



EHS Compliance Update

January 2005

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Hazardous Waste Shipping — RCRA or DOT?

Hazardous waste generators are also “shippers” of hazardous materials subject to DOT’s hazardous materials transportation regulations. Hazardous waste transportation is regulated jointly under RCRA regulations and DOT’s hazardous materials regulations. Therefore, a generator who ships hazardous wastes off-site would need to comply with both the Environmental Protection Agency’s training requirements for generators and DOT’s requirements for training hazardous materials employees. The training requirements for hazardous materials employees are defined in the DOT Hazardous Materials Regulations at 49 CFR Part 172, Subpart H. These regulations specify training requirements for general awareness and familiarization, function-specific training, and safety training. The training must occur within 90 days of employment for new employees, and be repeated every three years. See 49 CFR §172.704. RCRA training is required for both small and large quantity generator (not CESQG). [RCRA online 14687]

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.

OSHA's Proposed Safety and Health Program Rule—it will affect you

Under OSHA’s proposed Safety and Health Program Rule, each employer will be required to set up a safety and health program to manage workplace safety and health to reduce injuries, illnesses and fatalities by systematically achieving compliance with OSHA standards and the General Duty Clause. The program must be appropriate to conditions in the workplace, such as the hazards to which employees are exposed and the number of employees there.

The program must have the following core elements:

- Management leadership and employee participation
- Hazard identification and assessment
- Hazard prevention and control
- Information and training
- Evaluation of program effectiveness

For details on the proposed rule, see:

<http://www.osha.gov/SLTC/safetyhealth/nshp.html>

The impact of this new rule on your facility will depend on how well your existing HS system is documented. At a minimum you will need to incorporate an evaluation process for your existing systems.

Integrated Response Plans

The "One Plan", also known as Integrated Contingency Plan (ICP), allows a facility to comply with multiple federal planning requirements by consolidating them into one functional emergency response plan. You can combined:

- ◆ SPCC
- ◆ Facility Response Plans (USCG)
- ◆ SWPPP
- ◆ RCRA Contingency Plan
- ◆ Risk Management Plan
- ◆ DOT
- ◆ Process Safety Management

This will streamline training requirements and improve overall emergency preparedness.

Corrective Action Financial Assurance Guidelines

On November 1, 2004, of Site Remediation and Enforcement and Office of Solid Waste released three documents to assist in evaluating the appropriate level of financial assurance that may be required for an RFI or interim measure:

Average Cost of Remedial Investigation Derived from Fund-lead Superfund Costs

This document provides information on completed fund-lead actions at 28 different types of sites. Because the Superfund and RCRA programs have similar investigation and remediation processes, Superfund RI costs can be used as a proxy for RFI costs and serve as a general guideline for cost estimating efforts. Users of this document can determine the "site type category" for a facility and then locate an estimate in 2004 dollars for assessing the appropriate amount of financial assurance

Interim Measures Cost Compendium

This document provides cost

estimating information for 12 different types of interim measures. Cost information was developed by using RACER cost estimating software, which was originally developed for the US Air Force. Each interim measure discussion provides cost estimating information for multiple scenarios to address contamination problems of varying sizes. Cost estimating information is provided in a tabular format as well as cost equation format. The cost equations include both capital and annual operation and maintenance terms expressed in 2004 dollars.

Compendium of Related Guidance Documents

This document identifies Superfund and RCRA remediation guidance documents that address remediation cost estimating tools, remediation procedures and guidelines, and investigations and interim measures. A document summary is provided for each document along with a hypertext link to the document or informa-

tion about ordering the document from NTIS.

In September 2003, EPA's Office of Site Remediation and Enforcement and Office of Solid Waste jointly transmitted the ["Interim Guidance on Financial Responsibility for Facilities Subject to RCRA Corrective Action"](#) That guidance recommended a flexible, facility-specific approach to requiring financial assurance for corrective action, where appropriate, and encouraged regulators to require financial assurance earlier in the correction action process such as for the RCRA Facility investigation (RFI) or for significant interim measures.

Companies should be careful when determining whether or not to use these guidance documents to determine FAM and liability assessments. They may result in inflated liability estimates. Also, these may affect the companies liabilities under Sarbanes Oxley and SEC rules.

Next Month:

"What do quality and environment have in common?"

"OHSAS 18000—now what?"

Please email any ideas to:
JimCharlesPE@aol.com

Keeping your EMS ALIVE!!

So it has been 3 or more years since you received your ISO 14001 certification. You remember all the work that went into putting your environmental management system together and the high hopes you had for producing "Continuous Improvement" and cost savings. As you look around your plant today you may have a hard time finding a copy of the policy posted anywhere and your audit program has become an exercise in completing check lists. The continuous improvement you had hoped for has just not happened. The only excited left is every 6 months when you have your surveillance audit. If this sounds like your facility you may have the EMS BLUES.

The corner stone of the continuous improvement aspect of your EMS are the Objectives & Targets and Internal Audit program. Here are our **(Con't Page 3)**

Stormwater Permits— Do I need one?

The following categories of industrial facilities are defined as "stormwater discharges associated with industrial activity" under federal regulations 40 CFR 122.26 (b)(14)(i) - (xi). Each category contains a list of SIC codes and/or a narrative description of industrial facilities. Operators of industrial facilities or sites with activities included in one of these 11 categories must obtain coverage under an NPDES industrial stormwater permit, unless conditionally excluded.

1. Facilities with effluent limitations
2. Manufacturing
3. Mineral, Metal, Oil & Gas
4. Hazardous Waste Treatment or Disposal Facilities
5. Landfills
6. Recycling Facilities
7. Steam Electric Plants
8. Transportation Facilities
9. Treatment Works
10. Construction Activity
11. Light Industrial Activity

You can find a list of SIC codes and category descriptions at:

www.epa.gov/npdes/pubs/list.pdf.

A site required to obtain a storm water permit may either obtain a general or individual permit. Most sites qualify for the general permit program under their state or EPA's multi-sector general permit. Compliance with state of EPA rules require preparation of a Storm Water Pollution Prevention Plan (SWPPP). Many sites will integrate their SWPPP into other pollution prevention plans.

EHS announces new "SPCC Compliance and Plan Upgrades" Assure your compliance and learn how to upgrade your SPCC plan

Keeping your EMS Alive (con't)

suggestions to put life back into your EMS. The responsibility for this initiative lies with the Environmental Management Representative (EMR). The first step is to get the plant leadership "re-invigorated". This can be accomplished by 1) Placing a brief EMS topic in most routine plant meetings and rotate who is responsible for presentation, 2) Insure that any managers hired after certification have been trained and understand YOUR complete EMS, and 3) Develop an incentive program for closing out CAR's fast, new cost savings initiatives, and streamlining EMS procedures (a free lunch goes a long ways!). The next step is to re-evaluate your Objectives and Targets to verify they are the best for the plant and progress towards the O&T's should be communicated to the entire plant on a monthly basis (not just posted) It is important for plant personnel to be aware of progress and how they affect the goals.

Lastly, a vigorous internal audit program should be the focal point the "continuous improvement" process. Ways to improve your audit program include 1) encourage auditors to identify "opportunities for improvement" or "best management practices" during audits, 2) Circulate new auditors into your program (fresh eyes), 3) make sure auditors continue to conduct interviews as part of the audit proves, 4) auditors should meet on a routine basis to discuss the audit process, identification of process improvements, and barriers during auditing. This is important in getting them to act as a team. Hopefully, one or more of these ideas will help you ENERGIZE your EMS.

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

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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 work with 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 EMS audits. It will provide a detailed overview of ISO14001 and auditing techniques. This is a very “hands on” program filled with exercises.

OHSAS 18001 Implementation (2 day, \$599): This course will provide a detailed overview of the OHSAS standard and how to implement an OHSAS Health & Safety management system. Each student will leave with a good working knowledge of the standard and the tools needed to develop an HSMS.

DOT Hazardous Materials (1 day, \$329): This program is for HazMat employees requiring DOT training (Title 49, Subpart H, §172.700-172.704). Students will be tested and training documentation will be provided.

ISO 14001 EMS Implementation for Managers (1 day, \$399): 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. Also, designed for people just getting ready to implement an

ISO14001 EMS.

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, TSDF 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, HazCom, SPCC training requirements and regulations.
- ◆ Overview of learning styles and training strategies.
- ◆ How to develop facility specific training programs.

Each student will receive a CD with boiler plate power point training presentations for both RCRA and Hazard Communication program, training documentation, hazardous materials graphics, and internet training resources.

SPCC Compliance (1 day)— This course will review the SPCC regulations, how to write a plan, and conduct certification inspections.

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 pro-

Web Site of the Month:

www.epa.gov/epahome/state.htm

This web site provides links to the environmental agencies in all 50 states.

Training Schedule Public Courses					
Course	Cost	January	February	March	April
ISO 14001 Internal Auditor	\$599	St. Louis, MI	Chicago, IL Indianapolis, IN Orlando, FL Detroit, MI	Grand Rapids, MI Philadelphia, PA Buffalo, NY	Toledo, OH Milwaukee, WI Pittsburg, PA
RCRA Compliance University	\$399	St. Louis, MO	Detroit, MI Chicago, IL	Philadelphia, PA	Cincinnati, OH Pittsburg, PA
DOT Hazardous Materials	\$329	St. Louis, MO	Chicago, IL Grand Rapids, MI	Toledo, OH	
OSHAS 18000 Overview and Implementation	\$599		Buffalo, NY	Detroit, MI	Chicago, IL Philadelphia, PA
ISO 14001 Implementation for Managers Training	\$399		Chicago, IL Detroit, MI	Buffalo, NY Grand Rapids, MI	Toledo, OH
EHS Training—Trainer (RCRA, DOT, HazCom)	\$499	Washington, DC	Detroit, MI	Chicago, IL Philadelphia, PA	Atlanta, GA
RC 14001 Overview and Implementation	\$399			Grand Rapids, MI	Boston, MA
SPCC Compliance and Plan Upgrades (new rules)	\$399		Detroit, MI	Grand Rapids, MI	Chicago, IL
40 Hr OSHA Hazwoper	\$495	St. Louis, MO Pasadena, CA Dallas, TX	Detroit, MI Denver, CO Philadelphia, PA	Chicago, IL Minneapolis, MN Atlanta, GA	Lansing, MI Cleveland, OH Indianapolis, IN
8 Hr Hazwoper Refresher	\$125	San Francisco, CA	Detroit, MI Philadelphia, PA	Chicago, IL Indianapolis, IN St. Louis, MO	Milwaukee, WI Cleveland, OH Huston, TX
Confined Space Entry	\$195	Detroit, MI Denver, CO	Atlanta, GA Indianapolis, IN	Chicago, IL Las Vegas, NV	Detroit, MI Madison, WI

Please contact us for specific dates for each program and registration information at: JimCharlesPE@aol.com or (616) 901-5957. All prices based on pre-payment. We will work to accommodate your schedule.