in Wisconsin alone on the federal "Super Fund" cleanup listing. An additional 20 Wisconsin sites are on a state "cleanup"

listing and when one considers that the average price tag for a "Super Fund" site "cleanup" project is \$5,000,000 one can begin to appreciate the need to prevent such action from ever being necessary.

A hazardous waste has been defined as "any substance or material in a quantity or form which poses an unreasonable risk to safety or health or to property." Further, the form of such hazardous materials may vary depending on that quantity, how it is stored and so on. And further consider that "hazardous waste" can be found in almost any location and in virtually any business including dry cleaning, printing, electroplating, vehicle maintenance, painting, agriculture and manufacturing. Consider a golf course management operation with any number of paints, parts cleaners, solvents, fuels and pesticides being utilized on a day in-day out basis and it becomes apparent that consideration must be given to the safe and responsible disposal of such materials. Ms. Hamel explained that the 1976 Resource Conservation and Recovery Act (RCRA) established the principle of "cradle to grave" management for dealing with hazardous waste which in effect specifies that as long as the "user's waste remains a problem, the user is part of the problem." That is; if waste from a golf course or a dry cleaner or a printer creates a problem, and even if that user paid someone else to dispose of that problem, then that golf course or dry cleaner of that printer is still liable. Even if one does not meet the "Small Quantity Generator" requirement of 220 lbs., the party generating the waste remains responsible for any adverse effects of that waste.

Ms. Wachs elaborated that lawsuits can and have been filed and successfully litigated against waste generators on the basis of "joint and several liability," the so-called "deep pockets liability," in which it is presumed that if one person's waste is causing a problem then everyone's is causing a problem if the one cannot be identified. She went on to point out that the only defenses for hazardous waste liability include vandalism, and "Act of God" or an "Act of War." Further, that

most insurance companies will not underwrite pollution liability insurance, so again, the onus is really borne by those who generate such material. This concept of "fault is not an issue" through "joint and several liability" was further endorsed by Congress in the 1980 "Comprehensive Environmental Response, Compensation and Liability Act" (CERCLA or Super Fund) and by "Hazardous and Solid Waste Amendments of 1984" to RCRA. Further, "Super Fund Amendments and Reauthorization Act of 1986," authorized clean up payments only for what could not be recovered from violators. Clearly, the federal government and state government, which must meet minimum federal regulations and in almost all cases exceed such federal regulations, have determined that the "environment is no longer free."

With that very specific background, the presenters went on to provide some insights as to how to avoid, or at least minimize, such exposure in a small business operation. Their prescription for "initiating a hazardous waste management system" includes a number of steps but is really initiated by identifying what materials are waste, and determining whether they are hazardous. Obviously, this entire procedure is beneficial in forms of decreasing potential costs and limiting liability.

An enhancement of the previously stated hazardous waste definition would include any "material that can no longer be used for its original intended purpose" and/or a "material that is still unable for its original intended purpose but you choose to discard it." Listing of specific materials can be found through NR 181.16 of the Wisconsin Administrative Codes and include any and all materials determined to be ignitable, corrosive, reactive and/or EP toxic. This information may also be available through Material Safety Data Sheets which should be obtained at the time of purchase. If such information is unavailable, it may become necessary to test the material for hazardous characteristics which appear likely since such testing is quite expensive.

Having determined that a material is indeed, a hazardous waste and that off-

site disposal is necessary then triggers a process which will require a good deal of investigation and "detail work." First, an EPA Identification Number must be obtained in order to even discuss disposal. Such a number is available by writing to the Wisconsin Department of Natural Resources, Bureau of Solid Waste Management, Box 7921, Madison, WI 53707 and asking for a United States Environmental Protection Agency Notification Form. Processing may take six to eight weeks but once established, this identification number stays with the facility permanently.

It then becomes necessary to select a disposal site. A listing is available through the Wisconsin Department of Natural Resources and when determined, a call should be made to establish needs as to packaging and testing requirements. Also, be sure to secure the disposal site's EPA identification number and its state license number. It may be wise to contact federal or state regulators to determine if the facility tests waste and if so, how often? Also, what kind of security is employed at the site? Is the facility in compliance with all state and federal regulations? Have there been any violations in the

past? What kind of employee training takes place? Does the facility have insurance? Remember that you as the generator are ultimately responsible for that material so it is prudent to research before agreeing to send material to a specific site.

The same premise holds true when selecting a "transporter." Questions to pursue will include: Whether the hauler is licensed to transport hazardous waste and through which states is he licensed? Does the transporter have insurance? Are there special services for small quantity operators? What precautions are taken to minimize spills or leaks? What about employee training? Will the transporter go to your selected disposal site? Once transportation and a site have been arranged, the waste must then be prepared according to federal Department of Transportation requirements. Regulations are in place to cover determining the hazard class, identification numbering, shipping name, packaging, marking, labeling and manifesting of such materials.

Of course, many preventative measures can be undertaken in order to avoid the generation of hazardous waste in the first place. Not only do these measures limit one's potential

liability but they, again, reduce costs. Consider for example, modifying purchasing practices so that only what is needed is kept in inventory. Substitute nonhazardous products and practices and improve handling practices. Be sure to keep waste streams separate because nonhazardous waste becomes hazardous when mixed with such a material and be aware of changing technologies through chemical suppliers, consulting firms, information available through associations and journals. It really is in everyone's best interest to begin applying these principles and to become aware of the regulations that apply because they will not go away and enforcement is mandated. Educational sessions are available so that ignorance is not only no excuse legally, it is also no longer an excuse ethically and we as Golf Course Superintendents can keep our own "houses in order" by working with and through the system. Workshops, such as the one described, point out a sense of cooperation between user and regulator and that is, in the final analysis, the only way to insure a sound environment for the future.

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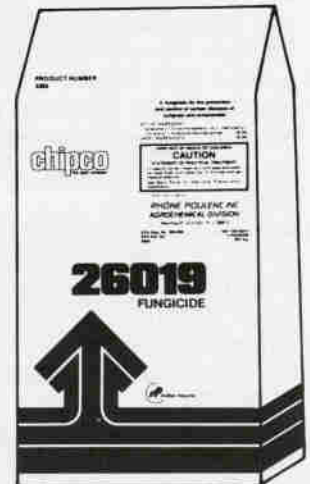
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