



A&WMA

THE AIR AND WASTE MANAGEMENT ASSOCIATION NEWSLETTER
Northern Ohio Chapter

Volume 13 Number 1

May 2001

The basics of Integrated Contingency Plans outlined

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On June 5, 1996, the United States Environmental Protection Agency (USEPA), Department of Transportation, Department of the Interior and the Department of Labor published the National Response Team's Integrated Contingency Plan Guidance in the Federal Register. The intent of the guidance was to facilitate the preparation of Emergency Response Plans by minimizing duplication and simplifying plan development and maintenance.

Integrated Contingency Plans (ICPs) can address many federal regulatory requirements, including Clean Water Act Facility Response Plan Regulations, Oil Pollution Prevention Regulations, RCRA, OSHA's Emergency Action Plan Regulations and HAZWOPER. The ICP guidance provides a sample format for facilities to follow, but does not limit facilities to this format. The ICP guidance provides cross-references for individual regulations that can be covered in the one-plan format.

The sample format provided in the

ICP guidance is divided into three main sections, a plan introduction, the core plan, and a series of annexes that are detailed and contain supporting information. The basis of the sample format is the Incident Command System (ICS), and is intended to make the plan more useful in emergency situations. Ideally, the sample format should lead to the production of an ICP that is easy to use and easy to update.

The introduction

The plan introduction should include a summary facility operations and a physical description of the area, hazards and events that the plan covers. A list of regulations covered by the plan should also be included. The introduction should be brief and concise.

Following the introduction, a Table of Contents is suggested. This table should be simple and easy to follow, as it is intended to be used as a quick reference in emergency situations. It should also include a list of all annexes included in the plan. A current revision date should immediately follow the table of contents.

Lastly, the introduction should contain all relevant facility information, including facility name, owner/operator information, mailing address, key contacts and phone numbers, and facility phone and fax numbers. Information such as SIC Code, EPA ID numbers, UST Registrations etc. should also be included in this section.

The Core Plan

The first section of the core plan should address the procedures to be
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Spring Technical Conference will focus on "One Plan"

Environmental laws affecting air, water and hazardous waste, as well as OSHA and DOT have distinct yet overlapping requirements to prepare contingency plans. Implementation can be troublesome. In an emergency, which plan do you follow? The legal answer is all of them. The practical solution is to combine the plans so that only one plan need be consulted. But how do you do that and avoid missing a requirement of one of the laws? EPA, OSHA and DOT prepared guidance in 1996 to safely consolidate the multiple plans.

On Wednesday afternoon, May 23, the NOC-A&WMA will bring together the collective wisdom of those who have experience with the guidance—a U.S. EPA representative who has reviewed several of these plans, a consultant who will introduce the guidance document via a case study, and a panel of EHS managers who will share their experience, and an E&S manager to present an overview of the underlying plan requirements. As a bonus Ohio EPA will describe its revised Storm Water permit and the new No Exposure Certification.

The conference is at the Martin Center on the University of Akron campus. For more information, contact Bob Perry at (330)761-4485.

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Message from the Chairman

By Dave Marzely

Is this where we thought we'd be?

In my column for the last issue of this newsletter, I described the environmental industry as a mature industry, where issues appear to be more mundane than exciting. I would like to continue this theme in light of my recent and purposeful observations of this metamorphism.

Over the last thirty years, Congress passed new environmental laws, like RCRA, CAA and CWA. U.S. EPA developed vast regulations to implement these laws and environmental managers struggled to keep up. New regulations had to be learned, understood and applied to the industrial process. Management may not have always appreciated the effort, but they were sufficiently motivated by the fear of unknown enforcement to support compliance efforts. State regulatory agents, like the Ohio EPA, were cooperative. They were sincerely more interested in getting the regulated community to comply than to bring enforcement actions, which were reserved for the more egregious offences.

The new laws did not only require that industry practices be modified to fit new standards, but they also required industry to repair the damage to the environment from past practices. Laws, such as CERCLA, the Superfund Law, did not require a proof of fault or

allow a defense of innocence. Owners of property, who had no connection with these past discretions, except that they occurred on the same property, were liable for the full cost of any cleanup. If the owner could find other faultless or faulty potentially responsible parties, they could sue to get them to share the costs. The law didn't care, as long as someone other than the government paid. Of course, the law of unintended consequences set in. Potential buyers of commercial and industrial property did their appropriate inquiry, and too often decided to buy some green field in the outer suburb, generally farmland, rather than risk cleanup costs. The fact that these green fields were located outside polluted urban areas, with less stringent regulations was a plus.

The nature of a mature industry is to reflect on the past events and decide whether we are where we intended to be. It is a time to either tweak the system or overhaul it. Congress probably would like to overhaul the Superfund law, but it never seems to muster the political fortitude to do it. It's a political hot potato. States responded by passing brownfield legislation to encourage reuse of land rather than abandoning it. But attitudes don't change easily. Environmentalists continue to fear that weaker cleanup standards will only delay the inevitable cleanup. Regulators realize that brownfield development requires flexible and innovated solutions, but are stuck with a history of rigid cleanup standards and procedures. Developers have developed some brownfield sites, but mainly are waiting for the legal dust to settle.

The primary emphasis on writing new laws and regulations and issuing permits had an unanticipated consequence. Enforcement, or at least the perception of enforcement, had taken a back seat. Of course, there were major

enforcement actions against major regulated giants. But operating without a valid permit was no big deal. A past Ohio EPA administration had a well-known, albeit unofficial motto of "compliance, not enforcement." Too many of the regulated community read this as "wait until caught."

Companies discovered that when they found that they had old permits that didn't reflect current operations, they could correct the problem without recrimination. All too often management took this laissez faire climate as an opportunity to scale back environmental programs by consolidating the environmental program with other programs. A production manager or a facility manager often was given environmental compliance as well, very often without much training, and more importunately, without time to manage the effort properly. They didn't purposely violate the law, they just didn't expend the effort to know what the law was. The risk of enforcement was too low to take it seriously.

The regulatory climate is changing. The likelihood of enforcement and fines upon discovery of a violation are increasing, spurred mainly by U.S. EPA pressure on state regulators. Reporting obligations built into modern permits increase the likelihood of excursions coming to the attention of regulators. Although with fewer regulatory staff with greater workloads, the likelihood that those outside the system will get caught has probably never been so low. Witness the number of facilities that still do not have storm water permit nine years after the requirement was established. The real victims in such a climate are the companies that comply with the rules. All they ask is a level playing field where all obey the same rules.

Where does that leave the AWMA, especially this chapter? The chapter *Continued on page 3*

FROM THE EDITOR

The Northern Ohio Chapter Newsletter is published semiannually for members of the A&WMA. Laura Lyden, newsletter editor, may be contacted at (330) 792-9999, lalyden@lydenco.com or TrueNorth Energy, 3711 LeHarps Rd., Youngstown, OH 44515. Membership dues include subscriptions to the newsletter. For membership information contact Cindy Ours at (440)230-1500, or cinder@en.com or H.B. Engineering, 9841 York Alpha Dr., Unit D, North Royalton, OH 44133. The chapter may be contacted at the NOC section heading at www.awma.org.

Integrated Contingency Plans

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taken by individuals discovering a potential incident at the facility. This can include information on how to recognize the problem, basic assessment of the situation, source control and notification procedures. It is recommended that a checklist or flowchart format be employed in this section.

Next, initial response procedures should be detailed. This includes procedures for notifications of facility personnel and response agencies, including federal, state and local officials, establishment of a response management system, and procedures for an initial assessment of the incident. Initial incident assessment should include identification of hazards involved and the resources that could potentially be threatened. Additionally, procedures for mobilization of resources and the implementation of a tactical plan should be included in this section.

Thirdly, a section outlining sustained actions should be included. This should focus on the transition from an initial response to a situation management mode where actions are sustained. This section can be brief and refer to specific annexes included with the plan.

Lastly, termination and follow-up actions need to be included in the core plan. A rough definition of when certain types of emergencies are over can be included in this section, as well as general follow-up procedures. In addition, accident investigation procedures, and required regulatory reporting should be included. Again, annexes should be referenced, where appropriate.

Annexes

The most important annex is the facility and location information. This annex should include facility map(s), drawings, descriptions, layouts and any other pertinent information that can be used by emergency personnel to identify potential hazardous areas of the facility and populations on and off the facility that could be jeopardized during an emergency. It should include quick reference materials that can be used by any level of emergency

responder. It should clearly identify shut-off valves and other safety devices critical in an emergency.

The second annex should focus on emergency notification. This should include internal notification procedures, community notification procedures, federal and state agency notification procedures. It should clearly detail who should be called under each type of circumstance. A call-down list is useful in this section to minimize response time.

The next recommended annex addresses the response management system. It should contain guidance information to support the response team. Ideally, it will include an organizational chart, job descriptions for involved personnel, detail information flow and formation of the unified command system. Incident commander information and operations objectives must also be included in this annex.

This third annex should also include planning information, such as hazard assessment, protection scenarios and natural resource trustee coordination. Additionally, waste management procedures, finance, procurement and administration must be addressed.

Additional annexes covering incident documentation, training exercises, response critique and plan review processes and prevention are recommended in the one-plan guidance. These sections should be specific and address the appropriate regulatory requirements. They can be in tabular form, whenever appropriate and can reference or include specific forms.

The Integrated Contingency Plan Guidance provides a general format that can be customized to the needs of a specific facility. The one-plan format allows for the preparation of a highly useful emergency response plan that will meet the regulatory requirements of USEPA, U.S. Coast Guard, OSHA, and many other federal, state and local agencies.

For more information on ICPs, contact the U.S. Environmental Protection Agency at (202) 260-0030 or visit the EPA's web page at www.epa.gov.

Where we thought...

• Continued

will continue to run its technical seminars and this newsletter to keep you informed of developments in the law and technology. The message is no less important because the industry is mature. We may just have to speak louder to get it heard. Obviously, the more active members we have, the more we can accomplish. In my last column, my call for an on-line forum had nil response. Perhaps, I presented it wrong or we need to wait for more friendly communication technology. Perhaps it was just a bad idea. This time, I encourage you to make your suggestions. Even if you can't help to implement it yourself, maybe we can find someone who would like to bring it out.

Membership is also important. Not all people who manage or participate in environmental programs are members. A production manager who reluctantly accepts the added assignment of environmental management, may not even consider him/herself an environmental professional. We, as members, can encourage them to rethink that attitude. The chapter officers and local volunteers will strive to do their part. We hope that, even if you can't see your way to actively participate, you will appreciate our efforts and help where you can and in your own way.

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NOC-A&WMA

MISSION STATEMENT

The Air & Waste Management Association is a voluntary, cooperative, non-profit organization devoted to air pollution control and waste management. The Northern Ohio Chapter was founded in 1986 to bring together representatives of industry, academics, government, and the public in an atmosphere of free exchange of information. NOC is also sponsoring two student chapters.

New "Multi-Agency" UST Registration Process


Finally, Ohio's Bureau of Underground Storage Tank Regulations (BUSTR), State Emergency Response Commission (SERC) and the Petroleum Underground Storage Tank Release Compensation Board (PUSTRCB) have agreed on a single registration form that will expedite the UST Registration process. The

form was a joint effort of BUSTR and SERC. The form will be completed by the Underground Storage Tank (UST) owner and submitted to BUSTR. Updates will occur automatically as permits, amended registrations or transfers of ownership are submitted by the owner.

This unified form is a relief for all UST owners, particularly those with multiple

facilities. Invoices will be sent by the participating agencies for annual fees. This process will greatly reduce the amount of time and effort involved with the annual registration process.

For more information on the Multi-Agency UST Registration Form, please contact BUSTR at (614) 752-7938.



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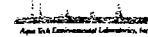
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A Reminder

It is time to elect a new slate of officers for our Northern Ohio A&WMA Chapter. You will find a ballot enclosed with this newsletter. Please do your part and complete the ballot and send it in immediately!

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Upcoming Events

• The AWMA Spring Technical Seminar will take place at the Martin Center, University of Akron on May 23, 2001. The topic of the spring seminar is "Integrating Contingency Plans into 'One Plan.'" For information, phone Bob Perry at (330) 761-4485.

• Youngstown State University will hold its annual Women in Science Day on the YSU Campus on April 28, 2001. The purpose of WIS Day is to introduce girls grades 7-12 to career opportunities in the sciences. Informational questions and answer sessions and labora-

tory demonstrations by women scientists are intended to help to "recruit" more women into science-oriented professions. If you are interested in helping with this event next year, please contact De. Courtenay Willis at (330) 742-3601.

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