



New York State Auto Body Shops Environmental Results Program Environmental Report Packet for Auto Body Shops

This packet includes three forms:

- **Environmental Report Form for Auto Body Shops;**
- **Return to Compliance (RTC) Form; and**
- **Non-Applicability Form for Auto Body Shops.**

The following are step-by-step instructions for completing these forms:

Instructions:

1. **Read the Environmental Compliance Guide for Auto Body Shops to understand the environmental requirements that apply to your shop, and identify any areas of your shop that are not in compliance.**
2. **Determine if you are required to submit the Environmental Report Form.** Read the Non-Applicability Form provided with this packet (see last page of packet) to determine whether your shop is required to submit the Environmental Report Form. You may need to review your purchase records and waste disposal records to make this determination. Shops not required to submit the form may submit the completed form voluntarily.
3. **Complete Section A - Facility Information.** This section identifies the name and address of your shop, and the contact person in case there are any questions about your report form.
4. **Complete Section B – Environmental Checklist.** This section consists of mostly “yes” or “no” questions regarding environmental regulatory requirements and best management practices (BMPs). Auto body shops not exempt from Part 228 (see Non-Applicability Form on last page of this packet) must complete questions 1-16, and auto body shops that generate any hazardous waste must complete questions 17-32. Questions 33-60 are optional for all auto body shops. Your answer is provided by placing a check mark in either the “YES” or “NO” column. Questions regarding compliance with regulatory requirements have a “Corrected” column which is explained in step 6 below.
5. **Evaluate your shop’s compliance.** For each compliance question, a “YES” response indicates your shop is in compliance, and a “NO” response indicates your shop is not in compliance. Walk through your shop and identify questions where your shop is already in compliance (a “YES” response), and questions where your shop is not in compliance (a “NO” response). For “NO” responses, you will need to determine whether or not your shop can be in compliance with that regulatory requirement before the due date of the Environmental Report Form.
6. **Correct shop operations, if possible.** You should identify questions that your shop is not in compliance with as soon as possible. Most shops should be able to make corrections in their shop operations, and be in compliance before the due date of the Environmental Report Form. Refer to the Environmental Compliance Guide for Auto Body Shops for information on how to comply with the environmental requirements. If you are unable to correct an area not in compliance before the due date of the form, you will need to attach a Return to Compliance (RTC) Plan which is explained step 9 below. If your shop is corrected, and in compliance with a question by the due date of the form, place a “Y” in the “Corrected” column, and draw a line through “RTC”. If you are unable to correct an area not in compliance before the due date of the form, place an “N” in the “Corrected” column, circle “RTC”, and attach the completed RTC Plan, as explained in the next step.



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7. **Fill out the Return-to-Compliance (RTC) Form, if necessary.** If your submitted report form indicates that your shop is not in compliance with a regulatory requirement, you must also submit the Return-to-Compliance (RTC) Form on page 9 of the packet to satisfy the criteria of NYSDEC's Small Business Self Disclosure Policy. As set forth in the NYSDEC Small Business Self Disclosure Policy, NYSDEC will eliminate or reduce penalties for auto body shops that voluntarily disclose and expeditiously correct violations (within 180 days) discovered through the completion of the Environmental Report Form. An individual RTC Plan must be provided for each compliance question that cannot be corrected before the due date of the Environmental Report Form. Each RTC plan must describe the area not in compliance and the corrective action that will be taken, and provide the date that the corrective action will be completed. All non-compliance areas must be corrected within the shortest period of time possible, and within 180 days from the due date of the Environmental Report Form. The RTC form provides space for four RTC Plans. If you need space for more than four RTC plans, additional copies of the RTC Form can be printed from the NYSDEC website at: www.dec.ny.gov/pubs/4811.html. Also, a copy of the NYSDEC Small Business Self Disclosure Policy is provided in Appendix E of the Environmental Compliance Guide for Auto Body Shops, and on the NYSDEC website at: www.dec.ny.gov/regulations/25246.html.
8. **Complete Section C - Certification Statement.** This statement must be signed by the owner, operator, or responsible representative of your shop.
9. **Review and mail forms.** Review your Environmental Report Form and RTC Form for completeness. Make sure you have completed all required sections. Please print the name of your shop on the top of each page of the Environmental Report Form. Make a copy of the completed forms for your records, and mail the original signed forms to:

Auto Body Shops ERP
NYSDEC- DSHM
625 Broadway
Albany, NY 12233-7251.

**New York State Auto Body Shops Environmental Results Program
Environmental Report Form
For Auto Body Shops**

Section A - Facility Information

Date Checklist Completed (mm/dd/yyyy)	
Business Name:	
Street Address:	
City:	Zip:
County:	Phone #:
Contact Person Name:	
Email Address:	
Average number of vehicles processed per week:	
Number of Employees:	

Section B – Environmental Checklist

Please follow the step-by-step instructions provided with this form. Answer all questions based on the **current conditions** at your shop. Auto body shops not exempt from 6 NYCRR Part 228 must complete questions 1-16, and auto body shops that generate any hazardous waste must complete questions 17-32. Questions 33-60 are optional for all auto body shops. Please mark your answer in either the YES or NO column with a check mark.

Air Pollution (See Section 4 of Environmental Compliance Assistance Guide for Auto Body Shops)		YES	NO	Corrected
1	Does your shop maintain records of the quantities of coatings and solvents used annually?			RTC
2	Does your shop have MSDSs or manufacturer product formulation data for all solvents and coatings used at your shop?			RTC
3	Does your shop maintain these records on-site for a period of five years?			RTC
4	Does your shop use more than 25 gallons of coatings and solvents, combined, per month?			
5	Does your facility have an air registration or an air permit issued by NYSDEC?			
6	Is your shop operated in a manner to minimize odors or a nuisance outside your shop's property boundary?			RTC
7	Does your shop store all coatings, solvents, rags or any other items that contain solvents in closed containers?			RTC

Air Pollution (See Section 4 of Environmental Compliance Assistance Guide for Auto Body Shops)		YES	NO	Corrected
8	Is all paint spray gun cleaning done with a fully enclosed spray gun washer or in a manner that avoids creating an atomized mist or spray of gun cleaning solvent? (see section 4.6 of auto body guide)			RTC
9	Does your shop use <u>only</u> coatings that comply with maximum VOC content limits listed in the following table?			RTC
Coating Type		Maximum permitted VOC content (minus water and excluded VOC) of coating at time of application (after mixing, thinning, etc.)		
Pretreatment primer		6.5 lb/gallon		
Primer-surfacer		4.8 lb/gallon		
Primer-sealer		4.6 lb/gallon		
Automotive Topcoats:				
Single Stage-topcoat		5.0 lb/gallon		
2-stage basecoat/clearcoat		5.0 lb/gallon		
3 or 4-stage basecoat/clearcoat		5.2 lb/gallon		
multi-colored		5.7 lb/gallon		
Automotive Specialty		7.0 lb/gallon		
10	Does your shop use <u>only</u> High Volume Low Pressure (HVLP) spray guns or other NYSDEC approved coating technique to apply all spray-applied coatings? (See Section 4.4 of auto body guide)			RTC
11	Please check off all coating methods used at your shop: <input type="checkbox"/> HVLP spraying <input type="checkbox"/> Any non-atomized application technique (e.g., flow/ curtain coating, dip coating, roller coating, brush coating, cotton-tipped swab application coating, electrodeposition coating, etc.) <input type="checkbox"/> Electrostatic spray; <input type="checkbox"/> Airless spray; <input type="checkbox"/> Other coating application method approved by NYSDEC (see Section 4.4 of Auto Body Guide). Please specify method: _____ <input type="checkbox"/> Airbrush application methods for graphics, stenciling, lettering, and other identification markings; <input type="checkbox"/> Application of coatings sold in non-refillable aerosol containers; <input type="checkbox"/> Application of automotive touch-up repair finishes materials; <input type="checkbox"/> Other (please specify): _____ _____			

Questions 12-14 are best management practices (BMP). Shops are not required to be in compliance with these questions, therefore, a Return To Compliance (RTC) plan is not required for a "NO" response.		YES	NO	
12	Does your shop avoid using coatings that contain toxic metals (chromium, lead, cadmium, nickel, and manganese) by asking suppliers for alternative formulations? (BMP)			
	12a. If no, does your shop have documentation of the amount of coatings used that contain chromium, lead, cadmium, nickel, and manganese and the metals content of these coatings? (BMP)			
13	Does your shop provide training on high transfer efficiency painting? (BMP)			
14	Are all spray-applied coatings applied in an enclosed ventilated spray booth or preparation station? If no, go to question 15. (BMP)			
	14a. If yes, Is the spray booth and/or station fitted with a particle filter(s) on the exhaust? (BMP)			
	14b. If yes, has the filter technology or system been demonstrated to achieve at least 98-percent capture of paint overspray according to manufacturer's specification? (BMP)			
15	When sanding, are shop doors kept closed to avoid releasing dust outdoors? (BMP)			
16	Does your shop use ventilated sander (dustless vacuum) equipment that captures paint dust and body filler? (BMP)			
Hazardous Waste (See Section 5 of Environmental Compliance Assistance Guide for Auto Body Shops)		YES	NO	Corrected
17	Has a hazardous waste determination (either by knowledge or testing) been made for all waste generated at your shop?			RTC
18	Does your shop generate any hazardous waste? If no, go to question 25.			
	18a. If yes, what is the maximum amount of hazardous waste your shop generates per month: _____ pounds.			
19	What is your shop's hazardous waste generator status? (see Table 2 on page 24 of auto body guide) <input type="checkbox"/> CESQG <input type="checkbox"/> SQG <input type="checkbox"/> LQG – LQGs must contact NYSDEC at (518) 402-8629 before continuing with this form.			
20	Does your shop send all hazardous wastes to a permitted hazardous waste treatment, storage, or disposal facility or a state authorized facility?			RTC

NOTE TO CESQGs: Questions 21-24 are best management practices (BMPs) for CESQGs. CESQGs are not required to be in compliance with these questions, therefore, CESQGs are not required to submit a Return-To-Compliance Plan for a “NO” response to these questions.		YES	NO	Corrected
21	Are all hazardous waste containers closed except when materials are being added or removed? (BMP for CESQGs)			RTC*
22	Are all hazardous waste containers labeled with the words “hazardous waste”? (BMP for CESQGs)			RTC*
23	Are all hazardous waste containers in good condition (no leaks, no severe rusting, no bulges, etc.)? (BMP for CESQGs)			RTC*
24	Does your shop document its hazardous waste shipments with a manifest, bill of lading, or other documentation? (BMP for CESQGs)			RTC*
Universal Waste (See Section 5.6 of Auto Body Guide)		YES	NO	Corrected
25	<p>Does your shop manage any of the following wastes as “Universal Waste”? (see section 5.6 of guide) <i>(Check all that apply)</i></p> <p><input type="checkbox"/> Lamps such as fluorescent lights, metal halide lamps, etc.</p> <p><input type="checkbox"/> Mercury Containing Equipment (mercury thermostats, switches, etc.)</p> <p><input type="checkbox"/> Batteries</p> <p><input type="checkbox"/> Other - please specify: _____</p> <p>If your shop does not manage any wastes as universal waste, Go to Section C.</p>			
26	Are all shop employees who handle or have responsibility for managing universal waste informed of the proper handling and emergency procedures for universal waste handled at your shop?			RTC
27	Does your shop store all universal waste in containers that remain closed, are structurally sound, are compatible with the waste, prevent breakage, and lack evidence of leakage or damage?			RTC
28	Is all universal waste and/or universal waste containers labeled with the type of waste? (See section 5.6 of guide.)			RTC
29	Are all universal wastes accumulated for no longer than one year from the date generated?			RTC
30	Is your shop able to demonstrate the length of time that universal waste has been accumulated by marking the date on the container, maintaining an inventory, or other method?			RTC
31	Does your shop send all universal wastes to another universal waste handler, a permitted facility, or a foreign destination?			RTC
32	Does your shop maintain shipping manifests or other shipping papers for universal wastes? (BMP)			

*RTC Plan required only for SQGs.

Bulk Storage and Spills <i>(Optional for all Auto Body Shops)</i> (See Section 6 of Environmental Compliance Assistance Guide for Auto Body Shops)		YES	NO	Corrected
33	Has your shop had any reportable releases of petroleum products or chemicals in the last 12 months? (see page 27 of auto body guide) If no, go to question 34.			
	33a. If yes, have you reported the release(s) to NYSDEC? If NO, report the spill to the NYSDEC Spills Hotline at 1-800-457-7362.			RTC
34	Does your shop have any permanent used oil tanks? If no, go to question 35.			
	34a. If yes, are all used oil tanks registered with NYSDEC?			RTC
	34b. Are all used oil containers and tanks labeled with the words "Used Oil"?			RTC
	34c. Are all used oil tanks inspected monthly?			RTC
Water Pollution <i>(Optional for all Auto Body Shops)</i> (See Section 7 of Environmental Compliance Assistance Guide for Auto Body Shops)		YES	NO	Corrected
35	Does your shop generate industrial wastewater (includes wastewater from washing vehicles or work areas, see section 7.1 of auto body guide for additional information)? If no, go to question 42.			
36	Does your shop maintain records (such as hauling records or local sewer permit) to document that you are responsibly disposing of your industrial wastewater?			RTC
37	Does your shop have an oil/water separator treating the industrial wastewater prior to discharge?			
38	Does your shop discharge industrial wastewater to a municipal sewer system? If no, go to question 39.			
	38a. Does your shop have approval from the local sewer authority to discharge to their sewer system?			RTC
39	Does your shop discharge industrial wastewater to a holding tank? If no, go to question 40.			
	39a. Does your shop use a Part 364 permitted waste transporter to haul your industrial wastewater from your holding tank?			RTC
40	Does your shop discharge industrial wastewater to a septic system, dry well, french drain or ditch? If no, go to question 41.			
	40a. If yes, does your shop have a SPDES permit to discharge to groundwater?			RTC
41	Does your shop discharge industrial wastewater to a surface water (river, lake, stream, pond)? If no, go to question 42.			
	41a. If yes, does your shop have a SPDES permit to discharge to surface water?			RTC

Water Pollution <i>(Optional for all Auto Body Shops)</i> (See Section 7 of Environmental Compliance Assistance Guide for Auto Body Shops)		YES	NO	Corrected
42	Does your shop have any floor drains? If no go to question 43.			
42a.	If yes, are the floors drains sealed or plugged? If yes, go to question 43.			
42b.	If floor drains are not sealed or plugged, do floor drains discharge to a municipal sewage treatment plant?			
42c.	If floor drains are not sealed or plugged, do floor drains discharge to a holding tank?			
42d.	If floor drains are not sealed or plugged, do floor drains discharge to a septic tank or dry well?			
42e.	If floor drains are not sealed or plugged, do floor drains discharge to surface water?			
43	Does your shop generate any industrial wastewater from car washing activities? If no, go to question 44.			
43a.	If yes, does your shop wash vehicles outside?			
43b.	If yes, is the wash water from car washing activities collected and disposed of in accordance with regulatory requirements?			RTC
43c.	If no, please specify where wash water is discharged to: <input type="checkbox"/> ditch <input type="checkbox"/> stream <input type="checkbox"/> wetland <input type="checkbox"/> ground surface <input type="checkbox"/> storm drain <input type="checkbox"/> septic system <input type="checkbox"/> cesspool <input type="checkbox"/> dry well <input type="checkbox"/> other _____			
44	Does your shop keep paints, cleaners, and any other materials or chemical that can cause runoff protected from rainwater? (BMP)			
45	Does your shop use dry cleaning methods, such as sweeping and vacuuming, when cleaning the shop? (BMP)			
46	Does your shop avoid sweeping, blowing, or washing floor dirt, dust, and/or other debris ("sweepings") down open floor drains, sink drains, or some other access way to water sources? (BMP)			
47	Does your shop post signs prohibiting the discharge of industrial chemicals and/or wastewater to bathroom/ kitchen sinks, toilets, showers, shop wash basins, emergency showers, eyewash stations, or other non-industrial drainage outlets? (BMP)			
48	Has your shop taken actions to conserve water over the past three years? (BMP)			
48a. If yes, please list: _____ _____ _____ _____				

Pollution Prevention and Energy Efficiency Practices (See Section 2 of Environmental Compliance Assistance Guide for Auto Body Shops) <i>The following questions are not compliance questions and are optional for all auto body shops. Please check NA if the question is not applicable to your shop.</i>		YES	NO	NA
49	Does your shop use water-based or low-solvent coatings (primers, basecoats and painting)? (BMP)			
50	Does your shop recycle any solvents? (BMP)			
51	Does your shop use recycled solvent for gun cleaning? (BMP)			
52	Does your shop use a spray gun cleaning system that recycles the cleaning solvent? (BMP)			
53	Does your shop avoid the use of methylene-chloride based paint strippers? (BMP)			
54	Does your shop use non-solvent based putty/fillers? (BMP)			
55	Does your shop inspect materials upon delivery, and immediately return unacceptable materials to the supplier? (BMP)			
56	Does your shop have an inventory system in place to prevent products from going out of date? (BMP)			
57	Has your shop made raw material changes in the last twelve months that reduced or eliminated hazardous materials used in its operations?			
58	Does your shop keep waste streams separate to increase their potential for reuse, recycling, or treatment? (BMP)			
59	Does your shop reuse or recycle all used electronics? (BMP) <i>(If your shop does not generate any used electronics, mark "NA")</i>			
60	Has your shop taken actions to conserve energy over the past three years? (BMP)			
<p>60a. If yes, please list:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>				

After you have completed the environmental checklist questions, please complete Section C (page 8) of this form.

Section C - Environmental Report Certification Statement

The owner, operator, or responsible representative of your facility is required to sign, date and submit this statement. Please complete all required forms before signing this statement.

Before signing the following statement, please check off the following boxes to make sure you have:

- Reviewed the Environmental Compliance Assistance Guide for Auto Body Shops;
- Completely read and filled out all required questions; and
- Completed and attached a Return-to-Compliance Plan for each question requiring corrective action to comply with regulatory requirements.

Please provide number of Return-to Compliance Plans attached here: _____.

Certification Statement:

Under the penalty of perjury, I verify that I am the owner, partner or officer of the entity owning the facility, or the owner, partner or officer of the entity controlling the facility, named on this report form, and:

- (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this report form and verification statement;
- (ii) that, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is to the best of my knowledge, true, accurate, and complete;
- (iii) that systems to maintain compliance are in place at the facility and will be maintained for the coming year even if processes or operating procedures are changed over the course of the year; and
- (iv) that I am fully authorized to make this attestation on behalf of this facility.

I am aware that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the penal law.

Signature: _____ Date: _____

Print Name: _____

Job Title: _____

Shop Name: _____

Make a copy of the completed forms for your records, and mail the original signed forms to:

Auto Body Shops ERP
NYSDEC -Division of Solid & Hazardous Materials
625 Broadway
Albany, NY 12233-7251.

Return-to-Compliance Form

Complete this form only if your shop is NOT in compliance with a regulatory requirement at the time that you submit your Environmental Report Form. You must complete a Return-to-Compliance Plan for each question requiring corrective action by your shop.

Shop Name: _____

Contact Name _____

Phone Number: _____

Return-to-Compliance Plan #1:

a. What is the compliance question number on the Environmental Report Form for which you are reporting noncompliance? _____

b. Briefly describe the requirement that your shop is not currently fulfilling:

c. What corrective action will you take to return to compliance?

d. Date that you commit to being back in compliance: _____

e. Responsible Official who signed the Environmental Report Form initial here: _____

Return-to-Compliance Plan # 2:

a. What is the compliance question number on the Environmental Report Form for which you are reporting noncompliance? _____

b. Briefly describe the requirement that your shop is not currently fulfilling:

c. What corrective action will you take to return to compliance?

d. Date that you commit to being back in compliance: _____

e. Responsible Official who signed the Environmental Report Form initial here: _____

Business Name: _____

If you are submitting more than four RTC plans, please make copies of this page before completing it, or print additional copies from the NYSDEC website at: <http://www.dec.ny.gov/pubs/4811.html>.

Return-to-Compliance Form

Complete this form only if your shop is NOT in compliance with a regulatory requirement at the time that you submit your Environmental Report Form. You must complete a Return-to-Compliance Plan for each question requiring corrective action by your shop.

Shop Name: _____

Contact Name: _____

Phone Number: _____

Return-to-Compliance Plan # _____ :

a. What is the compliance question number on the Environmental Report Form for which you are reporting noncompliance? _____

b. Briefly describe the requirement that your shop is not currently fulfilling:

c. What corrective action will you take to return to compliance?

d. Date that you commit to being back in compliance: _____

e. Responsible Official who signed the Environmental Report Form initial here: _____

Return-to-Compliance Plan # _____ :

a. What is the compliance question number on the Environmental Report Form for which you are reporting noncompliance? _____

b. Briefly describe the requirement that your shop is not currently fulfilling:

c. What corrective action will you take to return to compliance?

d. Date that you commit to being back in compliance: _____

e. Responsible Official who signed the Environmental Report Form initial here: _____

New York State Auto Body Shops Environmental Results Program Non-Applicability Form

An auto body shop is not required to submit the Environmental Report Form for Auto Body Shops if it meets any of the following conditions:

- This shop is closed or no longer operating.
- This shop is operating but does not perform any of the any of the following automotive refinishing operations: collision repair; vehicle painting, paint stripping or sanding; body work; antique auto restoration; or student training in any of these areas.
- This shop does not generate any hazardous waste **AND** is exempt from 6 NYCRR Part 228. A shop is exempt from 6 NYCRR Part 228 if it complies with ALL of the following conditions:
 - a. the shop uses a total quantity of no more than 55 gallons of coatings and cleaning solvents on an annual basis. (The shop must retain records of the quantities of coatings and cleaning solvents used on an annual basis for five years.);
 - b. the shop applies coatings to work areas no larger than 9.0 square feet;
 - c. the shop applies coatings only using high volume low pressure spraying with a maximum cap pressure of 10.0 psig;
 - d. the shop cleans spray guns only using techniques that minimize VOC emissions;
 - e. the shop uses only coatings that do not exceed the VOC content limits of 6 NYCRR Section 228.8. (These VOC content limits are listed under question 8 of the Auto Body Shops Environmental Report Form.); and
 - f. the shop exhausts emissions into appropriate emission control equipment.

If you need help determining whether your shop generates any hazardous waste or is exempt from Part 228, please call the Small Business Environmental Assistance Program (SBEAP) at 1-800-780-7227.

Please note, auto body shops that are not required to submit the Environmental Report Form for Auto Body Shops because they do not generate any hazardous waste and they are exempt from Part 228, may complete and submit the Environmental Report Form for Auto Body Shops voluntarily.

If your shop is not required to submit the Environmental Report Form for Auto Body Shops, please check off the box above that applies to your shop, and complete and sign the following:

Facility Information

Facility Name: _____

Facility Street Address: _____

City/Town: _____ Zip Code: _____

Contact Person: _____

Phone #: _____ Email: _____

I understand that submitting this form does not relieve this facility of the responsibility to comply with environmental requirements.

Signature: _____ Date: _____

When complete, remove form from packet; make a copy for your records, fold in thirds, secure with tape, and mail to address on reverse side by July 1, 2009.

Fold here

place
stamp
here

Auto Body Shops ERP
NYSDEC
Division of Solid & Hazardous Materials
625 Broadway
Albany, NY 12233-7251

Fold here

tape folded form closed