

Retail Regulations

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Federal Regulations

- OSHA – Occupational Safety & Health Administration
- EPA - Environmental Protection Agency
- DOT - Department of Transportation

Cost of non-compliance

- Health and safety of employees and public
- Decrease in efficiency
- Corporate image - Public Relations
- Fines up to \$27,500 per day
- Criminal penalties

Environmental Laws

- Clean Air Act (CAA)
- Clean water Act (CWA)
- Resource Conservation and Recovery Act (RCRA)
- Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
- Toxic Substances Control Act (TSCA)
- Safe Drinking Water Act (SWDA)
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Superfund amendments (SARA)

CAA – Clean Air Act



Clean Air Act

- Federally enforceable permits (Title V), 100 tons per year emissions (23 Lb/Hr)
- Most retail fertilizer locations are exempt
- Entire site included, perform emission inventory to document exemption
- Pollutant of concern, Particulate Matter
- Typical blender 0.35 pounds per hour
- Some states have permit requirements

Section 112r

Risk Management Plans

- For anhydrous ammonia storage of 10,000 pounds and greater
- Compliance began spring of 1999
- Degadis Model used to define endpoints
- Mechanical integrity requirements for tanks and piping systems
- RMP programs recertified in 2004

Clean Water ACT

- Established NPDES - National Pollutant Discharge Elimination System - permits for point source
- Stormwater permits for SIC codes in 28XX categories (manufacturing)
- Non-point Source Pollution

Stormwater

- Future Multi-sector permits will likely include retail sites (SIC 5191)
- Some states are already beginning this process on their own
- Missouri identifies retail outlets and issues permits
- Maryland has a general stormwater permit
- Florida has BMP program and requires plans and controls if applicable.

Wetlands - Section404



Oil Spill and Contingency

- Spill prevention control and Countermeasures (SPCC) plan.
- Capacity of 660 gallons for single tank or 1320 gallons total site storage
- Detailed plan with training and PE certification
- Containment for petroleum products
- Reauthorization of law begins in 2005

Resource Conservation and Recovery Act (RCRA)

- Generation, storage, treatment and disposal of hazardous waste
- Perform inventory to determine generation rate
- Less than 220 pounds per month exempt from most management requirements
- Still must manifest and dispose of properly

Underground Storage Tanks

- Existing tanks, prior to Dec 22, 1988
- All tanks in compliance by Dec 22 1998
- New UST Standards
- liner with inspections, cathodic protection or both
- piping contacting ground cathodically protected

UST'S Continued

- Spill and overflow protection
- Release detection
- New tank installations must be certified and in compliance immediately
- All tanks must be registered
- Closure of tanks must be reported before and soil tested

Superfund Amendments and Reauthorization Act (SARA)

- One time notifications for EHS storage above Threshold Planning Quantity
- Immediate reporting of releases above the reportable quantity
- MSDS submission to LEPC, SERC & Fire Department
- Tier II reports to LEPC, SERC and FD
- Toxic release reporting (FORM R) for SIC 2875

Security



Security

- Department of Homeland Security
- Security Vulnerability Assessments
- Ammonium Nitrate
- Pesticide Security
- Ammonia Security

OSHA General Duty Clause

Section 5

- A. Each Employer:
- shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees;
- shall comply with occupational safety and health standards promulgated under this Act.
- B. Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OSHA Top 10

- Scaffolding
- Hazardous Communications
- Fall protection
- Lockout/Tagout
- Respiratory Protection
- Electrical Wiring
- Machine Guarding
- Powered Industrial Trucks
- Electrical Systems
- Mechanical Power

What Resources Are Available?

- Consultation program
- OSHA web page : <http://www.osha.gov/>
- OSHA CD-ROM : 202-783-3238
- OSHA Training Institute & Ed Centers
- OSHA hotline : 1-800-321-OSHA
- Safety Associations ASSE, AIHA, NSC
- Trade Associations – Industry Members

OSHA Consultation Program

- No cost, confidential assistance
- On-site assistance with safety, health, ergonomics
- Serious hazard obligation!
- Sometimes there is a backlog
- Focused compliance assistance or comprehensive assistance

DOT – General Requirements

49 CFR Part 390.19,21 and Part 396

- Company must register & obtain DOT # (MCS 150)
- Commercial Motor Vehicle
- Ag Exemption 49 CFR 395.1 (k)
- Security Plans 49 CFR 172.800, Subpart I
- Background Checks
- Farmer exemptions

Success is not final, failure is not fatal: it is the courage to continue that counts.

Winston Churchill

Compliance Strategy

- Develop environmental policy
- Write company standards
- Provide staff resources and field personnel
- Provide training
- Perform compliance audits
- Commit financial resources to correct non-compliance and follow-up



Thanks