

# Eastern Washington Chapter Academy of Certified Hazardous Materials Managers Newsletter

April 1999

Issue 99-2

**The next meeting of the Eastern Washington Chapter of the ACHMM will be held: Thursday, April 15, at 6:00 p.m. at WSU/ Tri Cities Campus Main Auditorium, and is on PCBs**

The speaker, Wayne Toebe, will be discussing the management of polychlorinated biphenyls (PCBs) at the Hanford Site. He will be emphasizing the PCB changes due to the mega-rule promulgated in August of 1998. Wayne is a multi-disciplined regulatory expert who has experience with DOE requirements and operations. He currently serves Fluor Daniel Hanford and the PHMC as an environmental interpretative authority. He has experience in the development of environmental compliance strategies, process engineering, and emergency response, and has trained others in environmental law, facility operations, and safety.

## **General 1999 Membership Meetings**

The upcoming EWC-ACHMM General Membership Meetings will be held at the WSU/ Tri Cities Campus Main Auditorium Meetings are scheduled as follows:

- ! April 15
- ! June 17
- ! September 17
- ! October 21

## **ACHMM NATIONAL CONFERENCE Mark your calendars!**

The ACHMM National Conference, Environmental Strategies for the New Millennium is scheduled for October 4-6, 1999, in Kansas City, MO.

The GWR will specify appropriate use of disinfection for

## **REGULATORY LIAISON MARCH/APRIL REPORT**

*From: Melinda Brown*

### ***Direct Final Rule and Draft Preamble for Two Rulemakings under the Safe Drinking Water Act***

On January 8, 1999, the U.S. EPA published a direct final rule (64 FR 1494) that addressed the Unregulated Contaminant Monitoring Regulation (URCM) for public water systems. That Regulation requires all public water systems to be monitored for unregulated contaminants every five years for one year. The rule suspends monitoring for small and medium public water systems (10,000 or fewer persons) that was scheduled to begin after December 31, 1998. The agency suspended that monitoring requirement to save costs for those systems because it overlapped with the revised URCM program. The direct final rule was to become effective by March 9, 1999, unless adverse comments were received by February 8, 1999.

On January 8, 1999, the U.S. EPA published a proposed rule (64 FR 1499) should adverse comments be received on the direct final rule. Comments on the proposed rule were to be received by the same deadline.

On January 22, 1999 the U.S. EPA released a draft preamble on the Ground Water Rule (GWR) for public water systems. The preamble, released for public review and comment by February 19, 1999, provided a preliminary analysis for supporting data and proposed requirements for the GWR.

ground water supply systems. It will also encourage use

of alternative approaches, including best management practices and control of contamination at its source. The proposed rule is planned for issue by spring 1999, and the final rule by November 1999.

The draft preamble can be found at <http://www.epa.gov/OGWDW/standard/gwr.html>.

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### ***Clarification of RCRA Subpart CC***

On January 21, EPA published clarification and technical amendments to the final RCRA Subpart CC rule. That rule promulgated standards to reduce organic air emissions from certain hazardous waste management activities. The standards control organic emissions from certain tanks, containers, and surface impoundments used to manage hazardous wastes. The amendments became effective on January 21, 1999.

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### ***Final Memorandum of Understanding between the NRC and U.S. EPA***

On January 26, 1999, the Nuclear Regulatory Commission (NRC) published a notice that a Final Memorandum of Understanding (MOU) between the Commission and the U.S. Department of Energy (U.S. DOE) had been issued. That MOU continued the relationship between the NRC and U.S. DOE that originated by statute. In addition, the MOU updated the management policy that the NRC and U.S. DOE established through NRC-funded research programs at DOE laboratories. The MOU was effective on November 24, 1998.

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### ***SNAP Rule on HFP***

On January 26, 1999, the U.S. EPA published an interim final rule under the Significant New Alternatives Policy (SNAP). Hexafluoropropylene (HFP) and any blend containing HFP were listed as unacceptable for all. On February 23, Mark Hicks, lead for the Triennial Review (TR), presented the status of the draft antidegradation plan and use-based rulemaking activities to the Water Quality Partnership Committee. Those two activities are the last two parts of the TR to be completed.

Hicks discussed the draft antidegradation plan and a report of case studies that Ecology has conducted for the last several months. He anticipated that the plan would

air-conditioning and air-conditioning end uses. The interim final rule took effect on January 26, 1999.

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### ***DOE Revises Radioactive Waste Management Practices***

The U.S. DOE is revising DOE Order 5820.2A, Radioactive Waste Management, to reflect advances in radioactive waste management and changes within the agency from 1988, when the Order was issued. The new Order, 435.1, resulted from Defense Nuclear Facility Safety Board (DNSFB) Recommendation 94-2. In 94-2, the DNSFB recommended a DOE complex-wide review to establish the extent of the low-level waste problem, take action to complete performance assessments including all source terms, and include an Implementation Plan. Draft Order 435.1, its Manual, and Implementation Plan address High-Level Waste (HLW) management (including closure of HLW tank systems), Transuranic Waste (TRU) management (including treatment, storage, characterization/ certification to support disposal at WIPP), radioactive Low-Level Waste (LLW) management (including disposal, performance assessment criteria), and Radioactive-Mixed Waste (RMW) to comply with regulatory requirements.

The requirements of the new Manual apply to all new and existing U.S. DOE radioactive waste management facilities, operations, and activities. The Order must be fully implemented by no later than October 1, 2001. U.S. DOE Headquarters directed that written concurrence be provided from all field offices and activities by March 3, 1999. The Hanford Site sent concurrence with several comments and indicated full concurrence would be given when discussions between the Manager, Richland Operations, and HQ resolved the issues identified.

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### ***Washington Department of Ecology Triennial Review***

be adopted as a rule by the end of the year, and stated that comments on the rule were to be submitted by March 9, 1999. Hicks stated that he would begin activities on the used-based format when antidegradation issues are resolved.

The draft Antidegradation Implementation Plan, released on February 23, established a structure for restoring and

maintaining the physical chemical and biological integrity of the surface waters of Washington State. It also defined the conditions under which water quality can or cannot be degraded. The Plan applies to all actions that would contribute to the decline in surface water quality that are reviewed for compliance with the Plan under state and Federal authority. Within the Plan are: all known, available, and reasonable methods of prevention, control, and treatment requirements; allowance for degradation of high quality water constituents; evaluation of alternatives; determination of overriding public interest; general permits and control programs conditionally allowed; special protection for Water Quality Preservation Areas; and public and internal review of antidegradation determinations.

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***Toxic Air Pollutants New Source Review***

On January 6, 1999, Steve Cross, lead for the Toxic Air Pollutant New Source Review rulemaking posted an updated scoping paper on the Ecology Homepage at <http://www.wa.gov/ecology/ecyhome.html>.

That version updated two previous papers issued in the summer and fall of 1998. Cross prepared a rule development plan and submitted it for management approval. When Mr. Cross receives management approval, he will submit the required information to the Code Revisers Office. That Office will publish a pre-proposal statement of inquiry in the WSR, which will initiate the formal rulemaking process.

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***Department of Transportation Evaluation of Hazardous Material Transportation Programs***

The U.S. Department of Transportation is initiating an agency-wide performance evaluation of the hazardous material transportation programs. The evaluation results from a requirement in the Government Performance and Results Act of 1993 for all federal agencies to link plans and budgets. During February and March 1999, the

U.S. DOT will collect information about how different modes of transportation are conducted. The agency will evaluate the information to see what impact programs have upon compliance. The evaluation will be completed by year 2000.

***U.S. EPA Guidance Memorandum on Superfund Substantial Noncompliance***

The U.S. EPA issued a guidance memorandum to each of its regional offices. In the memorandum, each office was asked to identify any substantial noncompliance with active cleanup orders, consent decrees, or agreements at Superfund sites where potentially responsible parties lead the cleanup effort. Substantial noncompliance was defined as any noncompliance that exacerbates releases or threatened releases of a hazardous substance; significantly deviates from the terms of the settlement, order, or agreement; represents a pattern of recalcitrant or chronic violation; and/or is deemed by the region to be substantial for other reasons. Regional offices were directed to submit enforcement response plans for such sites to headquarters by March 1, 1999. U.S. EPA indicated that the information would be used to determine the effectiveness of Superfund response actions.

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***Lead-Based Paint and Debris***

On February 12, 1999, the U.S. EPA published a notice that it was extending the comment periods for two proposed rules. Those rules would have 1) temporarily suspended the toxicity characteristic rule for specified lead-based paint debris, and 2) provided new standards for the management and disposal of lead based paring debris. Comments must be received at the U.S. EPA by April 2, 1999.

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