
CSI NEWS

Celly Services Inc.

Vol. 3 • No. 1 • January 1996

VOC RECLAIM Program Discontinued

In late 1995, dealerships in the South Coast Air Quality Management District (SCAQMD) with a bodyshop received a VOC RECLAIM package from the SCAQMD. The package was sent to all facilities that had VOC discharges in excess of 4 tons/year in 1990 or any subsequent year.

The VOC RECLAIM program required the dealership to **reduce** the amount of VOC emitted to the atmosphere in a phased manner beginning in 1997.

On January 12, 1996, the SCAQMD upon request from the various industry groups, **abandoned the VOC RECLAIM program**. Dealerships with bodyshops will still be subject to Rule 1411, which requires daily recordkeeping of all paints and solvents used at the facility. Also, the dealership will be required to submit the annual emission reporting to the SCAQMD. Dealership should note that the limitation on the emissions from the permitted equipment, e.g. paint booths, will remain in effect as stated in the "Original Permit" issued by the SCAQMD when the equipment was originally permitted.

In Ground Hoists Not Regulated As Underground Tanks

Previously, all in-ground hoists in California were subject to underground storage tank regulations as of January 1, 1996 (See CSI News--January 15, 1995). Effective January 1, 1996, **the state has modified the underground regulations to exclude all in-ground hoists from regulations as an underground tank.**

Trip Reduction Program From Local AQMD Eliminated

In Late 1995, California adopted a new law that would prohibit any district, congestion management agency or any other public agency from requiring an employer to implement an employee trip reduction program unless the program is expressly required by Federal Law. In summary, dealerships are **no longer mandated** to have trip reduction programs but may continue them on a voluntary basis.

New Guidelines for Cleanup of Contaminated Soil and Groundwater

Anyone who has dealt with cleaning up soil or groundwater contamination knows how difficult this procedure can be. This was due to the state and/or the regulating agency enforcing cleanup procedures that require the remediation of **all** contamination (soil or groundwater). The cost associated with this sort of remediation can be astronomical. Consultants and contractors were on the "gravy train" and kept "working" till the last molecule of contamination was removed.

The existing cleanup policy of the state, misapplied and misrepresented in several instances, have now been modified based upon a report from Lawrence Livermore National Laboratory (LLNL) in October 1995 and the enactment of SB1764, the Thompson bill.

The state now recommends active remediation be replaced by monitoring in instance where the contamination impacts low risk groundwater. Low risk groundwater is defined as shallow groundwater with a maximum depth to water of less than 50' and has no drinking water wells within 250' of the source of contamination. State and local regulating agencies have now adopted a "Risk Based Corrective Action" program, rather than removing the last ounce of contamination.

CSI recommends that dealerships with existing soil and/or groundwater contamination problems prepare a risk based model of the contamination, in conformance with the LLNL findings and submit this report to the local regulating agency. Should the local regulating agency disqualify the report, an appeal may be made to the State Water Resource Control Board for final determination. CSI is of the opinion that these new policies reflect sound scientific judgment and may result in quick and inexpensive closure of many contaminated sites.

Contact: For questions or comments regarding the issues discussed above, contact Sam Celly at (562) 704-4000.

CSI NEWS

Celly Services Inc.

Vol. 3 • No. 1 • January 1996

Respirator Usage Requirements

Cal-OSHA has clarified its position on the use of respirators for occupational exposures below permissible exposure limits (PEL) of various contaminants. Essentially all respirator users must have a Respirator Protection Program that meets the requirements of Title 8 California code of Regulations (CCR) Section 5144. The requirements are as follows:

- Written Program
- Hazard Assessment
- Appropriate Selection and Training
- Respirator Fit Testing
- Medical Evaluation by a Physician

Some dealerships are under the impression that usage of paper dust masks in the shop area without a Respirator Protection Program is acceptable. **This is not the case.** Dealership's using paper dust masks must comply with the requirements of 8CCR5114 as listed above. The confusion about using paper dust masks without a proper respiratory protection program was created when Cal-OSHA prepared a letter that gave the keepers in the San Francisco Zoo permission to use disposable dust mask without a Respirator Protection Program to keep animal feces of their faces when cleaning the animal cages!

Fewer Deaths at the Workplace

The number of deaths at the workplace in California for 1994 came down to 601 from the previous high of 657 in 1993. Workplace homicide was sharply lower to 185 from 245 in 1993.

Motor vehicle accidents accounted for the largest number of fatalities at the workplace in 1994, accounting for 222 deaths. The causes of fatalities at the workplace in California are as follows:

- | | |
|----------------------------------|-----|
| • Motor vehicle accidents | 37% |
| • Homicide | 31% |
| • Slip & Falls | 12% |
| • Contact with equipment/objects | 10% |
| • Hazardous Chemical Exposure | 7% |

Ergonomics Standard Stages a Comeback

The California Occupational Safety & Health (OSH) Standards Board proposed a revised ergonomics standard for repetitive injuries in December 1995. While the earlier standard(s), both at the state level and the federal level, were rejected in late 1994, the Boards rejection met judicial review. A court order was issued in mid 1995 to the Board to adopt an Ergonomics Standard. As of January 1996, the Board is seeking public comment which is expected to be substantive and controversial.

The new proposed standard is applicable only to the locations where repetitive motion injuries have actually occurred. Employers are subject to the proposed standard if:

- Repetitive job, process, or operation has been the predominant cause of an injury.
- The injury is musculoskeletal in nature.
- Happened to more than one employee in the last 12 months.

Dealerships, if covered by the standard, will be required to develop and implement an ergonomics program. The Board is required to adopt a standard by December 1996.

Cal-OSHA May Make Fewer Visits & More Fax/Telephone Inquires

In recent years, Cal-OSHA resources have been stretched thin resulting in fewer inspections. Under a pilot program, currently in place, for certain area of the state, Cal-OSHA will be investigating non-formal, serious complaints by faxed letter response and non-formal, nonserious complaints by letter. Dealerships should be prompt in replying to any inquiry from Cal-OSHA. A failure or lack of proper response may result in a formal on-site inspection. Of note, the pilot program requires a random sample of 20% of non-formal, serious complaints to be investigated by follow-up inspection to verify abatement of the complaint hazards.

