



EHS Compliance Update

December 2004

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Getting Ready for 2005 EHS Reporting

It is getting time to think about preparing your annual environment reports for 2005. Whether it is MAERS, SARA Tier II, Toxic Release Inventories or Hazardous waste reports it means sifting through another years worth of operational records and inventories to collect the needed information. This time of the year also offers us the opportunity to start off 2005 collecting this information to minimize our efforts needed for reporting in 2006. Whether your responsible for one or many facilities, systematic collection of this information through the year will save you many hours of work in 2006.

One option to consider is implementation of an Environmental Information Management System (EMIS). An EMIS can streamline reporting and help minimize non-compliance issues. There are many types of EMIS systems that can be as simple integrating several spreadsheets to complex SAP modules that will directly interface with purchasing and other accounting systems. The key is to find the right system that minimizes any duplication of data entry and works with your existing systems.

The first step is to complete an assessment of your existing reporting and record keeping systems to determine the scope of your EHS needs. Once this is completed we need to determine if a relatively low cost off the shelf system, or a customized (EMIS—con't page 3)

Training Schedule (2005)

ISO14001 Internal Auditor

- Detroit, MI* *January 18/19*
- St. Louis, MO* *January 26/27*
- Chicago, IL* *February 9/10*
- Indianapolis, IN* *February 16/17*
- Grand Rapids, MI* *March 16/17*
- Philadelphia, PA* *March 23/24*

DOT Hazardous Materials

- Detroit, MI* *January 11*
- Grand Rapids, MI* *January 12*

EHS Training (train-trainer)

- Detroit, MI* *February 1*
- Chicago, IL* *March 18*

RCRA Compliance University

- St. Louis, MO* *January 25*
- Detroit, MI* *February 2*
- Chicago, IL* *February 11*
- Philadelphia, PA* *March 22*

ISO14001 for Managers

- Detroit, MI* *January 20*
- Chicago, IL* *February 8*

See back for complete course descriptions. Call if you don't see a location near you. We can add it to the schedule.

Two Phases for TRI Burden Reduction; December Proposal to Streamline Forms

On October 19th EPA held a meeting on the agency's plan to reduce the Toxic Release Inventory (TRI) reporting burden. At the meeting, EPA explained its plans to separate its burden reduction rulemaking into two phases. In the first phase, the agency plans to propose in December 2004, modifications to the TRI reporting forms that EPA believes are less controversial and likely to be finalized quickly. Possible modifications include removing facility information that can be obtained through other agency databases, clarifying Form A applicability, replacing the specific percent amount with range codes in "Waste Treat-

ment Efficient Estimate and Onsite Waste Treatment Methods and Efficiency," and decreasing the number of codes in "Onsite Waste Treatment Methods and Onsite Recycling Process."

The second phase will focus on more extensive changes that the agency hopes to propose in August 2005. The burden reduction options for the second phase include higher reporting thresholds for small businesses, higher reporting thresholds for a category of facilities or class of chemicals with small reportable amounts, expanding eligibility requirements for Form A, creating a new no significant change form, and using range reporting

for Section 8 of TRI Form R. EPA said all of the options are still on the table. However, the agency seems to be favoring the no significant change option. Both industry and public interest groups at the meeting showed support for the no significant change option. To make this a viable option, EPA must now develop a formula that facilities must use to show they had no significant change in releases and other waste management quantities.



Principal Consultant James Charles with his two key players. "We had a rebuilding season with a 1-1-8 record"

SPCC Overview (Old News)

On July 17, 2002, EPA revised its regulations on SPCC (Spill Prevention, Control, and Countermeasures Plans). The following are [some](#) of the key changes that might affect your facilities:

- Wastewater treatment facilities are exempt
- Containers of less than 55 gallons will not need to be counted towards the threshold of 1320 gallons.
- "Permanently closed" containers are exempt. *Permanently closed* means any container or facility for which: (1) All liquid and sludge has been removed from each container and connecting line; and (2) All connecting lines and piping have

been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

The threshold for a single container of greater than 660 gallons has been deleted.

Completely buried tanks subject to 40 CFR 280 or 281 are exempt from the 42,000 gallon threshold for underground storage tanks.

On August 11, 2004, EPA published an extension to various deadlines under SPCC Plan. This extension follows a previous 18-month extension announced on April 17, 2003, and extends deadlines for an addi-

tional 18 months from the dates promulgated at that time.

The new compliance dates are February 17, 2006, to amend an existing SPCC Plan, and August 18, 2006, to implement the Plan.

Affected facilities that start operations between August 16, 2002 and August 18, 2006, must prepare and implement an SPCC Plan by August 18, 2006. Affected facilities that become operational after August 18, 2006 must prepare and implement an SPCC Plan before starting operations.

The final rule was published in the Federal Register on August 11, 2004, at (69 FR 48794)

EMIS (Con't)

EMIS system. In between there are a plethora of pre-built systems that can be customized to your needs. These programs can include MSDS management, air quality records, OSHA recordable tracking, auditing and corrective action tracking. The key steps in implementing an EMIS include:

Step 1— Selecting the Right System: Selecting the right system is critical to the success

of your EMIS. Bring all the major stakeholders at your site into the decision process. You may wish to hire a consultant who has experience with a variety of systems to help identify available systems.

Step 2— Implementation; During this phase you will install the software on your network, upload operational data, and train personnel. Proper training is the where

Step 3—System Rollout: When rolling out the system it is important to have experienced staff available to support questions. It is also a good idea to hold follow-up training sessions where people can vent frustrations and learn from others. It is also important early on to check the quality of the data in the systems and constancy across users. The rest is simple!

OSHA Corner

Recordkeeping

Who must keep records of work-related injuries and illnesses?

About 1.3 million employers with 11 or more employees-20 percent of the establishments OSHA covers-must keep records of work-related injuries and illnesses. Workplaces in low-hazard industries such as retail, service, finance, insurance, and real estate are exempt from record-keeping requirements.

DOT—Will the real "Hazmat Employee" please stand up

Under 49 CFR 172 DOT requires that all Hazmat Employees receive training every 3 years. This training must include general awareness, function-specific, safety and security awareness training for all hazardous materials employees.

A hazmat employee is a person who is employed by a hazmat employer and who in the course of their employment directly affects hazardous materials

transportation safety. Individuals, who, during the course of their employment perform any of the following activities:

- 1) Load, unload or handle hazardous materials
- 2) Manufacture, test, recondition, repair, modify, mark, or otherwise represents containers drums, or packages as qualified for use in the transportation of hazardous materials
- 3) Prepare hazardous materials for transportation

4) Has responsibility for safety of transporting hazardous materials

5) Operates a vehicle used to transport hazardous materials

This can include— Shipping Clerks, Maintenance, Forklift Drivers, and EHS staff. Managers responsible for these operations should also be trained

Rinsate from Empty Containers—is it a waste?

Residue in RCRA “empty” containers is clearly exempt from regulation from under Subtitle C. However, is the rinse water used to clean these containers exempt from regulation?

On April 12, 2004, EPA clarified their position on this matter (RCRA Online #14708).

Even though rinse water from an “empty” container may often times be non-hazardous, 40 CFR 261.7 does not exempt rinse water from Subtitle C regulation because rinse water is not a waste “remaining in” an “empty” container. Indeed, while 40 CFR 261.7 clearly ex-

empts residue remaining in an “empty” container from Subtitle C regulation, the Agency also has made it clear that when residue is removed from an “empty” container the residue is subject to full regulation under Subtitle C if the removal or subsequent management of the residue generates a new hazardous waste that exhibits any of the characteristics identified in Part 261, Subpart C (see 45 FR 78529, November 25, 1980, where it states “ Container cleaning facilities which handle only “empty” containers are not currently subject to regulation unless they generate a waste that meets one of the

characteristics in Subpart D.”).

Finally, it also should be noted that if the rinsing agent includes a solvent (or other chemical) that would be a listed hazardous waste when discarded, then the rinsate from an “empty” container would be considered a listed hazardous waste. This is not due to the nature of the waste being rinsed from the “empty” container, but rather, because of the nature of the rinsing agent.

**EHS announces new
“RCRA Compliance
University”
The complete one-day
RCRA program**

Satellite Accumulation Rules—didn’t know that

I) Machinery will often times collect waste in small containers attached to the machinery and ultimately this waste is either characteristic or listed hazardous waste. These small containers attached to the machines must comply with the satellite accumulation area (SAA) rules. Please review your plant operation to verify compliance.

II) RCRA requires SQG and LQG to conduct training of personnel, however, do personnel gearing small quantities of waste and placing them into SAA require training? EPA say NO. The RCRA regulations do not require training of personnel working in SAAs.⁷ Personnel that have access to or work in central accumulation areas, including those that move hazardous waste from

a SAA to a central accumulation area, must be trained. As the ones actually generating hazardous waste, however, personnel working in SAAs need to be familiar enough with the chemicals with which they are working to know when they have generated a hazardous waste so that it will be managed in accordance with the RCRA regulations.

**Web site of the Month
teraserver.homeadvisor.msn.com**

**Get aerial photos and
topographic maps of anywhere in
the US—FREE**

EHS Management Strategies—News

Compliance Programs

- EHS has added two compliance courses and these are:
- 1) EHS Training (Train the Trainer)
 - 2) RCRA Compliance University

Both program are designed for EHS managers responsible for training and RCRA compliance. Complete de-

scriptions are on the back panel.

New Cities

EHS will be delivering programs in St. Louis, MO, Chicago, IL, Philadelphia, PA and Indianapolis, IN in 2005

Six Sigma

EHS to begin offering Six Sigma training services.

**EHS Management
Strategies Clients include:**

- ◆ Dana Corporation
- ◆ General Motors
- ◆ Steel Case
- ◆ Pfizer
- ◆ Eaton Corporation
- ◆ Median Automotive
- ◆ Exelon Energy
- ◆ Cascade Engineering
- ◆ Gill Industries
- ◆ Herman Miller
- ◆ Hayworth

EHS Management Strategies

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Solutions to your EHS challenges

EHS Management Strategies was formed with one simple idea in mind— to provide high quality EHS training and consulting services by seasoned (not old) EHS professionals. We want to work with our clients to optimize their resources to go beyond compliance and bring value to their business. We do this by providing the training and tools needed to understand the complex regulatory issues they face every day.

Think about EHS to help with your MAERS, SARA, TRI and RCRA reporting in 2005. Also, for those certified to ISO14001 we do compliance audits as required under 4.5.1 - Monitoring & Measurement.

EHS Training Programs

The following are a few of the programs we have developed:

Internal Auditor Training—ISO 14001 (2 day, \$599): This is program is for anyone who wants to conduct internal audits. This program will provide a detailed overview of ISO14001 and auditing techniques. This is a very “hands on” program.

DOT Hazardous Materials (1/2 day, \$229): This program is for anyone requiring DOT training (Title 49, Subpart H, §172.700-172.704). Students will be tested and training documentation will be provided.

ISO 14001 for Managers (1 day, \$359): This is a one day program designed to teach new managers or supervisors the requirements of their environmental management systems. The course will focus on the standard and provide the new manager with a good understanding of the operating requirements and their responsibilities.

RCRA Compliance Course (1 day, \$399): A complete course on RCRA compliance designed for manufacturing and industrial facilities. The program includes complete waste characterization and management, manifesting, record keeping, LDR, training, contingency planning, TSD requirements, universal wastes, and biennial reporting. Also, includes an overall review of the RCRA regulations.

EHS Training (train the trainer)

(1 day, \$399): This program was developed for EHS Managers who are responsible for developing and delivering RCRA, Hazard Communication, and other EHS training.

This program will provide the following:

- ◆ Detailed overview of the RCRA training requirements and regulations
- ◆ Detailed overview of the Hazard Communication rule
- ◆ Overview of learning styles and training strategies
- ◆ How to develop facility specific training programs

Each student will receive a CD with the following:

- ◆ Boiler plate power point training presentations for both RCRA and Hazard Communication program
- ◆ Training documentation
- ◆ Hazardous Materials graphics
- ◆ Internet training resources

The students will leave the course with a good understanding of the regulatory requirements and practical training tools.

OSHA Training—We offer Hazwoper (40 hr & 8 hr), Confine Space, fork lift operations, and other OSHA training programs.

Referral Program—*EHS will pay a referral fee to YOU for any people referred to a course. Contact us for details.*

EHS Consulting Services

- ◆ IT / Web based compliance solutions
- ◆ EHS Training
- ◆ Compliance Auditing
- ◆ SPCC Planning / Certification
- ◆ EHS metrics and performance
- ◆ Site Remediation Strategies
- ◆ Liability Assessments & SEC Reporting
- ◆ EHS Reporting—Toxic Release Inventory, MEARS, SARA Tier II
- ◆ EHS Permitting—NPDES, CAA, RCRA
- ◆ Environmental Tax Exemptions

“Questions are always free and projects appreciated”

Next Month:

“How to keep ISO14001 EMS alive and productive after certification”

“What do quality and environmental have in common?”

Please email any success stories to:
JimCharlesPE@aol.com