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News Flash

The Environmental Protection Agency (EPA) is publishing a final rule that revises the definition of solid waste to exclude certain hazardous secondary materials from regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of this final rule is to encourage safe, environmentally sound recycling and resource conservation and to respond to several court decisions concerning the definition of solid waste.

The final rule became effective on December 29, 2008.

Waste Stream Chronicle

Attention Waste Stream Chronicle Readers - Last Print Edition

The City of Tempe Environmental Services Division is continuously looking for innovative ways to improve our compliance assistance partnerships in an effort to create a more sustainable Tempe.

In an effort to increase circulation in an economical and environmentally friendly manner, we have decided to provide our

quarterly publication in electronic format and discontinue distribution of paper copies. To initiate this change, we need your assistance! If you would like to continue receiving *Waste Stream Chronicle*, please e-mail or call Tamara Bednarik at tamara_bednarik@tempe.gov or (480) 350-2689 and provide your name, company name, and e-mail

address. Please note that multiple e-mail addresses may be added to our *Waste Stream Chronicle* list serve. Thank you for your commitment to partnering with Tempe's Environmental Services Division to make Tempe more sustainable.

New EPA Software for Submitting Tier II Reports

EPA's Tier2 Submit 2008 software is now available for companies to use in preparing annual Tier II reports reflecting their hazardous chemical inventories in 2008. Facilities subject to this reporting requirement for the 2008 reporting year must submit their Tier II reports by March 1, 2009.

EPA developed Tier2

Submit to help companies prepare electronic chemical inventory reports. The Tier2 Submit software has been updated to address the recent EPCRA, or SARA Title III, reporting program amendments.

Many State Emergency Response Commissions (SERCs) and Local Emergency Planning Commissions (LEPCs) are able to accept Tier II information via the Tier2 Submit software. The required hazardous chemical information must be submitted to your SERC, LEPC, and local fire department.

For more information about the recent amendments and changes that impact Tier II reporting requirements, and to learn how your facility is impacted by these annual reporting requirements, visit:

<http://www.epa.gov/oem/content/epcra/tier2.htm#tierii>



Mercury Spill Control

Spill Prevention, Control, and Countermeasures (SPCC) Rule Amendments

SPCC Proposed Compliance Date Amendments

On November 26, 2008, EPA proposed to amend the dates by which facilities must prepare or amend Spill Prevention, Control, and Countermeasure (SPCC) Plans, and implement those Plans (73 FR 72016). Two additional extension dates are proposed for farms and production facilities that meet the qualified facilities criteria in §112.3(g). The public had the opportunity to comment on this proposed change during a 30-day period following publication of the proposed rule in the Federal Register.

For more information: www.epa.gov/emergencies/docs/oil/spcc/SPCCFactsheet_Compliance_Nov08.pdf

In the early 1990s, U.S. environmental regulations eliminated the development of mercury as a new product. Despite this change targeting mercury use, alternatives have been slow to develop, and in some cases, such as precision measurement devices, none are currently available. As a result, mercury has been mined through reclamation and recycling processes.

Consumers can still find mercury in high-pressure sodium lamps, fluorescent bulbs, some thermostats, spent batteries, sphygmomanometers, thermometers, dental amalgams, chemicals and staining solutions. Mercury is used in more than 3,000 industrial applications.

People are aware of the dangers of this neurotoxin but they continue to use it. Careful handling should minimize general exposure, but what should a person do when a spill occurs? The following refresher tips should provide some valuable insight.

No mercury spill cleanup can be undertaken without the right tools. A spill kit should be on hand at any workstation where the risk of mercury spillage and exposure exists. The kit should contain goggles, nitrile gloves, disposal bags, waste labels, storage container, mercury-type respirator, mercury-sensing badges or instruments, absorbent scratch pads, water spray bottle, shoe covers, warning tape and, preferably, zinc-ferrous based magnetic mercury amalgamation powder. Additional tools such as plastic, non-sparking shovels and sweeping devices and a telescoping magnetic tool to collect hardened amalgam are recommended.

Amended SPCC Requirements Finalized in December 2008

On December 5, 2008, EPA amended the SPCC rule to provide clarity, tailor requirements to particular industry sectors, and streamline certain requirements while maintaining protection of human health and the environment (73 FR 74236). As part of the Oil Pollution Prevention regulation (40 CFR Part 112), the SPCC rule outlines requirements for prevention of, preparedness for, and response to oil discharges. Regulated facilities must develop and implement SPCC Plans that establish procedures and equipment requirements to help prevent oil discharges from reaching navigable waters or adjoining shorelines.

What changes did EPA finalize in the December 2008 amendments?

Exemptions

The revised rule exempts:

- Hot-mix asphalt and hot-mix asphalt containers;
- Residential heating oil containers (i.e., those used solely at single-family residences);
- Pesticide application equipment and related mix containers;
- Underground oil storage tanks that supply emergency diesel generators at nuclear power generation facilities licensed by the Nuclear Regulatory Commission;
- Intra-facility gathering lines subject to U.S. Department of Transportation's pipeline regulations; and
- Produced water containers that do not contain oil in harmful quantities.

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Spill Prevention, Control, and Countermeasures (SPCC) Rule Amendments (Continued)

Streamlining and Additional Flexibility for All Regulated Facilities

The revised rule:

- Provides a plan template for certain qualified facilities to complete and self-certify;
- Extends “qualified facility” status to certain smaller oil production facilities;
- Amends the definition of “facility” to clarify the flexibility associated with describing a facility’s boundaries;
- Amends the facility diagram requirement to clarify how containers (fixed and mobile) and complex piping/transfer areas are identified on the facility diagram;
- Defines “loading/unloading rack” to clarify the equipment subject to the provisions for facility tank car and tank truck loading/unloading racks;
- Amends the general secondary containment requirement;
- Exempts non-transportation related tank trucks from sized secondary containment requirements;
- Amends the facility security requirements to allow the facility owner/operator to tailor security measures to the facility’s specific characteristics and location; and
- Amends integrity testing requirements for bulk stor-

age containers to allow greater flexibility in the use of industry standards at all facilities.

What sector-specific changes did EPA finalize?

Agriculture and Oil Production Facilities - specific details are available at the web site listed at end of the article as there are currently no such facilities in Tempe.

Animal Fats and Vegetable Oils - EPA has amended the integrity testing requirements for containers storing certain types of animal fat or vegetable oil, to provide the flexibility to determine the scope of integrity testing that is appropriate, based on compliance with certain FDA regulations and other criteria.

Qualified Facilities - EPA streamlined and tailored the SPCC requirements for a subset of qualified facilities. The owner or operator of a qualified facility has the option to self-certify his SPCC Plan and comply with other streamlined requirements.

This final rule designates a subset of qualified facilities (Tier I qualified facilities) as those that meet the current qualified facilities eligibility criteria and that have no oil storage containers with an individual

aboveground storage capacity greater than 5,000 US gallons.

A Tier I qualified facility has the option to complete a self-certified SPCC Plan template instead of a full SPCC Plan. By completing the SPCC Plan template, an owner or operator of a Tier I qualified facility will certify that the facility complies with a set of streamlined SPCC rule requirements. All other qualified facilities will be designated “Tier II qualified facilities.”

Who is subject to the SPCC rule?

The SPCC rule applies to owners or operators of non-transportation-related facilities that:

- Drill, produce, store, process, refine, transfer, distribute, use, or consume oil or oil products; and
- Could reasonably be expected to discharge oil to U.S. navigable waters or adjoining shorelines.

Facilities are subject to the rule if they meet at least one of the following capacity thresholds:

- Aboveground oil storage capacity greater than 1,320 U.S. gallons; or
- Completely buried oil storage capacity greater than 42,000 U.S. gallons.

The following are exempt from the rule:

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For information about stormwater or to report illicit discharges to storm drains call: **City of Tempe Environmental Services Division 480-350-2811 anytime or go on-line: <http://www.tempe.gov/env/stormwater.htm>**

Stormwater Program Reminder

It is a violation of the City of Tempe Code to make a non-stormwater discharge to a stormwater drain. See Section 12-125(a) of the Tempe Stormwater Ordinance. Go to www.tempe.gov, Environmental, Stormwater, and Tempe Stormwater Ordinance, page 29, for the complete explanation.

If you have any comments or suggestions for future articles or if you want to be added to the mailing list, please contact: Tamara Bednarik at (480) 350-2689, tamara_bednarik@tempe.gov or at: Water Utilities Department, Environmental Services Division P.O. Box 5002 Tempe, AZ 85280

Water Utilities Department
Environmental Services Division
P.O. Box 5002
6600 South Price Road
Tempe, AZ 85280
Phone: 480-350-2678
Fax: 480-350-2615



Spill Prevention, Control, and Countermeasures (SPCC) Rule Amendments (Continued)

- Containers with a storage capacity less than 55 U.S. gallons of oil;
- Permanently closed containers;
- Motive power containers;
- Wastewater treatment facilities;
- Hot-mix asphalt and hot-mix asphalt containers;
- Residential heating oil containers;
- Pesticide application equipment and related mix containers;
- Produced water containers and any associated piping and appurtenances downstream of the container that meet certain criteria;
- Completely buried storage tanks subject to all the technical requirements of the underground storage tank regulations;
- Intra-facility gathering lines subject to the U.S. Department of Transportation's pipeline regulations; and
- Underground oil storage tanks at nuclear power generation facilities.

For Further Information:

Visit the EPA Office of Emergency Management Web Site:

<http://www.epa.gov/emergencies>

Review the Oil Pollution Prevention Regulation (40 CFR Part 112):

<http://www.gpoaccess.gov/cfr/>

Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center:

(800) 424-9346 or (703) 412-9810, TDD (800) 553-7672 or (703) 412-3323

<http://www.epa.gov/superfund/resources/infocenter>

To Report an Oil or Chemical Spill, Call the National Response Center:

(800) 424-8802 or (202) 267-2675, TDD (202) 267-4477
