

Plan, Closure Plan, and even financial assurance requirements and application fees). Once the Part A has been reviewed, it's time to pick the application apart, section-by-section.

The Part B renewal application offers a good opportunity to review the engineering drawings that were included in the original application and determine which are still needed. Be careful to address the problems associated with certifying drawings prepared by another engineer. Minimizing engineering drawings is one way to minimize problems. Another approach is to include previously certified reports by reference or as an attachment to the application.

This renewal application is also the place for many companies to include documentation that addresses the monitoring requirements of 40 CFR 264, Subparts AA, BB, and CC. Most hazardous waste permits require the permittee to continue to identify solid waste management units (SWMUs). The permit renewal application enables a company to thoroughly evaluate its operations and to identify new and previously overlooked SWMUs. The renewal process may require revisions to descriptions of wastes that are/were managed in some of the units. It also can become a complex document when addressing the status of ongoing investigations required by the original permit.

Once broken down into its individual parts and written concisely, the Part B application and its subsequent renewal should carry a facility through everyday operations and well into the next renewal

period. Using expertise to minimize extraneous details and incorporating flexibility into the plan can help a facility avoid the pitfalls of future modifications. A good strategy for your Part B renewal is a recipe for a piece of cake.

- **Betty Moore**
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An American Business

The men and women of Zephyr extend our heartfelt sympathies to the families, friends, and colleagues of those lost and injured in the terrorist attacks of September 11. Like all people of the civilized world, we were appalled and outraged at the heinous acts of a few cowardly outlaws. These acts were an assault on our Nation, our way of life, and ourselves.

We at Zephyr take great pride in our company as a truly American business—one founded on the belief that success will come to us if we work hard, develop creative solutions, and provide service to our clients. We appreciate living in a country which values these attributes. We stand united with our clients, competitors, and fellow countrymen in doing what we can to fight this menace.

We hope that all of our readers and their loved ones are safe and well.

We would like to hear from you! Please email your comments to currents@zephyrenv.com or send them online at www.zephyrenv.com.

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Managing Process Changes: Who's Reacting - Your Chemicals Or You?

Taking a reactionary position, rather than proactively managing changes related to process chemicals, may result in a facility incident and possibly an OSHA fine. OSHA's Process Safety Management (PSM) standard and EPA's Risk Management Plan (RMP) require that facilities manage changes to their process chemicals and associated technology, equipment, and personnel. OSHA's PSM standard and EPA's RMP rule both require ongoing documented management of changes, pre-startup reviews prior to introducing chemicals to new or modified facilities, and regular internal PSM/RMP compliance audits. *This article is continued at www.zephyrenv.com*

CMP for Silver Dischargers

Best Management Practices (BMP) are facility specific plans implemented by an industry sector for the purpose of controlling and reducing the discharges of certain pollutants. Although not always a requirement, BMPs can be a smart investment. The Silver Council and the Association of Metropolitan Sewage Agencies (AMSA) have developed a program called the Code of Management Practices (CMP) for silver dischargers that process radiographic and photographic film and paper to control the amount of silver discharged to local wastewater treatment plants. While several cities across the United States have already implemented this program, others are just beginning to realize its importance. *This article is continued at www.zephyrenv.com*

TNRCC Increases Scrutiny of Ethylene & Propylene Plants

Users and manufacturers of ethylene and propylene in the Houston-Galveston area should be aware that, based upon preliminary findings of the 2000 Texas Air Quality Study, the TNRCC plans to increase scrutiny of ethylene and propylene facilities. The study, which requested industry to submit an hour-by-hour emissions inventory for an extended period during August and September 2000, shows a significant correlation between ozone exceedances and emissions of certain chemicals, including ethylene and propylene (reactive hydrocarbons). Possibilities under consideration include comparison of emissions inventory responses vs. permitted values, a detailed analysis of upset/maintenance reports involving these two chemicals, or both. *This article is continued at www.zephyrenv.com*

RCRA Part B Boot Camp: Survival Training Kit

Sometimes filling 20 three-ring binders and representing six months of work per application, the Part B permit application can intimidate the best of EHS folks. This is especially true when a small change to an inflexible facility plan requires pre-renewal permit modifications. And, if that weren't enough, permit rules and industry EHS departments have undergone many changes since companies originally submitted their applications in the mid-1980's. But with a little planning and foresight, it is possible to survive the ordeal and build in flexibility to stave off future modifications.

The Part B permit application identifies the hazardous waste management units and the wastes that are subject to the Resource Conservation and Recovery Act (RCRA) permitting requirements. Among other things, it describes the engineered design of the units, procedures for sampling and analyzing wastes managed in the units, the unit closure requirements, contingency planning for emergencies, groundwater monitoring, air emission/process vent inspection requirements, and financial assurance. The goal of a well-written application is to eliminate superfluous information, while addressing all regulatory requirements and building flexibility into the plans.

The Part B renewal, required ten years after the permit issuance date, provides an opportunity to review existing plans, remove

extraneous information, and make the plans more concise. This permit streamlining can prevent the imposition of unnecessary operating restrictions and can help the company avoid unnecessary permit modifications. Furthermore, the renewal can be used to build flexibility into the plans.

Part B Timeline



What is involved with a Part B renewal application? First, the process should start at least a year before the permit expires. The initial six months should be used by the applicant to develop and review the application components. Then, the application should be submitted to the regulatory agency at least six months before the expiration date to meet statutory requirements.

As a first step, look into what changes have occurred since the original application. For example, the implementation of land disposal restrictions has reduced or, for some sites, totally eliminated the need for on-site permitted hazardous waste disposal facilities. Waste minimization and newly implemented regulations that exempt various waste streams from regulation have also affected the need for permitting many waste management units. In some cases, companies have totally eliminated their need for a hazardous waste permit.

The best place to begin the renewal process is with the Part A application. Once all of the waste streams, waste codes, and waste management units to be permitted have been identified, all of the other application sections fall into place (i.e., the Waste Analysis Plan, Contingency Plan, Engineering Report, Groundwater Monitoring

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special feature**Addressing Terrorism in Your Contingency Plan**

As a result of recent acts of terrorism, Americans feel more vulnerable, less secure, and even a little nervous about their own safety. Before September 11th, preparing for terrorism was strictly a hypothetical exercise. However, today's network news services report that people are buying guns, gas masks, and antibiotics in response to the terrorists' threat. This response carries its own form of risk: eight Israelis suffocated from incorrectly worn gas masks during the Gulf War. Balancing the hypothetical and real threat of terrorism has left businesses questioning their own state of preparedness. So, what can businesses realistically do about terrorism?

Update and Test Your Contingency Plan

An important first step is reviewing, testing, and updating the current contingency plan. Is the plan up-to-date, are notification phone numbers still valid, or has the facility changed in any way? Conducting exercises using evacuation and notification procedures in the plan could save employees' lives. Because the World Trade Center experienced a complete evacuation in the 1993 bombing and during subsequent practices, many lives were saved on September 11th. Now is the time to add sections to your plan that address bomb threats, suspicious packages, workplace violence, and chemical releases. The majority of plans Zephyr reviews do not address terrorism, sabotage, and other acts of violence, however, our approach has always been based on a realistic assessment of all the potential hazards, not just what a law or rule dictates.

Get to Know Your Local Emergency Responders

When I was a reviewer for the National Fire Academy's *Emergency Response to Terrorism* course in 1997, terrorism was a "new" hazard for communities. Since then, local police, fire, EMS, and hospitals having been working with the FBI, FEMA, and other federal and state authorities to prepare for terrorist events. Local responders are a facility's best link to current threat and preparedness information, and they will be the first line of defense during an event. Don't meet local responders for the first time on the scene of an emergency - get to know their capabilities and resources before they are needed. For more information, contact Kiley Taylor at 512.329.5544 or ktaylor@zephyrenv.com.

Tragedy Lingers in the Air

When terrorists crashed hijacked airliners into the World Trade Center and the Pentagon, they also left an impact on the environment. The plume from the burning Trade Center could be seen from space as it traveled out to sea. Fine cement particles, asbestos, and other pollutants were injected into the air when the Trade Center imploded. And emissions of a wide variety of pollutants have been generated from incomplete combustion of debris deep within the rubble.

The EPA and local agencies in New York and the DC area moved quickly to monitor the air for asbestos, VOCs, particulate matter (including silica and lead), and some specific chemical species. Water quality has been monitored for volatile and semi-volatile organics, metals, pesticides, and some specific chemical species.

While the EPA acknowledges some elevated levels of some pollutants have been observed, the Agency has consistently reported that the levels do not pose a threat to rescue workers or the general population.

Similarly, elevated pollutant levels were monitored in runoff, but EPA states "contaminants in the runoff are not expected to have any negative impact on aquatic life in the surface waters."

Concurrent with the comforting reports from EPA, the Agency has brought ten 3,000-gallon HEPA filter-equipped vacuum trucks into lower Manhattan to help clean streets, vehicles, and buildings of "potentially hazardous dust." However, due to the smell, local citizens remain concerned. Their skepticism is fueled by a smell, most often reported as that of burning rubber, which lingers in the air. For more information, contact Julian Levy at 410.312.7913 or jlevy@zephyrenv.com.

federal news**Hazards of Ammonia Releases at Refrigeration Facilities**

The EPA has issued an updated alert regarding ammonia releases at refrigeration facilities. The alert discusses the potential toxic, flammable, and explosive hazards associated with ammonia refrigeration systems and the steps that can be taken to minimize the risk of such occurrences. It also contains numerous hazard reduction recommendations regarding preventative maintenance and emergency response activities. All operators of ammonia-based cold storage facilities should consider inspecting their emergency response equipment, reviewing their emergency shutdown procedures, and conducting drills with their internal response personnel and their local fire departments. For more information, contact Kiley Taylor at 512.329.5544 or ktaylor@zephyrenv.com.

AERMOD PRIME Update

The EPA evaluation of the proposed AERMOD PRIME air quality model is underway and addition of the model to the EPA Guidelines on Air Quality Models is expected Spring/Summer 2002. In April 2000, the EPA proposed that Guidelines be changed to include the state-of-the-art air quality model, AERMOD, as the key recommended "Appendix A" model, replacing ISC3. At the same time, EPA proposed a new version of ISC incorporating an updated structure downwash algorithm, PRIME. When the proposed models were discussed at the 7th Conference on Air Quality Modeling in June 2000, many participants felt the need to merge PRIME into AERMOD. Over the past year, EPA has developed the merged AERMOD PRIME model, performed internal evaluations, and is about to release a beta version of the model for public testing. For more information contact Roger Brower at 410.312.7900 or rbrower@zephyrenv.com.

EPA Revokes Inadvertent NSPS Emissions Monitoring Provisions

Effective October 11, 2001, the EPA is revoking a provision included in amendments to the new source performance standards (NSPS) added on October 17, 2000, that inadvertently imposed substantial new air monitoring requirements on stationary sources. The provision being revoked required some facilities subject to NSPS regulations to install flow monitors on emissions streams, even though the amendments were explicitly intended to be minor and not substantive. This withdrawal would affect industrial facilities that combine the effluents from more than one affected facility into a single stack but choose to monitor opacity from the individual stacks. For more information, contact Jerry Kung at 512.329.5544 or jkung@zephyrenv.com.

incentives to public and private entities for improving air quality throughout the state. The guidance documents identify procedures and define eligibility criteria to receive grant funding for cleaner on- and off-road engines, energy efficiency programs, cleaner fuels and research, and development of new technologies. For more information, contact Celeste Wiley at 512.329.5544 or cwiley@zephyrenv.com.

TNRCC Proposes Ozone Control Plan for Northeast Texas

In spite of local efforts to voluntarily decrease emissions and forestall the imposition of mandatory controls, monitors in Gregg County continue to register ozone levels in excess of the national 1-hour standard. As a result, EPA is no longer accepting the existing Flexible Attainment Region Plan for reducing ozone concentrations in East Texas. Consequently, the TNRCC, with significant input from local industries, community organizations, and governmental bodies, is developing a revision to the Texas ozone control plan. Hearings on the proposed State Implementation Plan revision, which could affect emission sources in Gregg, Harrison, Rusk, Smith, and Upshur Counties, will be held in Longview on October 23rd and in Tyler on October 24th. For more information, contact David Cabe at 512.329.5544 or dcabe@zephyrenv.com.

New Vehicle Emissions Testing for Texas

With the approval of HB 2134, state agencies will be introducing changes to the Texas Vehicle Inspection and Maintenance (I&M) program. Beginning in May 2002, improved acceleration simulation mode (ASM-2) and on-board diagnostics (OBD) testing will be offered or required for certain counties. The bill also establishes a vehicle repair, retrofit, or retirement assistance program for low-income drivers whose vehicles fail the I&M test. For more information, contact Jerry Kung at 512.329.5544 or jkung@zephyrenv.com.

Ozone Study Awarded to University of Houston

The EPA has granted \$2 million to the University of Houston to research and develop an ozone simulation and forecasting model of the Gulf Coast region. Using supercomputers and sophisticated mathematical modeling techniques, the UH researchers will look at the complex issues of ozone production and transport. They will examine over 150 other airborne chemicals in the categories of VOCs, NO_x, and PM to determine their role in the production of ozone over extended periods of time. For more information, contact Shahjabeen Hanif at 713.977.8787 or shanif@zephyrenv.com.

Texas "Smoke School" Now Offered by Private Company

All stationary sources with the potential for emitting visible emissions are required by their permits to be read at prescribed times by certified emissions evaluators. Previously, the TNRCC provided a Visible Emission Evaluation Certificate (VEEC) certification course, commonly referred to as "Smoke School". Recently, the state contracted to conduct the VEEC course throughout the state with Eastern Technical Associates (ETA). VEECs expire after six months. To renew your certificate, you must pass the required examination. For more information, contact Kevin Ellis at 512.329.5544 or kellis@zephyrenv.com.

TNRCC Commissioner Baker Resigns

Effective August 31, 2001, John M. Baker's term as a Commissioner of the TNRCC expired. Mr. Baker served the TNRCC for six years, following a distinguished career in the environmental sciences and policy areas, including a position as an advisor to the EPA Administrator William K. Reilly. Governor Perry has not yet announced Mr. Baker's replacement. For more information, contact David Cabe at 512.329.5544 or dcabe@zephyrenv.com.

2997 - State Environmental Management System Incentive Program

TNRCC recently proposed rules that encourage the use of environmental management systems (EMS) through regulatory incentives. The new "Regulatory Incentives for Using EMS" rule, which was published in the September 7 *Texas Register*, amends Chapter 90 of Title 30 of the Texas Administrative Code. Passage of the rule signals a move away from a "command and control" approach to environmental protection and regulatory compliance. To qualify for the incentives, the EMS must meet specified standards outlined in the rule and pass an on-site evaluation by the TNRCC or an approved third party auditor. Contact Jeanne Yturri at (512) 329-5544 or the TNRCC Office of Environmental Policy, Analysis, and Assessment at (512) 239-4808 if you have questions or comments about the rule.

Texas Railroad Commission Opposes Risk-Based Cleanup Rules

In late August, the Texas Railroad Commission (RRC) tabled proposed risk-based cleanup rules based on objections from some members of the regulated community. This action means that cleanups will proceed on a case-by-case basis, rather than under an umbrella of risk-based standards. Separately, the RRC has proposed a voluntary cleanup program (new Subchapter D of 16 TAC Chapter 4). The purpose of this program is to incentivize lenders, developers, owners, and operators who did not contribute to soil and water contamination to, nonetheless, participate in remediation efforts. The proposed new rules set forth provisions relating to eligibility, application to participate, entering into a voluntary cleanup agreement, termination of such agreement and cost recovery, voluntary cleanup work plans and reports, certificates of completion, and persons released from liability. For more information, contact Joe Zupan at 512.329.5544 or jzupan@zephyrenv.com.

TNRCC Drafts Guidelines for Emissions Reduction Plan

The TNRCC Commissioners approved for proposal a set of guidelines to implement the Texas Emissions Reduction Plan (TERP) program, created by Senate Bill 5 during the 77th Legislature. The intent of the TERP program is to provide grants and other

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