

zephyr[®] Currents

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Expert Panel to Discuss Recent Developments in Federal Air Quality Policy

At its 94th annual conference on June 24 - 28, 2001 in Orlando, Florida, the Air & Waste Management Association (AWMA) will be hosting a high-Level panel to discuss how air quality policy is being affected by the new Bush administration, recent Supreme Court rulings, and ongoing enforcement activities. Distinguished panelists will include Doug Neeley - Chief, Air, Radiation and Technology Branch, EPA Region IV; Howard Rhodes - Director, Florida DEP Division of Air Resource Management; Dan Lashof, PhD - Senior Scientist, Natural Resources Defense Council; Mark Carney - Vice President of Environmental Affairs, PG&E National Energy Group; and Peter Cunningham - Partner, Hopping, Green, Sams, & Smith. The "Recent Developments in Air Policy" panel discussion will begin on Wednesday, June 27, at 8:00 a.m.

Joe Zupan, PE of Zephyr will be chairing a technical session entitled "Probabilistic Techniques in Exposure and Risk Assessment" at the AWMA's annual meeting. Mr. Zupan will also serve as co-chair for another session entitled "Approaches to Exposure and Risk Assessment" with Mr. Stan Hayes of Environ.

For up-to-date information on other conference activities, visit the AWMA web site: <http://www.awma.org/ace2001>.

Making Your Message Meaningful

With the avalanche of environmental pressures on industrial and manufacturing employees at all levels, not to mention the risks involved with not "meeting the rules", everyone, from the technician to the CEO, must have the information needed to make informed decisions, take appropriate actions, and even change behaviors. If you have environmental, health, and safety responsibilities in your organization, it may be up to you make sure that people get the right message.

The role of EHS communicator is not an easy one; you are called on to convey information to a range of audiences with varied levels of understanding and interest. Your job typically goes beyond informing employees that must follow EHS procedures daily; it is every bit as important to convince corporate decision-makers of the necessity and merits of the overall EHS program priorities. Additionally, you may be responsible for communicating with the public, addressing your neighbors' concerns about the effects of your company's operations on their health and safety.

Effective communication is more than just the process of transmitting a message to an audience. It is a two-way process of delivery and receipt of information that requires a response or acknowledgement from engaged, comprehending listeners.

Therefore, it should be designed to minimize confusion and ensure understanding.

Whether the communication is delivered verbally or in writing, three components are always present: the message, the audience, and the communicator. The message is the essential component of the communication process — it is the vehicle for accomplishing your objectives; therefore, it should be direct, interesting, and easily understood. Whether you're preparing learning goals for an employee training course, an agenda for the EHS budget meeting, or talking points for a public presentation, your message should always be tightly focused on your primary purpose.

An effective message, especially in the context of delivering EHS information, will 1) provide the audience a preview of what they are going to learn; 2) teach the audience what they should learn, know, or do; and 3) explain the

criteria for measuring comprehension and ensuring accountability. An effective message is characterized by the following:

- An approach that matches the need - Are you trying to inform a concerned community, motivate an EHS team, or convince upper management to fund your project? One approach or style doesn't fit all.
- A clear and appropriate number of key points - Match the number of points you're trying to convey with your presentation's length. A rule of thumb for presentations is to make one major point each hour.
- Appropriate supporting information - Supplemental information must truly support your message and not detract from your overall objectives. Interesting stories and anecdotes that "drive home the point" and, at the same time, capture the audience's attention are invaluable. However, straying from the primary objective just to be entertaining is counterproductive.
- Audience buy-in - "Failure to follow these



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continued on page 4

Houston SIP Rules Challenged in Court

Four parties have filed lawsuits against the Texas Natural Resource Conservation Commission (TNRCC) over its proposed State Implementation Plan revision for the eight-county Houston-Galveston (HGA) ozone nonattainment area. The parties consist of three industry groups: the Business Coalition for Clean Air (BCCA), the Houston Construction Industry Coalition, and the Texas Oil & Gas Association, as well as a coalition of three affected counties: Brazoria, Montgomery, and Fort Bend. The BCCA argues that the 90-percent reduction in industrial source emissions of nitrogen oxides (NO_x) is unreasonable and proposes a reduction of 75 percent. The construction industry coalition wants to overturn the moratorium on diesel equipment, and the oil and gas group seeks to stop the mandate to make lower-emission diesel fuel. The three-county group believes the TNRCC has not accurately demonstrated that Brazoria, Montgomery, and Fort Bend Counties contribute significantly to the Houston air quality problem. For more information, contact Bob Henderson at (713) 977-8787 or rhenderson@zephyrenv.com.

Bill Offers Incentives for Industry-Sponsored Monitoring

A bill has been introduced in the Texas Legislature that would allow the TNRCC to offer incentives to regulated facilities that install fence-line and stack monitoring devices and directly transfer the data to the TNRCC. The incentives could include on-site technical assistance, expedited permitting, reduced reporting and recordkeeping requirements, and less frequent inspections. As proposed, the incentive program would take effect September 1, 2001. For more information, contact Celeste Wiley at (512) 329-5544 or cwiley@zephyrenv.com.

Legislature Considers Air Permits for Grandfathered Facilities

The House Environmental Regulations Committee is considering a proposal to eliminate the

continued on page 3

Zephyr is a professional services firm providing consulting, training and software to the industrial, commercial and public sectors. The firm's major areas of practice focus on environmental permitting, compliance and corrective action, incident management, occupational health and safety, risk assessments, ISO 14001 implementation, audits and regulatory tracking.

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Publisher: Bonnie White
Editor: David Cabe

zephyr@zephyrenv.com
www.zephyrenv.com

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1515 Capital of TX Hwy S. Suite 300 Austin, Texas 78746 (512) 329-5544 Fax (512) 329-8253	3000 Wilcrest Drive Suite 145 Houston, Texas 77042 (713) 977-8787 Fax (713) 977-8797	5300 Dorsey Hall Drive Suite 200 Ellicott City, MD 21042 (410) 312-7900 Fax (410) 312-7901
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President Opposes Regulation of Power Plant CO₂ Emissions

President Bush announced on March 13 that he would not support regulation of carbon dioxide emissions from power plants, citing the potentially deleterious effects on energy prices and the development of energy resources. CO₂, a product of combustion of all fossil fuels, is considered to be one of the primary greenhouse gases contributing to the suspected phenomenon of global warming. EPA Administrator Christine Todd Whitman, a proponent of the push to list CO₂ as a regulated air contaminant, explained the President's decision saying "he didn't want to do anything that was going to discourage decisions that would result in a better mix of energy." Within days of the President's announcement, Sen. Jim Jeffords, R-Vermont, led a group of senators in urging the passage of the Clean Power Act of 2001- a bill that contains provisions for reducing emissions of CO₂ as well as existing regulated air contaminants. For more information contact David Cabe at (512) 329-5544 or dcabe@zephyrenv.com.

Semiconductor Industry to Cut Greenhouse Gas Emissions

On behalf of 21 semiconductor manufacturers, the Semiconductor Industry Association (SIA) has signed a Memorandum of Understanding (MOU) with the EPA, "PFC Reduction/Climate Partnership", agreeing to voluntarily reduce emissions of perfluoro compound greenhouse gases from the semiconductor manufacturing process. The SIA is the leading voice for the semiconductor industry, comprising more than 90 percent of US-based semiconductor production. The goal of this SIA/EPA partnership is to reduce annual PFC emissions from participating companies collectively by ten percent from 1995 levels before the end of 2010. PFCs are considered by some experts to be the most potent and persistent of global warming gases. For more information contact Maria Gou at (512) 329-5544 or mgou@zephyrenv.com.

Supreme Court Upholds New Ozone and PM Standards

On February 27, the U.S. Supreme Court ruled unanimously against Industry's challenge to EPA's 1997 revisions to the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (*Whitman, Administrator of Environmental Protection Agency v. American Trucking Association, et al.*). The Court ruled that 1) EPA has broad discretion in determining how much protection of the public health is sufficient and 2) costs cannot be considered in developing NAAQS. EPA was chided, however, for going "over the edge of reasonable interpretation" with respect to the implementation of the new standards. Accordingly, the Supreme Court remanded the issue of implementation back to the circuit court. For more information contact Julian Levy at (410) 312-7900 or jlevy@zephyrenv.com.

EPA Proposes to List Certain Paint Wastes as Hazardous

On February 13, EPA proposed listing certain paint production wastes as hazardous under the Resource Conservation and Recovery Act (RCRA) and establishing treatment standards for these wastes. Such wastes would be classified as hazardous if

the concentrations of toxic constituents such as n-butyl alcohol, ethyl benzene, methyl isobutyl ketone, styrene, and xylenes exceed certain limits. Additionally, these wastes would be designated as hazardous substances subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA will accept public comments on this proposed rule until April 16. For more information contact Betty Moore at (512) 329-5544 or bmoore@zephyrenv.com.

Bush Signs Bill Repealing Ergonomics Standard

On March 20, President Bush signed a bill repealing workplace ergonomics regulations that he called "unduly burdensome and overly broad", sending his administration to work on a more business-friendly substitute. The ergonomics regulations, which were ten years in the making, were intended to protect workers from musculoskeletal disorders such as carpal tunnel syndrome and other injuries due to repetitive motions, awkward positions, and vibrations. If implemented, employers would have been required to adjust work stations or make other workplace changes and pay medical care and leave costs related to workplace repetitive motion or stress injuries. Labor Department officials said they have begun working on an alternative, which could include replacement regulations or voluntary guidelines. For more information contact Brad Watson at (512) 329-5544 or bwatson@zephyrenv.com.

EPA Issues New TRI Rules for PBT Chemicals

Starting with the Toxic Release Inventory (TRI) reports due July 1, 2001, persistent, bioaccumulative, and toxic (PBT) chemicals will be subject to TRI reporting. Eighteen chemicals and chemical categories are subject to the PBT rule, including eight pesticides, polycyclic aromatic compounds (PAC), dioxin and dioxin-like compounds, six other aromatics, mercury, and mercury compounds. These chemicals have far lower reporting thresholds than other TRI chemicals, ranging from 0.1 grams per year (dioxin and dioxin-like compounds) to 100 pounds per year for several pesticides and aromatics. Failure to file annual Toxic Chemical Reports may result in civil penalties of up to \$27,500 per day. For further information contact Elena Rivera at (512) 329-5544 or at erivera@zephyrenv.com.

Diesel Sulfur Rule Chugs Forward

After initial reluctance to support the new diesel sulfur rule, the Bush Administration announced in late February that it would push forward with the new regulation. This rule, which went into effect March 19, not only requires new heavy-duty highway vehicles to use high-efficiency catalytic exhaust emission control devices, but also mandates a 97-percent reduction in the sulfur content of diesel fuel. The new engine emission control standards will be phased in beginning in 2007, while the new diesel fuel standards will be phased in beginning in 2006. For more information contact Bill Jones at (410) 312-7900 or bjones@zephyrenv.com.

EPA Reverses Decision on Arsenic Levels in Drinking Water

On March 21 EPA announced that it is reversing its decision to lower the maximum allowable concentration of arsenic in public drinking water supplies from 50 parts per billion (ppb) to 10 ppb. The original 50-ppb standard has been in place since the 1940s, and some health scientists contend that a 50-ppb limit is too high to be protective of human health. After years of study, EPA had announced in the last weeks of the Clinton administration that it would lower the standard to 10 ppb. The more recent announcement, however, preserves the old standard. For more information contact Joe Zupan at (512) 329-5544 or jzupan@zephyrenv.com.

exemption from air permitting requirements that now applies to unmodified grandfathered sources. House Bill No. 3545 would require grandfathered sources to apply for an existing facility permit before September 1, 2003 if located in a nonattainment area; however, facilities located in attainment areas would have until September 1, 2005 to apply. Additionally, grandfathered facilities that do not have an application pending by September 1, 2001 would pay double the annual emissions fee imposed for all emissions of 4,000 tons or less and triple the fees for annual emissions greater than 4,000 tons. For more information, contact Celeste Wiley at 512-329-5544 or cwiley@zephyrenv.com.

Update on TNRCC's Storm Water Permitting Program

Texas facilities are still in limbo! According to Mr. Steve Ligon, the Team Leader for Storm Water and General Permits, the TNRCC has incorporated numerous changes into the proposed Texas Pollutant Discharge Elimination System (TPDES) general permit after receiving substantial comments from the public. As a result, another round of EPA comments is necessary, reducing the chances that the TPDES permit will be issued before May 2001. Facilities that were authorized under the expired NPDES permit may continue to discharge under the conditions and requirements of this permit until the TPDES permit is issued. Facilities that require coverage for these discharges and that are not authorized under the NPDES permit must apply for coverage under the proposed TPDES permit when it goes into effect. For more information contact Jeanne Yturri at (512) 329-5544 or jyturri@zephyrenv.com.

TNRCC Draws Permit-By-Rule Sources into Cap and Trade Program

The TNRCC has proposed amendments to its air permitting rules under Chapters 106 and 116 to make certain sources of NO_x sources in the HGA ozone nonattainment area that are authorized under permits by rule subject to the TNRCC's mass emissions cap and trade program. Under the proposed rule changes, "exempt" sources subject to an emission standard under Chapter 117 and emitting more than 10 tons per year of NO_x would be required to obtain and use emissions allowances to offset NO_x emissions. For more information contact Robert Henderson at (512) 329-5544 or rhenderson@zephyrenv.com.

TNRCC Environmental Trade Fair is Coming

The annual TNRCC Environmental Trade Fair and Conference will be held from April 30 through May 2 at the Austin Convention Center. This event is always a good opportunity to get up to speed on the latest issues confronting the agency and gain perspectives from agency staff. For more information, check the TNRCC web site at www.tnrcc.state.tx.us/exec/sbea/etf/etf.html.

procedures could result in serious injuries to your shift operators. Do I have your attention?"

If you are an EHS manager, you will probably be called on to address audiences who are motivated in a variety of ways. In addition, you will likely encounter a diversity of backgrounds and individual needs within the same audience. Your listeners will bring a wide range of life experiences, levels of education, and pre-existing biases — all of which will affect what and how they learn and comprehend. To be an effective communicator, then, it is important to keep the following in mind about your audience:

- They may have strong feelings about learning - some will be attentive, some will resist, and others will be easily lost by either the message or the situation.
- Some may want you to get to the bottom line and skip the details.
- Others may expect detailed explanations.
- They may be concerned with how your message will affect their jobs or positions within the company.
- They may be afraid of being left behind, judged, or looking foolish.
- They will have occupations, tasks, and lives outside the context of your presentation and message.
- They will need breaks - people have limited attention spans and can only comprehend what they can physically endure.

As a communicator, it is your responsibility is to deliver the message in a way that balances its purpose with the needs and make-up of the audience, while answering every listener's burning question: "Why am I here?" Effective communicators are able to accomplish this goal because they have the following characteristics:

- They are highly motivated - Motivation can be stifled by fear of public speaking, fear of rejection, and fear of being misunderstood. Confidence can be developed with a firm knowledge of the message, thorough preparation, understanding the audience, and a willingness to take the risk of stepping out in front of the audience that first time.
- They believe in the message - The communicator believes that the message will benefit the audience and not merely be a waste of time for all involved.
- They adapt their style to the audience - The communicator pays attention to the audience and adapts the flow of the presentation to the listeners' backgrounds, needs, and moods.
- They are receptive to improvement - The communicator is open to new approaches, ideas, and methods of communicating.

Effective communications are essential to the success of every EHS program. Whether you are training staff, making a budget pitch to management, or trying to inform a concerned public, the time you spend evaluating your message, your audience, and your delivery will go a long way toward making your message meaningful.

-Kiley J. Taylor, LP
Zephyr Environmental Corporation

Other Industry News

The Semiconductor Safety Association is hosting its Annual Technical Symposium at the Sheraton New Orleans on April 10 - 13, 2001. Learn more about it and register for one or all four days at <http://www.semiconductorsafety.org>.

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Austin, Texas 78746-6544

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