

Access Compliance

Summer 2001

Access Environmental Solutions, Inc.

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State Headlines

Mississippi— MDEQ recently produced a mass mail out to more than 1,500 churches in the Mississippi Delta to help educate the public on fish consumption in that region. MDEQ has issued a warning against eating certain types of fish caught in most of the waters in the Mississippi Delta.

The fish advisory recommends consumption of no more than two meals per month of buffalo, carp, and gar and to not eat more than two meals per month of catfish larger than 22 inches. The same warning applies to Roebuck Lake in Leflore County where the public is advised to not eat any buffalo from this lake. The waters included in the advisory extend from east of the Mississippi levee to west of the bluff hills. Bass, crappie, bream, small catfish (smaller than 22 inches) and farm-raised catfish, are NOT affected by this warning and are safe to eat.

"It is very important that citizens know which fish are safe to eat and which are not," says Chisolm. "This is one of many efforts we will make to inform the public on this matter. We are in the process of implementing other effective ways to reach people."

MDEQ plans to follow up the Delta church outreach efforts in the near future with an insert for church bulletins and a fish advisory poster. They also have a website with information as well as a toll free number for citizens to call for information.

EPA SETS 2002/2003 ENFORCEMENT PRIORITIES

EPA's Office of Enforcement and Compliance (OECA) has issued a memorandum of agreement (MOA) for its FY 2002 and 2003 enforcement priorities. The MOA outlines six priority areas on which the agency will focus enforcement efforts in the upcoming months, including enforcement of New Source Review and Prevention of Significant Deterioration requirements to ensure attainment of National Ambient Air Quality Standards, including Clean Air Act enforcement actions against petroleum refineries and adopting regional MACT standards to control air toxics.

OECA's national program priorities are selected through a review of significant environmental risks or noncompliance patterns associated with industrial sectors, specific regulatory requirements, or geographic areas. The enforcement priorities include:

1. Implementation of programs to ensure compliance with Clean Water Act regulations regarding combined sewer overflows and sanitary sewer overflows, Concentrated Animal Feeding Operations (CAFOs), and stormwater permitting. According to the MOA, regions should "complete the sweeps initiated to identify regulated industrial facilities or large construction sites that have failed to apply for storm water permit

coverage or that are in violation of the requirements of their permit."

2. Ensuring compliance with microbial drinking water regulations through enforcement and compliance assistance. ORE expects to review and discuss with the regions quarterly exceptions lists of those public water systems with unaddressed significant noncompliance for

microbial rules to ensure that timely actions are taken to remedy microbial non-compliance.

3. Identification of facilities to be evaluated for possible violations of NSR or PSD requirements, focusing on the

utility, petroleum refining, and pulp/paper industries.

4. Regional "adoption" of MACT Standards and development of implementation tools. Regions are asked to adopt one or two MACT standards per year to develop implementation tools and to become the national enforcement/compliance expert for the standards.

5. Targeting of those companies that are evading the RCRA regulatory system to ensure that illegal treatment and recycling practices are eliminated and to ensure the equitable treatment of those facilities that have complied with RCRA.

6. Continuation of the Petroleum Refinery Sector as a Compliance and Enforcement Priority addressing four major issues: PSD/NSR; LDAR; benzene waste; and flaring/NSPS.

FY2002/2003 OECA NATIONAL PRIORITIES

- Clean Water Act—Wet Weather
- Safe Drinking Water Act—Microbial Rules
- Clean Air Act—New Source Review/Prevention of Significant Deterioration
- Clean Air Act—Air Toxics
- Resource Conservation and Recovery Act—Permit Evaders
- Petroleum Refinery Sector

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We are in the process of renovating our website. When it is completed it will allow visitors to search EPA's Envirofacts Database, sign up for EPA Newsletters by email, read our company brochure and descriptions of the services that we provide, and request proposals. For our clients that request it, we will be adding password protected client pages featuring industry and facility specific regulatory information, project updates, and important compliance reminders.

You are invited to subscribe to our environmental newsletter by email. Delivering our newsletter by email allows us to provide more timely information while reducing paper waste. To subscribe, email subscribe@accesscentral.com or visit our website. You may unsubscribe at any time.

So, look for us on the world wide web at accesscentral.com and if you have any suggestions please let us know. We look forward to hearing from you.

Fiberglass MACT Standard Proposed

EPA has proposed a rule to reduce emissions of toxic air pollutants during the production of reinforced plastic composite (fiberglass) products. The proposed Maximum Achievable Control Technology (MACT) standard was published in the Federal Register on July 3.

The primary air toxic emitted during the production of reinforced plastic composites is styrene. Styrene is emitted at several points in the production of reinforced plastic composites, including resin and gel coat application, storage and mixing.

The proposed rule is expected to affect 433 existing facilities that are defined as major sources. A major source is a facility that emits, or has the potential to emit, 10 tons per year of any one air toxic, or 25 tons per year of any combination of air toxics.

According to the proposed rule, if an

affected facility emits 100 tons per year or more of air toxics and is not a facility owned by an operating small business the facility would be required to install and use air pollution controls for most operations, including resin and gel coat application, storage, and mixing. Facilities owned by a small business that emit more than 250 tons per year of air toxics are also required to install air pollution controls.

Major sources that emit less than 100 tons per year of air toxics and existing small business major sources that emit less than 250 tons per year of air toxics would be required to incorporate pollution prevention techniques in their production processes. These techniques may include: use of raw materials containing low amounts of air toxics; non-atomized resin application, including flow coaters, pressure rollers and fluid impingement technology; and covering open resin baths

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and tanks.

A final rule is expected to be published next summer.

The complete text of the proposed Fiberglass MACT can be found at our website at www.accesscentral.com.

Meetings and Conferences

The **Mississippi Manufacturers Association Environmental Committee** will meet on Tuesday, August 21, at 9am. The meeting will be held at the Ramada Inn Southwest in Jackson. For more information, contact MMA at (601) 948-1222.

MISSTAP, the Mississippi Technical Assistance Program, will sponsor the 11th Southern States Annual Environmental Conference and Exhibition September 25-27 in Biloxi. For more information, call MISSTAP at (662) 325-2171.

Access News

Lindsey Boone recently joined Access as Client Relations Manager. Lindsey is a Madison native and is currently completing her senior year majoring in Marketing at Mississippi State University. As Client Relations Manager, Lindsey will help ensure client satisfaction, gather feedback and maintain communications with existing clients, and introduce prospective clients to Access.

David Sykes, P.E., has passed the torch as President of the Mississippi Water Environment Association. At the 44th Annual Meeting and Conference in June, David assumed the duties of Past President. David is the Senior Engineer and founder of Access.

OSHA Regulates "Sink-on-a-Drum" Style Parts Cleaners

On March 23, OSHA issued an interpretive ruling confirming that its new Dip Tank Rule does apply to sink-on-a-drum style parts cleaners.

The rule, codified at 29 CFR 1910.123, applies when a dip tank contains a liquid other than water and when the liquid in the tank or its vapor is used to clean, coat, alter the surface, or change the character of an object. The rule also applies to the draining and drying of an object that has been dipped or coated.

In its interpretive letter, OSHA states

that it considers pumping a solvent through a brush to coat and clean parts in a sink-on-a-drum parts cleaner to be a flow-coating operation subject to the standard. This new ruling invalidates OSHA Instruction STD 1-5.5 (Sinks Used for Cleaning Operations) that had stated that parts-washing sinks are not dip tanks.

In general, the Dip Tank Rule lists construction requirements, ventilation requirements, exhaust hood rules, first-aid procedures, and minimum hygiene facilities that must be provided when sink-

on-a-drum parts washers are used.

Also, when flammable or combustible liquids are used in parts washers, additional requirements apply for construction materials, overflow piping, bottom drains, control of ignition sources, and fire protection.

The complete text of the Dip Tank Rule and OSHA's interpretive ruling can be found at our website at www.accesscentral.com.

BASIC TRAINING

Spill Prevention (SPCC) Plans

In each issue of Access Compliance we focus on a requirement basic to most environmental compliance programs. In this issue, we examine SPCC Plans.

As a cornerstone of EPA's strategy to prevent oil spills from reaching our nation's waters, the Agency requires that certain facilities develop and implement oil spill prevention, control, and countermeasures, or SPCC Plans. SPCC Plans are required of non-transportation-related facilities with a total aboveground oil storage capacity of greater than 1,320 gallons (or greater than 660 gallons capacity in a single aboveground container), or total underground oil storage capacity greater than 42,000 gallons. The regulations apply specifically to a facility's storage capacity, regardless of whether the tanks are completely filled. Oil is defined in the regulations to mean oil of any kind or in any form including petroleum, fuel oil, sludge, or oil refuse.

Unlike oil spill contingency plans that typically address spill cleanup measures after a spill has occurred, SPCC plans ensure that facilities put in place containment and other countermeasures that would prevent oil spills that could reach navigable waters. Under EPA's Oil Pollution Prevention regulation, facilities must detail and implement spill prevention and control measures in their SPCC Plans. A spill contingency plan is required as part of the SPCC Plan if a facility is unable to provide secondary containment (e.g., berms surrounding the oil storage tank).

Each SPCC plan, while unique to the facility it covers, must include certain elements. The Oil Pollution Prevention Regulation requires that the SPCC Plan be carefully thought out, prepared in accordance with good engineering practices, and be approved by a person with the authority to commit the resources necessary to implement the SPCC Plan.

The SPCC Plan should clearly address the following three areas:

- Operating procedures that prevent oil spills;
- Control measures installed to prevent a spill from reaching navigable waters; and
- Countermeasures to contain, clean up, and mitigate the effects of an oil spill that reaches navigable waters.

Development of a unique SPCC Plan requires detailed knowledge of the facility and the potential effects of any oil spill. Each SPCC plan must include certain standard elements to ensure compliance with the regulations. Among these:

- Written descriptions of any spills occurring within the past year, corrective actions taken, and plans for preventing their reoccurrence.
- A prediction of the direction, rate of flow, and total quantity of oil that could be discharged where experience indicates a potential for equipment failure.
- A description of containment and/or diversionary structures or equipment to prevent discharged oil from reaching navigable waters. (For on-shore facilities, one of the following should be used as a minimum: dikes, berms, or retaining walls; curbing; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; retention ponds; sorbent materials.)
- Where appropriate, a demonstration that containment and/or diversionary structures or equipment are not practical and a strong oil spill contingency plan and a written commitment of manpower, equipment, and materials to quickly control and remove spilled oil.
- A complete discussion of the spill prevention and control measures applicable to the facility and/or its operations.

The SPCC Plan should include a demonstration of management's approval and should be certified by a registered professional engineer.

To ensure that facilities comply with the spill prevention regulations, EPA periodically conducts on-site facility inspections. EPA also requires owners and operators of facilities that experience two or more oil spills within a 12-month period to submit their SPCC Plans and other information to EPA for review.

A copy of the entire SPCC Plan must be maintained at the facility if the facility is normally attended for at least eight hours per day. Otherwise, it must be kept at the nearest field office. The SPCC Plan must be available to EPA for on-site review and inspection during normal working hours.

For more information on SPCC plans, visit our website at www.accesscentral.com or call us at (800) 381-6117.

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About Access

Access is a Mississippi-based environmental and safety consulting firm, serving clients from its offices in Jackson and Tupelo. Our commitment is to offer the resources and professionalism of a national engineering firm while providing the knowledge of state and local regulatory programs that only a local firm can supply. While our service very technical, we understand that we are still a service company and that responding to our clients' needs is the key to our success. With every project, we strive to develop common-sense solutions that are cost-effective and timely.

Among the services that we provide:

- Air Pollutant Emissions Inventories and Construction Permit Applications
- Prevention of Significant Deterioration (PSD) Reviews
- Title V Operating Permit Applications
- Air Emissions Testing and Ambient Monitoring
- NPDES Permitting
- Stormwater Pollution Prevention Plans (SWPPP)
- Spill Prevention, Control, and Countermeasures (SPCC) Plans
- Environmental Compliance Audits
- Phase I Environmental Site Assessments
- Health & Safety Program Development and Training