

## Comparison of Old and New Toxics Use and Hazardous Waste Reduction (TUHWR) Program

Old TUHWR Program	New TUHWR Program
<ul style="list-style-type: none"> <li>• <b>Applies to:</b> <ul style="list-style-type: none"> <li>-Large toxics users (LTUs) - businesses that report under the federal toxics release inventory (TRI) program</li> <li>-Large quantity generators (LQGs) of hazardous waste</li> <li>-Small quantity generators (SQGs) of hazardous waste</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applies to:</b> <ul style="list-style-type: none"> <li>-Same as before</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Exemptions</b>    <u>Pre-approval required</u> <ul style="list-style-type: none"> <li>-Conditionally exempt generators of hazardous waste</li> <li>-Two alternatives to preparing a <i>TUHWR Plan</i> (see <b>Planning</b> section)</li> <li>-LTUs if they only report for persistent bioaccumulative toxics (PBTs)</li> <li>-Cleanup or remedial action</li> <li>-One-time generation event once every 5 years</li> <li>-Administrative for planning and/or reporting on a case-by-case basis</li> <li>-Out of business</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Exclusions-</b>    <u>No pre-approval required</u> <ul style="list-style-type: none"> <li>-Conditionally exempt generators of hazardous waste</li> <li>-Hazardous waste generated from a removal (e.g., spill)</li> <li>-One-time event (e.g., storage room cleanout)</li> <li>-A raw material that contains a naturally occurring toxic substance and that is used in a process for which there is no substitute – verify before using this one!</li> <li>-Out of business</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Planning</b> <ul style="list-style-type: none"> <li>-Prepare a <i>TUHWR Plan</i> and submit a <i>Notice of Plan Completion</i> form or</li> <li>-Implement a Environmental Management System (EMS) and notify or</li> <li>-For LTUs, develop a Consumer Education Program and notify</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Planning</b> <ul style="list-style-type: none"> <li>-Prepare a <i>TUHWR Plan</i> and submit a <i>Notice of Plan Completion form</i> or</li> <li>-Prepare an Environmental Management System (EMS) and submit a <i>Notice of EMS Completion</i> form</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Progress Reporting</b> <ul style="list-style-type: none"> <li>-LTUs and LQGs submit a <i>Pounds Report</i> annually</li> <li>-On-line reported offered once</li> <li>-No end to the reporting</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Progress Reporting</b> <ul style="list-style-type: none"> <li>- LTUs and LQGs currently in the program submit one (1) <i>Implementation Summary</i> report that is due February 1, 2006</li> <li>-New LTUs, LQGs and SQGs submit two Implementation Summaries due 12 and 24 months after preparing a <i>TUHWR Plan</i> or EMS</li> <li>-On-line reporting as an on-going part of the program</li> <li>-Reporting ends after required number of Implementation Summary(-ies)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Ownership Change</b> <ul style="list-style-type: none"> <li>-Update <i>TUHWR Plan</i> or EMS and notify its updated</li> <li>-LTUs and SQGs complete annual <i>Pounds Report</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Ownership Change</b> <ul style="list-style-type: none"> <li>-Update <i>TUHWR Plan</i> or EMS and notify its updated</li> <li>-LTUs, LQGs and SQGs complete <i>two (2) Implementation Summaries</i> 12 and 24 months after date of Plan or EMS notification</li> </ul> </li> </ul>

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Old TUHWR Program	New TUHWR Program
<ul style="list-style-type: none"> <li>• <b>Technical Assistance (TA)</b> <ul style="list-style-type: none"> <li>-On-site assistance per request</li> <li>-Telephone assistance per request</li> <li>-Occasional site visits</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Technical Assistance (TA)</b> <ul style="list-style-type: none"> <li>-Services similar as before</li> <li>-More training</li> <li>-More tailored one-on-one assistance and resources</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Non-compliance Implications</b> <ul style="list-style-type: none"> <li>-Technical assistance with opportunity to correct violation(s)</li> <li>-Public hearing for violators</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Non-compliance Implications</b> <ul style="list-style-type: none"> <li>-Technical assistance with opportunity to correct violation(s)</li> <li>-If violation persists, a civil penalty up to \$500 per day</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Information Availability</b> <ul style="list-style-type: none"> <li>-TUHWR Plan, EMS or Consumer Education Program kept on site and not public record</li> <li>-Notice of Plan Completion or related held as public record</li> <li>-Trade secrets protected</li> <li>-Pounds Report held as public record with data available per request</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Information Availability</b> <ul style="list-style-type: none"> <li>-<i>TUHWR Plan</i> or EMS kept on site and not public record</li> <li>-<i>Notice of Plan Completion</i> or related held as public record</li> <li>-Trade secrets protected</li> <li>-<i>Implementation Summaries</i> placed on Internet for public access</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>Add or Remove Chemicals or Wastes</b> <ul style="list-style-type: none"> <li>-Environmental Quality Commission (EQC) may add or remove a toxic chemical or hazardous waste by rule</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Add or Remove Chemicals or Wastes</b> <ul style="list-style-type: none"> <li>-Same as before</li> <li>-EQC may modify the definition of large user to coincide with the most recent federal toxics release inventory (TRI) quantities by rule</li> </ul> </li> </ul>

For more information regarding changes to the Toxics Use and Hazardous Waste Reduction (TUHWR) Program, see the Oregon's 2005 Toxics Use and Hazardous Waste Reduction Act factsheet available at: <http://www.deq.state.or.us/wmc/hw/tuwrap/factsheets/2005TUHWRAFactSheet.pdf>.