

# Oregon's Toxics Use and Hazardous Waste Reduction Act



State of Oregon  
Department of  
Environmental  
Quality

## Toxics Use/Waste Reduction Assistance Program

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## Background

Oregon's Toxics Use Reduction and Hazardous Waste Reduction Act of 1989 was one of the first laws in the nation to mandate pollution prevention planning. The Act outlines a comprehensive approach to reduce or eliminate toxic chemical use and hazardous waste generation. In June 2005, the Oregon Legislature passed a law (Oregon Revised Statute 465.003 to 465.037) that streamlined and made other significant changes to the Toxics Use and Hazardous Waste Reduction Program.

Since the Act's adoption, businesses throughout Oregon have reduced their toxic chemicals and hazardous wastes. DEQ publishes pollution prevention stories to explain how businesses are reducing their toxics and hazardous waste. In the program's 21 years, businesses have voluntarily reported: reducing more than 31.5 million pounds of hazardous waste with savings estimated at \$5.25 million, and reducing more than 56.25 million pounds of toxic chemicals with savings at over \$15 million.

## Key requirements

Businesses in the program must develop a Reduction Plan or an Environmental Management System, and report completion of a plan or EMS. They also must report reductions using an Implementation Summary document, and update and keep the plan or EMS on site.

The law is in Oregon Revised Statutes Chapter 465.003 to 465.037 and the Oregon Administrative Rules is in Division 340-135-0000 to 340-135-0110. There are internet links to these on the main TUHWR Program page.

## Businesses covered

The Act's requirements affect three groups:

*Large Toxics Users:* Users of toxic chemicals who are required to prepare a Form R or Form A under the federal Toxics Release Inventory program (Superfund Amendments and Reauthorization Act, Title III, Section 313).

*Large Quantity Generators:* Facilities that generate more than 2,200 pounds of hazardous waste or more than 2.2 pounds of acutely hazardous waste in a calendar month.

*Small Quantity Generators:* Facilities that generate between 220 and 2,200 pounds of hazardous waste in a calendar month.

## Exclusions

The TUHWR law provides exclusions for certain businesses. An exclusion applies if a facility:

- *Generates hazardous waste solely as a result of an environmental cleanup, such as an accidental spill or release*
- *Generates hazardous waste due to a one-time cleanout event, such as storeroom*
- *Uses a raw material containing a naturally occurring toxic substance used in the process where there is no substitute, such as lead in wood or concrete*
- *Is a conditionally-exempt small quantity generator (CEG)*
- *Has moved outside of Oregon*
- *Is no longer in business*

The law no longer requires special forms to claim these exclusions. However, DEQ encourages businesses to contact their nearest DEQ technical assistance provider (listed at the end of this fact sheet) to verify that one or more exclusions do apply.

## Toxics Use and Hazardous Waste Reduction Plan or EMS

Large toxics users, large quantity generators and small quantity generators must prepare a Reduction Plan or an Environmental Management System, unless the business can claim one of the exclusions. The decision to complete a plan or EMS is entirely up to the business. The purpose of a plan or system is to reduce toxic chemical use and hazardous waste generation. See DEQ's Reduction Plan template on its Toxics Use and Hazardous Waste Reduction Reporting Web page to get started.

A Reduction Plan or Environmental Management System must include:

- A policy statement
- Scope and objectives
- Internal analysis and assessment, including costs
- Reduction evaluations
- Employee awareness and training

- Incorporation of reduction activities into facility management practices and procedures

The Reduction Plan or Environmental Management System is not public information, and should remain at the business or facility.

People who purchase a business may use the prior owner's Reduction Plan or EMS after verifying its validity. In this case, the business only needs to update the plan or system and notify DEQ. The business must complete the required reporting via an Implementation Summary form.

### **Toxics and hazardous wastes to include**

As part of the Reduction Plan or Environmental Management System, a facility must evaluate options to reduce its toxics and hazardous wastes.

Materials that must be in the plan or EMS include:

- Any toxic substance reported to the U.S. Environmental Protection Agency under its Toxics Release Inventory program
- Hazardous waste that represents 10 percent or more by weight of the cumulative hazardous waste stream generated in a year; this applies to all businesses in the Toxics Use and Hazardous Waste Reduction Program.

### **Reporting**

After completing a Reduction Plan or EMS, facilities must submit a Notice of Plan Completion or Notice of EMS Completion to DEQ. Both of these notices are public record.

Businesses that are in the Toxics Use and Hazardous Waste Reduction Program prior to June 9, 2005 and have notified DEQ of a Reduction Plan or EMS need to submit only one Implementation Summary. Businesses new to the program must submit two Implementation Summaries for the first and second year after the initial Notice of Plan Completion or Notice of EMS Completion is due.

The Implementation Summary is a report that describes how a business implemented its Plan or Environmental Management System. Specifically, the summary describes successes, challenges and future opportunities in waste reduction. DEQ publishes all Implementation Summaries in an Internet-based clearinghouse.

### **Penalty provision**

The current law has a \$500 penalty provision for those businesses that choose not to comply. The reason for issuing this penalty would be for such violations as failure to:

- Complete a Reduction Plan or Environmental Management System
- Notify that the business completed a Reduction Plan or EMS with 120 days after receiving a DEQ notification to do so
- Submit the required number of Implementation Summaries
- Update and keep the Reduction Plan or EMS on site

### **Technical assistance resources**

DEQ's Toxics Use and Waste Reduction Assistance Program provides free technical assistance. These knowledgeable staff statewide can:

- Help businesses reduce toxic substance use and hazardous waste generation
- Provide compliance assistance or other services, such as training
- Help facilities complete or update their plan or system and assist with DEQ reporting
- Provide Toxics Use and Hazardous Waste Reduction forms or download forms from DEQ's website

A list of technical assistance providers is on DEQ Hazardous Waste Program's Web page.

For specific questions about the Toxics Use and Hazardous Waste Reduction Program, please contact David Livengood in Portland at 503-229-5181 or toll-free at 800-452-4011, ext. 5181 within Oregon.

### **Alternative formats**

Alternative formats (such as Braille and large type) of this document can be made available. For more information contact DEQ's Office of Communications & Outreach, Portland, at 503-229-5696 or toll-free in Oregon at 1-800-452-4011, ext. 5696.

