



compliance deadlines for 2007

It's that time of the year already — time to file environmental compliance reports and fees. Among those that you may need to be concerned with include:

Due: March 1st

SARA 311 and 312 Tier II Reports

These reports require reporting for storage of chemicals above set thresholds.

2006 Hazardous Waste Reports (Kansas)

All large quantity generators (EPA Generators) must update their site information by completing a Site Info Verification form, complete the Monitoring Fee form and submit the appropriate fees. Fees are based on the amount of waste generated. The two forms, fees and copies of all 2006 hazardous waste shipping manifests must all be submitted to KDHE. Keep copies for a minimum of 3 years.

All small quantity generators (Kansas Generators) must also complete the Site Info Verification form and keep copies for a minimum of 3 years, but their fee is a flat \$100. Conditionally exempt Kansas Generators have no reporting requirements.

Due: April 1st

Air Emission Inventory Reports Class II Facilities

Sources of air emissions (who are classified as Class II facilities) must prepare and file an annual emissions inventory by April 1.

Due: June 1st

Air Emission Inventory Reports Class I Facilities

Major sources of air emissions (who are classified as Class I facilities) must prepare and file an annual emissions inventory by June 1.

Due: July 1st

SARA Title III 313 Form R Report

Facilities which process or otherwise use chemicals in excess of the threshold(s) must file a 313 report.

DOT Registration

Any company which offers for shipment or transports hazardous materials requiring placards is required to register with the Department of Transportation.

Varied Due Dates

Title V Air Permit MACT Certifications

Title V permits and MACT standards require semi-annual compliance certifications. These compliance deadlines can be synchronized.

Wastewater Discharge Certifications

Those who discharge wastewater to municipal wastewater treatment facilities may be required to file semi-annual compliance certifications. Specific requirements vary by municipality.

Hazardous Waste Training

Those who manage hazardous waste are required to have initial hazardous waste (RCRA) training and annual training each year after the initial course. Check your last training date.

DOT and IATA Training

Those who offer hazardous materials for shipment by ground (DOT) or air (IATA) must have retraining. DOT requires training every 3 years, IATA requires training every 2 years and each require retraining if an employee's job duties have changed. Train new hires and those new to shipping duties within 90 days.



managing environmental risks in property and business acquisitions: the new “All Appropriate Inquiry” rule

by Charles Efflandt, Attorney,
Foulston Siefkin Attorneys at Law

Environmental liabilities and environmental risk allocation issues have long been important considerations for purchasers of business assets and other property.

Under the federal Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), owners of contaminated property are strictly liable for cleanup costs, regardless of fault or when the contamination may have occurred.

Defenses to liability are few and difficult to establish. Previously, only “innocent purchasers,” who acquired property with no reason to know of the con-

tamination, could claim a defense to liability. Establishing innocent purchaser status required the owner to prove that adequate “environmental due diligence” was performed prior to acquiring the property to determine the absence of any actual or threatened environmental condition. The nature and extent of the due diligence required, however, was unclear and the defense narrowly construed.

Historically, prospective purchasers have utilized the “Phase I and Phase II” environmental site assessment process as the primary due diligence tool.

Congress subsequently expanded the defenses to CERCLA liability available to prospective purchasers of property. Perhaps the most significant of these is the “bona fide prospective purchaser” (“BFPP”) defense.

A person or entity that can establish BFPP status is not liable under CERCLA for cleanup costs as an owner of contaminated property, *even if they had knowledge of actual or threatened contamination prior to purchase*. The threshold requirement for achieving BFPP status is performance of “all appropriate in-

quiry” (“AAI”) prior to acquiring the property.

On November 1, 2005, EPA issued detailed regulations establishing the standards and practices required for satisfying AAI. The new rule, effective November 1, 2006, states that simply obtaining a traditional Phase I and/or Phase II assessment of property will not be sufficient to achieve BFPP status and the BFPP defenses to liability.

Several of the more significant changes to the traditional Phase I site assessment practices provided in

see “environmental risk”,
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iSi news

iSi moves to a new, larger facility



iSi has moved to a new location, closer to downtown Wichita. The former site of Superior Plumbing Supply, iSi’s new location contains office, warehouse and shop space as well as a full sized training center.

“iSi moved to our new location in order to consolidate our services under one

roof, as well as to accommodate our recent growth company-wide,” said Karma Mason, iSi President, “This move will benefit all iSi departments involved by allowing for direct access of all employees to corporate functions, ease of inter-departmental communication, plus providing a worker-friendly environment. Our clients will benefit for all the same reasons.”

iSi’s building uses open areas, glass “storefront”

offices, unique materials, ample light and modern design to create a unique and inviting place for employees and visitors.

“We are most proud of the work environment we now offer our employees. The building itself has become artwork,” said Mason, “This location is very close to Old Town, which is very nice for our onsite training clients, as well as our own personnel.”

iSi is located at 215 South Laura.



OSHA Names Their Top Lists for 2006

Below is OSHA's top 10 most frequently cited violations and top 10 highest penalty violations for 2006.

Most Frequently Cited Violations:

Note: For some, additional information is provided, obtained from the January 12 meeting of the Wichita Area Construction Safety Group. OSHA Wichita's Dave McDonnell presented this list to the group and for some gave examples of what about the topic has been most cited locally.

1. Scaffolding — General Requirements
2. Hazard Communication
(no training, no PPE, no MSDS sheets on file, not alerting employees of the types of chemicals stored onsite)
3. Fall Protection — General Requirements
(no slide guards)
4. Respiratory Protection
(No training, wrong respirators for the wrong job, making dust masks optional and then not training on the proper use and when to use dust masks, wrong p factor)
5. Lockout/Tagout
6. Powered Industrial Trucks (forklifts)
(missing rollover protection, no seat belts or enforcement of seat belts and lack of training.)
7. Electrical — Wiring
8. Machine Guarding — General Requirements
9. Ladders
10. Electrical — General Requirements

Highest Penalty Violations:

1. Scaffolding — General Requirements, Construction
2. Fall Protection, Construction
3. Machine Guarding — General Requirements, General Industry
4. Excavations — Requirements for Protective Systems, Construction
5. Lockout/Tagout, General Industry
6. Excavations — General Requirements, Construction
7. General Duty Clause
8. Process Safety Management of Highly Hazardous Chemicals
9. Powered Industrial Trucks, General Industry
10. Guarding Floor and Wall Openings and Holes, General Industry

OSHA's 2007 Local Emphasis Programs

OSHA chooses safety topics and industries to target for inspection and compliance emphasis each year. This year's emphasis programs for Kansas-area offices include:

Wichita Area Office

- High Hazard Workplaces Without an OSHA Inspection Since 1995
- Powered Industrial Trucks in General Industry and Construction (Forklifts)
- Oil and Gas
- Amputations
- Falls, Scaffolds and Electrocutions from Overhead Power Lines in Construction
- Silica
- Residential Construction

Kansas City Area Office

- Concrete
- Branson
- Amputations
- Isocyanates (Bed Liners)
- Falls, Scaffolds and Electrocutions from Overhead Power Lines in Construction
- Roadway Work Zone Activities
- Silica in SICS 3281
- Isocyanates/Bed Liners

For the emphasis programs of other area offices, visit OSHA's website at www.osha.gov/dep/local_emphasis_programs.html.

2007 iSi/FHSU training schedule

40 Hr. HAZWOPER

Mar. 26-30, June 4-8, Aug. 27-31, Nov. 5-9

24 Hr. HAZWOPER

Mar. 26-28, June 4-6, Aug. 27-29, Nov. 5-7

HAZWOPER Annual Refresher

Mar. 9, Apr. 27, June 1, July 13, Aug. 17, Sept. 21, Oct. 19, Nov. 16, Dec. 14

Hazardous Waste Management

Mar. 22-23, May 17-18, Aug. 1-2, Oct. 25-26

RCRA Refresher

Mar. 23, May 18, Aug. 2, Oct. 26

Ground Hazardous Materials Transportation (DOT) Awareness

Feb. 28, May 3, July 31, Oct. 4, Dec. 6

Air Hazardous Materials Transportation (IATA) Awareness

May 4, July 30, Dec. 7

Hazcom for Supervisors

Apr. 26, July 12, Sept. 14

Air Permitting 101

Feb. 23, Apr. 20

working safer in cold weather

The Midwest is experiencing a colder and wetter winter than experienced in recent years. Just as working in heat poses health risks, so does working in the cold.

Low temperatures, when combined with wind chills and wetness create a safety and health problem. When the body is unable to warm itself in these conditions, illness and injuries occur.

OSHA has developed a Quick Card to help you learn how to stay safe in cold conditions and what to do if someone becomes ill or hurt because of the cold. Some information found on this card:



To prevent cold stress...

- Know signs/symptoms of cold-related illnesses so you can monitor yourself and your co-workers. Train your co-workers so they can monitor each other as well.
- Layer clothing to better adjust to changing temperatures and wear a hat and gloves. If you'll be in wet weather, wear underwear which will keep water away.
- Take frequent short breaks in warm, dry shelters to allow the body to heat back up.
- Perform work during the warmest part of the day.
- Work in pairs.
- Avoid exhaustion or fatigue to allow that energy to help you keep warm.
- Avoid alcohol and caffeinated drinks such as coffee, tea or hot chocolate. Drink warm, sweet beverages such as sports drinks or sugar water and eat warm, high-calorie foods like hot pasta dishes.
- Workers in poor physical condition, who are older, have a poor diet, take medication or have a history of cardiovascular disease or diabetes are especially at risk.

Two problems which arise from cold temperatures include frostbite and hypothermia. Frostbite is a freezing of deep layers of skin, affecting fingers, hands, toes, feet, ears and the nose. Hypothermia occurs when the normal body temperature drops to or below 95° F and workers exhibit fatigue, drowsiness, clumsy movements, slurred speech, out of the ordinary irritable/irrational/confused behavior and cool bluish skin. For each malady, don't rub the affected area. From there, frostbite and hypothermia each have their own treatment, and they're opposite treatments.

Learn more by downloading OSHA's Quick Card. It's available in both English and Spanish for your employees. http://www.osha.gov/as/opa/cold_weather_prep.html.

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the new AAI rule are as follows:

1. AAI must be conducted or supervised by an "Environmental Professional" ("EP") who possesses specified education, training and experience requirements described in the rule.
2. The EP will be required to review additional governmental records, consider "commonly known or reasonably ascertainable information" concerning the property and conduct more interviews of past owners and operators of the property.
3. The EP must identify and comment upon the significance of data and information gaps impacting his/her ability to identify environmental conditions potentially impacting the property.
4. The requirements for visual inspection of neighboring properties by the EP have been expanded.
5. In addition to the activities that must be performed by the EP, new requirements are placed on the prospective purchaser including searching public records for deed restrictions and environmental liens, evaluation of the prospective purchaser's own specialized knowledge of the property and assessment of the purchase price to the property's fair market in an uncontaminated condition.
6. Under the new rule, AAI must be conducted within one

environmental compliance brief

air toxics standard may change

As an incentive for facilities to reduce their air emissions, EPA is looking at changing their "Once In Always In" policy for major sources of air toxics.

The "Once In Always In" policy says that once a facility crosses over from being an area source to a major source, it would always be subjected to major source regulations, regardless if they became an area source again.

Major sources of toxic air pollutants are facilities

with the potential to emit more than 10 tons of a single toxic pollutant per year or 25 tons per year of a combination of toxic pollutants. All sources under those limits are called area sources.

EPA is considering allowing facilities to become area sources again once their potential to emit falls below major source thresholds. Once an area source again, a permit would be the method of ensuring the facility remains an area source.