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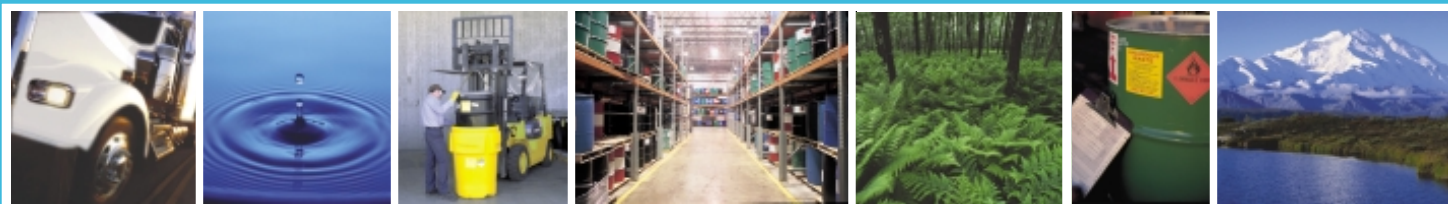
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# JOURNAL OF Environmental Management

## ARIZONA

April / May 2005

Volume 3 Number 2

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COVER PHOTO: BACKGROUND BUILDING: HOUSES ADEQ, PHOENIX; FOREGROUND BUILDING: HISTORIAL PHOENIX HOME.

# From the Editor



One of the great advantages of having so many active environmental associations and organizations in Arizona (at least 12 contribute articles to the Journal Association's Pages) is that there are many conferences and seminars during the year offering training and networking opportunities. Just recently, for example, three organizations

(Arizona Emergency Response Commission, Environmental Professionals of Arizona, and the Thunderbird Chapter of the ACHMM) hosted the Gatekeeper/Regulatory Roundup, and two other organizations, AZ ELM and the Maricopa County Air Quality Department presented the SEED Event 2005. Upcoming events include the Southern Arizona Environmental Management Society's RCRA Reunion Seminar (May 5), and Semiconductor Environmental, Health & Safety Association's 27th Annual Symposium & Expo (May 9-12). So if you can, take advantage of these opportunities!

"WE WANT FEEDBACK!" If you have comments on an article or any part of the Journal, please call either myself or the authors. Contact information is included with almost all articles. Writers really enjoy getting feed-back, so please don't hesitate to call or email. If you would like to contribute an article to the Journal please give me a call (or email jimthrush@cox.net).

As always, thank you to the authors, columnists, advertisers, and readers who contributed to this and all issues of the Journal.

Sincerely,  
Jim Thrush, M.S.

## Journal of Environmental Management Arizona

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## SEED Event 2005

*Symposium for Environmental  
and Economic Dynamics*

**A**Z ELM and the new Maricopa County Air Quality Department jointly presented the SEED Event 2005, a Symposium for Environmental and Economic Dynamics, on February 24th, in Scottsdale, Arizona. Some of the conference session topics included Phoenix's "Big Brown Cloud" and how Rule 310 compliance and the State Implementation Plan (SIP) can affect your business; Environmental Management and the new Arizona Environmental Performance Track; Recycling; Green Building; and more.



Vendor booths and refreshments were available to the participants and the event offered a great chance to network and mingle while sharing a drink at the end of the day.



### *Barbara H. Young* 1961 - 2005

Barbara Helen Young, 43, of Phoenix, Arizona, passed away February 17, 2005 in Phoenix. She is survived, according to the Arizona Republic, by her son David Young; mother Joanne Niemer; sister Karen Walden; and brother Richard Allen. A memorial service was held February 22, 2005, in Tempe. Barbara worked for Univar USA in Phoenix, Arizona. The environmental community in Arizona will remember Barbara fondly, and she will be very missed.

PHOTO: *Courtesy of Univar USA.*





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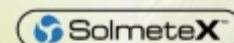
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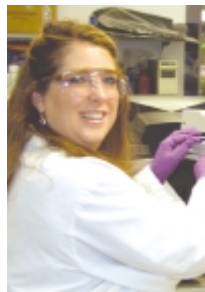
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# news briefs

## Julie Hoskin is now with the ADEQ

❖ Julie Hoskin has moved from Del Mar Analytical to the Arizona Department of Environmental Quality as of January 31, 2005. At ADEQ she will be serving as the Quality Assurance / Quality Control and



Laboratory Services Unit Supervisor. This role involves oversight of the Quality Management System for the Agency as well as interfacing with laboratories that provide analytical

data for ADEQ. Julie can be reached at (602) 771-4866 or hoskin.julie@azdeq.gov.

## Environmental Data Management Expands Nationally

❖ Environmental Data Management (EDM), founded in February 2002, has expanded its operation to support the national roll out of its EMS support services. Driven by the demand for the company's web enabled compliance tool called Comm-Trac™, the company has increased staff

and moved into new office space in Scottsdale. "The company is building on the success with established, local clients and is ready to take our EMS products nationally." Says EDM CEO Walt Bouchard.

## \$43,000 Penalty for New West Materials Air Quality Violation

❖ Arizona Department of Environmental Quality Director Steve Owens and Arizona Attorney General Terry Goddard announced on February 28th that New West Materials, LLC has paid a \$43,000 civil penalty for violations of state air pollution control laws that occurred in 2003 at its Val Vista facility in Mesa.

An ADEQ inspection in November 2003 revealed the facility was operating dust-producing equipment in excess of what was allowed under its state air quality permit. Records also revealed that the facility, permitted to operate 16 hours a day, was operating up to 20 hours a day. Under the terms of a consent agreement between ADEQ and New West, the company has paid a \$43,000 penalty and is implementing a management system to prevent future environmental



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violations at all of its facilities.

"ADEQ has received numerous complaints from residents in the area about excessive dust emissions from the New West facility," ADEQ Director Owens said. "We have required New West to pay a substantial penalty and keep particulate concentrations from the facility at healthful levels to protect the community."

"Air quality has a serious impact on the health and quality of life of our citizens," said Attorney General Goddard. "It is important to make sure that industry is playing by the rules so our air remains healthy. My office will vigorously pursue cases involving air polluters."

The facility is located just south of Arizona Loop 202 freeway near the intersection of Val Vista Drive and East Virginia Street. It has operated as a sand and gravel mining pit with portable rock crushing, screening and hot mix asphalt plant equipment since April 2001.

#### **Acid Spill Shuts Down Part of Downtown Phoenix**

✦ Arizona Department of Environmental Quality Director Steve Owens announced on March 28 that ADEQ has issued a Notice of Violation to LA Chemical, the company responsible for last month's spill of nearly 300 gallons of hydrofluorosilicic acid that shut down part of downtown Phoenix for several hours on February 4 and sent several people to the hospital for treatment.

The spill occurred when a container of hydrofluorosilicic acid leaked inside a semi-truck operated by LA Chemical that was traveling through downtown Phoenix. The acid left a trail on city streets starting at 7th Ave. and Grant Ave. and continuing north over the 7th Ave. Bridge to Monroe St. The truck stopped near 5th Ave. and Madison after the leak was discovered.

Hydrofluorosilicic acid is harmful by ingestion, inhalation, or skin contact. Because of the risk from the spill, the Phoenix Fire and Police Departments closed off the affected area and several surrounding blocks in downtown Phoenix for nearly 12 hours until approximately 10 p.m. to reduce the possibility of exposure and allow for clean-up of the acid. Sixteen people plus the driver were treated at local hospitals for possible exposure to the acid.

"Any spill of dangerous acid is extremely serious," Owens said. "This situation was especially unacceptable because part of downtown Phoenix had to be shut down to deal with it and the health and safety of a number of people were put at risk."

The NOV cites the company for violating the state's hazardous waste law. The company faces a statutory penalty of up to \$25,000 for the violation.

The NOV gives the company 15 days to explain why and how the container of acid failed and provide information to ADEQ on the steps the company took to ensure that the acid

was packaged properly for shipment.

"We intend to hold the company accountable for violating the law, and we want to find out exactly what happened and why," Owens said.

#### **Joe Holmes now at Environmental Data management**

✦ Joe Holmes has taken a new position as the National Director of Sales and Marketing for Environmental Data Management (EDM) headquartered in Scottsdale. In this new role, he will be responsible for the roll out of the firm's EMS support services on a national level and assisting with management of the company's growth. He left his position at Romic Environmental



Technologies where he helped manage the sales effort for over 5 years. He can be reached at (602) 616-9332 or by email at joe.holmes@edm-usa.com.

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*Sustainability and Sustainable Development:*  
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 Brand . . . .  
 . . . . E I E I O"**  
*boy did they ever!*

Nicholas R. Hild, PhD.

**A** while back, I discussed how important it is for "*sustainability*" to become a household brand in today's economy. And, it is true: if we could only figure out how to make "*Sustainability*" a brand that everyone has to have, we could increase our market share and demand for "sustainable" products would grow like weeds in the springtime.

What got me thinking again about "branding" sustainability was the recent news that McDonald's Corporation, the world's largest restaurant company, plans to open 105 new outlets in Russia by the end of 2007. What really got my attention about all this was that back in 1997, the ETM faculty had a grant that required us to travel to Russia and evaluate former missile bases that they had contaminated during the Cold War years. While looking for a place to eat lunch one day, we discovered that the one and only McDonald's restaurant in the whole country at that time was in downtown Moscow on Pushkin's Square, just a couple of blocks from the giant Gum Indoor Mall on Red Square, across from the Kremlin.

That one and only Russian McDonald's was then (and still is) the largest volume hamburger purveyor in the entire McDonald's chain, selling 40,000 burgers a day back then, with only five walk-up cashiers and 7 indoor tables and outdoor seating on a very cold patio for another dozen patrons! Today, it's still the most-visited McDonald's restaurant in the entire McDonald chain. It is also obvious that they are going to be the largest western retail enterprise in all of the former U.S.S.R. and probably already are!

It was hard to understand at the time, but back then, McDonald's advertising signs were seen a thousand miles away in St. Petersburg which didn't even have such a franchise! But, now it makes sense (and dollars and cents!). In the eight years since we were there, they've added 127 outlets in 37 locations throughout the country with the plan now being to add 25 more in 2005, 35 in '06, and 45 more in '07. McDonald's marketing strategy was to make the burger giant a household name, thereby creating brand recognition which would enable opening 100+ new restaurants all around the newly democratic nation when the time was right.

So, whereas in the U.S., McDonald's is fighting a lawsuit by teens in New York claiming the company hid the health risks of Chicken McNuggets and other foods and made them obese, the proliferation of each new (Million-Dollar-Each!) restaurant will see waiting lines full of people who don't know (and wouldn't care if they did) anything about lawsuits. They just want their McDonald's fix. Now, *that's* "branding" and we need to pay attention to how they did it so we can market "sustainability" in a similar manner.

Again, if we could somehow make "sustainability" a *must-have* household brand like McDonald's, just think what the future would be for our children's, children's, children.

Nicholas R. Hild, PhD., Professor, Environmental Technology Management, Arizona State University College of Technology and Applied Sciences, has extensive experience in Environmental Management in the southwestern U.S. Dr. Hild can be reached at 480-727-1309 and by email at DrNick@asu.edu.

# Associations Pages

## Editors note:

Arizona's many environmental associations provide a path for communication and education in the EH&S community. Among other benefits, they provide networking opportunities, educational resources, and keep members informed on professional news and technical advancements. Many of these resources are available to both members and nonmembers, so always look to these associations when you need assistance.

If your organization is not represented here, and you would like it to be, please call us. Being a part of the Associations Pages benefits both the organizations and the readers, most of whom belong at most to a only a few of the organizations, but still would like to keep current on all environmental activities.

Editor

AAI's Webpage:  
[www.azind.org](http://www.azind.org)

## AAI

AAI is pleased to announce its 2005 Air Conference which will be held on June 21st at the Phoenix Country Club. Speakers will include Maricopa County Air Quality Department's new director

Robert Kard along with a number of others addressing a variety of timely topics relating to Air Quality in Arizona. Please mark your calendars for this important conference. AAI will also be holding its 14th annual environmental summit on August 10th through 12th. The 2005 Environmental Summit will be held at the Hilton El Conquistador in Tucson and will consist of a full day of technical presentations and a golf tournament. Contact James Tunnell at 602-252-9415 or Jeff Homer at 480-441-6672 for further information.

Jeff Homer,  
EHS Committee  
Chairman



## ACHMM Thunderbird



### UPCOMING EVENTS:

Regular monthly dinner meetings are held at 6:00 PM on third Wednesdays, with time for social/networking at 5:30 PM. Unless noted otherwise, meetings are held at the Old Spaghetti Factory, 1418 N. Central Ave., Phoenix. Details: [www.thunderbirdchmm.org](http://www.thunderbirdchmm.org)

The 1<sup>st</sup> Annual Gatekeeper Regulatory Round-up, co-sponsored by ACHMM, EPAZ & AZSERC, was a great success! The event was attended by over 200 EHS and Emergency Response professionals. If you missed it, be sure to watch for it next year. If you attended and have ideas for next year, please let us know.

I want to urge you all to consider membership in the ACHMM Thunderbird Chapter. We provide a great source of networking and professional development opportunities for only \$50.00 per year. For those who are members, please remember that the deadline for 2005 dues is April 15<sup>th</sup>. For more info: <http://www.thunderbirdchmm.org/members.htm>

Calendar Items: April 12 – 14, 15: **CHMM Overview Course & Exam**. Details: [www.thunderbirdchmm.org](http://www.thunderbirdchmm.org). April 20, 2005, chapter meeting, 5:30, 6:00 – 7:30, Program: TBA. May 18: chapter meeting, 5:30, 6:00 – 7:30, Program: TBA. June 15: chapter meeting, 5:30, 6:00 – 7:30, Program: TBA.

Chuck Paulausky,  
Vice President



## Valley Forward



VALLEY FORWARD TO HOLD  
SECOND LIVABILITY SUMMIT  
APRIL 13

What are the challenges to ensuring that metropolitan Phoenix is among the most livable places in the country? How do science and politics influence the ability to create healthy communities? Why are integrated solutions imperative to transportation, air quality and land use planning issues?

These are just a few of the questions that will be addressed at Valley Forward's Livability Summit from 7:30 a.m.-3:30 p.m., April 13 at the Phoenix Civic Plaza & Convention Center. The event is open to the public for \$130 per person and includes breakfast and lunch. It will feature a full slate of nationally recognized experts on smart growth and

Diane Brossart,  
President





an interactive Exhibit Hall showcasing more than 50 displays on water management, open space initiatives, transportation and energy alternatives plus much more.

Amory Lovins, chief executive officer of the Rocky Mountain Institute in Snowmass, CO, will deliver the morning keynote address on how to foster the efficient and restorative use of resources to make the world secure, just, prosperous and life-sustaining.

Nationally syndicated columnist Neil Peirce, chairman of The Citistates Group and an expert on metropolitan regions, will deliver the afternoon keynote. He will comment on his 1987 Citistates Reports on the Phoenix area and how he thinks the region is performing today.

Phoenix Mayor Phil Gordon will address summit attendees at the start of their day. In addition, a panel of local experts moderated by Rob Melnick, director of the Morrison Institute for Public Policy, will discuss livability problems and solutions specific to Maricopa County cities and towns.

Featured panelists include: Neil Giuliano, former mayor of Tempe and president and chief executive officer of Valley Achievement; Rita Maguire, president and chief executive officer of ThinkAZ; and Luther Propst, executive director of the Sonoran Institute.



*Barry Westerhausen,  
Sergeant at Arms*

The AESF (American Electroplaters and Surface Finishers Society, Inc.) would like to thank all who attended the Golden West Regional event at the Arizona Golf

Resort and the Greater Arizona Golf Tournament. We will follow up on event in the next article. We would like to encourage anyone interested in metal plating, finishing, cleaning, coating or those interested in environmental issues to attend an AESF meeting, your support helps support the metal finishing industry.

Please contact Barry Westerhausen or Mark Thede if you would like more information on becoming a member or attending an AESF event. Barry Westerhausen [bwesterhausen@lachim.com](mailto:bwesterhausen@lachim.com) (480) 206-4107 or Mark Thede [markthede1@cox.net](mailto:markthede1@cox.net) (480) 695-4344.



*Frank Bonillas,  
President*

Mark your calendars now for the May 5, 2005 RCRA Seminar. This year SAEMS will be sponsoring its 15<sup>th</sup> Annual RCRA Seminar, a significant milestone.

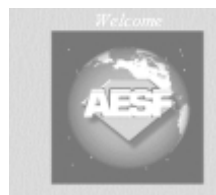
Two tracks will now be offered in the morning sessions – RCRA Basics and RCRA Management. As in previous years both tracks will offer well-versed speakers and comprehensive resource materials. Sponsorship opportunities and booth space are available. For more information, look for the full-page article in this issue of the Journal. Profits from the RCRA seminar benefit environmental education.

Elections for the new SAEMS Board are just around the corner and candidates are now being recruited. Anyone interested in serving on the Board for fiscal year 2005/2006 are encouraged to contact Michelle Freeark, President-Elect. The four open positions are President-Elect, Vice President, Secretary, and Communications Coordinator. New officers serve from June 1, 2005 through May 31, 2006.



For information, call  
(602) 240-2408 or visit  
[www.valleyforward.org](http://www.valleyforward.org).

## AESF



2005 Arizona AESF Speaker  
and Events Line up:

April - Golden West Regional  
1st and 2nd, Golf 3rd

May - Meeting at  
Chemresearch

Summer Break - Baseball Game

September - TBD

## SAEMS



Visit our website at  
[SAEMS.ORG](http://SAEMS.ORG)

SAEMS Monthly LUNCHEON  
MEETINGS HELD ON THE LAST  
WED. OF THE MONTH  
START AT 11:30 A.M. AT

**THE MANNING HOUSE**  
450 W. PASEO REDONDO (N. OF  
CONGRESS ON GRANADA) TUC., AZ

### Luncheon Topics:

**April** : Tucson Water; 2005  
Tucson Water Bonds

**May**: Diana Dehm-Wyman, Halley  
and Alrich; EHS Management  
Systems

## AZ ELM



For Information Visit  
[www.azelm.org](http://www.azelm.org) or call  
Rich Polito at 602-506-5102

## AZ Chapter Semiconductor Environmental Safety & Health Association

For More Information:  
E-mail : [sesha@burkinc.com](mailto:sesha@burkinc.com).

## Arizona Hydrological Society



please visit the AHS web site:  
<http://www.azhydrosoc.org>

The 2005 Symposium for Environmental and Economic Dynamics (SEED) was held on February 24th at the Orange Tree Resort in Scottsdale. Everyone that attended was witness to an informative and entertaining event as well as the presentation of the inaugural "Bill Kicksey Environmental Leadership Award" to Northern Arizona University.

*Richard Polito*



Arizona ELM would like to thank Lori Singleton with SRP and particularly Sandy Werthman with Kitchell Corporation for her work with the Artist who designed the impressive award. These businesses are not motivated by recognition but the truth is that without them, the award would not have been made a reality. We would also like to thank all of our many innovative speakers and attendees. We hope to see everyone back next year for SEED 2006.

The Semiconductor Environmental, Safety & Health Association (SESHA) is again bringing its main educational program to Arizona. The SESHA 27th Annual Symposium & Exposition, May 9-12, 2005, is at the DoubleTree Paradise Valley in Scottsdale. The Symposium and eight Professional Development courses, including an RCRA 8-hour refresher, offer an opportunity to obtain continuing education and certification maintenance points. See our ad on p. 10.

*Tim Jones,  
President*



View complete program and register now at [www.seshaonline.org](http://www.seshaonline.org).  
Want to exhibit? E-mail: [seshaexhibits@comcast.net](mailto:seshaexhibits@comcast.net)

SESHA recently launched an online Career Center to connect members with employment opportunities. Members can post resumes anonymously and create a Personal Job Alert to be notified when a job is posted that matches your search criteria. Employers can post jobs and review all resumes, paying only \$35 to have SESHA connect you with a candidate (if candidate is not interested, employer pays nothing).

AHS is pleased to announce the upcoming 12th Biennial Symposium on Groundwater Recharge. The event will be held in Tucson, Arizona, June 8-11, 2005, at The Inn Suites at Tucson City Center.

*Peter Kroopnick,  
President*



The symposium will begin on Wednesday afternoon with a Recharge Workshop lead by Dr. Herman Bouwer, followed by an evening ice-breaker. Technical presentations and talks will be offered over the next two days covering such diverse topics as salinity and groundwater management, impending shortages on the Colorado River, and innovative approaches to the design and maintenance of recharge facilities. A field trip to local recharge sites is scheduled for Saturday, June 11. For more info., or to register, please visit the AHS website at [www.azhydrosoc.org](http://www.azhydrosoc.org). Remember to check the website to stay abreast of our normal monthly activities as well.





*Ed Collette,  
Secretary*

Our next scheduled meeting will be April 12, 2005 has been scheduled on the second Tuesday of this month at Kino Community Center

at 2805 East Ajo Way in Tucson. Call Edward Collette at (520) 419-5329 for directions or go to our web page: <http://southaz.asse.org>.

The topic will be on Registered Safety Officer® Certification Program. This program focuses on the fundamentals of occupational health and safety and is designed for individuals who have been assigned the responsibilities of managing the day-to-day activities of safety in the workplace. Presenter: Adrian Estes, IBOEHS (520) 825-8559. His next class is scheduled for May 4, 2005 in Tucson

## ***American Society of Safety Engineers***

**For information:**  
visit <http://southaz.asse.org>  
for our local chapter  
or call 520-740-2656

Send Email to:  
[edward.collette@wwwm.pima.gov](mailto:edward.collette@wwwm.pima.gov)



*Rob Barnett,  
Chairman*

AESA has begun development of the Arizona Resource Exchange (AReX). AReX is a web-based material exchange that encourages reuse

and recycling by allowing users to post and search for appropriate materials. The project is being made possible by Waste Reduction Assistance funding from the Arizona Department of Environmental Quality and is the result of a partnership between the Arizona Environmental Strategic Alliance (Alliance), ADEQ and Earth 911. The project is entering the Beta test phase of operation and is looking for participant companies. This is your opportunity to turn your waste material in to a valuable commodity and eliminate disposal costs. Call Barbara Lockwood at (602)250-3361 for additional information on beta test participation.

In addition, AESA has been working with the Environmental Protection Agency, Arizona Department of Environmental Quality, Maricopa County Department of Environmental Services and other agencies to help develop the Arizona Environmental Performance Track program. This voluntary program recognizes and rewards qualifying companies that have an environmental management system and sustained compliance. Some incentives for participation are: reduced inspection frequency, advanced notification of inspection\*, no action for minor violations, consolidation of reporting requirements\*, public recognition, expanded hazardous waste accumulation times and participation in development of new incentives. (\*case by case basis) For additional information, call Henry Darwin (ADEQ) at (602)771-2328.

AESA is always looking for companies that want to be environmental leaders and work in partnership with the regulatory agencies to improve the environment in our state. If your company is interested in applying for membership, please contact Rob Barnett at 602-687-5000.

## ***Arizona Environmental Strategic Alliance***

## EPAZ



**April** - The Luncheon meeting on the 14<sup>th</sup>, will feature Charlie Popeck, from US Green Building Council and his presentation will be regarding Arizona's Green Building Programs. The networking mixer will be held on April 27<sup>th</sup> at George & Dragon (48th Street & Broadway)

**May** - The Luncheon meeting on May 12<sup>th</sup> will feature Taimur Burki, from Intel and his presentation will be regarding Chemical & Waste Management during Fab 12 Conversion. The network mixer on May 25 will be in Chandler. (suggestions appreciated).

**June** - The Luncheon meeting will be held on the 9<sup>th</sup> and networking mixer on 29<sup>th</sup>. Details for these events were not available at the time of publication.

March's EPAZ luncheon meeting featured Jo Crumbaker, Project Manager, Maricopa County Env. Svs Dept, Air Quality Division, and Julie C. Rogers, P.C., Rogers Consulting Services, LLC.

*Eddie Martinez,  
President*



"You Can Make A Difference—Industry Participation in the Regulatory Process." The rule making process for government regulations can be challenging and complex. This presentation explained how that process can be successful from both the government and industry perspectives. Government agencies responsible for regulatory development frequently find that information sources available to them provide less than a complete picture of the scope and impact of proposed requirements. Industry participation and input into the process can provide valuable insights to fill in missing pieces of the picture resulting in more practical, fairer and equitable rules. This presentation briefly described the County's rulemaking process, highlighting what opportunities exist for industry input and where to locate pertinent information.

Several examples of successful interactions and rulemakings were provided to illustrate the importance of industry participation by both large and small businesses.

EPAZ holds monthly luncheon meetings on the 2<sup>nd</sup> Thursday of the month at the Prime Hotel, 44th Street & Van Buren from 11:30 am to 1:00 pm. Cost is \$20 members/\$30 non-members. EPAZ also gathers on the last Wednesday of the month for a casual cocktail mixer. Visit our web site at <http://www.epaz.org> for more details regarding upcoming meetings and our monthly mixer location or contact me at (480) 961-1300 x181.

## US Green Building Council Arizona Chapter



Great news for Green Building in Arizona! On February 11, 2005 Governor Janet Napolitano signed into law Executive Order 2005-05 requiring that all new state buildings achieve a LEED Silver

*Charlie Popeck,  
President*



rating! This important move by the governor has shown her strong environmental commitment to sustainable building construction in the State of Arizona, and will open the door for many new projects to become LEED certified. The Executive Order also has a requirement that all state funded buildings achieve 10% of their energy from a renewable source, and attain minimum energy efficiency standards.

On another positive note, Scottsdale's City Council unanimously passed a request from the city's Green Building committee to adopt the LEED Gold standard for all new city buildings of any size! Congratulations to Scottsdale for their ongoing commitment to sustainable construction.

Green Building within our state is really heating up, so be sure to stay tuned to the U.S. Green Building Council website at [www.usgbc.org](http://www.usgbc.org) for more information as our industry continues to grow in an exponential manner. Please contact me at 602-512-0557 if I can be of any assistance.



*It's All About Chemistry*

## *No MSDS is better than a wrong MSDS*

Larry Olson, PhD.

The title is a quote from Giora Agam of the chemical consulting firm Pi<sub>2</sub>Chem in the February 7, 2005 edition of *Chemical and Engineering News* in a story about the deficiencies of the current system of providing information about hazardous chemicals. It is a daunting task because there may be as many as 650,000 chemicals found in workplaces that are covered by the Hazard Communication Standard. Established in 1983, the HazCom standard requires chemical manufacturers and importers of chemical products into the workplace to provide information about physical and chemical hazards through labels and Material Safety Data Sheets (MSDSs). In just one generation there has been a revolution in practice and expectations from the days when workers routinely handled chemicals without knowing what they were, what kind of toxic effects they might cause, or what type of personal protective equipment might protect them. Yet the system is still seriously flawed.

From the beginning, OSHA was not involved in overseeing the accuracy or organization of Material Safety Data Sheets, making it the responsibility of companies who manufacture or market chemical products. Some companies, who were already voluntarily supplying information on their products, lobbied OSHA not to impose a standard format that would require them to change their procedures. Product liability laws also significantly impact the content of MSDSs as companies try to protect themselves from "failure to warn" lawsuits. Finally, the intended audience for an MSDS varies widely. The information is used not only by workers who are potentially exposed to the chemical, but by companies who might be searching for a less hazardous substitute, and by health and safety professionals, emergency responders, and local emergency planning committees. Multiple documents targeted at each of these users are impractical.

In the early 1990s, the American National Standards Institute (ANSI) developed a 16 part MSDS format, which OSHA endorses, but does not require. Consequently, the quality and reliability of MSDSs can vary widely. The chairwoman of the U.S. Chemical Safety & Hazard Investigation Board told Congress in 2004 that faulty MSDSs contributed to 10 of 19 major accidents that the Board had investigated. One OSHA commissioned study of 150 MSDSs found that accurate data was found in 37% for health effects, 76% for first aid procedures, 47% for personal protective equipment, and 47% for occupational exposure limits. Only 11% of the MSDSs were accurate in all four areas.

So what can be done to improve the situation? In March 2004, OSHA issued a report called *Hazard Communication in the 21<sup>st</sup> Century Workplace* (available on the [osha.gov](http://osha.gov) website) which reviews the past 20 years experience with the Hazard Communication Standard and makes recommendations for updating it. The need for standardization in format and content was recognized. In 2002, the United Nations adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The format for safety data sheets is essentially identical to the 16 section ANSI standard. Adoption of GHS would mean a common labeling and warning system for chemicals in international commerce (a boon for manufacturers) and, hopefully, an improvement in the quality and consistency of the information. However, GHS can't just be adopted by OSHA, but must involve all agencies involved in hazardous chemicals, such as EPA, DOT and the Consumer Products Safety Commission. With regard to the accuracy of information in MSDSs, OSHA is providing additional guidance and assistance to manufacturers and importers and committing itself to an enforcement strategy that includes reviews of MSDSs during an inspection. But the final answer is that all parties – government, producers, and users of hazardous materials – have an important role in improving the quality of hazard communication.

Larry Olson, PhD., Associate Professor, Arizona State University Environmental Technology Management Program. Dr. Olson holds a Ph.D. in Chemistry from the University of Pennsylvania, and is an environmental chemist with interests in remediation technologies and international env. mgmt. He can be reached at 480-727-1499, or by email at [Larry.Olson@asu.edu](mailto:Larry.Olson@asu.edu)



# Organizing Your *SPCC and Stormwater Plans*

Do you want to ensure your facility's compliance with SPCC (Spill Prevention, Control, and Countermeasure) and Storm Water PP Plans? Peter Allard, of GEC-SA&B, offers some valuable guidance.

by Peter F. Allard, P. E., CIH

**S**pill Prevention, Control, and Countermeasure (SPCC) and Storm Water Pollution Prevention Plans (SWPPPs) are required to prevent oil and chemical pollution of the waters of the U. S. Similar rules are also enforced by state and local government. Your facility will need a SPCC Plan if oil storage exceeds threshold quantities, and a SWPPP and related permits if stormwater is exposed to pollutants. For industrial facilities that need multiple plans, it is beneficial to combine the related plans and permits into one document. A method similar to the Integrated Contingency Plan (ICP) process is suggested based on 1) Search and identification of potentially applicable federal, state, and local regulations, 2) Determination of facility eligibility under these regulations, 3) Compilation of facility requirements for each applicable regulation, and 4) Drafting of the combined document.

## Potentially Applicable Regulations

### Federal :

SPCC Plans anywhere in Arizona are under EPA Region 9 jurisdiction. Industries operating on Indian lands under designated Standard Industrial Classification (SIC) codes must obtain a National Pollution Discharge Elimination System (NPDES) Stormwater Multi-Sector General Permit (MSGP) for stormwater discharge, also from Region 9. The MSGP requires eligible facilities having materials exposed to stormwater to prepare a SWPPP, and file a Notice of Intent (NOI) before implementing the SWPPP. If no materials are exposed to stormwater, facilities are required to submit a No Exposure Certification (NEC) for exclusion from permitting. A Notice of Termination (NOT) must be filed when the facility stops discharging, obtains an individual permit, or transfers ownership or responsibility.

### State:

In 2002, Arizona Department of Environmental Quality (ADEQ) was given primacy over NPDES permits on non-Indian land in Arizona, including the stormwater permit programs. ADEQ has revised the EPA MSGP and will issue an AZPDES MSGP in 2005. The ADEQ draft MSGP was generally similar to the EPA year 2000 MSGP, but transferred some EPA allowed non-stormwater discharges from the MSGP to a separate, additional De Minimis General Permit (DMGP), which has raised objections by industrial stakeholders. The public comment period closed on February 11, 2005, so the final ADEQ MSGP may contain changes and may be out when you read this. ADEQ appears to be retaining the EPA requirements for NOI, NEC, and NOI forms with some modification of the EPA timelines.

Cities and towns that have Municipal Separate Storm Sewer Systems (MS4s) have individual or general stormwater discharge permits for their MS4. Large MS4s (population >250,000) in Arizona, including Pima County and the 6 largest cities, have individual permits issued by EPA in 1997 that require investigation of deficiencies of industrial SWPPPs and regulation of industries that discharge to the MS4. ADEQ is redrafting the large MS4 permits for renewal starting in 2005. Small MS4s (population <100,000) are covered under a general permit (SMS4GP) issued by ADEQ in 2002. There were no Medium MS4s in Arizona when cities were classified in 1987.

### Local :

Large MS4s typically have ordinances requiring industrial facilities

that discharge to the MS4 to submit Stormwater Management Plans (SWMPs). The SMS4GP is not as specific for industrial dischargers as the Large MS4 permits, but both types have requirements to reduce discharge of pollutants to the maximum extent possible to protect water quality; establish a program to detect and eliminate illicit discharges; and develop local ordinances to prohibit non-stormwater discharges.

As an example Large MS4 ordinance, Phoenix City Code Chapter 32C, Storm Water Quality Protection, establishes a stormwater discharge permit system requiring permit applicants to prepare and submit SWMPs. Phoenix accepts Stormwater NPDES permits and SPCC Plans as all or part of a SWMP, declares that unauthorized pollution and release of stormwater are a public nuisance, and prohibits interference with City sampling and inspection. Other cities may have similar ordinance requirements.

### **What Rules and Ordinances Apply?**

To combine plans, start with a basic determination of jurisdictions and rules that regulate your facility.

#### **SPCC Plan:**

Needed for oil storage capacity >42,000 gallons buried, or >1320 gallons aboveground, in containers of 55 gallons or greater. These amounts are capacity, not inventory in tanks, and oil is any kind of oil.

#### **Stormwater NPDES Jurisdiction:**

EPA Region 9 on Indian lands, ADEQ elsewhere in Arizona.

#### **SWPPP:**

Needed if stormwater is exposed to pollutant materials. If the facility can justify a no exposure condition, file an NEC with EPA or ADEQ. If there is exposure, see below to check for MSGP eligibility.

#### **MSGP:**

Search the ADEQ or EPA MSGP to see if facility SIC codes are listed for applicable industrial Sectors. Verify that the facility sector and SIC codes accurately describe site activities, including the operations considered to be potential sources of stormwater pollution.

#### **DMGP (Non-Indian Land):**

Search the DMGP for listed facility non-stormwater discharges that require a DMGP.

#### **Discharge to MS4:**

Search the ADEQ listings to determine if the facility has the potential to discharge to a Large or Small MS4. Note that MS4s can be counties, universities, military bases, and ADOT. If discharge to an MS4 is possible, identify local stormwater regulatory requirements.

#### **Large MS4:**

Review the stormwater ordinance to learn the scope of the permit program and other local stormwater regulations.

#### **Small MS4:**

Contact the MS4 to learn the scope of the permit program or other applicable stormwater regulations.

### **Putting It All Together**

Review the applicable regulations in detail and compile the specific requirements for your facility by regulation. You should



inform the agencies of your intent and gain preliminary approval before preparing the combined plan. Draft the document starting with the SPCC Plan or SWPPP. If both an SPCC Plan and SWPPP are needed, combine them in the first draft. If the local MS4 requires a SWMP, ask if the SPCC Plan/SWPPP can serve as the SWMP. If not, then add additional material to satisfy the SWMP. If a DMGP is required, ask ADEQ if the information requirements can be incorporated into the SWPPP. The objective is to satisfy all of the related regulations in one document.

Peter F. Allard, P.E., CIH, of GEC-SA&B, Phoenix, Arizona, is a registered Professional Engineer (Chemical) and a Certified Industrial Hygienist with over 33 years experience on a variety of environmental and chemical consulting projects. Pete can be reached at 602-393-4800, or by email at [pallard@gecab.com](mailto:pallard@gecab.com).



Legal news you can use

# Regulatory Developments

## Common Misconceptions About Spill Reporting Requirements

Michael C. Ford, Attorney



The recent headline making acid spill in downtown Phoenix (“Chemical company cited for acid spill”<sup>1</sup>) provides a useful reminder for those in charge of hazardous chemicals to be prepared for spill reporting requirements.<sup>2</sup> Reporting requirements for accidental spills have numerous sources, and are complex, yet provide easy fodder for potentially high-dollar noncompliance penalties. The purpose behind spill reporting requirements is straight forward: to protect the public in the event of a spill of hazardous substances by quickly providing information to government emergency response agencies to enable them to assist with the response action, if warranted. In general, reporting requirements are triggered if a sufficient quantity (“reportable quantity” or “RQ”) of a designated hazardous substance is released from a facility into the environment. However, a column of this size cannot do justice to the complexities and nuances of even a single spill reporting requirement, so I will instead address three common misconceptions to be aware of.

### Myth No. 1:

*As long as the spill doesn't leave my property, I don't have to report it.* This may be the exception, but it is not the rule. There is an exception under EPCRA's reporting requirements for “any release which results in exposure to persons solely within the site or sites on which a facility is located.”<sup>3</sup> Therefore, releases completely confined to the site boundary would not trigger EPCRA reporting. EPCRA is only one of the major spill reporting requirements, however, and the others do not contain such an exception. For example, under CERCLA, a release that enters the environment may be reportable if a RQ threshold is triggered, regardless of whether the spill leaves the site or not.<sup>4</sup> It is also important to keep in mind, and the “environment” is typically construed broadly, and has even been asserted by EPA, and upheld, to apply to a spill to a concrete roadway, or the temporary loss of control over closed, intact containers of hazardous substances.<sup>5</sup> In other words, it is not necessary that an RQ of a hazardous substance actually come in contact with the water, air, or soil to be reportable.

### Myth #2:

*If I call 911, or notify the fire department, that's all the notice I need to give—they'll notify whatever other agencies need to be notified.* EPA and the courts have consistently rejected the “notice to one is notice to all” argument where different reporting requirements are triggered which specify different entities to receive notice. One release may trigger multiple reporting requirements that require notice by the owner/operator to several different entities.<sup>6</sup> For example, under CERCLA, reports must be made to the National Response Center (“NRC”); under EPCRA, to the state and local emergency response agencies (“SERC” and “LEPC”); and under WQARE, to ADEQ. In some circumstances, a single report can satisfy multiple reporting requirements where the separate requirements designate the same entity to receive notice. For example, one report can satisfy CERCLA and Clean Water Act requirements because both require notice to the NRC. Never assume that the 911 operator or the fire department will make the required notices for you; the obligation is that of the facility owner/operator, not the 911 operator's, or your local fire department's.

*Continued on page 22*

Michael C. Ford is an Attorney with the Phoenix office of Bryan Cave, LLP, practicing environmental and occupational safety law. His practice is focused primarily on regulatory compliance advice and enforcement defense. He can be reached at 602-364-7417, or by email at [mcford@bryancave.com](mailto:mcford@bryancave.com).





For additional information, check out the  
SAEMS website at [www.saems.org](http://www.saems.org) or contact  
Catherine Schladweiler at (520) 629-9982  
([cschladweiler@pirnie.com](mailto:cschladweiler@pirnie.com))

The Southern Arizona Environmental Management Society, Inc.,  
(SAEMS) presents the 15th Annual RCRA Seminar:



## A RCRA Reunion: 15 Years of the Regulatory Rollercoaster

**A one-day seminar on May 5, 2005**

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RCRA Basics**

**Track II:  
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**SAEMS invites you to attend the 2005 RCRA seminar** – an excellent way to keep up with the ever changing regulations and training options, and have a little fun too. This year the seminar offers a two-track format, one for RCRA Basics and one for RCRA Managers. Both tracks offer well-versed speakers and comprehensive resource materials. A certificate of attendance, continental breakfast and gourmet lunch are all included with your registration. What a great way to reunite with your peers.

7:30 - 8:00 Registration  
8:00 - 4:30 Seminar

**BOOTH SPACE AVAILABLE!** To sponsor the seminar or participate as a vendor in the trade show (\$350) or the snack breaks (\$500), contact Monette Greer at (520) 884-3695 or [monette75@yahoo.com](mailto:monette75@yahoo.com)

**Place: Tucson Convention Center, Crystal/Turquoise Ballroom. 260 S. Church Avenue, Tucson, Arizona**

Parking is available in West Lot B / Notify parking attendant that you are with the SAEMS RCRA Seminar

### Seminar Registration

Please type or print clearly. One registration form per person.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### Mail registration with check payable to SAEMS to:

SAEMS/RCRA Seminar PO Box 41433, Tucson, AZ 85717

#### Credit Card payments (Visa, Master Card, or American Express):

Credit Card # \_\_\_\_\_ Expires: \_\_\_\_\_

Fax form to (520) 586-5135, Attn: Michelle Freeark; you must dial the 520 area code.

#### Check appropriate boxes:

☐ TRACK I: RCRA BASICS

☐ TRACK II: RCRA MANAGEMENT

☐ \$110 for SAEMS members

☐ \$120 for non-members

☐ \$150 SAEMS individual membership (\$50) and seminar fee. Ask about corporate rates.

☐ \$350/\$500 for sponsors\*

☐ \$140 for all registrations received after April 16, 2005

Total amount enclosed: \$ \_\_\_\_\_

☐ Check here for vegetarian lunch

\* Sponsor fee covers vendor booth, company logo on sponsor sheet, one attendance fee for RCRA seminar and meals

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## FORD:

### Common Misconceptions About Spill Reporting Requirements

*Continued From Page 20*

#### Myth #3:

*Reporting within 24 hours is quick enough.* The timeframe for providing notice is often "immediately," and this does not mean within 24 hours, 12 hours, or even 2 hours. It means within 15 minutes of the time you knew or should have known that you triggered a release reporting obligation. 24 hours is the applicable timeframe for calculating the amount of a release and whether it exceeds an RQ, but is not the measure of "immediately."

#### Myth #4:

*If I'm too late to report immediately, there's no point in reporting at all.* Even though reporting is not "immediate," making the report will stop the penalty meter. Under EPA's penalty policy, a reports made within 1 hour and 2 hours merit decreasing penalty reductions. For each day the release remains unreported, the policy calls for additional penalties.<sup>7</sup> Therefore, it may be a "better late than never" situation.

Due to the complex and overlapping release reporting requirements that may apply to any given spill, facilities would be well-advised to review the potentially applicable requirements, and to plan their reporting strategy in advance, in order to have a reasonable chance at compliance.

1 *Arizona Republic*, March 30, 2005 (<http://www.azcentral.com/news/articles/0330phxbriefs30.html>).

2 See press release "ADEQ Director Owens Cites Chemical Company for Acid Spill that Shut Down Part of Downtown Phoenix" (March 28, 2005) on ADEQ's website.

3 42 U.S.C. s. 11004(a)(4). EPCRA also defines a "facility" as the entire site upon which structures are located, rather than each individual structure, which is unique, and also supports the position that releases within a site are not EPCRA-reportable.

4 There are numerous other exclusion that may apply and thus should be consulted, such as the controversial and extremely complicated "federally permitted release" exception, which could be the topic of its own, multi-part article.

5 *In re U.S. Leather, Inc.*, 2000 WL 341008 (EPA 2000) (concrete roadway is "land" and "land surface"); *U.S. v. Freter*, 31 F.3d 783 (9th Cir. 1994) (upholding conviction based on abandonment of intact, non-leaking drums in building).

6 See *In re Philip Services Corp.*, 1999 WL 608843 (EPA 1999) (EPA pursued three separate counts for failure to notify NRC, SERC, and LEPC, and rejected argument based on notice to fire department).

7 *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act*, EPA, dated September 30, 1999, pp. 20-23.

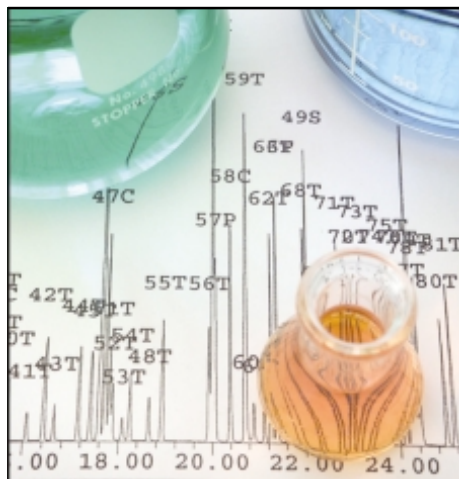




*Vendor booths and refreshments provided an enjoyable break between sessions.*

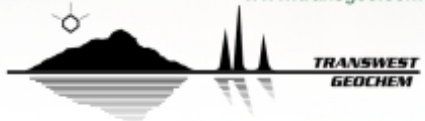
# Gatekeeper Regulatory Roundup

Over two hundred people attended the first annual Gatekeeper Regulatory Roundup 2005 last month. Three environmental organizations combined forces this year to present the Gatekeeper Regulatory Roundup on February 16 and 17, in Scottsdale, Arizona. The Arizona Emergency Response Commission (AZSERC), the Thunderbird Chapter of ACHMM, and the Environmental Professionals of Arizona (EPAZ) along with event sponsors CPSE, McPhee, GEC SA&B, CRA, Del Mar Analytical, and Bryan Cave, were pleased with the large turn-out and overall success of the event. EPAZ, ACHMM, and AZSERC hope to make next year's event bigger and better!



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# PROSPECTING:

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A Salesperson's Job Is never done . . . Maybe it should be!



With this submittal I expose a hidden industry secret. Based on feedback I'm receiving from all of you, I've learned there is a shocking number of closet salespeople among us masquerading as technical folks. Be afraid . . . be very afraid! Your feedback and suggestions continue to intrigue me and make each column easier to write because of topics coming from you. In this issue, we look at how to balance a salesperson's focus on new business with the demands of existing clients.

It may sound like a problem without a great deal of impact. But left unattended, the result can be a well-served client base, but few new prospects because of the salesperson's lack of focus on new business. Also, operations folks might begin relying too heavily on salespeople for client maintenance and may start removing themselves from client interactions.

In most theoretical sales and customer service models, salespeople generate opportunities and close deals and customer service people or project managers deliver. Fact is, products and services are bought and sold based on relationships and salespeople are in the position to develop and nurture those relationships. If the relationship is genuine, which it should be, it's difficult to turn away after the sale and let someone else step in take over all interaction. Wouldn't it be nice to push a button that would download the relationship from the sales person to a project manager? There is a necessary period of transition where the delivery needs support by sales, but when is it time to get back to prospecting? It can be tougher than you might think. Let me say, as frustrating as it might be to have a salesperson 'babysitting' clients, it can be just as bad (or worse) to have a salesperson that closes a deal and 'throws work over the wall' and turns away without any transition at all. Where is the balance?

There is value in the client/salesperson relationship, but greater value in a client relationship with multiple people at different levels in the organization. This can be accomplished by involving operations or customer service early in the business development cycle. The structure of the sales program and the nature of the product has much to do with how appropriate it is to involve others, and how early. For example, a



Joe C. Holmes

*Continued on page 25*



*CRA Open House March 14.*

## CRA Phoenix Hosts Open House Celebrating 10 Years!

CRA Phoenix held an open house on March 14, at their offices on East Cotton Center Blvd in Phoenix. CRA Phoenix celebrated 10 years in the Valley of the Sun providing engineering, environmental, construction, and IT services. CRA can be contacted at 602-749-9400.



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## HOLMES: Prospecting

*continued from page 24*

commission only, product driven program will be less conducive to involving, or needing others. While a service oriented delivery is more important because of the number of people having to work together to successfully deliver. What to do?

- 1) A clear job description can help. If a sales person has clear roles and responsibilities, a manager has a mechanism to keep the new business pursuits on track.
- 2) Give sales and customer service training to technical folks. If they understand what is associated with the sales process, they might be more willing to help out and may appreciate the overall effort.
- 3) Foster a good sales/operations relationship. Have salespeople focus on developing stronger relationships internally so they too can better understand the work dynamics of other departments.
- 4) Team Building is good too. Don't roll your eyes! Sometimes there is value in the dreaded, management-sponsored events. If done right, they can be effective and fun.

The bottom line, is that the relationship with the client is golden and should be preserved and nurtured, but one person should not control the nature of the relationship and a salesperson needs to be comfortable that he/she can walk away from the delivery to focus on other opportunities and know that the client will be comfortable too.

Until next time, keep the email coming and note my new email address.


*Joe C. Holmes is National Director of Sales & Marketing with Environmental Data Management. Joe can be reached by email at [Joe.holmes@edm-usa.com](mailto:Joe.holmes@edm-usa.com).*



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Chandler Haz Mat Unit

*Photo courtesy of John Gardener, Chandler Fire Marshall*

## What's That Smell?

On March 1, 2005 Chandler Fire responded to a call for an ammonia odor in the area of about 6000-7000 West Chandler Blvd. When the emergency response crews arrived they could not determine where the ammonia smell was coming from. They accessed the Electronic Hazardous Materials Inventory Statements of all the business within that area from their in-vehicle mobile data computers and looked at each facility trying to determine which facility might have ammonia on their inventory list. After looking at several facility

inventories it was determined that one did indeed have ammonia listed on their inventory. The Incident Commander scrolled back to main screen and located the emergency contact person from the list and called him at home to inform that there was incident at his facility. The Incident Commander later informed the Fire Prevention Bureau Staff that without the information that was available, he could not imagine how long it would have taken the crews to find the source of the incident. To our knowledge Chandler Fire is the only response agency in the Nation that has provided this information electronically to the first responding crews.

Chandler Fire has been requiring industries within the City to report Hazardous Materials on site since 1989. In 1997 those industries through the suggestion of the Chandler Hazardous Materials Advisory Committee started voluntarily submitting the Chemical Inventory Statements Electronically. In July of 2004 the City Council adopted the 2003 International Fire Code as amended. One of the amendments is to require all facilities within the City to submit Hazardous Materials Inventory Statements in an electronic format. To date there are 218 facilities providing those statements to the Fire Prevention Bureau. The Inventory Statements are reviewed for completeness and accuracy and once they are approved a Fire Code Permit is issued to the facility storing, handling, and/or using Hazardous Chemicals on site.

Article courtesy of Chandler Fire Marshall John Gardner. For more information contact: Fire Marshal John Gardner @ 480-782-2155



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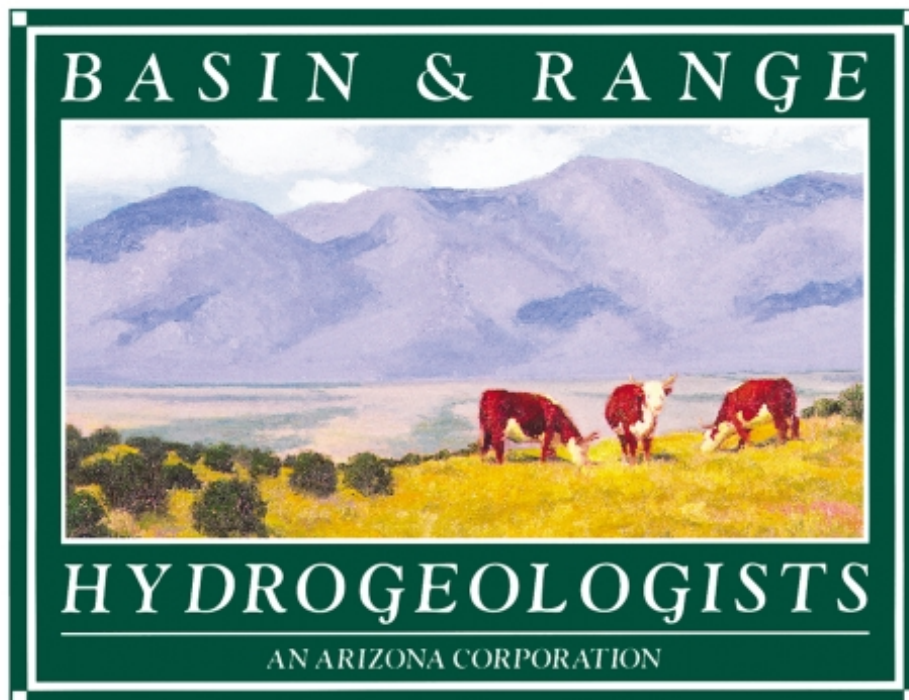
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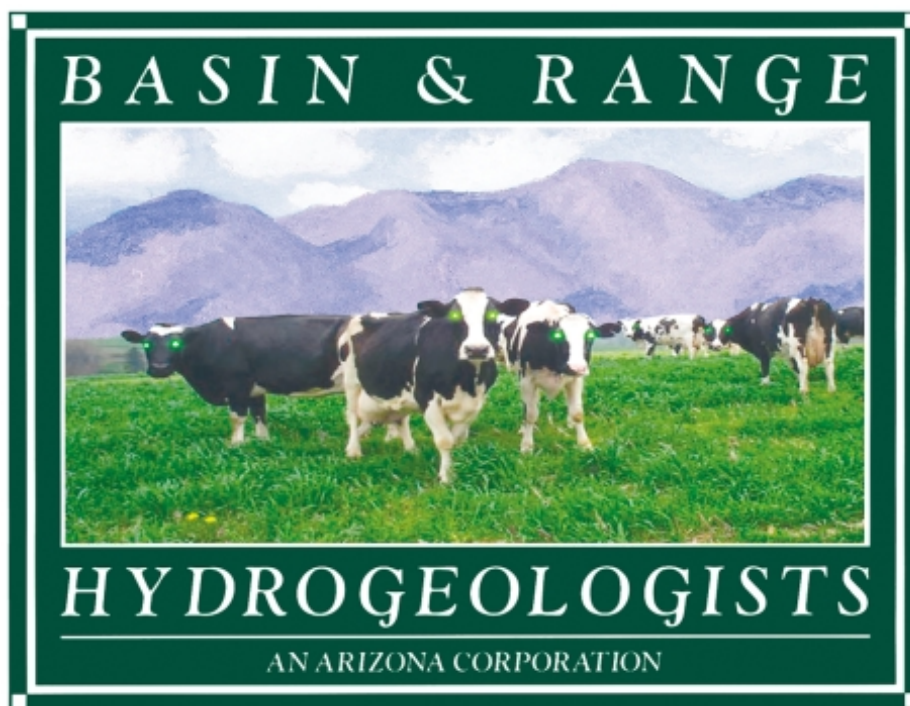
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