

*Volume 19, Number 1*

# HAZMATTERS





## A MESSAGE FROM THE PRESIDENT, CORINNE GREENBERG, CHMM

As I take time to write this, I am acutely aware of what a busy, busy, busy season this is for environmental professionals. I have just completed my hazardous waste annual report and assessment, calibration of our private wastewater meters, and SARA Tier Two submittal, and I am still facing pending deadlines for my semi-annual air permitting compliance report, annual registration of our hazardous waste activities, a brand-new requirement to obtain a HazMat permit from the Louisville Fire Department, and my annual emissions inventory (on completely overhauled LMAPCD forms?!). Just to name a few.

And, now I have to work into my crazy schedule next Wednesday's KCHMM meeting and also DOT refresher training on the 24th? However, those are the no-brainers. Now more than ever, with my time stretched so thin, I need the peer support and networking that is so readily available and valuable at the Chapter meetings, mostly as a reality check that I'm on the right course and not missing any major regulatory issues or developments. I certainly can't keep myself up-to-date with all the various aspects of EHS management - but, collectively, our Chapter members do a really good job of covering all the bases and keeping me informed. Also, I can't believe it's been three years since my last DOT haz mat training. I certainly can't afford to let my own training lapse, especially with my company's compliance relying on my technical knowledge and regulatory expertise.

Accordingly, one of my goals for this year is to make every valuable minute that you invest in the Chapter a minute worthwhile to you. The 2010 Board is a mix of fresh insight (Celeste Sutter, Bruce Gaylord, Larry Schumer, Rick Wardrip), continuing service (Vicki Sammons, Nate Weismiller, Kenny Reutlinger, Paul Tirey, myself), and a returning veteran (Ralph McCord). It is our common goal to work together to encourage maximum participation from our members so that everyone can benefit optimally from everyone else's contributions.

So, it's off to KCHMM I go, ready to meet the challenges of the still new year and to make sure we're all on the right track. Thanks to each of you for being there for me when I need your help, now more than ever. Similarly, I will share with you whatever I can so that, together, we may all be in a better position to serve our companies and our community. Best Regards, Corinne



### ISSUE HIGHLIGHTS:

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## OFFICERS ELECTED FOR 2010

The 2010 KCHMM Officer Elections were held in December 2009. Congratulations to those elected, who will serve in their positions for a one year term.

President: **Corinne Greenberg, CHMM**

Director: **Bruce Gaylord**

Vice President: **Celeste Sutter, CHMM**

Director: **Ralph McCord, CHMM**

Treasurer: **Vickie Sammons, CHMM**

Director: **Kenny Reutlinger, CHMM**

Secretary: **Nate Weismiller, CHMM**

Director: **Larry Schumer, CHMM**

Director: **Rick Wardrip**

## MEMBER TRANSITIONS

New KCHMM Members:

- **Leslie Fryman, CHMM**
- **Dick Raymond, CHMM**

## SUBMITTAL OF NEWSLETTER ITEMS

To submit an item of interest for our quarterly newsletter, please contact Bryant Lewis at [lewisbe@cdm.com](mailto:lewisbe@cdm.com). Items of interest to the general membership or related to hazardous materials management will be happily accepted. Thanks to all those who submitted for this issue!

## DOT HAZARDOUS MATERIALS 8-HOUR ADVANCED UPDATE COURSE

**KCHMM** is pleased to sponsor an 8-hour [DOT Advanced HazMat Training Refresher Course](#) to be held [Wednesday, March 24](#) at the Breckinridge Inn. This course fulfills the 3-year re-training requirement for those who attended the last such course sponsored by the Chapter in 2007. The instructor is KCHMM's own past president Jennifer Triplett, CHMM, Managing Partner for ECS, LLC, a local woman-owned EHS consulting firm.

See the attachment to this email for more information and/or to register for the course. [KCHMM members in good standing](#) (i.e., paid through 2010) are eligible for an [early bird members-only discount rate of \\$295 per participant](#), applicable to registrations [received by Friday, March 12](#). Non-members and registrations received after March 12 will cost \$350 each.

Any questions about the course content not addressed in the attached brochure (at the end of this newsletter) can be directed to Jennifer Triplett at [jtriplett1362@gmail.com](mailto:jtriplett1362@gmail.com).

## HIGHLIGHTS FROM JANUARY'S MEETING

At January's meeting, Charles Leachman of Linebach Funkhouser, Inc. presented *Vapor Intrusion Fundamentals and Kentucky's Approach to Vapor Intrusion*. His presentation addressed when vapor intrusion may be a concern, approaches to investigations and issues that may arise, and the development of appropriate corrective measures.



Here, Charles accepts the speaker's award from Corinne Greenberg. Charles offered three different case studies within Kentucky, ranging from vapor impacts at residences/apartment buildings to impacts at downtown commercial properties. He stressed that Kentucky's approach to vapor intrusion issues is still in flux, and requires coordination with KDEP branches.

**NEXT KCHMM MEETING: WEDNESDAY MARCH 3, 2010, BRECKINRIDGE INN**

**"Greenhouse Gas Mandatory Reporting Rule & Other Climate Change Regulatory Developments"**

**Mr. Todd Royer, P.E., Principal PM for URS Corporation**

(This technical session will earn you 1 CMP toward renewal of your CHMM or CHMP credential.)

Please RSVP before 8:00 AM on Monday, March 1, 2010, to [sammonsvl@cdm.com](mailto:sammonsvl@cdm.com).

Our guest speaker will be Mr. Todd Royer, P.E., Principal Project Manager for URS Corporation. His topic will be "Greenhouse Gas Mandatory Reporting Rule & Other Climate Change Regulatory Developments". This presentation will provide a detailed discussion of the newly passed US EPA "Greenhouse Gas Mandatory Reporting Rule" which was issued October 2009 and created the first ever greenhouse gas (GHG) reporting obligation for many facilities. Applicable to most medium-sized (or larger) facilities, this new rule contains very prescriptive monitoring, calculation and reporting requirements - with the first obligations effective January 1, 2010. The presentation will also explain the overall regulatory context of this rule and other past and proposed future related developments such as EPA's "endangerment finding," draft Clean Air Act "Tailoring Rule," and proposed Carbon Cap and Trade regulations. The presentation should help you comply with the GHG Reporting rule, if applicable to your facility, and help you understand the potential impact of future regulatory developments.

Mr. Royer is a managing principal at URS Corporation's Louisville, KY office specializing in air permitting and air regulatory compliance. URS is one of the largest engineering and environmental consulting companies in the country. Mr. Royer is a chemical engineer with 20 years of experience. He is currently helping multiple clients with Greenhouse Gas compliance efforts and other air issues.

Please RSVP including your name and number of reservations before 8:00 AM on Monday, March 1, 2010, to our Treasurer, Vickie Sammons, via [sammonsvl@cdm.com](mailto:sammonsvl@cdm.com). **NOTE: RESERVATIONS MADE AFTER 8:00 AM ON 3/1/2010 WILL NOT QUALIFY FOR THE \$5 DISCOUNT. Visitors are always welcome!** Please feel free to pass this meeting notice on to a friend or colleague (just RSVP by 3/1 and pay the \$20 meeting fee).

Directions: Take I-264 (Watterson) to the Breckinridge Lane South exit. Get over into the right lane and turn right at the first light. There is a lengthy driveway back to the hotel. Breckinridge Inn is the white 2-story building on the right, at the back of the drive. Once inside, turn left in front of the reception desk and follow the turns in the hall all the way to the back of the building. Our meeting is held in the Grand Ballroom.

Meeting Costs: Cost for the meeting is \$20 for those that RSVP before 8 AM on Monday 3/1/2010, or \$25 if you do not RSVP. Make all checks payable to KCHMM.

## FEATURE ARTICLE: EXPERIENCES WITH SPCC PLANNING

**By Kenny Reutlinger, CHMM**

The topic of Spill Prevention, Control and Countermeasure (SPCC) Planning is probably one of the most boring topics anyone could pick to discuss. However, as many already know, it is a necessary evil for many regulated facilities throughout the United States. The overall concept is pretty straightforward; prevention of oil pollution in navigable waters. However, the rule (Title 40, Code of Federal Regulations, Part 112.1-12) has quite a few nuances that make compliance with it more difficult than it would initially appear. Were I to attempt to discuss them all, I could write a thesis. Since I have no desire to repeat that effort at this stage in my life, I'll just provide a bit of background and discuss a few of the more pertinent issues I have crossed in my time.

Born of the Clean Water Act, the regulation's goal is to ensure facilities with a certain threshold of oil storage (currently 1,320 gallons combined aboveground or 42,000 gallons belowground, not including underground storage tanks regulated by 40 CFR 280 or 281) implement measures to prevent oil from entering a navigable water (another possible thesis topic in-and-of itself). These measures were originally limited to passive measures, such as secondary containment systems, but have been modified several times to include active measures, such as contingency plans that identify spill response equipment and manpower capable of responding to oil releases.

In case the balance of this article becomes too much (or too boring) to digest, I want to identify the basic, historical timeline of this regulation and its' major amendments for use as a resource:

- Underlying authority is Section 311(j)(1)(C) of the Clean Water Act (CWA).
- Originally promulgated on December 11, 1973.
- Effective dates of major amendments and Federal Register (FR) references:
- August 16, 2002 (July 17, 2002, pages 47042 – 47152);
- February 26, 2007 (December 26, 2006, pages 77266 – 77293);
- February 3, 2009 (December 5, 2008, pages 74236 - 74323);
- January 14, 2010; (November 13, 2009 pages 58784 – 58832), and;
- November 10, 2010 (deadline to update & implement amendments).

I entered the “real world” in 1992. I had just finished a graduate thesis related to oil spills in the marine environment, and was well versed in the recently passed Oil Pollution Act of 1990 (added to 40 CFR 112 as .20 and .21, where Facility Response Plans were conceived), so it was a natural progression to tackle the topic of SPCC Planning upon entering the environmental consulting business. Thanks to a couple of key clients, I was provided the opportunity to prepare both SPCC Plans and Integrated Contingency Plans (prior to the “One Plan” guidance issued by EPA in June of 1996) early in my career. I was handed the regulations by my supervisor (no names to protect the guilty), and told to ensure the plans I produced met the requirements. It gave me the opportunity to actually apply and expand upon what I had learned in college; something I now realize is not that common in the real world.

After a few years of preparing SPCC Plans, I began to understand 40 CFR 112 was one of *continued on Page 7...*

*Experiences with SPCC Planning, continued from page 6:*

the most static regulations known to man for it's first 20 years of existence. I frequently called the Region 4 Coordinators (first Mike Norman, then Bob Rosen, and now Ted Walden) to ask questions regarding interpreting the regulations, and they have always gone beyond the call of duty, giving their time to educate me. During these calls, I would normally finish the conversation with a thank you, and ask if any changes to the regulations were planned in the near future. The response was always "we are working on some revisions, but they are probably about one year from being published in the Federal Register". I called so often, I had the number memorized, they knew my voice before I said who it was, and Bob Rosen eventually referred to himself in e-mails to me as "Uncle Bob". Much to their chagrin, I never got the hint.

One of the particular issues I was able to iron out with my Region 4 friends was an acceptable SPCC Plan format. My first forays with SPCC Plans resulted in documents that followed the order of topic, as outlined in the regulation. I eventually learned this was something of an unwritten rule. After considering the purpose of the plans, I realized this "requirement" was counterproductive, because in my opinion, the regulatory format was not conducive to practical use during an emergency. Thankfully, the Region 4 staff agreed with my assessment, and provided me with latitude to use my judgment with respect to the formatting of plans prepared within Region 4.

When the Integrated Contingency Plan guidance was published in 1996, and included a provision for a cross-reference matrix (allowing any format to be used but ensuring each regulatory requirement was addressed), it validated my position regarding the formatting issue. Unfortunately, not all EPA Regions were in agreement with the formatting

issues (i.e., Regions 5 and 9), and it was not until the 2002 amendments were published that use of a cross-reference matrix was universally (and legally) adopted across all EPA regions. Some companies still desire to follow the format in the regulation. I would argue the primary purpose of such a plan is to pass audits and inspections. While this may have significant value to companies with strict corporate requirements, the practical use of such a plan would appear to be difficult at best.

One of the most controversial and tenuous issues resulting from the 2002 amendments pertains to integrity testing. In my opinion, the intent of this requirement was to prevent catastrophic oil releases from large (i.e. 100,000 gallons or greater) stationary sources due to container degradation. I believe several high profile aboveground storage tank failures clearly influenced the inclusion of this provision in the regulation. Unfortunately, the provision was too focused on this goal, and became a lightning rod for companies/facilities possessing significantly smaller tanks. The burdensome and costly nature of physical integrity testing caused multiple companies to file legal actions against EPA.

The result was the March 2004 settlement agreement, which, in a nutshell, allowed a facility to implement and identify "equivalent environmental protection" for aboveground storage tanks meeting certain criteria. Generally speaking, this criteria includes shop build tanks with capacities of 30,000 gallons or less, and are positioned so that all sides of the container are visible for inspection (i.e., elevated), or are situated on an impermeable material upon which a release from the tank would be immediately identified. The 2008 Amendments somewhat further address this issue, referencing industry standards (i.e., American Petroleum Institute Standard 653 or Steel Tank Institute SP-001 Standards) for  
*Continued on Page 8...*

*Experiences with SPCC Planning, continued from page 7:*

acceptable inspection methods. Unfortunately, no amendments have incorporated the 2004 settlement agreement language into the main regulation, making it difficult to know integrity testing is not necessarily needed at some facilities.

To their credit, EPA has incorporated several provisions to lessen the burden on facilities. The elimination of underground storage tanks regulated by 40 CFR 280 or 281 (the state level equivalent of 40 CFR 280) recognized the duplicity of the two regulations, as 40 CFR 280/281 has its' own leak detection and spill prevention provisions. Only identification of these tanks on maps associated with SPCC plans is required. EPA has also provided a template SPCC Plan for facilities that qualify as Tier I facilities (total aboveground storage capacity of 10,000 gallons, with no single tank having a capacity of 5,000 gallons), allowing them to complete and self-certify the plan (Appendix G to 40 CFR 112). Numerous less conspicuous but practical modifications have also been made in the past eight years through the three major amendments, such as eliminating the need to include historical spills (which, amazingly enough, were usually not known by my clients), allowing active measures to address "containment" for certain oil filled equipment (I always loved to discuss the merits of a containment system storing water around an electrical transformer with those who would engage me), and finally providing a written definition for a "loading rack".

I'll finish this off with one final topic that is still of concern even to me; certification of the SPCC Plan by a Professional Engineer (PE). SPCC plans are to include language preceding the PE certification stating that the plan has been prepared in accordance with "reasonable and prudent engineering practices" (or something close to this language). In my CHMM review course, the presenting in-

structor stated that SPCC Plans were to be certified by a PE licensed in the state of the facility for which the plan was prepared. Having been involved in the preparation of these plans throughout the Midwest for a federal client, I politely corrected her (at least that's how I remember it), stating no such provision was included in the regulation. She was convinced she was right, but offered to confirm her belief during our lunch break. Following lunch, she announced she was mistaken. I have no doubt that was tough, but she earned my respect for researching and resolving the issue expediently.

This issue was never in question in my mind until a couple of years ago. We were preparing a plan in Phoenix, Arizona, and we had one of our local staffers perform the site reconnaissance. When he finished with his report, he asked who was going to PE the plan, to which I replied a KY PE in our office. He indicated the state required an AZ PE to certify SPCC Plans. The reason behind this requirement was the state perceived the certification of a SPCC Plan as "practicing" engineering in the state, which requires a license. I attempted to contact the state's engineering board to discuss the matter (and believe me, it would have been quite the discussion), but was unable to do so. I spoke with an EPA Region 9 representative, and he indicated they never intended 40 CFR 112 to require state-specific PEs, and implied there would be future guidance related to this issue. However, he suggested we might use a state-specific PE if it was convenient. It was, so we did. This issue has led us to be careful as to who certifies what plans for which clients,

OK, that's enough. If you somehow managed to get to this point without snoring, congrats. I hope this has provided a bit more knowledge to those who possess or prepare SPCC Plans.





**KCHMM Presents  
DOT Hazardous Materials  
8-hr Advanced Update Course  
Wednesday, March 24<sup>nd</sup>, 2010  
8:30 AM – 5:00 PM  
Breckinridge Inn, Louisville, KY**

By request from the KCHMM membership, KCHMM is teaming with Environmental Compliance Source LLC to bring you an informative and economical DOT HazMat Shipper Update Course. Jennifer Triplett, a fellow CHMM, will be your instructor for the day.

This is an 8 hr course designed to meet the recurrent training requirements in 49 CFR 172.704. This course will be targeted to professionals whose job is directly related to the shipment of hazardous materials and/or training of such individuals. This is an advanced course targeted for those requiring recurrent training and will review the basics as well as discuss recent DOT changes in regulations. While we will not reject any students who have never had the DOT HAZMAT course before, this will be a very challenging venue in which to learn brand new material at the advanced level. So, beware of bringing brand new hazmat employees to this course.

This course is designed for the advanced HAZMAT Employer or Employee and ideally suited to those with duties as in-house trainer. This course will not only prepare students for their hands-on duties as a hazmat employee but also with the reference tools and resources to train, verify new shipping requirements and assure your company's compliance with DOT HM regulations.

Course materials include the Labelmaster MasterRegs with tabs (49 CFR), an instruction manual, the Emergency Response Guidebook and other handouts. Exercises will be conducted, including the DOT Hazmat Gameshow exercise (as seen at the 2009 AHMP Conference) and a written test given at the end. A verbal test is also available upon advance request. Please note that these materials are in small fonts so bring your reading glasses if you need them! A certificate of competency will be issued for all those who pass the test with a minimum score of 70%.

Modal specific information is targeted primarily for highway transportation. Some rail information will also be reviewed. Please note that modal transport via air and ocean vessel will NOT be covered in this course other than general information as it relates to the Hazardous Materials Table.

Information about your trainer: Jennifer Triplett has been teaching DOT HAZMAT for 16 years and has a unique way of conveying difficult training materials as well as offering suggestions on training techniques for you to use within your own organizations. Jennifer is the managing partner for Environmental Compliance Source LLC, a woman-owned consulting business based in the Louisville area.

## KCHMM Sponsored DOT HM Training

### Course Dates and Times:

Where: Breckinridge Inn  
Date: March 24, 2010 (Wednesday)  
Time: 8:30 AM – 5:00 PM

Food Served: Coffee, soft drinks & water all day  
Box lunch included  
Afternoon cookie/brownie break

Cost: \$295/person for KCHMM members in good standing (dues paid)\*  
\$350/person for non-KCHMM members  
*\*KCHMM member rate applies to early bird registrations only. All registrations made after the 3/12/10 cut-off will be at the \$350/person rate.*

All attendees interested in attending are requested to complete and email or fax the registration to [Jennifer@ecshelp.com](mailto:Jennifer@ecshelp.com) or fax (866) 532-5161. Invoices for payment via credit card will be submitted through PayPal upon receipt of registration form. We prefer to take payment via credit card where possible. Please note that you will receive a separate email invoice through Pay Pal allowing you to enter your own credit card information on a secure site, paying this invoice.

#### Registration Form:

Name: \_\_\_\_\_  KCHMM Member

Name: \_\_\_\_\_  KCHMM Member

Name: \_\_\_\_\_  KCHMM Member

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

Email invoice to: \_\_\_\_\_

**Those companies who prefer to pay via check, please mail a check for the total amount payable to Environmental Compliance Source LLC to:**

Jennifer Triplett, CHMM  
Environmental Compliance Source LLC  
PO Box 6849  
New Albany, IN 47151

For questions or further information, contact Jennifer Triplett at:  
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