



July 1, 2020

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## SAFETY NEWS ALERT

*Environmental Compliance Alert* keeps industry pros up to date on the latest EPA rules, why companies are being fined, and the latest trends at the federal and state level. Read what environmental pros depend on to prevent pollution and stay in compliance. *Environmental Compliance Alert's* editor is Scott Ball (email: [sball@SafetyNewsAlert.com](mailto:sball@SafetyNewsAlert.com)).

## Behind bars for noncompliance: Owners, CEOs and managers

### ■ *Tampered-with, missing reports a key factor*

Some environmental crimes are too egregious to assess fines only. In these cases, prison time is warranted to send a message to communities and regulated facilities.

What's landing CEOs and site managers who are responsible for compliance in jail now?

#### Hazwaste crimes don't pay!

- The owner of a steel drum reconditioning business in New Jersey didn't obtain a hazardous waste permit despite storing nearly 2,000 drums of hazwaste drums. EPA cleaned up the site at a cost of \$4.2 million. Thomas Toy served

30 days in jail, followed by three years of supervised release, and must pay EPA back.

- The now-deceased owner and a maintenance employee of a specialized coatings shop in California transported ferric chloride, filter, alkaline and spent solvents off site without a manifest. They hid the hazwaste in their homes. The owner's business, Curtis Technology, pled guilty to hazwaste crimes and faces sentencing.

#### Reputations ruined, firms hurt

- Two brothers who managed operations for Community Fuels

*(Please see Behind bars ... on Page 2)*

## TSCA

### Reg change: Who's a small chemical maker now?

- TOXIC SUBSTANCES DUTIES SCRAPPED FOR A LOT MORE COMPANIES

More chemical and petrochemical sites will be classified as small manufacturers and gain relief from Toxic Substance Control Act (TSCA) reporting and recordkeeping duties.

EPA updated the parameters of a small manufacturer to total annual sales, combined with those of its parent company, less than \$120 million, and the chemical it must report is produced or imported in a volume of 100,000 pounds or less.

Note: Both conditions must be met to be considered small.

In addition, any company with total annual sales below \$12 million, regardless of the volume of the chemicals it produces or imports, also qualifies as small.

#### Less paperwork to worry about

Small manufacturers are exempt from Chemical Data Reporting duties under TSCA, and some reporting/recordkeeping requirements under TSCA Section 8(a) rules.

*For an update on the TSCA Inventory and which chemicals are active in commerce, go to Page 8.*

Info: RIN 2070-AK57

NESHAP

## Pulp mills facing new emission limits

**T**ougher emission limits are on the way for more than 100 major source pulp mills.

The Washington DC Circuit Court ruled additional limits must be established for kraft, soda, sulfite and stand-alone semichemical pulp mills' combustion sources.

EPA's known for years pulp mills are likely to emit hazardous air pollutants (HAPs) that aren't listed in 40 CFR Part 63, Subpart MM.

But EPA didn't set new limits in National Emission Standards for Hazardous Air Pollutants (NESHAP) or New Source Performance Standards in 2017, sparking an appeal.

### What's coming out of stacks?

Clean air advocacy groups found pulp mills in North America frequently aren't regulated for HAPs such as:

- particulate matter
- carbon dioxide
- sulfur dioxide
- hydrogen sulfide

- volatile organic compounds
- chloroform, and
- chlorine or chlorine dioxide.

The sector's NESHAP regulates kraft and soda recovery furnaces, smelt dissolving tanks and lime kilns; kraft black liquor oxidation units; sulfite combustion units; and semichemical combustion units.

Of the 108 major sources, 97 are kraft pulp mills.

**Info:** [tinyurl.com/kraftpulpmillsNESHAP630](http://tinyurl.com/kraftpulpmillsNESHAP630)

### Behind bars ...

(continued from Page 1)

in Stockton, CA hatched a scheme to dump hundreds of gallons of oily wastewater down floor drains to the municipal sewer system. They also tampered with pH readings on discharge monitoring reports. Jeremiah Young pled guilty to unlawful tampering and discharges and could be sentenced to three years in prison. His brother Christopher hasn't been formally charged yet.

- Thomas Fritzell of Lawrence, Kansas is serving three months for asbestos notification violations under the Clean Air Act. He didn't notify authorities before removing asbestos materials from a building, didn't have his work crew keep asbestos wet during demolition to prevent dust from spreading and didn't use leak-tight containers for waste.
- The owner of a Mississippi environmental analytical laboratory falsified thousands of drinking water samples from towns, cities and businesses in the state. The judge threw the book at John Couey – he was sentenced to five concurrent 18-month sentences for each criminal count he pled guilty to.

## SHARPEN YOUR JUDGMENT

*This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.*

### ■ WILL SELF-REPORTING REDUCE A CLEAN AIR FINE?

Environmental manager Buck Flanagan felt the blood rush from his face as he finished his last site visit of the day. *I should've checked no one was using those generators*, Buck thought.

*I'd better talk with Legal.* Later that night ...

"You're telling me we have dozens of emissions violations from portable generators?" bellowed Clifford Uplander, the company attorney. "How can that be? You're talking about a generator that runs for an hour or so. Right?"

Buck sighed. "I'm afraid it's right on the money. Our work crews need auxiliary power when they're out in the field. We upgraded our equipment a few years back to generators that are practically zero-emissions.

"But the crews kept using the older generators. Or they removed the pollution controls on the newer ones. Bottom line is, we've got a major Clean Air Act mess on our hands," said Buck.

### Didn't keep emissions in check

"And you want to report all these problems?" asked Clifford.

"I think that's the best course," said Buck.

"Unless we want to pay a lot more fighting violations or a lawsuit."

Buck's company self-reported multiple emission violations from emergency generators.

Did EPA waive or reduce any of the company's penalties?

- *Make your decision, then please turn to Page 6 for the court's ruling.*



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## Where other companies are stumbling over compliance

For more fines, visit: [www.EnvironmentalComplianceAlert.com/category/who-got-fined-why](http://www.EnvironmentalComplianceAlert.com/category/who-got-fined-why)

### **Oil spill prevention plan left a lot to be desired**

**Company:** USS POSCO Industries, Pittsburgh, CA.

**Business:** Steel plant.

**Penalty:** \$31,770.

**Reasons for penalty:** The steel manufacturer failed to:

- update and re-certify its Spill Prevention, Control and Countermeasure plan
- inspect oil tanks
- install adequate leak detection sensors on tanks, and
- remove accumulations of oil outside tanks and in collection trenches.

**Note:** USS POSCO corrected all of the problems following an inspection, which will help protect California's Delta Bay.

### **Chemical release injures employee: RMP to blame**

**Company:** Hydrite, Waterloo, Iowa.

**Business:** Chemical manufacturer and distributor for Agriculture and other industry sectors.

**Penalty:** \$79,900.

**Reasons for penalty:** An employee was injured from a release of anhydrous ammonia, which can irritate the eyes, skin and lungs of those exposed. Despite storing more than 10,000 pounds of ammonia, the threshold under the Risk

Management Plan (RMP) program, Hydrite failed to:

- calculate and report the amount of ammonia it stored
- develop safe handling procedures for ammonia, and
- implement facility improvement recommendations from its own compliance audits.

**Note:** Penalties against RMP rule breakers are coming in fast and furious (*search for “risk plan enforcement” at our website for recent examples*). Unprepared facilities may also invite fines from OSHA under its Process Safety Management rule and now the Chemical Safety Board with its release notification requirement (*see ECA 6/1/20, page 4*).

### **Crackdown on cesspools protects community wells**

**Entity:** Hawaii Department of Human Services (HDHS), Kailua, Oahu.

**Business:** State public health agency.

**Penalty:** \$128,000.

**Reasons for penalty:** HDHS kept two large capacity cesspools in operation adjacent to a youth correctional facility. LCCs were banned under the Safe Drinking Water Act in 2005. HDHS shut down the cesspools in 2018 and agreed to tie the facility in to the municipal sewer system or a septic system.

**Note:** There are still tens of thousands of open cesspools in Hawaii, which the state has pledged to close by 2050. Pathogens and chemicals can leach to groundwater wells. Groundwater accounts for 95% of all drinking water in Hawaii.

### **Contractors keep dropping ball on lead removal**

**Company:** ProBuild, Dallas.

**Business:** Building contractor.

**Penalty:** \$48,060.

**Reasons for penalty:** ProBuild violated

the lead paint Renovate, Repair and Paint rule by failing to:

- hire EPA-certified subcontractors
- keep lead-safe work records
- comply with lead-safe work practices to reduce dust exposure
- provide homeowners with the “Renovate Right” pamphlet, and
- ensure that a certified renovator was involved in renovations.

**Note:** ProBuild is a Texas-based contractor that was doing renovations in pre-1978 San Diego homes with lead-based paint.

### **Can't divert a stream without a permit! \$100K**

**Company:** William Case, owner of Bill Case Farms, Albany, Oregon.

**Business:** Corn, beans and wheat grass farming.

**Penalty:** \$100,000.

**Reasons for penalty:** Over a four-year period, Case dredged and filled along the Santiam River and built a 1,000-foot-long dike. Case didn't apply for Clean Water Act permits first. The river is a habitat for endangered Chinook and Coho salmon and Steelhead trout.

**Note:** As part of the settlement, Case must restore riverbanks and wetlands and preserve 50 acres from further development.

### **Coronavirus claims land company in hot water**

**Company:** PureLine Treatment Systems, Bensenville, Illinois.

**Business:** Pesticides.

**Penalty:** Stop sale order under the Federal Insecticide, Fungicide and Rodenticide Act.

**Reasons for penalty:** PureLine must stop selling three pesticides that are deceptively labeled for effectiveness against COVID-19. None of the three products were registered with EPA first.

To help your firm avoid common mistakes and violations, we present a cross-section of recent enforcement actions in each issue. Penalties for firms or individuals can include fines, mandatory facility upgrades, house arrest and even jail time.

## REGULATORY ROLLBACKS

### White House nixes expensive air rules

Say goodbye to Clean Air Act (CAA) rules that cost industry hundreds of millions to billions of dollars to comply with.

Future air regs must “be accompanied by a benefit-cost analysis (BCA) using the best available scientific information [from] economic, engineering, physical and biological sciences [practices]” under a just-announced EPA rule.

This policy change is on pace to be finalized well before the election, making it more difficult for a new administration to reverse it.

#### Benefits must be tied to reg

The Trump administration’s goal is to provide clarity on health and ecological benefits of pollution mandates.

This BCA policy requires future regs include rule “total costs, benefits and net benefits [plus] a separate reporting of the public health and

welfare benefits specific to the objective of the CAA provision under which the rule is promulgated.”

EPA took heat for factoring in health benefits from reducing

### Cost-analysis must be clear.

particulate matter in the Mercury and Air Toxics Standards for fossil fuel power plants (see ECA 5/15/20, top cover story).

#### Reg’s on the fast track

EPA’s taking comments on the BCA proposal for 45 days after it’s published in the *Federal Register*.

Agency contact is Leif Hockstad, (202) 343-9432, hockstad.leif@epa.gov.

Info: RIN 2010-AA12

## TOXICS RELEASE INVENTORY

### July 1 TRI reporting deadline: What’s new this year?

#### TOXICS REPORTING LIST EXPANDS AGAIN: HERE’S THE LOWDOWN

The annual July 1 Toxics Release Inventory (TRI) reporting deadline is fast approaching.

EPA relaxed routine monitoring and reporting obligations for industry because of coronavirus, but there’s been no such latitude announced for TRI reporting.

#### Keep up to date on changes

TRI obligations are updated almost every year. Here are key additions you need to know about:

- A category for nonylphenol ethoxylates (NPEs) was added to the TRI chemical list in 2018. Reporting forms on NPEs are due this July 1 for 2019 data.

- Three chemicals are now classified as OSHA carcinogens with 0.1% de minimis level (the previous level was 1.0%) and are TRI-reportable: N,N dimethylformamide (Chemical Abstracts Number 68-12-2), 2-mercaptobenzothiazole (149-30-4) and molybdenum (1313-27-5).

- 172 varieties of per- and polyfluoroalkyl substances (PFAS) must be reported starting July 1, 2021. PFAS chemicals are individually listed and subject to manufacturing, processing and otherwise-use reporting thresholds of 100 pounds.

TRI reporting should be done electronically at the TRI-Me portal. To avoid connectivity problems, don’t wait until the last minute to report!

Info: epa.gov/tri

## INSPECTOR’S LOG

This feature provides insights into the enforcement process – from the point of view of EPA and state inspectors – so you can avoid routine compliance mistakes made by other companies.

### HAZARDOUS & UNIVERSAL WASTE VIOLATIONS GALORE

To: Regional Enforcement Director  
From: Inspector Bob Wiley  
Re: RCRA report

Our inspection of Alliance Industrial has finally wrapped up. Unfortunately we discovered multiple hazardous and universal waste violations a company like that should have stayed on top of.

For example, not throwing away used oil and spent light bulbs with common trash.

I knew it was bad when I asked the supervisor how long they’d stored universal waste, like the bulbs that contained mercury.

“I’m not sure,” was his response.

#### Time for a wakeup call

Alliance also produces hazardous waste through its manufacturing process. But the company didn’t apply for a permit.

Its storage area was full of violations. They threw various kinds of hazwaste in the same containers, even though they’re not compatible.

Combustible and flammable waste weren’t always stored the right way either.

We figured a proactive solution was in order to help the company and the environment.

The company is spending \$90,000 to retrofit the entire lighting system with efficient, low-mercury bulbs, and will also phase out a solvent. Both of these steps will greatly reduce its total waste going forward.

Taking those corrective steps into account, I recommend a \$31,000 penalty.

- Dramatized for effect. Based on a settlement with a Midwestern cold storage facility.

## UNIVERSAL WASTE

### Save on waste disposal costs by the book

Like everything else, the cost of shipping a drum of hazardous universal waste (UW) to a treatment, storage and disposal facility (TSDF) is going up.

Depending on where you're located, you could be spending anywhere from \$200 to more than \$400 to take care of one 55-gallon drum!

While storing UW doesn't require a permit, you're only allowed to keep accumulations of UW on site for up to 365 days.

And if you've got drums only half-way-filled with batteries or fluorescent lamps, wouldn't it'd be nice to save a few hundred or potentially more than a thousand bucks?

Good news: You can do exactly that and it's perfectly safe – legally and environmentally.

#### Ask your agency for an exemption

Many state agencies will grant an additional six months to a year

for UW disposal and recycling if a business requests permission.

Keep in mind regulators will want to know what you're storing on site and how.

Tip: Sending digital images of your labeled, secure containers can help seal the deal.

#### Do you have another location?

The UW rule allows companies with more than one facility to move UW after a full year to a second site for an allowable second full year of storage time.

Caveat: The multi-site allowance is up after two years.

Before moving UW drums or bins, have staffers check they're labeled. Example: "Universal waste – mercury containing equipment."

Several states have additional listed UWs besides the four federally accepted wastes. A fifth UW – aerosol cans – was added a few months back.

## CLEAN WATER ACT

### Energy projects can't be stalled by states anymore

#### SECTION 401 CLARIFICATION JIBES WITH APPEALS COURT RULINGS

States won't be able to delay pipelines and other kinds of energy infrastructure projects for longer than a year under revised Clean Water Act Section 401 guidelines.

EPA's final rule clarifies a state waives its Section 401 rights if it "fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed one year)" after receiving a request.

#### Yea or nay? Act within a year

This policy change follows the Washington DC Appeals Court's decision in *Hoopa Valley Tribe v. Federal Energy Regulatory*

*Commission (FERC)*. The tribe waited longer than a year to weigh in on a hydroelectric dam project. The DC Circuit ruled the tribe thereby waived its rights.

Decisions by the DC Circuit (one rung below the U.S. Supreme Court) are rarely reviewed on appeal.

Some states, including **New York** and **Washington**, have stalled energy infrastructure projects like natural gas pipelines, hydroelectric dams and oil and coal storage terminals, for years due to concerns over water pollution and climate change.

States can still block a project if there's a good argument for environmental damage, particularly drinking water contamination.

Info: RIN 2040-AF86

## TRENDS TO WATCH

### ■ EAST COAST ACTION ON PFOA AND PFOS IN WATER

Add **New Jersey** to the list of states clamping down hard on perfluorinated compound chemicals threatening municipal drinking water systems.

The NJ Department of Environmental Protection is floating water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) of 14 parts per trillion (ppt) and 13 ppt (respectively).

The federal advisory level is 70 ppt although a more stringent standard for publicly owned treatment works may be on the way (search for "PFAS 70 parts per trillion" at our website).

The Garden State is also pursuing billion-dollar lawsuits against DuPont and 3M for chemical leaching and runoff of "forever" chemicals like PFAS.

**New Hampshire** is moving forward with limits for PFOA and PFOS of 12 ppt and 15 ppt.

Info: [nj.gov/dep/rules/rules/njac7\\_10.pdf](http://nj.gov/dep/rules/rules/njac7_10.pdf)

### ■ OZONE LEVELS DOWN IN HEART OF RUST BELT

Smog reductions in Cincinnati and Cleveland are adding up to cleaner air overall throughout the state of **Ohio**.

Ohio EPA requested federal EPA count nitrogen oxides and volatile organic compound emissions from 2014 as the base year for the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

Cincinnati, Cleveland and Columbus were all designated as marginal nonattainment for the NAAQS. Other areas of the state are in attainment or unclassifiable.

Shutdowns of coal-fired electricity generating units should bring marginal areas into attainment within three years.

Info: [tinyurl.com/ohioozone630](http://tinyurl.com/ohioozone630)

NESHAP

## Time to slash storage tank vapor leaks

National Emission Standards for Hazardous Air Pollutants (NESHAP) covering petrochemical terminals and chemical facilities that store organic liquids were just updated.

The biggest change – facilities must now follow the same true vapor pressure thresholds on storage tanks as petroleum refineries.

Implementing tighter tank pollution controls should reduce HAP emissions by 186 tons per year. Organic liquids are non-petroleum liquids (excludes gasoline, diesel, kerosene and asphalt).

Info: RIN 2060-AT86

## Vapor pressure regs for crude oil by rail yanked

Vapor pressure (VP) limits for crude oil and other kinds of Class 3 flammable hazardous materials moved by rail were just withdrawn.

The Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) agreed with a study by Sandia National Laboratories that VP doesn't affect

the severity of a rail-car oil fire.

PHMSA is pulling the VP standards for crude oil, other unrefined petroleum products or Class 3 flammable liquids by "any mode of transport."

The VP limits were first proposed in January 2017.

Info: 85 FR 30,673

## New preferred and restricted hazmat routes

Heads up, hazardous material carriers: A handful of "preferred" routes as well as off-limits roads and highways are on the books.

The DOT's Federal Motor Carrier Safety Administration (FMCSA) made changes to the National Hazmat Route Registry for haulers of hazmats and Class 7 radioactive materials. Most of the designated routes cross through California.

FMCSA first published the registry in 2015. This is the third series of route revisions made since then.

Info: 85 FR 34,284

## WHERE TO GET HELP

### ■ BEFORE ANYONE USES HAZARDOUS CLEANERS ...

OSHA's Hazard Communication (Hazcom) rule requires you to keep safety data sheets on hand for any hazardous cleaner you use.

With many companies deep cleaning their work spaces before opening up, now's the time to ensure cleaning crews know what they're working with.

You can post sheets where cleaning solvents and sprays are stored. Also: Review what safety gear should be worn while handling hazardous cleaners.

Info: [osha.gov/Publications/OSHA3512.pdf](https://www.osha.gov/Publications/OSHA3512.pdf)

### ■ DOES YOUR STORMWATER PLAN NEED A REWRITE?

As construction ramps up following the coronavirus epidemic, some stormwater pollution prevention plans will need a review, and in many cases, revisions.

Site conditions may have changed and controls may need replacing. Check environmental law firm Holland & Knight's website for a helpful checklist.

Info: [tinyurl.com/stormwatertips629](https://tinyurl.com/stormwatertips629)

## SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

Yes. EPA rewarded Buck's company for self-reporting.

By EPA's calculations, the company racked up more than \$3.1 million in Clean Air Act (CAA) violations over the years.

They stemmed from:

- firing up generators that didn't have appropriate pollution controls to stem sulfur dioxide and nitrogen oxides emissions, and
- using unapproved (i.e., dirty) fuel instead of low-sulfur fuel that meets EPA guidelines.

### Rewarded for commitment to the environment

Since the company came forward on its own with no prodding, EPA waived the seven-figure fine altogether.

Both parties agreed on a \$57,000 penalty (essentially the cost of permits the company didn't pay for).

The company's also corrected its emissions issues and is complying with the CAA.

### ■ LESSON LEARNED: GENERATORS LEAVE FIRMS AT RISK FOR AIR FINES – AUDITING CAN HELP

This company can thank an internal audit for discovering emission gaffes. As we never tire of telling our faithful subscribers, it's always better to find out about a compliance problem on your own than have EPA or a watchdog group bring it to your attention.

If your company uses generators, check that pollution controls are in place and staffers understand regs.

Cite: *In re: Charter Communications*, EPA Environmental Appeals Board, No. CAA-HQ-2012-8005. This case has been dramatized for effect.

## STATE AGENCIES

### Industry: 'More COVID-19 relief needed'

The coronavirus epidemic and subsequent restrictions placed on industry has businesses seeking regulatory relief from states.

National Public Radio (NPR) reported landfills, recycling plants and other waste handlers are petitioning states to "relax or delay pollution monitoring requirements.

"In **Minnesota** and **Iowa**, at least 70 hog feedlots asked for permission to either house extra animals or dispose of animal carcasses because meat-packing plants temporarily closed or slowed production.

"In **Pennsylvania**, **Texas** and **Arkansas**, regulators received requests from oil and gas companies asking the states to back off on enforcement of a wide range of environmental regulations, including checking for leaks in storage tanks and measuring pollution from smokestacks," according to NPR.

Some companies ordered to make facility improvements after being fined are also asking for leeway.

#### Feds offered olive branch

EPA waived the threat of fines on businesses for routine monitoring and reporting. That includes discharges, emissions and more (*search for "temporary enforcement COVID-19" at our website*).

The feds haven't announced an end date for the policy. Plenty of states are still in the yellow stages where businesses have to stagger their work forces and keep non-essential employees at home.

Info: [tinyurl.com/enviroleniencyNPR630](http://tinyurl.com/enviroleniencyNPR630)

### Healthcare sterilization gas on EPA's hit list

Tighter emissions regs are on the way for ethylene oxide (EtO), increasingly used as a solvent by

surgical and medical equipment cleaning firms.

EPA tightened National Emission Standards for Hazardous Air Pollutants for miscellaneous organic chemical manufacturers to slash EtO emissions from:

- storage tanks (facilities must vent EtO at 0.1% of weight via controls or flaring)
- process vents (same as above), and
- equipment leaks (two leak detection options are on the table).

EtO can cause lymphoma and leukemia. Roughly half of the medical equipment and tools sent for sterilization can be cleaned with water-based solvents, but EtO is needed for the other half.

Info: RIN 2060-AT85

### Study: What to do about fracking wastewater

A new EPA report, *Summary of Input on Oil and Gas Extraction Wastewater Management Practices Under the Clean Water Act*, sheds light on where action is needed.

Fracking operators in **Wyoming** discharge directly to surface waters (if they're not utilizing underground injection wells). Most discharges receive limited treatment, primarily letting it settle and skimming solids.

"Indirect discharge via publicly owned treatment works (POTWs) is primarily occurring in **Pennsylvania**," says EPA. "These produced waters receive limited or no treatment prior to transfer to the POTW."

Centralized waste treatment centers handle discharges in **West Virginia**, **Ohio** and **PA** with treatment "ranging from simple ... to advanced treatment utilizing membranes or distillation."

Info: [epa.gov/sites/production/files/2020-05/documents/oil-gas-final-report-2020.pdf](http://epa.gov/sites/production/files/2020-05/documents/oil-gas-final-report-2020.pdf)

## REAL PROBLEMS/SOLUTIONS

### ■ PARTNERSHIP OPENS DOOR TO SAVINGS, BENCHMARKING

(From *Mary Long, VP of logistics and network planning, Domino's Pizza, Ann Arbor, MI*)

We're always searching for new ways to measure and reduce our environmental footprint.

It's a key component in our continuing search to improve our energy efficiency.

But finding cost-effective ways to reduce emissions, especially carbon dioxide, particulate matter and nitrogen oxide releases, is tough once you've met all the basic compliance requirements.

We wanted some extra ideas to cut our fuel costs.

#### 3 steps to reduce emissions

We decided to join an industry/government partnership where we could share and compare our ideas – EPA's SmartWay Transport Partnership.

We added several simple programs to reduce fuel consumption. For example, we adopted systems to keep tires inflated properly, limit truck idling times and upgrade to more efficient engines.

Those three programs helped us to reduce fuel consumption by 175,000 gallons.

## ▼ FROM OUR SUBSCRIBERS

*More than 90% of our readers report in surveys that Environmental Compliance Alert, with its quick-read format, is more valuable than any other publication they read.*

"I often share the info in ECA with other department heads for environmental education, planning and compliance."

**Marian Keegan**  
Director, Community Conservation  
Hemlock Farms Community Assoc.

## Air, Water & Waste regs that affect your operations

**H**ere's ECA's digest of recent Federal Register (FR) notices, Regulatory Identifier Numbers (RINs) and other national activities concerning air, water and waste issues. For these and more federal updates, visit: [www.EnvironmentalComplianceAlert.com/category/update-on-federal-rules](http://www.EnvironmentalComplianceAlert.com/category/update-on-federal-rules)

### CHEMICALS IN COMMERCE

More than 85,000 chemicals were registered in the Toxic Substances Control Act (TSCA) Inventory four years ago.

As of this June, about 48% of substances are still in commerce, according to EPA.

The agency wants to remove inactive chemicals from the Inventory so industry and emergency response stakeholders have a clearer picture of the chemical marketplace.

Chemical manufacturers, distributors and importers had to notify EPA if they're still making or using any listed substances per the Inventory "re-set" rule.

Companies need to register chemicals for the 2020 Chemical Data Report (CDR) by Nov. 30.

The CDR will cover all chemical manufacturing activity from 2016 through 2019.

**Info:** [epa.gov/tsca-inventory/how-access-tsca-inventory](http://epa.gov/tsca-inventory/how-access-tsca-inventory)

### RCRA IGNITABLE HAZWASTE

It's been a year since comments closed on an EPA rule that narrows ignitability determination criteria for hazardous waste.

We'd heard it would become final this past March but the ignitability rule hasn't been finalized yet, likely due to industry opposition.

The reg would increase the kinds of alcohol-containing waste that need to be treated as Subtitle C hazardous waste under the Resource

Conservation and Recovery Act (RCRA). EPA proposed removing an exemption for aqueous liquids with less than 24% alcohol and raising the bar to "alcohol-containing solution with at least 50% water."

The exemption was put in place for items like latex paints and wines, which have low flash points but extinguish quickly on their own.

**Info:** [epa.gov/hw-sw846/proposed-rule-modernizing-ignitable-liquids-determinations](http://epa.gov/hw-sw846/proposed-rule-modernizing-ignitable-liquids-determinations)

### ENFORCEMENT TRENDS

A report from EPA's Inspector General's (IG) office shows a downward trend in all areas of environmental enforcement from 2007 to 2018.

The White House and Congress have agreed to incremental cuts in staffing and program budgets to EPA and other agencies during that time.

The biggest dip in EPA action is enforcement with injunctive relief, which dropped 58%. Surprisingly the smallest drop has been in inspections, which decreased 33%.

Mandatory electronic reporting, voluntary self-reporting of violations by businesses, and pollution monitoring technology that the public can use has helped fill the gap, says EPA's compliance division.

Enforcement funding and staffing decreased 18% and 21% respectively. The IG doesn't offer any recommendations in its audit.

**Info:** [epa.gov/sites/production/files/2020-04/documents/\\_epaig\\_20200331\\_20-p-0131\\_0.pdf](http://epa.gov/sites/production/files/2020-04/documents/_epaig_20200331_20-p-0131_0.pdf)

### PESTICIDE BAN

EPA is canceling, effective immediately, three herbicides that contain dicamba.

The 9th Circuit Court of Appeals vacated EPA's registrations for the products through Dec. 2020. EPA had

considered canceling the herbicides but instead extended their registrations for two years back in fall 2018.

Soybean and cotton farmers petitioned EPA for the extension because of dicamba's effectiveness in killing weeds. But dicamba spray drifting has been found to destroy flower and fruit tree crops.

The court order cancels three herbicide products with dicamba as an active ingredient: Bayer's Xtendimax with Vaporgrip Technology, Engenia and FeXapan.

EPA will let farmers use their stocks through July 31.

**Info:** [tinyurl.com/dicamba630](http://tinyurl.com/dicamba630)

### NUTRIENT WATER POLLUTION

EPA announced draft ambient numeric nutrient water quality criteria recommendations for lakes and reservoirs. If adopted, they'll replace criteria in place since 2001.

These new criteria apply to lakes in 14 regions, based on concentrations of total nitrogen, phosphorus, chlorophyll and Secchi depth.

High levels of nutrient loading spurs algae growth, which limits recreational use of lakes and reduces oxygen aquatic life need to thrive. In extreme cases, oxygen depletion leads to fish kills.

**Info:** 85 FR 31,184

### NATURAL GAS TERMINALS

Liquefied natural gas (LNG) terminals are about to gain an exemption from National Environmental Policy Act (NEPA) reviews.

The Department of Energy finds imports and exports of LNG by marine shipping vessels doesn't pose significant environmental impact, spurring the call for a categorical exclusion from NEPA.

**Info:** 85 FR 25,340