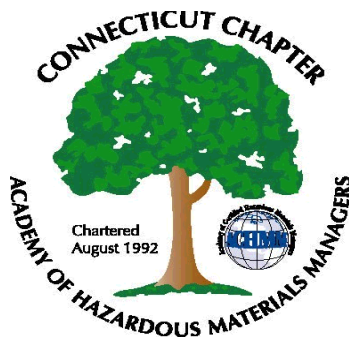


CONNECTICUT ACHMM REGULATORY NEWS UPDATE



A service provided by the Connecticut Academy of Certified Hazardous Materials Managers

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EPA Extends SPCC Compliance Dates to October 31, 2007

EPA published a final rule amending the Spill Prevention, Control, and Countermeasure (SPCC) Rule in the Federal Register on February 17, 2006. This action extends the SPCC compliance dates in §112.3(a), (b), and (c) for all facilities until October 31, 2007.

Under the new §112.3(a), a facility that was in operation on or before August 16, 2002 must make any necessary amendments to its SPCC Plan, and implement that Plan, on or before October 31, 2007. Under the new §112.3(b), a facility that came into operation after August 16, 2002 must also prepare and implement an SPCC Plan on or before October 31, 2007. Finally, under the new §112.3(c), a mobile facility must prepare or amend and implement an SPCC Plan on or before October 31, 2007.

If you have questions or comments about this final action, please call Superfund, EPCRA, RMP and Oil Information hotline at 1-800-424-9346. If the hotline is unable to answer your specific questions, your question will be forwarded to an EPA staff member for a response.

(EPA Website)

Nutmeg State to Cap CO2

Despite the last-minute pullout of Massachusetts and Rhode Island, Connecticut joined six other states in signing the Regional Greenhouse Gas Initiative (RGGI). Along with Delaware, Maine, New Hampshire, New Jersey, New York, and Vermont, the Nutmeg State will embark on the nation's first cap-and-trade program to control carbon dioxide (CO2) emissions from power plants.

The program launch date is January 1, 2009, giving the states time to get legislative and/or regulatory approval. The regional base annual CO2 emissions budget will be equal to 121.3 million short tons. Of that, Connecticut's base annual CO2 budget is 10.7 million short tons. All the states agreed that 25 percent of their allowances will be allocated for consumer benefit or strategic energy purposes. Starting in 2015, the annual allocations will decline by 2.5 percent each year so that the budget for 2018 will be 10 percent below the base budget.

The program allows emissions offsets up to 3.3 percent to be used for compliance. Initial offset types include such actions as landfill gas capture and combustion, sulfur hexafluoride capture and recycling, transition of land from nonforested to forested state, and methane capture from farming operations.

The program also includes measures to control the price of allowances in case there are unanticipated impacts on energy costs.

(BLR Environmental Compliance – Connecticut Edition – February 2006)

Fee Hiked for GPLPE

Facilities that come under the Connecticut DEP's General Permit to Limit the Potential to Emit (GPLPE) will be paying five times more money for the permit. DEP just reissued GPLPE and raised the fee from \$1,000 to \$5,000. The fee is \$2,500 for municipalities.

The GPLPE applies to a source with potential emissions of any regulated air pollutant equal to or greater than the Title V thresholds, but having actual emissions below these thresholds. It enables the owner or operator of the source to cap their potential and actual stationary source emissions at levels lower than the Title V thresholds, thereby eliminating the need for obtaining a Title V permit. The new GPLPE replaces the one issued in 2001.

Eligible activities include, but are not limited to: paint spray booths; metal degreasers; metal plating and surface treatment operations; printing operations; boilers, generators, and other fuel burning equipment; incinerators; stationary internal combustion engines such as diesels and turbines; chemical reactors and mixers; volatile liquid storage; and rock crushing operations; and may include other manufacturing or processing operations.

Registration is required to be submitted and approved in writing by DEP in order for an operation to be authorized under the GPLPE. Annual compliance certifications are due on or before January 30 each year.

(BLR Website)

Lead Safe Work Practices Proposed

EPA recently proposed requirements to reduce lead poisoning hazards during renovation, repair, and painting activities in houses built before 1978. The proposal introduces lead training, certification, and safe work practice requirements for contractors involved in these activities.

The proposed rule would require that renovators are trained in the use of lead safe work practices, that renovators and companies be certified, that providers of renovation training be accredited, and that renovators follow renovation work practice standards.

Some of the proposed work practices include:

- Renovations would be performed by certified companies.
- Certified companies would use certified renovators to perform certain activities and would provide on-the job training for uncertified workers.
- Companies would post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside the work area.
- Before beginning the renovation, the company would isolate the work area so that no visible dust or debris leaves the work area while the renovation is being performed.
- Waste from renovation activities would be contained to prevent releases of dust and debris.

- After the renovation is complete, the company would clean the work area.

Under the proposed rule, firms that perform renovations for compensation would apply to EPA for certification to perform renovations. Firms would have to apply for re-certification every 3 years.

According to EPA, this new program will further its goal to eliminate childhood lead poisoning as a major public health concern by the year 2010.

(BLR Environmental Compliance – Connecticut Edition – March 2006)

OSHA Issues Final Standard on Hexavalent Chromium

The Occupational Safety and Health Administration (OSHA) will publish a final standard for occupational exposure to hexavalent chromium in the Feb. 28, 2006, Federal Register. The standard covers occupational exposure to hexavalent chromium (Cr(VI)) in general industry, construction and shipyards.

"OSHA has worked hard to produce a final standard that substantially reduces the significant health risks for employees exposed to hexavalent chromium. Our new standard protects workers to the extent feasible, while providing employers, especially small employers, adequate time to transition to the new requirements," said Jonathan L. Snare, acting assistant secretary for occupational safety and health.

The new standard lowers OSHA's permissible exposure limit (PEL) for hexavalent chromium, and for all Cr(VI) compounds, from 52 to 5 micrograms of Cr(VI) per cubic meter of air as an 8-hour time-weighted average. The standard also includes provisions relating to preferred methods for controlling exposure, respiratory protection, protective work clothing and equipment, hygiene areas and practices, medical surveillance, hazard communication and recordkeeping.

Hexavalent chromium compounds are widely used in the chemical industry as ingredients and catalysts in pigments, metal plating and chemical synthesis. Cr(VI) can also be produced when welding on stainless steel or Cr(VI)-painted surfaces. The major health effects associated with exposure to Cr(VI) include lung cancer, nasal septum ulcerations and perforations, skin ulcerations, and allergic and irritant contact dermatitis.

Employers are responsible for providing a safe and healthful workplace for their employees. OSHA's role is to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health.

(OSHA Website – February 27, 2006)

Woodbridge First Selectman Named Deputy Commissioner of DEP

Connecticut Department of Environmental Protection (DEP) Commissioner Gina McCarthy announced on March 16, 2006, the appointment of a new Deputy Commissioner for the agency - Amey W. Marrella - a Woodbridge attorney with extensive experience in the environmental field who has served as that town's First Selectman since July, 2001.

As First Selectman, the 46-year-old Marrella has spearheaded several environmental initiatives, including the purchase of open space and the regionalization of the town's sewer system with three other towns.

Prior to being elected First Selectman, Marrella served as an attorney for the US Environmental Protection Agency (EPA). Marrella is also the current Chair of the Connecticut Conference of Municipalities (CCM) Environmental Management Committee. She succeeds Jane K. Stahl who retired as Deputy Commissioner in December. Marrella will begin serving as Deputy Commissioner on April 17.

"I have worked with Amey in her role as First Selectman and I know she will bring her exceptional leadership qualities to the DEP," said Governor M. Jodi Rell. "She has wide experience in environmental issues, serving as a key attorney in the EPA and as Chair of CCM's Environmental Management Committee. DEP is one of our state's most critical agencies and I know Amey and Commissioner McCarthy will make a first-rate team."

"Deputy Commissioner is one of DEP's most important positions and I am thrilled that Amey Marrella has agreed to serve," said Commissioner McCarthy. "She has led the Town of Woodbridge through a variety of environmentally-friendly initiatives. I know she will bring the leadership qualities that served her and the Town of Woodbridge so well to the post of Deputy Commissioner. I have already told her she will need to be ready to 'hit the ground running' and she enthusiastically agrees."

"I am honored that Governor Rell and Commissioner McCarthy have the confidence to entrust to me such a vital position in state government," said Marrella. "As First Selectman I have worked with DEP on a variety of issues and I am aware of the many complex subjects facing the agency. I understand the responsibility that comes with serving as a trustee of the environment for present and future generations of Connecticut residents. I am excited for this opportunity to serve the state I love so dearly and can't wait to begin."

Background on Amey W. Marrella

Currently serving in her third two-year elected term, Marrella is responsible for the day-to-day operations of a town government serving nearly 10,000 residents with an annual budget of approximately \$36 million. Initiatives during her term as First Selectman have included the restoration of the town's infrastructure, regionalization of the sewer system with three other towns, and significant acquisitions of open space.

Prior to being elected First Selectman, Marrella served as an Attorney Advisor for the US EPA, providing counsel supporting EPA's air pollution control efforts and was lead attorney for the final rule promulgating the eight-hour ozone national air quality standard.

From 1989 until joining the EPA in 1995, Marella served as an associate in the Washington, DC firm of Wilmer, Cutler & Pickering, practicing environmental law involving litigation, regulatory, and corporate work covering several environmental statutes.

Marrella holds a bachelor's degree from Williams College in Williamstown, MA and graduated with a law degree from Harvard Law School in 1989.

(CTDEP Website)

CTDEP Issues Soil Preservation Guidance

On January 5, 2006, the Connecticut DEP issued guidance on collecting and preserving soil and sediment samples for laboratory determination of volatile organic compounds. The guidance provides environmental professionals with procedures designed to minimize losses of VOCs from soil samples.

The DEP expects that all soil samples collected in, or for use in, Connecticut for the purpose of laboratory analysis for VOCs on or after March 1, 2006, the effective date of the guidance, be collected and preserved in accordance with the procedures described in this guidance document.

DEP anticipates that the vast majority of data generated before the effective date of this guidance (hereinafter referred to as "old data") will be acceptable without the need for resampling and analysis for VOCs. However, environmental professionals should evaluate the old data in the context of their site-specific conceptual model to determine whether potentially low-biased results for VOCs that may be present in soil at the site would create a significant data gap or whether the possible low bias might result in a potential significant risk to human health. Based on this evaluation, additional investigation and/or remediation may be warranted.

(EPOC Website)

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