

Atlanta Environmental Management, Inc.

Newsletter



Inside this issue:

How the <i>De Minimis</i> Exclusion Applies for the Hazardous Waste Mixture Rule	2
How EPA Defines "Empty" for Containers That Held Acute Hazardous Waste	2
Shipping Hazardous Materials in Jerricans	2
Maintaining the Storm Water "No Exposure" Exclusion	3
How OSHA's HAZWOPER Standard Defines Hazardous Substances	3
EPA Extends Compliance Date for SPCC Rule <u>Yet Again!</u>	3
About Us ...	4

An updated version of CostPro, an EPA program used to estimate costs associated with regulatory requirements at RCRA treatment, storage, or disposal facilities (TSDFs), has been made available by the Agency.

First issued in 1996, CostPro is intended to provide state permit writers with a consistent, accurate, and rapid method of evaluating cost estimates at TSDFs.

Under RCRA regulations, the owner or operator of a TSDF who seeks a Part B permit or has interim status must prepare estimates of costs required to close the facility and costs to perform post-closure care based on the cost of a third party performing the work.

The last of CostPro's four updates was completed in 2001. According to EPA, the update places CostPro on a contemporary software platform (MS.NET 2.0 in C#) and includes 2009 values.

Among its other functions, CostPro provides the means to complete inventory worksheets for each waste management unit and closure and post-closure care worksheets that account for removal, transportation, and disposal of waste, building decontamination, and sampling and analysis.

EPA obtained cost information for the program from two R.S. Means guides—*Means Building Construction Cost Data* and *Means Site Work and Landscape Cost Data*—and the 2006 Azimuth ECHOS (Environmental Cost Handling

Options and Solutions) *Environmental Remediation Cost Data* guide. EPA says it paid a fee to these companies for use of the cost data by EPA and state government personnel only.

Although CostPro is available to industry, a fee must first be paid to R.S. Means for its use. Proof that the appropriate permission has been obtained must then be submitted to the Agency before a CostPro CD will be mailed. Details on paying the fee are available in EPA's notice.

For more information see the U.S. EPA website at <http://www.epa.gov/fedrgstr/EPA-WASTE/2009/May/Day-20/f11741.htm>

Updated RCRA Cost Estimation Program

PCBs and Hazardous Waste

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At the federal level, management and disposal of hazardous wastes is almost entirely regulated under RCRA, with two notable exceptions: asbestos and polychlorinated biphenyls (PCBs), which fall under the Toxic Substances Control Act (TSCA). Technically, therefore, waste asbestos and PCBs are not automatically defined as a hazardous waste, but there are certain circumstances where management under RCRA Subtitle C is required particularly for PCBs.

Under RCRA, wastes are hazardous if they are on one of four hazardous waste lists or if they exhibit a characteristic of hazardous waste. Discarded, unused PCBs are not listed as commercial chemical product hazardous wastes on the P- or U-lists found in 40 CFR 261.33 and likewise, are not specifically among the process and industry-specific hazardous wastes found in the F- and K-lists in 261.31 and 261.32.

However, it is possible that PCBs will be present as incidental contaminants in wastes that are themselves listed as hazardous. For example, solvents are often used to remove PCBs from transformers.

These solvents, when spent, could be F001 through F005 listed solvents, which are hazardous.

In this case, the entire wastestream, including the PCBs, would be regulated as a listed hazardous waste.

Wastes are also regulated under RCRA when they exhibit one or more of four characteristics of hazardous wastes: ignitability, corrosivity, reactivity, or toxicity. Typically, fluids and materials regulated as PCBs under TSCA would not exhibit any of these characteristics. However, in rare cases, a PCB could exhibit ignitability, corrosivity, or reactivity and thus be subject to RCRA.

Also, PCBs are not among the elements and compounds that can cause a waste to exhibit the toxicity characteristic (TC), but any waste containing PCBs could potentially exhibit the TC for another contaminant. To deal with this possibility and avoid dual TSCA/RCRA regulation, certain PCB-containing wastes that exhibit the toxicity characteristic are explicitly exempted from RCRA requirements. This provision at 40 CFR 261.8 exempts from Subtitle C regulation PCB-containing dielectric fluid and the electric equipment that holds such fluid if they satisfy two crite-

ria. First, the PCB wastes must be regulated under the TSCA standards of 40 CFR Part 761. Second, only PCB wastes that exhibit the TC for an organic constituent (waste codes D018-43) may qualify for the exemption.

If a PCB-containing waste exhibits a RCRA characteristic or matches a listing description and does not qualify for the 261.8 exemption, that waste is subject to all applicable Subtitle C regulations, including manifesting, treatment, storage, disposal, and recordkeeping.

Some PCB-containing wastes may also be subject to RCRA land disposal restrictions. RCRA Section 3004(d)(2)(D) imposes land disposal prohibitions on liquid hazardous wastes containing PCBs at concentrations greater than 50 parts per million.

TSCA regulations also require that transported PCB wastes be manifested with the standard RCRA manifest form (EPA Form 8700-22).

Finally, bear in mind that many states use their authority under RCRA to list PCB wastes as hazardous, such as California, Washington, Oregon, Alaska, Texas, and Oklahoma.

EPA Reminder: How the *De Minimis* Exclusion Applies for the Hazardous Waste Mixture Rule

The mixture rule at 40 CFR 261.3(a)(2)(iv) states that, if you mix a solid waste with any listed (F, K, P, or U) waste, the entire mixture is listed hazardous waste.

A *de minimis* exclusion to this rule is published at

40 CFR 261.3(a)(2)(iv)(D). Discarded, unused commercial chemical products arising from what are known as *de minimis* losses are exempt from the mixture rule when they are discharged through a wastewater treatment system regulated by the Clean Water Act.

De minimis losses include spills from unloading or transfer of materials, leaks from process equipment, leaks from well maintained pump packings and seals, sample purgings, relief device discharges, safety shower discharges, rinsing and

cleaning of personal safety equipment, and rinsate from emptying containers.

For help with managing hazardous waste, please call Janet Hart at AEM at (404) 329-9006.

EPA Reminder: How EPA Defines “Empty” for Containers That Held Acute Hazardous Waste [40 CFR 261.7(b)(3)]

Before you dispose of a container that previously held an acute hazardous waste, you must determine whether the container is empty, as defined by EPA. If the container being disposed is not empty, the residue in the container is classified as hazardous waste.

According to 40 CFR 261.7(b)(3), a container or an inner liner removed from a container that has

held an acute hazardous waste (e.g., P-list wastes or other listed waste with the hazard code H) is not empty unless one of the following is true:

- The container or inner liner has been triple-rinsed using a solvent that is capable of removing the commercial chemical product or manufacturing chemical intermediate.

- The container or inner liner has been cleaned by another method that has been shown in scientific literature, or by tests conducted by the generator, to achieve equivalent removal.

- The inner liner, which prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed from

the container. In this case, the container is empty, but the inner liner is not.

Unless otherwise exempted, rinsate removed from the non-empty container must be managed as a hazardous waste according to EPA’s mixture rule (a listed waste mixed with other materials continues to remain listed).

DOT Reminder: Shipping Hazardous Materials in Jerricans [49 CFR 171.8]

Hazardous materials must be shipped in packages authorized by Department of Transportation regulations. To find an authorized package type, find the proper shipping name of the hazardous material in column 2 of the Hazardous Materials Table (49 CFR 172.101) and you’ll find the regulatory reference to authorized packages in column 8. Jerricans are one of the authorized types of packages, al-

though they are not used as commonly as drums or boxes. DOT defines a jerrican at 49 CFR 171.8 as metal or plastic packaging of rectangular or polygonal cross-section.

The United Nations (UN) standards for manufacturing plastic, aluminum, and steel jerricans are described in 49 CFR 178.509 and 178.511, respectively. UN jerricans are assigned the following codes:

- 3H1—plastic, non-removable head
- 3H2—plastic, removable head
- 3A1—steel, non-removable head
- 3A2—steel, removable head
- 3B1—aluminum, non-removable head
- 3B2—aluminum, removable head

The maximum capacity for jerricans is 60 liters (16 gallons), with the net mass for all jerricans being limited to 120 kilograms (265 pounds). Jer-

rican manufacturers must follow the package standards for jerricans before marking them with the UN standard. Shippers using jerricans for hazardous materials must follow DOT’s general packing requirements and must use the jerricans in accordance with the container manufacturer’s instructions. For more information on managing hazardous materials, please contact AEM at (404) 329-9006.

NPDES Reminder: Maintaining the Storm Water “No Exposure” Exclusion [40 CFR 122.26(g)]

Storm water discharges associated with industrial activities must be covered by either an individual or a general NPDES permit, unless there is an exemption available for the discharge. According to 40 CFR 122.26(g), permits are not required for storm water discharges that are composed entirely of storm water from which there is no exposure to industrial activities.

Once you have determined that your facility qualifies for the storm water “no exposure” exclusion and you submit the certification for this exclusion using EPA Form 3510-11, your facility must either maintain the conditions at the site that allow this exclusion or you will have to seek permit coverage for your facility. If you

choose to maintain the no-exposure status for your facility, the signed certification form must be submitted to the NPDES permitting authority once every five years.

Facilities that store materials outdoors under the following conditions, without the cover of a storm-resistant shelter, may continue to maintain their no-exposure exclusion status according to 40 CFR 122.26(g)(2):

- Drums, barrels, tanks, and similar containers are tightly sealed, provided the containers are not deteriorated and do not leak (with “sealed” meaning banded or otherwise secured without operational taps or valves)

- Vehicles used in material handling that are adequately maintained
- Final products other than those that would be mobilized in a storm event

EPA has issued interpretive guidance that identifies additional allowances for qualification under the no-exposure exclusion.

40 CFR 122.26(g)(3) identifies four conditions in which the no-exposure exclusion is not allowed:

- Construction activities that are covered under the storm water regulations (land disturbances of 1 acre or more) do not qualify for the no-exposure exclusion.
- The no-exposure exclusion applies only to an entire facility and not to individual outfalls.

- If circumstances change at a facility that has claimed the no-exposure exclusion, whereby storm water comes into contact with regulated industrial activities or materials, the no-exposure exclusion certification becomes null and void.

- The permitting authority (federal or state) may authorize or deny coverage under this exclusion.

States with permitting authority may have different requirements, including not authorizing a no-exposure exclusion for facilities in their jurisdiction. To learn more about how to comply with storm water permitting requirements that affect your facility, please contact Jeff Cook or Terry O’Heron at AEM at (404) 329-9006.

OSHA Reminder: How OSHA’s HAZWOPER Standard Defines Hazardous Substances [29 CFR 1910.120(a)(3)]

Personnel who respond to releases of hazardous substances are required to be trained under OSHA’s HAZWOPER standard. Hazardous substances include any materials that could have an adverse effect on the health and safety of employees if they are exposed to these materials.

According to 20 CFR 1910.120(a)(3), hazardous substances include:

- Any substance defined under section 101(14) of CERCLA (42 USC 9601)
- Materials classified by DOT as hazardous materials under 49 CFR 172.101 and appendices

- Hazardous waste defined by EPA under RCRA

- Any biologic agent and other disease-causing agent that after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations in such persons or their offspring

EPA Extends Compliance Date for SPCC Rule Yet Again!

Washington, D.C.
June 12, 2009

The U.S. Environmental Protection Agency (EPA) has again extended the compliance date for all facilities subject to the oil Spill Prevention Control and Countermeasures (SPCC) regulations. This SPCC rule amendment extends the date by which the owner or operator of an SPCC regulated facility must prepare or amend and implement an SPCC plan to November 10, 2010.

The amendment does not remove any regulatory requirement for owners or operators of facilities that were in operation prior to August 16, 2002, to maintain and implement SPCC plans in accordance with the regulations that were then in effect. Such facilities are required to maintain their plans until the applicable date for revising and implementing their plans under the new amendments.

More information is available on line at www.epa.gov/oem/content/spcc/index.htm

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AND ENGINEERING PROBLEMS!
PLEASE GIVE US THE
OPPORTUNITY TO WORK WITH YOU.**

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ABOUT US ...

AEM is a Georgia-based full-service environmental firm, 21 years in business, with project locations nationwide. AEM's mission remains providing individualized, technically competent, responsive, yet highly cost-effective environmental consulting and engineering services to our clients. AEM has many long-term clients, including industrial, governmental, and commercial, who have been clients for decades. Although company growth is an objective, it is our philosophy that growth is secondary to client service and quality. Put simply, the company's primary loyalty is to its clients, not to the growth of the company, unless growth provides for better client service. Building strong and lasting relationships with our clients is the most important thing that we can do to achieve our goals and ensure our future success.

One quality that sets AEM apart from the competition is the personalized service, quick response, and attention given to clients—the direct response to our clients' needs in a timely manner. We continuously work to improve the quality of our services to our clients.

AEM actively supports a number of charities including Doctors Without Borders, the U.S.O., the Antares Orphan Foundation, the Humane Society of the United States, and the Society for the Prevention of Cruelty to Animals.

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