



Volume 38

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Seasons Greetings!

As we enter into the holiday season, all of us at the Asmark Institute would like to wish you a Merry Christmas and a safe and prosperous New Year. We appreciate your business and look forward to working with you as we enter the new year!

SPCC Rule Announcement Close

The eagerly-awaited SPCC Rule was expected to be signed by EPA Administrator Johnson this week. A spokesman for EPA reported the announcement would contain a compliance deadline extension for everyone, not just farms as indicated by EPA in the December 2005 proposed rule. There is industry speculation whether the compliance deadline extension applies to everyone or just those facilities in compliance with the 1973 rule. It is anticipated the final rule will exclude farms for now and possibly reduce the requirements for retailers through use of a tiered approach based on storage capacity. A farm-specific rule is expected sometime in 2007. EPA is expected to hold an ag briefing session early next week.

New Decals/Signs Available Online

Twenty four new decals and signs have been added to the Online Catalog at www.asmark.org. Many of the new decals were developed in response to client's request for a better size, material or quality. Several of the new decals were designed to consolidate three marking requirements into one decal. Pictured to the right is an example of the new decal used for diesel fuel tanks. Similar decals are available for propane and gasoline. Other new decals include a special two-piece "Railroad Crossing Decal Set" for vehicles and two new smaller size "Anhydrous Ammonia Transfer Instructions". To check out the new decals, go to www.asmark.org and click on "Products".

Call for Help.....

We have recently been made aware of a possible change in the nutrient analysis of Triple Super Phosphate from 0-46-0 down to 0-45-0. We have been advised the new product with a lower analysis may become the standard product available here in the United States. If you have information on this, we ask that you contact our office. We may need to revise our existing Bin Sign or add one with the new analysis. Your help is greatly appreciated!

PHMSA Corrects HazMat Regulations

The Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule in September of 2005 to revise terminology, definitions, and requirements for consistency with the Hazardous Materials Safety and Security Reauthorization Act of 2005. The amendments included revising the definitions of "hazmat employee" and "hazmat employer;" modifying shipping paper retention requirements; providing a security plan exception for farmers; and replacing the term "exemption" with "special permit." Recently

PHMSA published a new final rule to correct an error and further clarify the original final rule. Based on some recent DOT audit activity, we thought it might be helpful to recap these changes so that you may be better prepared for your next audit.

New Shipping Paper Retention Requirements Became Effective January 2006

As required by the Hazardous Materials Safety and Security Reauthorization Act of 2005, the PHMSA amended its Hazardous Materials Regulations to revise the retention requirements for shipping papers. Beginning January 2006, shippers must retain a copy of the shipping paper for two (2) years after it is provided to the carrier, as opposed to the previously required 375 days. Carriers must retain shipping papers for one year from the date the shipment is received (picked-up) from the shipper. Recent DOT audits have asked to see this documentation. Now would be a good time to review your recordkeeping practices.

Exemptions vs. Special Permits

If you are party to a DOT exemption (now a special permit) for a container or packaging that is permanently marked with the "DOT-E" marking, you may continue to use that marking for the life of the package so long as the terms of the exemption or special permit remains valid. Any package becoming party to a special permit (formerly known as an exemption) after October 1, 2007, must be marked with the "DOT-SP" marking. Shipping papers can be marked with either "DOT-E" or "DOT-SP" prior to October 1, 2007.

Citizen's on Patrol.....EPA's New Environmental Violations Project

Over the past 35 years EPA has not only changed the way our environment looks, but EPA has changed the way individuals look at how his or her own personal actions impact our environment. EPA's Office of Enforcement and Compliance Assurance reports the citizens of this country are seeing themselves as individual stewards of our environment. EPA is committed to assuring compliance with our nation's environmental laws and in carrying out this responsibility, uses many different approaches, including seeking help from citizens. EPA has announced a new tool in their enforcement tool box-- an easy to spot icon on their homepage that provides an effective venue for citizens to report suspected environmental violations. With more than one million visitors per month, EPA anticipates this new tool will enable citizens to continue their efforts to be good environmental stewards of our air, water and land. For more information about this enforcement tool, please click here.

<http://www.epa.gov/compliance/complaints/index.html>

IFCA Expects Anhydrous Ammonia Grant Announcement Soon

The Illinois Department of Agriculture is expected to announce the second round of NH₃ security grant applications next week. In the second round of applications, all anhydrous ammonia dealers in Illinois will be eligible to receive a two-thirds cost share for security upgrades at ammonia facilities. IFCA and IDOA worked hard to acquire the money to make this project a success. The deadline for this second round of applications will be February 1, 2007. If your ammonia facility is located in Illinois and has been a target for ammonia theft, now is the time to take advantage of the grant program and purchase security equipment. A list of acceptable security upgrades and the grant application with instructions is available on the IFCA website at www.ifca.com.

Electronic Reporting Becoming a Reality

A final rule from EPA establishes the framework to accept electronic reports from regulated entities to satisfy certain reporting requirements. EPA claims regulated entities will not be required to utilize electronic methods to submit documents in lieu of paper-based submissions. However, more and more State agencies are mandating use of their electronic reporting system. The most important change that this rule makes is in EPA's technical approach to electronic reporting. The rule does not generally specify or limit the range of allowable electronic submission technologies or formats. In terms of electronic signature technology, the rule allows for a range of approaches. EPA is not taking final action on the electronic recordkeeping requirements at this time, but has indicated they will provide public notice soon.

Rule Goes After Drivers with Multiple Licenses

Any remaining drivers still holding multiple licenses to hide traffic violations may soon be caught, thanks to a new rule from the National Highway Traffic Safety Administration. This rule requires states to check both the National Driver Registry (NDR) and the Commercial Drivers License Information System (CDLIS) before issuing or renewing a driver's license, to verify the individual's eligibility to receive a license.

Azinphos-Methyl to be Phased Out by 2012

EPA has issued its final decision on Azinphos-methyl to phase out the remaining uses by September 30, 2012. Azinphos-Methyl (AZM) is an organophosphate pesticide that has been shown to pose health risks to farm workers, pesticide applicators, and aquatic ecosystems. The product is primarily used for pest control in apples and other nut and fruit crops. Retailers selling any product being phased out should monitor the situation closely to ensure they do not have any product left in inventory after the EPA phase-out dates.

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