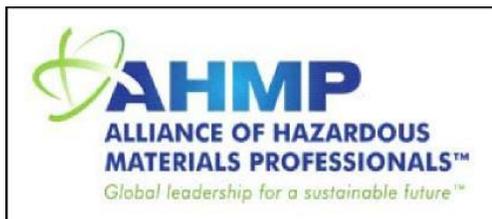


The Hazardous Materials Manager

EASTERN WASHINGTON CHAPTER OF THE ACADEMY OF CERTIFIED HAZARDOUS MATERIALS MANAGERS NEWSLETTER



Executive Committee's Corner



Eastern Washington Chapter of the Academy of Certified Hazardous Materials Managers

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Secretary: Roni Swan
Treasurer:– Chuck Mulkey
Past President: Wade Winters

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We thank all of you that have been so generous in support of the community, with donations, gifts and volunteering to help charities in need this time of year. Keep up the good work!

The ACHMM-EWC continues to find ways to keep those of you actively working to protect human health and the environment informed. We endeavor to find programs and activities to help you in your jobs and to bring you together with those that can help you move forward with your career. Please contact one of the officers if you have any ideas or would like to otherwise contribute.

The EWC decided to put off the awards program this year and move it to early 2016. Many people are involved with other events this time of year, including our sponsors and corporate partners. The call for nominations will be sent soon.

We want to take this time to acknowledge our accomplishments and plan for the new opportunities that lay ahead of us. We hope you stay warm and safe this season. We also wish the best to you and your families during the holidays, and a prosperous new year.



The Hazardous Materials Manager



Mistakes of the Past (And How Not to Repeat Them!) Issue 13, "A Canal Runs Through It"

By Harold Tilden

[Author's Note: This article is intended to take a look at past activities in the light of how to learn from them. No accusations of impropriety on anyone's part are intended; usually the actions taken were "state of the art" at the time.]

A developer's dream died in the fall of 1893. His idea was to build a utopian metropolis, which he referred to as the "most perfect city in existence", powered by water power – water diverted from mighty Niagara Falls. Soon after beginning construction, however, the project foundered – partly because local politicians prohibited diversion of water from the falls.

During early 1893, however, the developer had begun digging his diversion canal. When the project ended later that year, the pit remained. It was acquired by the city of Niagara Falls in 1920 and then by a chemical company in the 1940s. Both utilized the pit for disposal of chemical wastes. By 1953, the pit was full and capped.

The school district purchased the land and built a school on it. About 100 homes were constructed nearby. It didn't take long, however, to discover that the waste underneath had not gone away. Strange odors, chunks of phosphorous, and other evidence revealed the continued presence of the waste.

In the winter of 1976, a record-breaking blizzard and subsequent heavy rains flooded the landfill. Chemical waste migrated to the surface, where it contaminated the neighborhood. Many were sickened. The number of stillbirths and birth defects rose remarkably. Finally, in 1978, the New York State Health Commissioner declared the area hazardous. The school closed, 200 families were evacuated, and barriers were erected.

The U.S. EPA began a 25-year effort to clean up the site. Over \$350 million has been spent on the cleanup. Lawsuits continue to this day. But some surrounding areas have been resettled. The canal area itself is still fenced off.

William T. Love's vision of a "perfect city" instead became the site that inspired the passage of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

Lessons Learned:

- Waste placed in landfills is simply that – placed in a landfill. That placement does not make it less hazardous or nonhazardous. When the landfill closes, it needs to keep the waste inside and prevent intrusion from above, below, and adjacent.
- Redevelopment of "brownfields" (areas where hazardous waste has been previously placed) must be tailored to the nature of the residual contamination. Many brownfields are actually located in very desirable locations (e.g. downtown, near rivers or other water bodies) so the temptation to reuse them in a way that may re-expose the contamination is strong.

Regulatory News



Generator Improvements Rule Released for Public Comments

By Harold Tilden, CHMM

EPA issued a proposed rule on September 25, 2015 ([80 FR 57918](#)) entitled “Hazardous Waste Generator Improvements”. In this proposed rule, EPA is significantly modifying the standards for hazardous waste generators – the first broad changes since the rule was adopted in 1980.

Some of the more significant changes being proposed include:

- The adoption of new labeling requirements for waste being accumulated. Along with the words “hazardous waste”, waste in satellite and 90-day areas would be required to be marked with the name, proper shipping name, and hazard.
- Instead of referencing the permitted facility standards of 40 CFR 265, the relevant requirements are copied into Part 262. In some cases changes have been made to the standards. One of the changes is that the term “facility” is changed in Part 262 to say “generator site”.
- Generators would be required to document their determination that waste is a solid waste, not just hazardous waste determinations.
- Authorizes exceptions to the “closed at all times” requirement for containers in satellite accumulation that are attached to devices such as continuous analyzers.
- Requires notification to EPA or the authorized state when a 90-day area is being closed.
- Allows small quantity generators to ship their waste to an associated large quantity generator location for consolidation prior to shipment.
- Allows small- and medium-quantity generators to exceed their quantity limit once per year without having to re-file as larger quantity generators.
- Requires generator facilities to coordinate their emergency response plans and provisions with the Local Emergency Planning Committee established under EPCRA.

PNNL and the Hanford Site have prepared comments on the proposed rule. Comments on the proposed rule are being accepted through December 24, 2015.

Additional rulemaking activities that EPA is undertaking

By Chuck Mulkey, CHMM

Electronic Reporting and Recordkeeping Requirements for New Source Performance Standards

Abstract: EPA published an advance notice of proposed rulemaking (ANPRM) in October 2009 seeking comment on proposed approaches to improving the emissions factors program, including proposing to require the submission (via electronic reporting) of performance testing information already collected by industry by revising the reporting requirements in 40 CFR part 60 for new source performance standards (NSPS). Performance tests are conducted periodically to measure the air pollutant emissions from an industrial process and are used as an indicator of compliance with regulations.

The Hazardous Materials Manager



The March 20, 2015, proposed rule would amend approximately 75 NSPS to require electronic submission to the EPA of performance test data, as well as other selected compliance data, such as excess emissions reports, that are already being compiled and submitted by industry to regulatory authorities. These data can be used for regulation development, control strategy development, rule effectiveness studies, risk analyses and other air pollution control activities. Electronic submittal of these reports increases the usefulness of the data, is in keeping with current trends in data availability and further assists in the protection of public health and the environment. EPA published an extension to the public comment period for the NPRM on 5/19/15 (80 FR 28571), providing the public an additional 30 days to comment, increasing the public comment period to a total of 90 days.

Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds--Requirements for t-Butyl Acetate

Abstract: The EPA is removing the existing special emission reporting requirements for this compound that were established in 2004 when the compound was excluded from the definition of volatile organic compounds (VOCs), because these reporting requirements are now considered to be unnecessarily burdensome. This change will allow industrial users of solvents to use it without the burden of reporting emissions.

Toxics Release Inventory (TRI) Articles Exemption Clarification Rule

Abstract: Toxics Release Inventory (TRI) reporting is required by section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act. The purpose of this rule is to clarify the scope of the exemption from TRI reporting requirements for items that qualify as articles. [See 40 CFR 372.38(b).] A proposed rule was issued on August 24, 2009; EPA plans to accommodate comments received through the development and issuance of a supplemental proposed rule.

Standards of Performance for Municipal Solid Waste Landfills

Abstract: Section 111(b)(1) of the Clean Air Act (CAA) directs the EPA to review and, if appropriate, revise the New Source Performance Standards (NSPS) at least every 8 years after promulgation. This is a final rule for a review of subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, which was last promulgated in 1996. Issues raised in amendments proposed for the NSPS and Emissions Guidelines (EG) in 2002 and 2006 will also be addressed for new sources. The supplemental proposal was signed 8/14/15.



Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations

Abstract: The EPA's regulations governing the use of polychlorinated biphenyls (PCBs) in electrical equipment and other applications were first issued in the late 1970s and have not been updated since 1998. The EPA has initiated rulemaking to reassess the ongoing authorized uses of PCBs to determine whether certain use authorizations should be ended or phased out because they can no longer be justified under section 6(e) of the Toxic Substances Control Act, which requires that the authorized use will not present an unreasonable risk of injury to health and the environment. As the first step in this reassessment, the EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) in 2010. The EPA reviewed and considered all comments received on the ANPRM in planning the current rulemaking. This action will address the following specific areas: (1) The use, distribution in commerce, marking and storage for reuse of liquid PCBs in electric equipment; (2) improvements to the existing use authorization for natural gas pipelines; and (3) definitional and other regulatory "fixes."

The reassessment of use authorizations related to liquid PCBs in equipment will focus on small capacitors in fluorescent light ballasts, large capacitors, transformers and other electrical equipment. In addition, revised testing, characterization, and reporting requirements for PCBs in natural gas pipeline systems to provide more transparency for the Agency and the public when PCB releases occur will be considered. Consistent with Executive Order 13563, "Improving Regulation and Regulatory Review", wherever possible and consistent with the overall objectives of this rulemaking, the Agency will also eliminate or fix regulatory inefficiencies noted by the Agency or in public comments on the ANPRM.

Regulatory Training

From Paul Martin's 2-minute trainings

Question: Must used oil containers be kept closed except when adding or removing waste?

A: EPA Guidance Memo dated September 1, 1997, stated that used oil containers and tanks do not need to comply with 40 CFR 264/265, Subparts J (tanks) and I (containers) provided the used oil is not mixed with a hazardous waste. 40 CFR 264/265 Subpart I, "Use and Management of Containers" and 40 CFR 264/265.173(a) is the regulatory citation stating:

"A container holding hazardous waste must always be closed during storage, except when necessary to add or remove wastes." Since 40 CFR 279 does not include wording to keep used oil containers closed and does not reference 40 CFR 264/265 Subpart I, there appears to be no Federal requirement to keep used oil containers closed - unless your Spill Prevention, Control and Countermeasures (SPCC) Plan requires it.

Caution: Some states such as Washington State may be more stringent than the federal requirements and may require that used oil containers remain closed.

The Hazardous Materials Manager



Question: Must standard alkaline batteries of 9 volts or less have terminal protection, i.e., must the ends of the batteries be taped or protected in some way?

A: According to 49 CFR 173.21(c), “Forbidden materials and packages” the offering for transportation or transportation of electrical devices, such as batteries and battery-powered devices, which are likely to create sparks or generate a dangerous evolution of heat, is forbidden unless packaged in a manner which precludes such an occurrence.

The phrase, “packaged in a manner which precludes such an occurrence” is interpreted as terminal protection which can include taping of the positive anode or taping of both the positive and negative anode with an appropriate tape such as electrical or duct tape. Other packaging to preclude sparks or heat such as the manufacturer’s packaging or placing individual batteries in plastic baggies can constitute terminal protection.

Concerning applicability of terminal protection for standard alkaline batteries, a DOT letter dated November 25, 2009 stated:

“... it is the opinion of this Office [DOT] that used or spent dry, sealed batteries of both non-rechargeable and rechargeable designs, described as "Batteries, dry, sealed, n.o.s." in the Hazardous Materials Table in § 172.101 of the HMR and not specifically covered by another proper shipping name, with a marked rating up to 9-volt are not likely to generate a dangerous quantity of heat, short circuit, or create sparks in transportation. Therefore, used or spent batteries of the type "Batteries, dry, sealed, n.o.s." with a marked rating of 9-volt or less that are combined in the same package and transported by highway or rail for recycling, reconditioning, or disposal are not subject to the HMR.”

Alkaline batteries meet proper shipping name of “Batteries, dry, sealed, n.o.s.” Therefore, alkaline batteries of 9 volts or less are not subject to the Hazardous Materials Regulations (HMR) and hence, terminal protection is not required. Other types of batteries such as lithium batteries would require terminal protection to preclude the creation of sparks or the dangerous generation of heat.

Question: Must all RCRA training that is not on the job be conducted in a classroom setting vs. online?

A: According to an EPA “Frequent Questions” topic, EPA stated: *“There is no specific format required for RCRA facility personnel training, as long as the training program meets the minimum requirements in 40 CFR §264/265.16 or the appropriate generator training requirements.”* Therefore, as long as the customer’s RCRA online training meets the minimum requirements of WAC 173-303-330(1)(e), [40 CFR 264/265.16(a)(3)], the online training is acceptable as “classroom training”. The minimum training program requirements are that facility personnel be able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems. The training program must include where applicable:

- Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
- Key parameters for automatic waste feed cut-off systems;

The Hazardous Materials Manager

- Communications or alarm systems;
 - Response to fires or explosions;
 - Response to ground-water contamination incidents; and
 - Shutdown of operations.
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The new *Managing Hazardous Materials: A Definitive Text, 3rd edition* is now available from the Institute of Hazardous Materials Management (IHMM). One of our EWC members, Ms. Adriane Borgias, CHMM, was in charge of the content and development of the book. She also managed many other aspects of the publication. To order the book, go to the website at IHMM.org, call 301-984-8969, or send an email to info@ihmm.org. The cost is \$149 for CHMM certificants and applicants and \$199 for others.

Safety Tip: Many ponds, lakes and waterways in Washington state are icing over this time of year. Roadways and walkways are also slippery. Beware, they are not safe and you need to take extra caution!

