

Group Stormwater Permits Target the Majority of SIC Classifications

The North Carolina Department of Environment and Natural Resources (NCDENR), Division of Water Quality (DWQ) has completed revisions on the eighteen general stormwater permits, established under the National Pollutant Discharge Elimination System (NPDES) Program. These permits cover stormwater discharges from industrial sites throughout North Carolina. In light of the above average rainfall over the past few months and predictions by meteorologists for an active hurricane season, now is the time for owners/operators to ensure that their facilities are appropriately covered under the stormwater regulations.

Who Is Affected:

Specific stormwater permit requirements have been developed by group and for the majority of Standard Industrial Classification (SIC) codes, which are assigned according to an industry's primary activity. Since similar industries will have similar sources of pollution which may impact the quality of stormwater runoff, general permits have been developed to target these common pollutant sources for categories of industries with similar SIC codes. Most industrial facilities are covered under the regulation, but some exemptions have been made. If your operation does not already have a Stormwater Permit, and you are unsure whether or not your facility is required to have one under the regulation, please refer to the table on page 2.

What Is Required For Compliance Under Stormwater Regulations?

Each general industry permit is slightly different in its specific requirements. Some require both visual and analytical sampling of stormwater outfalls, while others

have only visual outfall inspection requirements. Though some requirements may differ, all permitted facilities are required to prepare a Stormwater Pollution Prevention Plan (SPPP). A SPPP is a comprehensive, working plan which identifies potential sources of pollution that impact stormwater quality and is focused on the minimization of the effects of these potential sources. The NCDENR requires that the following essential elements be addressed in a SPPP:

- Development of a pollution prevention team to implement and update the plan
- Performance of a thorough assessment of the facility which includes the following items:
 - Inventory and describe exposed materials/ areas of handling which pose potential sources of pollution to stormwater
 - Develop a site map which identifies areas of concern
 - List significant spills and leaks
 - Test for non-stormwater discharges
 - Evaluate monitoring data
 - Summarize pollutant sources and risks

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Facilities Required to Maintain a Stormwater Permit According to SIC Code

General Permit No.	Category Description
*NCG010000	Construction activities disturbing five or more acres.
NCG020000	Mineral Mining Industries (SIC 14); except peat mining, coal mining, metal mining, mining in association with asphalt operations, and oil and gas exploration.
NCG030000	Nonferrous Metals (SIC 335), Fabricated Metal Products (SIC 34), Machinery (SIC 35), Electronic Equipment (SIC36), Transportation Equipment (SIC 37), Measuring and Analyzing Instruments (SIC 38), Wholesale Trade of Metal Waste (portions of SIC 5093)
NCG040000	Timber Products (24); excluding Wood Kitchen Cabinets (SIC 2434), Wood Preserving (SIC 2492), and Logging (SIC 241)
NCG050000	Apparel (SIC23), Printing (SIC 27), Converted Paper and Paperboard (SIC 267), Paperboard Containers (SIC 265, Miscellaneous Manufacturing (SIC 39), Leather and Leather Products (SIC 31), and Rubber (SIC 30); excluding Lather Tanning (SIC 311) and Tires and Inner Tubes (SIC 301)
NCG060000	Food Products (SIC 20), Tobacco Products (SIC 21); Soaps, Detergents, and Toiletries (SIC 284), Drugs (SIC 283), and Public Warehousing/Storage (SIC 4221-4225).
NCG070000	Stone, Clay, Glass and Concrete (SIC 32); excluding Ready-Mixed Concrete (SIC 3273)
NCG080000	Vehicle Maintenance Areas and Public Transit (SIC 41), Motor Freight Transportation (SIC 42) (except 4221-4225), Postal Service (SIC 43), Petroleum Bulk Stations and Terminals (SIC 5191) with storage capacity less than one million gallons. This general permit may also cover discharges from oil/water separators and other vehicle maintenance activities.
NCG090000	Paints, Varnishes and Other Coatings (SIC 285)
NCG100000	Used Motor Vehicle Parts (SIC 5015) and Automobile Wrecking for Scrap (portion of 5093); except metal waste recycling and wholesale trade of non-metal waste and scrap.
NCG110000	Municipal/domestic sewage treatment, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403.
NCG120000	Landfills permitted by the NC Division of Solid Waste Management; except open dumps, hazardous waste disposal sites, and discharges of wastes to waters of the state.
NCG130000	Wholesale trade of non-metal waters and scrap (portion of SIC 5093); excluding wholesale trade of metal waste and scrap, iron and steel scrap, nonferrous metal scrap and automobile wrecking for scrap.
NCG140000	Ready-Mixed Concrete (SIC 3273)
NCG160000	Asphalt Paving Mixtures and Block (SIC 2591)
NCG170000	Textile Mill Products (SIC 22)
NCG180000	Furniture and Fixtures (SIC 25) or Wood Kitchen Cabinets (SIC 2434)
NCG190000	Vehicle maintenance areas at Ship and Boat Building and Repairing facilities (SIC 373) or Marinas (SIC 4493)

**Smaller construction sites of greater than one acre to be impacted by Phase II of the EPA's stormwater program (See article, page 3.)*

Possible Exemptions:

Facilities with the SIC codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225 **that eliminate all of their potential sources** of pollution to stormwater are not required to have a stormwater permit. These facilities are said to meet the **“Category 11” exemption**, and need only submit a letter explaining that all process materials, waste and processes are located such that there is no potential for contact with stormwater. Please be aware that process materials and wastes which may potentially require a Category 11 facility to have a permit **include uncovered loading dock areas, and pallets and empty drums** that are stored outside.

- Identification of Best Management Practice (BMP) improvements for the facility. Minimum BMPs are:
 - Good housekeeping
 - Preventative maintenance
 - Visual inspections
 - Spill prevention and response
 - Sediment and erosion control
 - Management of runoff
 - Employee training
 - Record keeping and reporting
- Implementation of BMPs and employee training
- Evaluation and monitoring:
 - Conduct annual site inspections and BMP evaluation.
 - Conduct record keeping and reporting.
 - Review and revise plan.
- The BMP analysis requires a cost to benefit analysis and justification for those BMPs chosen to be implemented at the facility. An implementation schedule for the chosen BMPs is also required.

If you do not have a permit to discharge stormwater, make sure you do not need one. If you need a permit, submit a Notice of Intent. If you already have a stormwater permit, you should update your SPPP annually to ensure compliance.

When Must SPPP Be Completed?

Stormwater Pollution Prevention Plans are required to be completed one year from the date that the state receives a facility's complete application and issues the Certificate of Coverage under the general permit for the facility. Facilities just starting operation are required to prepare the plans prior to the commencement of discharge (upon submittal of the Notice of Intent).

North Carolina Developing 3 New Stormwater Permits

The North Carolina Division of Water Quality (DWQ) is developing three new general permits, which are in various stages of completion, but are expected to be completed by the end of the year. General Permit No.

NCG15000, which will apply to airports, is in the final stages of draft development. General Permit No. NCG20000, which will apply to the scrap metal recycling industry, has gone through one public comment cycle. The DWQ is preparing its comments. Finally, a new general permit is being developed for the brick manufacturing industry to improve permit condition applicability. (At this time, the industry is covered under General Permit No. NCG070000 for the stone, clay, glass and concrete industry.)

Permit conditions for these new general permits will be similar to the existing permits. The major elements are quantitative and qualitative monitoring and pollution prevention plan preparation and implementation.

Phase II of EPA's Stormwater Program to Impact Smaller Construction Projects

The Environmental Protection Agency (EPA) has proposed Phase II of the National Pollutant Discharge Elimination System (NPDES) stormwater program, adding eighty-four more cities and urbanized counties in North Carolina and *all construction sites larger than one acre* to the list of stormwater sources to be covered under the regulation. The proposal also grants states the authority to require certain construction sites less than one acre to obtain permits and control stormwater runoff. Minimum requirements for stormwater management programs are as follows:

- Public education and outreach
- Public involvement
- Illicit discharge detection and elimination
- Construction site runoff control
- Post-construction stormwater management in new development and redevelopment
- Pollution prevention and good housekeeping at municipal operations

The EPA aims to issue the final rule in March of next year.

Industry Requests Denied in Air Toxics Rule Revisions

The North Carolina Environmental Management Commission (EMC) has recently revised the 1990 state air toxics regulations in response to requests for

compliance exemptions. Rather than exempting industries subject to both state and federal rules from state compliance as requested, the EMC has added a provision which allows five years between re-evaluation of emissions permits for facilities that fall under both federal and state regulations. Furthermore, neither economic hardship, nor technical unfeasibility, will be accepted as justification for exemption from air toxics rules. Additional revisions include:

- Exemption for combustion sources, including boilers, until federal requirements are issued;
- Exemption for businesses posing low risk to public health with regard to air toxics; (Examples include most dry cleaners, fuel oil storage tanks, laboratories, and small saw mills.)
- Preliminary computer modeling for plants, upon request, by the Division of Air Quality for determining the necessary controls for compliance.

The EMC believes its revisions will benefit industry, while continuing to protect public health.

UST Upgrade Deadline Approaching

Owners/operators of Underground Storage Tanks (USTs) remain under federal pressure to comply with regulations regarding the upgrade (installation of leak detection, spill/overfill prevention and corrosion protection), closure or replacement of noncompliant UST systems by December 22, 1998. The upgrade requirements are the last in a long series of federal UST regulations. NCDENR officials promise to enforce the deadline. Failure to comply will result in fines and according to some experts, a reduction in or the elimination of trust fund insurance coverage.

NCDENR Implements RBCA Standards

In addition to the federal UST rules, NCDENR has recently implemented rules regarding leaking USTs, which allow owners/operators to use Risk-Based Corrective Action (RBCA) standards to remediate and close UST sites. The rules create three new categories for leaking UST sites - high, intermediate, and low risk - eliminating the old classifications of "A" through "E." Sites previously classified as A and B priority will initially be placed in the "high risk" category, while the C, D, and E sites will be listed as "low risk" sites. Sites

will be upgraded or downgraded to the "intermediate risk" status based on site-specific determinations provided to the DWQ.

The DWQ may reclassify your former C, D or E site as "intermediate risk" if the source of your release is within 500 feet of surface waters or is in the Coastal Plain Physiographic Province underlain by aquifers utilized for drinking water.

If your site is reclassified as "intermediate risk", the UST owner/operator will be required to perform a Comprehensive Site Assessment (CSA) and submit a report documenting the results. If your site cannot be reclassified as "low risk" following the DWQ's review of the CSA, a Corrective Action Plan (CAP) must be submitted to propose remediation plans.

In the event that your site changes from "intermediate" to "low" risk status, at a minimum you will need to: 1) submit a Soil Cleanup Plan proposing necessary soil remediation, 2) clean up soil that is contaminated above current soil cleanup standards, and 3) submit a Soil Cleanup Report with a Site Closure Request to once again classify your site as "no further action required."

Owners/operators should review the details associated with their sites to ensure compliance. Furthermore, landowners obtaining reimbursement from the State Trust Fund for leaking USTs and any person responsible for the assessment or cleanup of a petroleum UST release should familiarize themselves with the new RBCA rules.

Please refer to "New Risk-Based Assessment and Corrective Action Rules for Petroleum Underground Storage Tanks," EI Alert, Vol. 8, No. 4 for details.

Company Size Not a Factor for RMP Compliance

The applicability of EPA's Risk Management Program (RMP) under the Clean Air Act, Section 112(r) is determined not by company size, but by the type and quantity of regulated substances used by the company. Therefore, large and small companies alike can be affected by the rule. Some regulated chemicals commonly used by small businesses include chlorine, ammonia, and propane. Exceeding 2,500 lbs. of chlorine and 10,000 lbs. of both ammonia and propane requires implementation of the RMP.

Basically, all companies using regulated substances which exceed their corresponding threshold quantities must comply with the rule, which became effective June 20, 1996. In addition, the deadline for developing and implementing the Risk Management Program and submitting the Risk Management Plan is June 21, 1999.

For more information on the Clean Air Act, Section 112(r), see "Prevention of Accidental Releases - A Brief Overview of the New Clean Air Act Rule," EI Alert, Vol. 6, No. 6. Both the EI Alert and a comprehensive list of regulated substances and their corresponding threshold quantities can be found on the Web at www.ei1.com. For further assistance with RMP compliance, please contact EI, Inc. at 1-800-717-3472.

OSHA's CCP Meets Temporary Roadblock

The Occupational Safety & Health Administration's (OSHA) Cooperative Compliance Program (CCP) has been put on hold temporarily by order of the D.C. Court of Appeals in response to the recent suit filed by the U.S. Chamber of Commerce. In the meantime, OSHA plans to implement an alternative targeting system. Charles Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, asserted in a press release on February 27th that "the Court's ruling on February 17, 1998, was not based on the merits of the case, but was instead a *temporary* ruling until the issues could be fully considered."

Regulators are experiencing quite a bit of frustration in light of the recent judicial challenge to CCP. According to Jeffress, over 10,000 employers had joined CCP prior to the Court's ruling, and many have since **expressed the desire to continue in their cooperative efforts** with OSHA to develop and implement effective safety and health programs, regardless of the judgment. Charles Jeffress and OSHA fully believe in the potential of CCP to effect safer workplaces and view CCP as the cornerstone in their efforts to reduce injuries and illnesses nationwide. This latest roadblock is unlikely to stall CCP for long.

Mothers-To-Be Should NOT Fear VDTs

According to an extensive two-part NIOSH study of the effects of video display terminals (VDTs) on reproductive health, women, employers, and VDT manufacturers should no longer be concerned about

reproductive risks previously associated with VDT exposure. The study concludes that working with VDTs (e.g., computer monitors) does not increase the risk for low birth weight or premature birth.

Over 2,400 female telephone operators were interviewed over a 2-year period, 707 of who delivered live babies. Of the 707 pregnant women, 304 worked with VDTs, while 403 did not. In the VDT group, 8.9 percent delivered low birth weight babies, and 7.9 percent delivered prematurely. Of the 403 women who did not work with VDTs, 9.7 percent delivered low birth weight babies, and 11.2 percent delivered prematurely. Little difference was seen in the results between the two groups.

HAZCOM Standard Now User-Friendly

OSHA has recently released a directive that clarifies its **most frequently cited regulation**, the hazard communication (HAZCOM) standard. The directive makes compliance with the HAZCOM standard easier for employers, which allows for better protection of the 32 million employees covered under the regulation. The standard requires employers to maintain a comprehensive program which keeps workers informed about dangerous chemicals through the use of material safety data sheets (MSDSs), substance labeling and employee training.

One area addressed by the HAZCOM directive is the use of **electronic devices for accessing MSDSs**. Employers may provide MSDSs over the internet and through other electronic means as long as the following guidelines are met:

- Workers must be trained in the use of the electronic devices;
- The electronic devices must always be available in the workplace;
- An adequate back-up system for handling power outages and other system failures must be installed;
- The system must be part of the workplace's comprehensive HAZCOM program;
- Hard copies of MSDSs must be available for employees and medical personnel in case of an emergency.

Other requirements of the standard are also updated and clarified in the new OSHA directive. *For information on the development of an "in house" electronic database for MSDS management, contact EI at 1-800-717-3472.*

Lead Hazard Control - What to Expect

The EPA anticipates significant progress in lead hazard control this year. Several TSCA rules have reached the final stages and are expected to be published in the *Federal Register* by June 1.

Rule 403, which establishes criteria for the recognition of lead-based paint hazards, will result in more effective lead hazard management, and the Section 402 User's Fees Administrative Rule, which establishes a fee system for the 402 training and certification program, will ensure that lead-based paint professionals are fully qualified to conduct safe and effective inspections, risk assessments, and lead-based paint abatements. Both rules should go into effect this year.

The proposed rule for the management of **lead abatement debris** transfers compliance requirements from RCRA to TSCA standards for the disposal, storage, reclamation and transportation of **lead-based paint debris as a nonhazardous**, rather than a hazardous material. The rule should result in lower costs for the abatement industry, and thus an increase in lead-based paint abatement activity.

OSHA'S VISIONS FOR 2002 . . .

OSHA has targeted the following goals for the next five years:

- 15% reduction in injuries and illnesses among five high hazard industries - food processing, nursing homes, shipyards, logging and construction;
- 15% reduction in three specific injuries and illnesses - silicosis, amputations and lead poisoning;
- 20% reduction in injury/illness rates in 100,000 workplaces;
- Permanent culture change regarding health and safety in the workplace.

The National Institute for Occupational Safety and Health (NIOSH) has also made lead a top priority. The organization is currently considering recommending a **lower exposure limit for lead** based on new toxicity studies regarding lead exposure. If this advisory does go into effect, OSHA could add lead to its long list of PELs to be lowered.

For a detailed account of North Carolina's and Virginia's lead-based paint hazard management programs, please refer to "Compliance with Lead-Based Paint Rules in North Carolina and Virginia," EI Alert, Vol. 8, No. 2.



2327 Englert Drive, Suite 1
Durham, North Carolina 27713
(919) 544-7500

720 Moorefield Park, Suite 140
Richmond, Virginia 23236
(804) 320-9300
