

WASTE NEWS

The News Source for Businesses that Generate and Manage Waste

SOLID ■ HAZARDOUS ■ WATER ■ AIR

Moving target

Generators contend with changing rules

By Allan Gerlat

KANSAS CITY, MO. — While waste generators try to find uses for their industrial byproducts, the legal landscape keeps shifting.

Two significant factors that can affect what generators can and can't do are changing. Financial pressures regarding environmental risk management are becoming more prominent. Meanwhile, the U.S. Environmental Protection Agency is revising its definition of solid waste, the scope of its authority regarding

the materials.

Two authorities on the subjects discussed those issues at a session at the 2004 Byproducts Beneficial Use Summit, held Nov. 8-9 in Kansas City. The EPA organized the conference, while Waste News handled the marketing.

Financial concerns for environmental risk are growing. A report from the Government Accountability Office pushes for a higher level of environmental risk identification and disclosure in financial reporting, said Lawrence Heim with the law

firm Marsh USA Inc. CEOs are looking closely at situations where "they can be held liable if there's any problems."

The perception of risk also is a concern. "This is one you absolutely cannot fight with traditional risk controls," Heim said. "If someone has got in it in their mind that there's a problem, you're not going to be able to show them test data and have it certified."

Risk management usually focuses on the physical characteristics of the material, which is beyond the control of the generator. But emerging risk management focusing on the financial impact "is much more controllable than the actual conditions," he said.

Generators need to be concerned about pollution caused by

a product, Heim said. There are two parts to managing that. The first is to conduct a risk assessment. "You need to understand the total realm of the use of the product," he said. Second, "You absolutely want to question all the assumptions."

There are two types of product pollution concerns, Heim said: pollutant-centric and location-centric.

Once you've identified the types of risk, Heim said, you can develop solutions. Choices include managing the risk through traditional methods, avoiding it or transferring the financial liability. "Usually the right solution is a blend of these three options," he said. ■

Contact Waste News editor Allan Gerlat at (330) 865-6167 or agerlat@crain.com



Heim