Federal & State Legislative/Regulatory Objectives for IHMM

There are several federal regulatory areas where, primarily at EPA but some at OSHA, there is a requirement for a professional engineer to develop or sign-off on a plan of regulatory compliance. There is every reason why a CHMM should be able to do the same, given some degree of requisite experience in the area. IHMM wants your input into these various regulatory areas for potential work with IHMM and others to pursue broadening the professional intervention to include CHMMs.

Our credentials are already recognized by the U.S. Army, the National Park Service, the U.S. Air Force, Department of Veterans Affairs, the FDIC, and the U.S. EPA. We are also working now in Congress through the National Defense Authorization Act to expand recognition within the Department of Defense.

Federal

1. **29 CRF 1910.22, Subpart D**
   All walking and working surfaces must be kept clean and dry. When wet processes are used, drainage must be maintained and kept free of corrosion, leaks, and spills.

https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.22

2. **29 CFR 1910.38, Subpart E**
   The workplace must have an emergency action plan for evacuation and training when an emergency occurs. Examples are fire; toxic chemical releases; hurricanes; tornadoes; blizzards; and floods.

https://www.osha.gov/SLTC/emergencypreparedness/index.html

3. **29 CFR 1910, Subpart H (Hazardous Materials)**
   HAZWOPER is OSHA's health and safety requirements for employees engaged in hazardous waste cleanup, operations involving the treatment, storage, or disposal of hazardous waste, or emergency response when a hazardous waste is released.

https://www.osha.gov/SLTC/emergencypreparedness/hazwoper/index.html
https://www.osha.gov/SLTC/emergencypreparedness/hazwoper/background.html
https://www.osha.gov/html/faq-hazwoper.html

4. **29 CFR 1910, Subpart Z Industrial Hygiene**
   Spills can occur not only from a solid or liquid substance but also the air we breathe. These spills are commonly classified as either particulate or gas and vapor contaminants. The most common particulate contaminants include dust, fumes, mists, aerosols, and fibers. Indoor air quality is covered under 29 CFR, Subpart Z, which outlines the maximum exposure a worker is permitted for a wide range of toxic and hazardous substances.

5. **The Resource Conservation and Recovery Act (RCRA)**
   RCRA is the public law that creates the framework for the proper management of hazardous and non-hazardous solid waste.

The RCRA regulations are contained in title 40 of the Code of Federal Regulations (CFR) parts 239 through 282. The CFR is a collection of all federal regulations codified and enforced by all federal agencies. Title 40 – Protection of the Environment – contains all of the regulations governing EPA's programs.

Title 40 includes standards for proper storage, containment, and management of waste at your facility.

- 40 CFR Part 243 covers standards for storage and collection of non-hazardous waste.
- 40 CFP Part 265 covers standards for treatment, storage (including secondary containment), and disposal of hazardous waste.

The regulations governing hazardous waste identification, classification, generation, management and disposal are found in title 40 CFR parts 260 through 273.

- Part 260 – Hazardous Waste Management System: General
- Part 261 – Identification And Listing Of Hazardous Waste
- Part 262 – Standards Applicable To Generators Of Hazardous Waste
- Part 263 – Standards Applicable To Transporters Of Hazardous Waste
- Part 264 – Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities
- Part 265 – Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities
- Part 266 – Standards For The Management Of Specific Hazardous Wastes And Specific Types Of Hazardous Waste Management Facilities
- Part 267 – Standards For Owners And Operators Of Hazardous Waste Facilities Operating Under A Standardized Permit
- Part 268 – Land Disposal Restrictions
- Part 270 – EPA Administered Permit Programs: The Hazardous Waste Permit Program
- Part 271 – Requirements For Authorization Of State Hazardous Waste Programs
- Part 272 – Approved State Hazardous Waste Management Programs

- Part 273 – Standards For Universal Waste Management

Title 40 of the CFR parts 239 through 259 contains the regulations for solid waste. The requirements for underground storage tanks, which are also regulated under RCRA, are located in title 40 CFR part 280. A list of all solid waste regulations with links to the regulatory text is provided below:

- Part 239 – Requirements For State Permit Program Determination Of Adequacy
- Part 240 – Guidelines For The Thermal Processing Of Solid Wastes
- Part 241 - Solid Wastes Used as Fuels or Ingredients In Combustion Units
- Part 243 – Guidelines For The Storage And Collection Of Residential, Commercial, And Institutional Solid Waste
- Part 246 – Source Separation For Materials Recovery Guidelines
- Part 247 – Comprehensive Procurement Guideline For Products Containing Recovered Materials
- Part 254 – Prior Notice Of Citizen Suits
- Part 255 – Identification Of Regions And Agencies For Solid Waste Management
- Part 256 – Guidelines For Development And Implementation Of State Solid Waste Management Plans
- Part 257 – Criteria For Classification Of Solid Waste Disposal Facilities And Practices
- Part 258 – Criteria For Municipal Solid Waste Landfills

- Part 279 – Standards For The Management Of Used Oil
- Part 280 – Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST)
- Part 281 – Approval Of State Underground Storage Tank Programs
- Part 282 – Approved Underground Storage Tank Programs
- Parts 283 to 299 [Reserved]

6. **EPA Spill Prevention, Control, and Countermeasure rule (SPCC)**
   The purpose of the Spill Prevention, Control, and Countermeasure (SPCC) rule is to help facilities prevent a discharge of oil into navigable waters or adjoining shorelines. The SPCC rule requires facilities to develop, maintain, and implement an oil spill prevention plan, called an SPCC Plan. These Plans help facilities prevent oil spill, and control a spill should one occur.|

Before a facility is subject to the SPCC Rule, it must meet three criteria:

- It must be non-transportation-related;
- it must have an aggregate aboveground storage capacity greater than 1,320 gallons or a completely buried storage capacity greater than 42,000 gallons; and,
- there must be a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines. Every SPCC must be certified by a professional engineer (PE) unless the owner/operator is able to, and chooses to self-certify the plan.

https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/does-spill-prevention-control-and-countermeasure

7. **Local Emergency Planning Committee (LEPC)**
   Under the Emergency Planning and Community Right-to-Know Act (EPCRA), Local Emergency Planning Committees (LEPCs) must develop an emergency response plan, review the plan at least annually, and provide information about chemicals in the community to citizens. Plans are developed by LEPCs with stakeholder participation.

https://www.epa.gov/epcra/local-emergency-planning-committees

State

This spring, working with Mark Bruce at AHMP, we achieved recognition of the CHMM by the Commonwealth of Pennsylvania. There is already similar recognition at the states of New Jersey, Connecticut, Indiana, and New York.

If we developed a template request of other states to gain formal recognition, it would require a leader in each state to work with us and then a grassroots effort of support for the requested recognition.