

2005 - What's Ahead?

Tracer ES&T is thrilled about the new year! We will be celebrating our 9th year as Tracer ES&T on June 1, 2005. We have a strong and dedicated staff going into our 9th year, which is a good thing, because there are many new environmental and safety issues hitting us this year.

California General Safety Orders

Below are just a few of the recent amendments to the California Code of Regulations, General Safety Orders.

- 8 CCR 5001 & 5008, Signals & Operating Practices: This amendment clarifies that the crane operator should respond to a stop signal given by any person (6/19/04).
- 8 CCR 3212, Floor Openings, Floor Holes, Skylights, and Roofs: Due to the fact that there were 16 fatal falls through skylights or roof openings in CA between 1990 and 2001, stronger measures were necessary. More stringent standards for skylight covers and guardrails were added. In addition, access to "glazed surfaces" (skylights with transparent or translucent materials) must be prohibited unless a CA registered engineer certifies that the surface will support the anticipated load (8/6/04).
- 8 CCR 3657, Elevating Employees with Lift Trucks: Added provisions to clarify that employees are prohibited from sitting, standing or climbing on guardrails or baskets, or using planks, ladders, or other devices to gain elevation (9/26/04).
- 8 CCR 3381, Head Protection: This action updates the requirements to allow the use of additional classes of protective helmets designed to protect against specific impact and electrical resistance

hazards. It also references the latest ANSI standards (10/30/04).

- 8 CCR 3210 & 3212, Guardrails at Elevated Locations / Floor Openings, Floor Holes, Skylights, and Roofs: These sections have been amended to include fall protection requirements specific to ladderway entrances and openings which provide access to or from floor openings or platforms (1/7/05).
- 8 CCR 3380, Personal Protective Devices: This action clarifies that the employer is responsible for ensuring that all personal protective equipment complies with applicable standards and is maintained in a safe, sanitary condition, regardless of whether it is provided by the employer or the employee

Facilities nationwide have been granted an extension for complying with the latest Spill Prevention Control and Countermeasure regulatory requirements until year 2006.

(1/29/05).

Miscellaneous Air and Water Quality Updates

In California, applicable facilities will have their RECLAIM NOx annual allocations reduced starting in Compliance Year 2007 (see RECLAIM article) and will need to comply with stricter storm water discharge permitting requirements once the pending

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2004 - Year In Review

The Tracer ES&Times informs our clients of new changes, updates, or hot topics in the industry. We highlight subject matter we think is useful. Here is a recap of the regulatory events and hot topics that were highlighted in the 2004 issues of the Tracer ES&Times.

Employers Must Use New 2004 OSHA 300 Log Forms

The first feature article of the year dealt with the new OSHA 300 Log Forms. As of January 1, 2004, OSHA required employers to use updated versions of the OSHA 300 Log of Work-Related Injuries and Illnesses forms. If employers had recordkeeping software, they were required to get upgrades to a version with the new forms.

The revisions of the forms didn't change the employer's obligation to record work-related injuries or change the way they are reported. The forms changed by making them more user-friendly. This entailed more descriptive and specific language to help employers fill out the forms with better accuracy. Also what changed was the addition of an occupational hearing loss column (M)(5).

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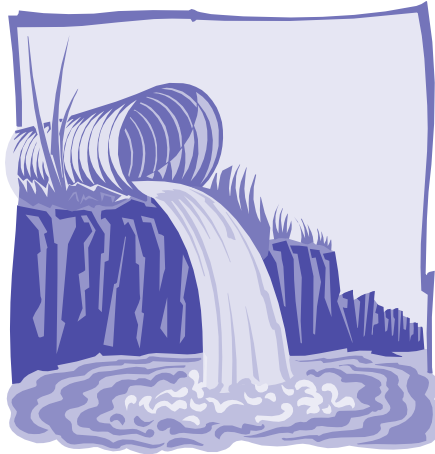
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 regulatory changes are adopted (see California Storm Water article). Also, facilities nationwide have been granted an extension for complying with the latest Spill Prevention Control and Countermeasure (SPCC) regulatory requirements until year 2006 (see SPCC article).

Regarding the Clean Air Act Amendments of 1990 - Title V requirements, there is a senate bill in the works (SB700) that may remove some exemptions given to the agricultural industry. Work with your local Air Pollution Control District to see if your exemption has been revoked.

Wastewater Security Training Funds

Municipal Wastewater Treatment Plant operators at facilities that discharge five million gallons per day or less, will be able to receive training on the use of vulnerability assessment tools, emergency response plan development, and security system upgrades. EPA has allocated \$1 million to state environmental training centers to provide assistance with the following activities:

- Conducting vulnerability assessments using tools and checklists.
- Developing and/or updating emergency response and recovery plans.
- Prioritizing security concerns.
- Locating guidance documents, tools,



and resources for continuing security planning activities.

To date, wastewater treatment plants have not been required by law to conduct a vulnerability assessment; however, there are tools available to assist with the effort. [Reference Assistance www.epa.gov/owm/mab/smcomm/104g/104secur.pdf]

Risk Management Issues – Vulnerability Assessments

Federally, there has been no progress on passing bills designed “to protect human health and the environment from the release of hazardous substances by acts of terrorism”. This would have required all Federal RMP sites to conduct a vulnerability assessment. However, here in California, things are a little different. Contra Costa County is already requiring facilities handling “regulated substances”, that are applicable to the California Accidental Release Prevention (CalARP) Program, to conduct a Security Vulnerability Assessment. Other Certified Unified Program Agencies (CUPAs) have considered this as a requirement, but have not implemented anything

formally; nor has the California Office of Emergency Services mandated that CalARP Program facilities conduct such a study.

Underground Storage Tank Regulations

California Code of Regulations, Title 23, Division 3, Chapter 16, Underground Storage Tanks {State Water Resources Control Board} has been updated to require the following by January 1, 2005:

- Certification by the owner of an underground storage tank (UST) that they understand and are in compliance with all applicable UST requirements. In addition, the owner must identify the designated UST operator(s) and notify the local agency within 30 days if the designated UST operator changes.
- UST operators to pass the California UST System Operator exam administered by the International Code Council (ICC) every 24 months.
- Monthly visual inspections of all UST systems performed by the designated UST operator. The results of each inspection shall be recorded in a monthly inspection report.

General Calendar – 2005

- February 1: Employers are required to post the OSHA Form 300A Injury / Illness Summary Log until April 30, 2005.
- March 1: EPA Tier Two Emergency and Hazardous Chemical Inventory Reports are due to the respective agency.
- July 1: EPA Toxic Release Inventory Report.
- July 1: California Storm Water Annual Report. ✓

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Disaster Mitigation Act of 2000 Update

In accordance with the Disaster Mitigation Act of 2000, the federal government has made \$255 million in disaster mitigation funding available for fiscal year 2005. All eligible local government jurisdictions in California (e.g., wastewater treatment plants) must submit their grant applications to the state Office of Emergency Services by **no later than 11:59 pm PST on February 25, 2005**.

A 'FEMA approved' multi-hazard mitigation plan is required for all proposed mitigation projects. An approved multi-hazard mitigation plan includes an analysis of the range of natural hazards potentially affecting a jurisdiction, actions to mitigate these hazards, and a strategy to implement the mitigation actions highlighted. However, if your local government jurisdiction has not yet developed a mitigation plan, you are still eligible to receive federal funding for the *development* of a mitigation plan.

For more information please contact Desmond O'Sullivan at (760) 744-9611 ext. 118, on how to receive federal funding for the development of your multi-hazard mitigation plan. ✓

RECLAIM Update

On January 7, 2005, the South Coast Air Quality Management District (SCAQMD) adopted changes to the Regional Clean Air Incentives Market (RECLAIM) program that will reduce a facility's annual allocation of NOx credits starting in Compliance Year 2007. These changes will result in an emission reduction of 7.7 tons per day by 2011. Also, the SCAQMD has developed a new application that allows RECLAIM facilities to report their emissions over the Internet using a web browser. Note, the existing method of transmission using a phone line and modem is still available. For more information, please visit www.aqmd.gov/reclaim/index.htm. ✓

Top Federal OSHA Citations in 2003

Standard	# of Violations	\$ Amount
Hazard Communication 1910.1200	5,566	\$1,565,043
Machine Guarding 1910.212	2,950	\$5,328,250
Lockout / Tagout 1910.147	2,893	\$3,681,494
Electrical 1910.305	1,226	\$760,908
Respiratory Protection 1910.134	1,189	\$547,828
Personal Protective Equipment 1910.132	523	\$379,580
Powered Industrial Trucks 1910.178	508	\$448,886
Electrical 1910.303	486	\$633,330

Reference: J.J. Keller & Associates, Inc.

California Storm Water Update

The federal Clean Water Act uses a National Pollutant Discharge Elimination System (NPDES) Permit to regulate storm water discharges from industrial operations. In response, the California State Water Resources Control Board (SWRCB) adopted general industrial permits in 1991 and 1997. The existing 1997 general permit regulates discharges from 10 broad categories of industrial operations and requires development of a Storm Water Pollution Prevention Plan (SWPPP) as well as a monitoring plan (MP). Implementation of the SWPPP ensures that sources of storm water pollution are identified and reduced. The 1997 permit has expired but is being administratively extended until a new permit is adopted.

In 2003, the SWRCB held two public meetings regarding significant changes being proposed to the SWPPP, MP, and group monitoring requirements of the 1997 general industrial permit. The 2003 draft also included the 1999 USEPA requirement that allows for a Conditional Exclusion (CE) from permitting if the facility certifies that it has no exposure of activities or materials to storm water. This will mean that previously exempted "light industry" facilities will need to either apply for permit coverage or submit the CE certification.

After considering comments received on the 2003 draft, the SWRCB held additional public hearings in early 2005 to discuss the latest draft permit. Currently, the most significant revisions to the draft permit include:

- a. minimum Best Management Practices that must be included in the SWPPP by all dischargers;
- b. additional sampling requirements;
- c. corrective actions required whenever exceedances of USEPA benchmark values occur;
- d. one-time comprehensive pollutant scan; and,
- e. conditional exclusion from coverage.

At this time, it is unclear when the final version of the new permit will be adopted or when the new requirements will take effect. For the latest information on storm water compliance in California, please visit the SWRCB's new website at <http://www.waterboards.ca.gov>. ✓

SPCC Plan Deadlines Extended

On July 17, 2002, the USEPA adopted amendments to the federal Spill Prevention Control and Countermeasure (SPCC) regulation. The major changes to the regulation include:

- a. exemptions to eliminate completely buried tanks subject to 40 CFR 280 or 281;
- b. exemptions for containers with a capacity of less than 55 gallons;
- c. eliminating the 660 gallon single container criterion and establishing a greater 1,320 storage threshold; and,
- d. extending the plan review period from three years to five years.

As a result of several lawsuits filed challenging the compliance requirements, the USEPA has extended the SPCC compliance deadlines. Currently, an existing facility has until February 17, 2006 to adopt a plan that meets all of the new SPCC requirements. The facility must then implement the plan as soon as possible but no later than August 18, 2006.

For more information regarding SPCC plans, please visit <http://www.epa.gov/oilspill/spcc.htm> or contact Greg Hauser at (760) 744-9611 x106. ✓

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Due Diligence in Property Transactions-Caveat Emptor?

Almost all property transfers must go through some kind of “due diligence”. This is when the buyer evaluates the condition of the property before making the purchase. For example if it’s a residential property, you may only need to assess the structure for termite damage and whether or not it’s subject to increased earthquake risks. However, if a property (or the surrounding property) has a varied use history, the environmental due diligence should be more extensive.

Environmental due diligence is a critical step in any property transaction. Luckily, as more and more transactions go through the process, a database becomes available for other property transactions making due diligence more and more cost effective. Tracer has staff with extensive due diligence experience. We can help you avoid unpleasant surprises which can come from property transactions that have not had proper due diligence exercised. In conducting due diligence programs for clients, Tracer uses a detailed database approach whereby specific local, county, and federal regulations are cross-referenced with Phase 1 & 2 findings. This analytical approach ensures that no item of concern (relative to environmental compliance) is left unanswered.

Total Federal OSHA Citation Fines in 2003

Each year thousands of citations are handed out by the Federal OSHA. The total Federal OSHA Citation Fines in 2003 was \$17,813,634 (See Summary on Page 3).

Respirator Protection - Do You Have A Plan?

Our last Tracer ES&Times feature article of 2004 discussed respiratory protection in greater detail. In 2003, Federal OSHA’s Respiratory Protection, 1910.134 was one of the most frequently cited and fined section for violations of the general industry training requirements. Respirator protection is very important to ensure the protection of all employees from respiratory hazards through proper selection and use of respirators. Respirators are to be used only where engineering control of respirator hazards is not feasible, while engineering controls are being installed, or in emergencies.



In 2004, OSHA updated Appendix A of the Respiratory Protection Program standard (29 CFR 1910.134) to include a new Qualitative Fit Test Procedure called “Controlled Negative Pressure REDON” protocol. The new protocol required three different test exercises – normal breathing, bending over, and head shaking, along with two respirator re-donnings to check for leakage.

Year in Review - Tracer ES&T

In addition to the many regulatory issues that happened in 2004, Tracer ES&T went through some changes too. In June, John Deacon came aboard to head up Air Quality & Environmental Compliance at our Central Coast office in Santa Maria, California.

John spent the last 20 years working for major and independent oil companies. Most recently he served as the Corporate Manager of Environmental, Safety & Regulatory Compliance (ES&RC) for Nuevo Energy Company. In this capacity he managed all aspects of Nuevo’s ES&RC effort including:

- Permitting, safety, and regulatory compliance for 12 offshore platforms and numerous onshore facilities. In addition, he obtained all permits for a gas reinjection project and a gas processing plant in Santa Barbara County.
- Compliance with OSHA Process Safety Management regulations at 4 oil and gas processing facilities.
- Due diligence for all oil and gas property acquisitions, divestitures and mergers. Last year John oversaw due diligence for transactions in excess of \$121 million. He also coordinated Nuevo’s ES&RC due diligence effort for the recent \$900 million PXP/Nuevo merger.
- Multi-agency Natural Resource Damage Assessments (NRDA). John was the Nuevo NRDA representative for the 1997 Pt. Pedernales spill.

With the addition of John Deacon, some interesting projects were brought to Tracer ES&T, including, but not limited to, the Oak Tree / Figwort Restoration Project in Santa Barbara County for Plains Exploration & Production Company. With this, and several other new projects, Tracer ES&T’s Central Coast office has increased staff with the addition of John Fox, Staff Scientist. We are currently looking for additional staff personnel at that office.

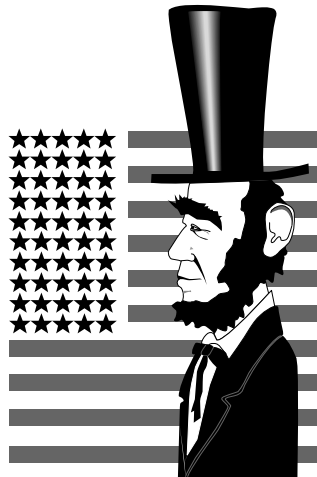
Tracer ES&T’s Risk and Safety Group survived another EPA JUNE 21 DEADLINE for RMP facilities. The EPA Risk Management Programs that were due on June 21, 1999 were due AGAIN on June 21, 2004 for compliance with the five-year update. The group had many late-night dinners together in May & June to meet the deadline for all of our applicable clients. *There were no casualties!!* In fact, we expanded our group with the addition of Anna Levy, a Chemical Engineer from UC San Diego with experience in Fire Protection and Hazardous Materials Business Plan preparation. ✓

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Happy
 Presidents' Day
 on
 February 21st!!!

**Tracer ES&T
 Anniversaries**

Some of the Tracer ES&T staff have been together through several name changes: Tracer Technologies, Team Environmental Services, and now, Tracer ES&T. Our staff is the foundation for this company and we appreciate their effort and dedication.

17 Years	Charles Barney	(2/1/88)
3 Years	Jeanna Emmons	(1/6/02)