

Risk Group Update: RMP*WebRC Expansion

The United States Environmental Protection Agency (EPA) has recently expanded their web tool, RMP*WebRC, to allow additional elements of Risk Management Plans (RMP) to be edited online. The RMP*WebRC tool was created in 2005 to allow facilities to make corrections to the first section of their RMPs without submitting a new RMP diskette.

Any facility that has submitted a complete RMP has been given unique web entry information. The web tool can be used to view and edit additional elements in the Registration section (section one) of the RMP. This allows facilities to make corrections to their RMP without needing to send a new RMP on diskette or CD to the EPA. The elements in the Registration section that can be changed using the web tool include: parent company, latitude/longitude, phone and mailing information, owner/operator, name and identification of person responsible for RMP implementation, emergency contact, Local Emergency Planning Committee, number of employees on site, OSHA, EPCRA and CAA Title V, and RMP preparer.

The web tool cannot be used to change the name or address of the facility, facility identification number, name of the owner or operator, program level or chemical list and quantities, or the Executive Summary. Changes to these elements of the Registration section must still be submitted on diskette or CD with a complete RMP. Changes to sections 2-9 of the RMP must also be submitted on a diskette or CD. It should be noted that it is not necessary to use the web tool to make changes to an RMP; a facility can still submit changes using a diskette or CD at any time. ✓



Welcome to Tracer ES&T's Newest Employee: Bob Shipley



Bob Shipley will be joining Tracer ES&T this summer in opening our new office in the Sacramento, CA region. He brings with him over 25 years of varied experience in the oil and gas industry. Bob's experience includes production, drilling, completion, secondary oil recovery and reservoir engineering. He has worked for both major and independent oil and gas production and exploration companies within domestic and international locations. He has designed programs to improve productivity while enhancing safety systems and the reliability of operations. Most recently, Bob has managed the abandonment and remediation operations for upstream and downstream oil and gas operations within environmentally sensitive areas of Alaska. Tracer ES&T is proud to have Bob on our team. He will be a key player in the company's expansion program. ✓

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Vulnerability Assessments Update: “Chemical Facility Anti-Terrorism Act of 2006”

In our May 2004 newsletter, Tracer ES&T presented an article about two proposed bills designed “to protect human health and the environment from the release of hazardous substances by acts of terrorism.” These bills, both known as the Chemical Facilities Securities Act of 2003, never became law. However, a similar bill designed “to enhance security and protect against terrorist attacks at chemical facilities” was introduced on December 19, 2005 by Senator Susan Collins. An identical bill, referred to as the Chemical Facility Anti-Terrorism Act of 2006, was introduced on March 16, 2006 by Representative Christopher Shays.

The Chemical Facility Anti-Terrorism Act of 2006 authorizes the Department of Homeland Security to establish risk-based criteria to determine which of the nation’s 15,000 privately operated chemical facilities are vulnerable to terrorist attack. Security standards for those facilities would be established, and a facility would be required to pay a fine or shut down if it failed to meet those standards. Chemical plant facilities would be required to conduct vulnerability assessments and create site security and emergency response plans which would then be subject to approval by the Secretary of Homeland Security.

In designating facilities which will be required to comply with the Chemical Facility Anti-Terrorism Act of 2006, the Secretary of Homeland Security will consider the following:

- any facility that is a stationary source (as defined in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2))) for which the owner or operator is required to complete a risk management plan in accordance with section 112(r)(7)(B)(ii) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(ii))
- any other facility that produces, uses, or stores a substance of concern; and,
- any additional facility (including, as of the date of the determination, any facility that is operational and any facility that will become operational in the future) may be designated chemical sources under this Act.

According to Shays, “Chemical facilities are natural terrorist targets and we need to do all we can to improve security at these vulnerable sites. We need to be smart about our approach. The bill we have introduced requires the Department of Homeland to establish measurements to determine which chemical plants are at risk and requires the chemical facilities to conduct risk assessments and create response plans based on those assessments. If they do not do the job to make sure their plant is safe, we would give the Department of Homeland Security the ability to penalize them or shut them down. The bottom line is, if they aren’t safe, they shouldn’t be in business.”

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Do you have questions about an article appearing in Tracer ES&Times? Call us at (760) 744-9611.

There is no timeline set for future action for the proposed legislation. Four hearings were held by the Senate committee last year on chemical security, but further discussion has been set aside to focus on the aftermath of hurricanes Katrina and Rita, as well as the recent controversy over the proposed control of U.S. ports by a Dubai-based company.

Tracer will be following the progress of the Chemical Facility Anti-Terrorism Act of 2006 in upcoming issues of the Tracer ES&Times. ✓

SWPPP Rules Eased for Oil and Gas Industry

On June 12, 2006, the EPA issued final rules and regulations exempting Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities, including construction activities associated with these facilities from regulation under the NPDES permit program (71 FR 33626). The exemption includes all activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not the activities or operations may be considered to be construction activities. States are not allowed to continue to regulate these facilities and activities if the authority is from the Clean Water Act.

Historically, construction activities at oil and gas facilities have been subject to either the general permit or individual permit standards of the NPDES program. Compliance under the general permit program was indicated by submittal of the Notice of Intent (NOI) and frequently required preparation of a Storm Water Pollution Prevention Plan (SWPPP). Upon completion of the construction activities a Notice of Termination (NOT) is filed stating all of the required activities are completed.

The new ruling for oil and gas activities clearly states that construction activities are exempt. Tracer ES&T contacts at the California Water Quality Board have clarified that California does not intend to continue to regulate the previously noticed (via NOI filing or individual permit) construction activities. To remove a facility from the regulatory program it is necessary to file a NOT and indicate this rulemaking as the justification

for the withdrawal. It is not necessary to wait until construction activities are completed or to delay notice of termination for ongoing operations if the facility wishes to withdraw from the regulatory program. Facilities that have oil and gas construction activities or ongoing operations included in a permit should evaluate the permit and contact the issuing authority for specific guidance on withdrawing from the regulatory program.

The rule does not provide exemption or change the responsibility for reporting releases of material from the site that result in the discharge of a ‘reportable quantity’ (RQ) contributes to a violation of a water quality standard. Any release or discharge of a RQ from the project site, including construction activities are required to report the release to the EPA and EPA reserves the authority to require such facilities to obtain a permit. Reportable quantity releases must be immediately reported to the National Response Center and local response agencies.

The introductory text of the revision to the rule also strongly suggests that the oil and gas sector implement appropriate best management practices (BMP) when conducting operations or construction activities to avoid the potential to release a reportable quantity and possibly subject the facility to EPA review to determine if the discharges should be regulated by a permit.

Contact Greg Hauser or Jackie Musgrove for additional information. ✓

Compliance Group Update

Public information regarding facilities regulated by the South Coast Air Quality Management District is now available by using a web based tool called FIND (Facility INFORMATION Detail). FIND displays non-confidential facility information such as:

- Facility Details (facility ID, facility name, address, facility status, SIC code)
- Equipment List (application number, permit status, equipment type, equipment description, application date, application status)
- Compliance (details of any recent notices of violation and/or notices to comply)
- Emissions (annual emission reporting years 2000-2002)
- Hearing Board (hearing board cases from 2003 or later)

To access the FIND system, please visit <http://www.aqmd.gov/webappl/fim/default.htm>. ✓

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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.

Tracer ES&T Anniversaries

10 Years	Jake Tilley	(07/29/96)
6 Years	Paul Schafer	(08/21/00)