

# The Key to Waste Management



**When management fails, environmental compliance suffers . . .**

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**E**veryone has heard about one. A shop that has spent tens of thousands of dollars on treatment systems. You think to yourself, if I had the cash, I could do it "right" too. Next thing you know, the shop in question is paying heavy fines or the owner has been indicted.

On the other hand, you probably also know someone whose waste treatment system consists of a tank and a mixer, but does the job. In 1988, one plater in Los Angeles received an award from the mayor of that city for turning a cement mixer into a sludge dryer — hardly high tech.

There is no clear correlation between technology and compliance. So what is the key to having a shop that is compliant and hassle free? The key is management.

Research into enforcement cases, particularly those that have involved criminal prosecution, reveals that the problems usually are a result of mismanagement. Most of the individuals involved made decisions in haste, and on the basis of monetary consideration only. Often they are ignorant of many of the environmental regulations that they are charged with violating. Most of these people are not hardened law-breakers. They just made a bad decision.

Following are some simple principles that managers should keep in mind if they want to avoid problems.

### **It's Part of Your Overhead**

Environmental compliance is an unavoidable part of business overhead. The term "environmental compliance"

is chosen to represent all of the numerous aspects of regulation that cover the hazardous nature of materials used in the workplace. These regulations cover disposal, wastewater treatment, air pollution, employee and community right-to-know, and a whole host of other issues and programs.

Such regulations are THE LAW. They are as certain as death and taxes. The analogy to the tax codes can be useful. In the instance of both tax and environmental legislation, the codes are such that even experts have a difficult time understanding and complying. Both types of regulations often follow political whim. Both type of regulations rely on random enforcement. The difference comes in the fact that taxes have been a part of doing business in this country for many years. Environmental regulation is a new development. No one, except the "hardened criminal" thinks about not paying his taxes, but many honest businessmen consider environmental compliance an option because it is vaguely classified in their mind as "new technology" or "capital improvement." Environmental compliance is not an option. It is mandatory.

Some argue, "What about my competition? I know many of them are not doing this stuff!" While this may be true today, you can bank on the fact that they will have to do these things eventually. Because they will probably have to undertake the compliance improvements while under the enforcement "gun," their financial burden will be much greater than that for those who wisely planned for these issues. Your planning and fore-

sight will put you in an ideal position to capture more of the market while your procrastinating competition is struggling to catch up.

## You Will Be Caught

Managers often assume that they will be given a break because it is a first offense or because they are a small company. Wrong! The regulations have been on the books for a reasonable period of time and enforcement agencies are becoming more aggressive. By now everyone should know the rules. Unfortunately, small companies are easier targets for enforcement than large ones. A large company is capable of mustering enormous resources to stave off enforcement action. A small company lacks those resources and is therefore an easier target for the enforcement agency.

First offenses are no excuse. While it is true that a first offense mitigates the punishment, a first offense also increases the vigilance of enforcement agencies.

Failure to make the expenditures required for environmental compliance is a crapshoot. At best, it is a make-hay-while-the-sun-shines proposition. Invariably, the enforcers will catch up with those who do not comply. While profits may be higher for the period of time the expenditures are forestalled, enforcement action will chew up those profits in a flash.

## Management Interest Must Be High

Any organization reflects the interests and priorities of its leaders. Environmental compliance cannot be simply delegated and forgotten. Often in a situ-

ation where compliance is delegated, the labor force ends up with a conflicting set of instructions.

For example, assume the manager with compliance authority has instructed all personnel in the proper handling of hazardous waste, including sealing and labeling the container. While an employee is busy putting waste into a drum the production manager comes out and says a particular rack of product must be plated immediately. The employee will naturally follow the instructions of the manager with whom he is immediately confronted and immediately begins plating, leaving the drum unsealed and unlabeled. It is amazing how often it is that this is the point when the inspector shows up and finds the, unsealed, unlabeled drum — instant violation.

Senior managers must be aware of the importance of environmental compliance and specifically instruct the employee to properly complete the waste handling before beginning to plate.

Management must include compliance issues as a normal part of management meetings and reviews. Any employee, labor or management, will perform best in those areas where he or she is held accountable. If goals and goal review in the area of compliance are not a normal part of operations, compliance will fall between the cracks or become a “when-I-get-time” issue.

Inspectors deal in “snapshots” of any facility. Long-term plans or intentions mean little. If the inspector sees a wrongly labeled drum, simply telling him that it was to be sealed when you had a minute means nothing. Constant vigilance and

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constant compliance are a must. Such vigilance begins at the top of the organizational chart.

Things should even be taken a step further. Disciplinary action should be taken against those employees whose actions lower the level of environmental compliance. The situation is analogous to the revolution in quality over the last several years. As quality has become an issue for management, and management has pressed that issue with the work force through vigilance and discipline, quality has improved!

### **Waste Management Is Cost Effective**

There is a lot of talk these days about making pollution control financially viable. This has led to political proposals like pollution credits. In fact, for many forms of pollution such a scheme is not necessary. Since most forms of treatment produce hazardous waste, it is cost effective to reduce the amount of waste produced, saving disposal costs. In addition, the less waste produced, the less the possibility for any number of violations, and violations are an extremely costly occurrence. Minimal waste production is a matter of two basic factors.

The first major factor is managing the manufacturing process itself. Pollution factors must weigh heavily in chemical choice and process design. In one case, a manufacturer put in a permanganate step to replace chromic acid oxidation. This is a move towards lower toxicity

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## **Changes in administration often causes changes in the enforcement levels and punishment severity.**

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and, one would think, less pollution. But the manufacturer neglected to put in the regeneration equipment. The manganese

dioxide sludge disposal was costing a large amount of money. The investment in regeneration equipment had a five-month payback compared to the disposal cost. And the hazardous waste inventory was reduced, lowering the potential for violations and problems.

The other factor in waste reduction is proper maintenance of the manufacturing processes. For example, a number of baths can be maintained for a longer period of time with proper chemical analysis and additions. This function reduces the frequency of total bath change out, thus reducing the amount of waste that must be handled. While waste reduction is a direct savings through lower disposal costs, this second factor of process control also lowers costs by lowering materials consumption.

### **Enforcement Is Often Political**

Unfortunately, waste management enforcement is a political action. Changes in administration often causes changes in the enforcement levels and punishment severity. Regulations come and go on the basis of public opinion.

This means that if you come under enforcement scrutiny, you are in the political arena. You are a businessman, not a politician. You cannot win a battle in the political arena, it is just not your field. You can however survive in this

# Water Pollution Control

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arena following a few simple rules.

Always be friendly and courteous to any inspector that shows up at your door. They are people and want to be acknowledged as worthwhile and important. Handled properly, the inspector can be a valuable source of information about pending rule changes, stepped up enforcement action, or new rule interpretation. Be careful not to admit problems before an inspector has told you of good ideas on how to achieve the that it is a clear violation. Inspectors are in the business of collecting evidence. To admit to a violation is to confess to a crime.

Do not make excuses; do what the inspector asks. Excuses are part of the evidence file being built. Good intentions go a long way in helping your cause, but good intentions must be demonstrated. Tell the inspector the problem he found will be corrected by a deadline and then do it.

Do not argue about the rules. Some municipalities require cleaner water to the sewer than they supply at the tap. As an individual, you cannot beat a seemingly silly rule like this. They have the power of city hall, and by implication the entire community behind them. You would probably lose any court battle. If the rule was enacted in a legal manner, the court could only rule that you violated it. Besides, inspectors and their bosses do not make the rules. Some august, elected body does.

With these tenants in mind, what is the first step a manager should take to bring his operation into full compliance? A great start would be to find out

where the operation needs improvement. Most consulting services will offer a compliance audit. This a service whereby the consultant will thoroughly review your facility as if you were being inspected by people from all applicable agencies. The report from this review can then be used as a guidepost to direct the activities of your organization towards the goal of compliance. The consultant will probably also have a number goals in a most cost-effective manner.

Unfortunately, a consultant's services are only useful if the management of the client company is concerned and willing and ready to tackle the problems. With the right attitude and input, any operation from the smallest to the largest can count on a healthy life, free from enforcement action and hassle.

Management is the key. Management sets the tone and the priorities of any organization. It decides whether environmental compliance is a stepchild tacked on to the normal operations, or if it is an integral part of daily life. Management makes anything that happens in an organization happen. Its concerns and style are the concerns and style of the organization. Management is ultimately responsible if the business exists, or falls by the wayside in the wake of environmental concerns and regulations. **PF**