

Compliance Headliner

What's the BIG DEAL about (Oil) Spill Prevention, Control and Countermeasure Plans?

If you have ignored the regulations hoping they will go away, read this...

A company in Athens, Georgia has been battling a petroleum release that migrated from their property to the Oconee River on August 11, 2003. According to the Athens Banner-Herald, an estimated 14,000 gallons of petroleum was deliberately released from four tanks on the property. Accusations were made by the company that the act was that of a disgruntled employee. Note that these tanks were not enormous – one tank held 6,000 gallons and three tanks held 3,000 gallons each. Yet, the release has caused significant damage to soil, vegetation, water quality and wildlife.



Photograph Source: Marcor Environmental, 2003

Inside this issue:

Ammonia Leak Caused by Attempted Burglary	2
NCDENR Civil Penalties Assessed in 2003	2
EPA's Final Rule Governing Freon and Refrigerant Recover/Recycling in MVACs	3
Crandall's Offering Regional Compliance Courses	4

So, what does this have to do with “small-time” petroleum handlers like automotive dealerships? You have probably read about the SPCC revisions made by the Environmental Protection Agency (EPA) earlier this year that require any facility with a petroleum storage *capacity* of 1,320 gallons or more to develop written control and response procedures. Guess what this company was missing...an SPCC Plan and secondary containment around their tanks. Sound familiar?

They also failed to implement security measures for their storage areas – this may be accomplished through 24-hour site security personnel or through access control (fencing). These measures must be considered for petroleum and hazardous substances storage.

Now, the owner of the property, owner of the tanks and/or owner of the business are liable for emergency response costs, assessment/remedial costs, civil penalties and compensation to the public for natural resources damages (NRD). A report issued by MSNBC on August 13 stated the spill caused a huge fish kill and the company now faces civil penalties up to \$150,000 and a clean-up bill (emergency response costs) of \$300,000. Unfortunately, this is not the first violation for the owner of the tanks and the property. Beginning in 1994, the EPD issued several citations for petroleum storage violations and levied fines for similar (but smaller) releases. The liability and monetary costs don't end here... *(continued on page 4)*

Ammonia Leak Caused by Attempted Burglary

Source: WYFF TheCarolinaChannel.com

An attempted burglary caused 3,000 gallons of ammonia to leak from a 6,000 gallon tank at a Kroger grocery store in Anderson, South Carolina on August 20, 2003. Workers in the bakery and nearby residents were impacted by the release and were taken to the hospital for respiratory treatment. As of August 21, 2003, the ammonia burglars had not been caught...

NC Department of Environment and Natural Resources (NCDENR) Civil Penalties Assessed by the Hazardous Waste Section in 2003

Source: NCDENR, helen.cotton@ncmail.net

After reviewing some of the recent citations issued by the NCDENR, Crandall thought our readers may find them interesting. These violations resulted from planned inspections, as well as complaint inspections.

In February, 2003, a container company in New Hanover County was assessed \$59,500 for failing to make a proper waste determination; failure to mark hazardous waste containers with an accumulation start date; failure to close a hazardous waste container; failure to inspect hazardous waste storage areas on a weekly basis; failure to store hazardous waste in such a manner as to minimize the possibility of an unplanned sudden or non-sudden release; failure to make arrangements with the local police and hospital in the event of an emergency; failure to post emergency information; failure to clean up a hazardous waste spill; and failure to keep a copy of all manifests for three years.

An auto detailing business in Forsyth County was assessed \$90,000 on March 24, 2003 for failure to obtain an EPA identification number prior to transporting hazardous waste; failure to prepare a manifest for the transportation of hazardous waste; failure to obtain a permit for storage of hazardous waste; and failure to adhere to the require-

ments for hazardous waste generators.

A container company in Mecklenberg County was fined \$72,000 in March for releasing and/or disposing of hazardous waste on the land in its container processing and storage area.



Photograph Source: Synergy Environmental Solutions Group, 2003.

A chemical manufacturer in Leland, NC was issued several citations in April for failure to close containers, failure to document inspections of waste storage containers, failure to re-train the production manager annually, failure to label containers, failure to provide adequate aisle space between storage drums

and failure to prepare a contingency plan. The company was fined \$47,500.

Two paint suppliers in Guilford County were fined a total of \$136,000 for not making a waste determination, failure to perform and document weekly inspections of containers, storing hazardous waste without an accumulation start date and without the words "Hazardous Waste" on the container, not providing secondary containment around a tank, storing waste longer than 90 days and not providing employee training.

Continued on page 3...

NCDENR Hazardous Waste Section Civil Penalties

(continued from page 2)

Although these citations were issued for conditions that could result in significant pollution of the environment, they are very familiar and may strike some of our readers as “common”. Please utilize your inspection sheets provided by Crandall to document weekly inspections of hazardous waste storage areas. Note that (satellite) drums that are located at the point of generation must be closed, must be labeled and should be bonded and grounded (if flammable liquid) to dissipate static electricity during transfer. They should also be stored in such a manner to prevent a spill from contaminating soil or water. The location of potential receptors, such as stormwater or sanitary sewer system drains should be considered. Even new and used oil tanks should be inspected routinely to detect overfills, damaged outlets, leaking pipes, etc. If you need more sheets or are unfamiliar with this element of your Compliance Management Program, please contact us at **800-248-4801**, Ext. 213.

EPA's Final Rule Governing Freon and Refrigerant Recover/Recycling in MVACs



EPA's standards for recovery and recycling of Freon and refrigerants used in MVACs include approved equipment and technician training institutions.

Under Section 608 of the Clean Air Act, it is unlawful for anyone to knowingly vent ozone-depleting compounds used as refrigerants into the atmosphere. Effective in 1992, these rules apply to maintenance, service, repair, or disposal of air-conditioning equipment. Additional restrictions were implemented in 1995 prohibiting the release of non-ozone-depleting refrigerants such as HFC-134a into the air under Section 609 of the Act.

To ensure these requirements are met, the EPA has issued standards by which individuals involved in recovery and recycling must comply. First, the EPA requires that recovery and recycling equipment manufactured on or after November 15, 1993, be tested and certified by an EPA-approved organization. Furthermore, reusable Freon and refrigerant cylinders must be tested every 5 years to ensure hydrostatic pressure and detect potential leaks. In addition, the EPA has established a technician certification program

for persons ("technicians") who perform maintenance, service, repair, or disposal that could be reasonably expected to release refrigerants into the atmosphere. Technicians are required to pass an EPA-approved test given by an EPA-approved certifying organization to become certified under the mandatory program.

In this rule, the EPA also describes its intention to grandfather automotive service technicians currently certified under section 608, so that they will not need to be recertified in order to operate recover/recycle equipment designed to service motor vehicle air conditioning (MVAC) systems that use refrigerants other than CFC-12 (for example, Freon-11 and R-134a). Presumably, the ASE and other recognized technician training organizations offer MVAC certification courses. However, please inquire to your dealer representative to ensure these courses meet EPA's rules. Documentation of technician training must also be maintained for anyone who works on MVAC equipment.

Please contact **Crandall** at **800-248-4801** or visit the EPA's website for more information at <http://www.epa.gov/docs/ozone/>

Source: Environmental Protection Agency, *Complying With The Section 608 Refrigerant Recycling Rule.*

Crandall's Offering Regional Compliance Courses

Columbia, SC
*Hazardous
 Materials S&R –*
Nov. 11; 1-5 p.m.

HAZWOPER
Nov. 12; 8-5 p.m.

Charleston, SC
*Hazardous
 Materials S&R –*
Nov. 18; 1-5 p.m.

HAZWOPER
Nov. 19; 8-5 p.m.

Greenville, SC
*Hazardous
 Materials S&R –*
Dec. 2; 1-5 p.m.

HAZWOPER
Dec. 3; 8-5 p.m.

Myrtle Beach, SC
*Hazardous
 Materials S&R –*
Dec. 9; 1-5 p.m.

HAZWOPER
Dec. 10; 8-5 p.m.

In accordance with EPA 40 CFR, 262 and DOT 49 CFR, Parts 172-173, those employees who ship or receive hazardous materials or relinquish hazardous waste for transport must be adequately trained and certified in the safe handling of hazardous materials every 3 years. Additionally and in accordance with OSHA 29 CFR, 1910.120, those employees who work with or around hazardous waste should be trained to detect a release, identify the substance, make appropriate decisions to isolate and evacuate the area and notify emergency personnel/agencies efficiently. This training is intended to provide a general awareness of the potential dangers associated with hazardous substances and hazardous wastes. Crandall provides the necessary awareness level information (per RCRA) during our annual (on-site) employee training classes for CESQGs and SQGs of hazardous waste. However, if you are interested in learning more and/or require 8 hours of annual refresher training to satisfy 24-hour or 40-hour HAZWOPER levels, please contact Crandall at **800-248-4801**. To assist our Compliance Management Program clients in meeting these requirements, Crandall will be offering regional courses in SC. For our customers in other areas, Crandall will provide this training on-site. Please contact your Account Manager for scheduling.

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long-term clean-up of the soil, river and wildlife must continue until the area is restored to its "natural state" (its condition before the spill occurred). Health problems associated with vapor exposure by residents may also result in private legal claims.

Do you still think SPCC Plans are unnecessary for dealerships? Many of the service shops that Crandall frequents have storage capacities of 1,500 – 3,000 gallons. The EPA takes oil pollution very serious and has the authority to regulate *any harmful discharge* of oil into waters of the United States as a violation of the Clean Water Act and the Oil Pollution Act of 1990. So, with this in mind, evaluate your new and used oil storage methods...Are your tanks located outside? Are they situated within secondary containment? How old are the tanks? Are they double-walled? Are there stains present beneath the tanks, indicating the pipes and elbow joints may be leaking? Could rain wash oil off the

property into an adjacent creek or ditch? If your dealership has a storage capacity of 1,320 gallons or more of petroleum, you need to develop a Spill Prevention, Control and Countermeasure (SPCC) Plan. This plan must document routine tank integrity tests, secondary containment measures, security measures, response equipment and employee training. This may be a particular concern for those dealerships in the coastal counties. The Office of Coastal and Resources Management (OCRM) has already visited several dealerships in SC over the summer to review their applicability and compliance with the new SPCC revisions.

If you would like more information about the referenced spill, go to onlineathens.com or visit www.msnbc.com. If you think you need an SPCC Plan developed for your dealership, contact **Crandall** at **800-248-4801, Ext. 213**. We can provide guidance for applicability to the rules and provide you with a quote for preparation and implementation of a Plan.

Crandall

800-248-4801
803-791-4800

www.crandallusa.com

* The Compliance Headliner is written, edited and designed by Crandall Corporation. References used for developing the articles include a variety of private and public resources, including Crandall personnel knowledge and relevant experience.