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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).

Who's getting hammered with six-figure fines these days?

■ EPA is sending a message to other facilities

Don't be surprised to see an uptick in six-figure fines for violations like failure to:

- manage hazardous waste according to Resource Conservation and Recovery Act (RCRA) guidelines
- submit chemical premanufacture notices, and
- prevent storage tank leaks of air toxics and volatile organic compounds (see top "Who Got Fined and Why" item on Page 3 to read more).

Now that supplemental environmental projects (SEPs) are going off the table for most federal enforcement actions, EPA won't

be able to defer a hefty chunk of a facility's total fine toward local or regional environmental projects.

Heads up: States can still assign SEPs, including in joint EPA-state investigations (see 2nd "Fines" item on Page 3).

A handful of \$200,000-plus tickets were handed out in the last quarter despite the coronavirus curtailing EPA's inspection team.

10 days in violation, \$232K in fines

The Metro recycling and disposal plant (owned by Waste Management of Wisconsin) in Franklin has a solid

(Please see Who's ... on Page 2)

NAAQS

No changes to ozone standard for next 5 years

- WATCHDOGS STILL WANT LIMIT AS LOW AS 60 PARTS PER BILLION

Smog levels are dropping in most parts of the country, so EPA is leaving the most-recent national ozone limit in place.

This move would prevent a Democratic administration from tightening the limit until 2025, barring a big spike in smog.

Regulatory certainty for many

Industry groups representing chemicals, oil & gas and various manufacturing sectors cheered the move because it prevents further

emission cuts on facilities in moderate and nonattainment areas.

National average ozone concentrations have declined 25% since 1990 mainly due to smokestack and tailpipe reductions of nitrogen oxide and volatile organic compound emissions that contribute to smog.

The Obama EPA tightened the eight-hour National Ambient Air Quality Standard (NAAQS) for ground-level ozone to 70 parts per billion (ppb) in 2015.

Some parts of the country are still in nonattainment of the 75 ppb ozone limit set in 2008.

Info: RIN 2060-AU40

SINGLE-USE PRODUCTS

COVID a shot in arm for plastics industry

Single-use plastic bags were taking a major hit to the chin – until the coronavirus hit our shores.

A bill to ban plastic products was gaining steam in Congress back in February. The Break Free from Plastic Pollution Act aimed to “phase out certain single-use plastic products – including plastic carryout bags, plastic utensils and foodware made from polystyrene – nationwide and protect the ability of state and local governments to implement stricter plastics policies.”

Then fears of the COVID virus being spread on reusable products gave single-use producers a big boost.

More hygienic, saves trees

The American Recyclable Plastic Bag Alliance (ARPBA) launched a marketing blitz touting single-use plastics as climate-friendly and more hygienic than reusable products typically made of cloth as well as disposable paper bags.

For example: Paper bags require 70% more energy and consume 96% more water to manufacture,

and plastic bags prevent forests from having to be cut down.

ARPBA characterizes reusable bags as “germ-filled” although a recent study found the coronavirus can live up to three days on plastic surfaces.

Assuming single-use plastics are here to stay, what’s needed is a more practical way to recycle bags. Most single-stream recycling plants refuse plastic bags because they become tangled in conveyor systems.

Info: pbs.org/newshour/science/covid-19-has-resurrected-single-use-plastics-are-they-here-to-stay

Who’s ...

(continued from Page 1)

waste permit but isn’t licensed to accept hazwaste.

But on at least 10 days it operated, the site disposed of hazardous electric arc furnace dust from a steel casting foundry contaminated with chromium, a known carcinogen.

The facility must monitor leachate and groundwater for chromium as part of its settlement and update its training program to prevent personnel from failing to make hazwaste determinations in the future.

Chemicals OK to use? Gotta check

Swix Sport USA, a winter sports equipment supplier in Massachusetts, imported ski wax products containing per- and polyfluoroalkyl substances (PFAS) dozens of times.

The Toxic Substances Control Act (TSCA) requires filing premanufacture notices first before attempting to use or distribute chemicals not listed on the TSCA Inventory.

Swix will educate ski mountains and race teams about how ski wax that contains PFAS can contaminate snow melt and soil. And it’s paying a \$375,625 fine.

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.

■ FIRM WORKS WITH STATE ON CLEANUP, STILL GETS SUED

Buck Flanagan, environmental director, took a rare lunch break at the driving range.

These golf clubs are so old, they look like Jack Nicklaus used them, Buck thought.

I know what the wife and kids can buy me for Christmas this year.

As Buck teed up his first shot ...

“Buck Flanagan! I know that crooked swing from a mile away,” bellowed Margaret Farley, a local environmental activist.

“Your company hasn’t followed up on my group’s email. You have a week left before we see you in court.”

Waste pile proves to be trouble

“I’m afraid your group can’t sue us,” said Buck. “We’re already working with the state and taking care of the coal ash.

“We can’t move it until we’re certain it won’t harm the environment.”

“Ha! As if your company cares about helping the environment,” said Margaret. “We gave you 60 days notice. Unless I’m missing something, the state didn’t fine your company, even though it should have. So there’s no reason why we can’t take you to court.”

“Yes there is,” said Buck. “It’s called double jeopardy. Like I said, the state is already handling this.

“Your lawsuit is a waste of time,” said Buck, “and paper.”

Buck’s company tried getting the group’s lawsuit thrown out of court.

Was the company successful?

■ *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

Storage tank firm permits didn't account for VOCs

Company: Sprague Resources, seven facilities in New England.

Business: Petroleum and asphalt storage facilities.

Penalty: \$350,000.

Reasons for penalty: Sprague vented high levels of volatile organic compounds (VOCs) from heated storage tanks containing #6 oil and asphalt. The company should've applied for appropriate air permits in Massachusetts, Rhode Island and Maine to reduce VOCs. Both fuels are stored at high temperatures to maintain their liquid state but Sprague's tanks weren't equipped with tight-fitting lids or necessary pollution controls.

Note: The company will stop storing fuels at one of its sites and install carbon bed systems to reduce odors from several tanks. For more info on the settlement, go to epa.gov/enforcement/sprague-clean-air-act-settlement-information-sheet

Inspectors keep close eye on site of fatal accident

Company: E.I. DuPont de Nemours and Company (DuPont), La Porte, Texas.

Business: Wastewater treatment system on former chemical manufacturing site.

Penalty: \$3.2 million.

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.

Reasons for penalty: DuPont was cited for failure to:

- meet air quality standards for its biological water treatment units
- implement an oil spill prevention, control and countermeasures (SPCC) plan
- obtain a permit to treat, store or dispose of hazwaste
- comply with land disposal restrictions related to hazardous waste, and
- make hazwaste determinations.

Note: DuPont operated a chemical manufacturing plant that leaked 24,000 pounds of methyl mercaptan in 2014. Four people were killed. DuPont shuttered manufacturing but continues treating wastewater at the site. The Texas Commission on Environmental Quality called in the U.S. Justice Department to help with this investigation of RCRA, Clean Water Act SPCC rule and Clean Air Act violations.

Filling a stream is legal if you've got the permit

Company: Oregon Coast Scenic Railroad (OCSR), Tillamook County, OR.

Business: Non-profit rail tours.

Penalty: \$5,000.

Reasons for penalty: OCSR discharged fill material along the Salmonberry River without getting a permit first from the U.S. Army Corps of Engineers. OCSR placed riprap and other fill material below the ordinary high-water mark of the river in an attempt to repair flood damage to the rail line. The river's a habitat for multiple endangered salmon species.

Mercury emissions went unchecked: Time to pay up

Company: Somerset Raritan Valley Sewerage Authority (SRVSA), Bridgewater, NJ.

Business: Sewage sludge incinerator.

Penalty: \$225,000 plus a mercury recovery project in local schools worth \$50,000 authorized by the state of New Jersey.

Reasons for penalty: SRVSA didn't comply with emission limits for mercury and other pollutants. It also didn't meet performance testing requirements or submit control and monitoring plans and reports.

Note: The facility shut down one of its incineration units after a catastrophic failure. Its other unit now complies with federal and state air rules. New Source Performance Standards and emission guidelines for sewage sludge incinerators are designed to limit emissions of cadmium, carbon monoxide, hydrogen chloride, lead, mercury, nitrogen oxides, particulate matter, polychlorinated dibenzo-pdioxins and polychlorinated dibenzofurans.

Oil spill results when staffer tried to 'wing it'

Company: Phoenix Processor Limited Partnership (PPLP), Seattle.

Business: Shipping vessel.

Penalty: \$22,000.

Reasons for penalty: PPLP spilled diesel while transferring fuel from one boat to another. An engineer miscalculated how much fuel was in one of the tanks and it led to an overflow and spilled into Elliott Bay. Company employees boomed the spill properly to keep it from spreading, and worked with the Washington Department of Ecology to recover 134 gallons of diesel. The rest of it evaporated. No damage was done to wildlife or habitats. Ecology cited the company for failure to follow its written fuel transfer checklists.

Note: Ecology recommended PPLP install high-level alarms on fuel tanks to alert crew members when tanks are full.

NESHAP

Tighter Boiler MACT limits are here

Boiler MACT (Maximum Achievable Control Technology) emission limits are being tightened after the Washington DC Circuit Court of Appeals determined they weren't strong enough.

These MACT revisions increase limits on 28 large-source industrial boiler subcategories (there are 90 total covered by the rule).

Boiler owners/operators will need to comply with tougher limits for air toxics like:

- formaldehyde (CH₂O)
- benzene, and
- polycyclic organic matter.

Excess toxic emissions found

Air quality watchdogs recorded spikes of CH₂O in some boilers that ran at or below the carbon monoxide (CO) limit of 130 parts per million (ppm). They took EPA to court to toughen Boiler MACT.

EPA determined CO was the right choice as the surrogate pollutant for Boiler MACT and that the 130 ppm limit is still appropriate.

That means 56 boiler subcategories won't have to do anything different while 28 face a higher bar and six others got their limits relaxed.

New limits go into effect in 2023

About 444 boilers nationwide are affected, with another 33 that will need to make adjustments.

The deadline to comply is three years after the update's published in the *Federal Register*.

Boiler MACT is the industry name for National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

Info: RIN 2060-AU20

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.

■ FACILITY HELD ON TO HAZWASTE PAST DEADLINE

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

Our agency should expand enforcement of hazardous waste standards so that smaller facilities don't slip through the cracks.

Acme Activities is a prime example of why. It's a growing business in the region and it has a discharge permit.

But I noticed it was listed as an exempt hazwaste generator. That didn't seem possible considering how big of a company it had grown into and the size of its workforce.

Testing a hunch, I recently paid Acme a surprise visit.

Site wasn't on top of things

I was only in their facility for a few minutes before I knew they weren't complying with RCRA.

First I spotted 20 drums of hazardous waste in the warehouse area alone. The cans were marked and dated, but the accumulation start dates were all well over nine months ago!

The site manager didn't think that was a problem. He said they kept an eye on the containers and would ship them off soon.

What he didn't understand was that most of the waste could only be kept on site for 90 days.

A quick check of their records showed they weren't reporting how much waste they were generating or storing either.

I'm recommending a \$30,000 penalty. The company also needs a training program so it doesn't make the same mistakes again.

■ *Dramatized for effect. Based on a settlement between EPA and a Southern food distributor.*

TITLE V AIR PERMITS

Will Supreme Court limit state permitting authority?

■ CIRCUIT COURTS SPAR ON HOW MUCH EPA MUST QUESTION PERMITS

Is EPA required to review that a state-issued Title V permit complies with all Clean Air Act requirements?

The 10th Circuit Court of Appeals (*one rung below the U.S. Supreme Court*) says yes.

The 5th Circuit says no.

Result: The Supreme Court may decide to weigh in on the topic and establish regulatory certainty for facilities in all regions ...

... or it can punt on settling the question, making it a region-by-region headache for facilities!

Trump EPA's given states power

Case in question: The Utah Department of Environmental Quality

(DEQ) granted a minor New Source Review permit to a coal-fired power plant that modified equipment.

The utility's a Title V permit holder that must renew every five years. When it came time to renew the permit, DEQ and EPA approved it.

The Sierra Club objected that the power plant should be subject to major NSR permit requirements.

EPA countered the renewal process wasn't the appropriate time for challenging major/minor source decisions. It could only review if DEQ followed minor NSR parameters.

Tenth Circuit judges disagreed, ruling EPA should've considered whether the permit needed to follow major source guidelines.

Info: ca10.uscourts.gov/opinions/18/18-9507.pdf

PFAS

Solution to 'forever chemicals' dilemma?

There hasn't been much good news to report lately on the per- and polyfluoroalkyl substances (PFAS) front, for drinking water facilities dealing with it and chemical manufacturers being sued to the hilt ... until now.

Researchers found a way to destroy perfluorooctanoic acid (PFOA) quickly using boron nitride (BN), a light-activated catalyst under ultraviolet (UV) lamps.

"We haven't yet tested this at a full scale, but in our benchtop tests in the lab, we could get rid of 99% of PFOA in four hours," says Michael Wong, chair of the chemical and biomolecular engineering department at the Brown School of Engineering at Rice University in Texas.

Wong and his student set out 18 months ago to find a useful catalyst for PFAS, a family of 4,000-plus compounds used to make coatings for waterproof clothing, food packaging, nonstick pans and fire

suppressant foams. "We tried several materials that I thought were going to work," says Wong. "None of them did. This [BN] wasn't supposed to work, and it did."

BN is a synthetic mineral that's widely used in makeup and skin care products, and thermal pastes for cooling computer chips.

Ultraviolet light does the trick

Wong and team repeatedly poured PFOA-contaminated water into test tubes with a few sprinkles of BN powder, sealed them and put them under UV light with a wavelength of 254 nanometers.

Four hours later, "99% of the PFOA [had] been transformed into fluoride, carbon dioxide, and hydrogen," says Wong.

Could spreading BN powder into drinking water supplies be the solution to this crisis? We'll see.

Info: futura.org/catalyst-pfas-pfoa-forever-chemicals-2399722-2

CLEAN WATER ACT

Gulp! Sewer system upgrade costs climb sky-high

■ COMBINED SEWER OVERFLOWS WON'T BE CHEAP TO DRIVE DOWN

More and more facilities will need to pretreat wastewater on site or pay higher fees to publicly owned treatment works (POTWs).

Reason: Cities like Manchester, New Hampshire are being forced to upgrade their POTWs through very expensive Clean Water Act settlements.

Manchester will spend \$231 million over the next 20 years building combined sewer overflow (CSO) abatement controls and upgrading its wastewater plants. These upgrades will cut CSOs by 74%.

It's a big project: Manchester will disconnect the largest of five connected brooks from the combined sewer

system and construct a new 2.5-mile drain that diverts the brook's flow and stormwater to the Merrimack River.

Approximately half of the river's combined sewage discharge volume comes from Manchester.

Water info put online for locals

As part of the settlement, Manchester's POTW employees will need to change solid waste treatment practices to slash phosphorus discharges.

And a mandatory CSO monitoring and notification program will measure all discharges from six CSO outfalls, with the data being made available to the public online.

Info: justice.gov/enrd/consent-decrees

TRENDS TO WATCH

■ STATES TAKING COVID-19 MATTERS INTO OWN HANDS

Virginia became the first state to adopt workplace safety standards that address the coronavirus.

The Cavalier State is mandating personal protective equipment, sanitation, social distancing, infectious disease preparedness, recordkeeping and training under the new standard, which will be in place for six months.

Facilities will need social distancing measures and face coverings for employees in customer-facing positions if social distancing isn't possible.

Employees must be notified within 24 hours if a co-worker tests positive. Those who test positive can't return to work for 10 days or until they've received two consecutive negative tests.

Fines for violators start at \$13,000 and can go as high as \$130,000 for repeat offenders.

There's no federal rule expected from OSHA.

Info: tinyurl.com/virginiacovid633

■ PHOSPHORUS RUNOFF A COSTLY PILL TO SWALLOW

Vermont isn't following through on a plan to clean up phosphorous pollution in Lake Champlain according to EPA.

To meet water quality standards, Vermont will need to reduce developed land loadings of phosphorus by 25 metric tons per year. But Green Mountain State lawmakers and regulators say it's not feasible because the so-called Three-Acre project lacks funds.

EPA could call for wastewater treatment plant upgrades and more federal oversight if Vermont doesn't cut phosphorous loads as required by the Three-Acre permit.

A large part of Lake Champlain's pollution comes from Agriculture.

Info: tinyurl.com/vermontwater633

ECHO DATABASE

Loads of NPDES facilities' data is online

Citizen watchdog groups can dig up more info than ever using EPA's Enforcement and Compliance History Online (ECHO) database.

Environmental attorneys Holland & Knight warned clients about an ECHO tool that lets users look up businesses who've filed late discharge monitoring reports under the National Pollutant Discharge Elimination System (NPDES) program:

"For example, simply by clicking a single box, one can identify facilities with 'Significant Noncompliance DMR non-receipt status' ... by geographic region. Results columns provide additional information on the number of missing DMR forms or values with detailed compliance status data displayed on the ECHO Detailed Facility Report."

Make sure ECHO data is spot-on

Massachusetts, New Hampshire, New Mexico (and Washington DC) fall under EPA's NPDES program. Permit holders in those states should check their NPDES records on ECHO are accurate. (Idaho is now in charge of its own discharge enforcement.)

Most NPDES-authorized states aren't inputting DMR data on a

regular basis but they'll catch up, especially once agency offices are fully staffed after COVID-19 passes.

Info: jdsupra.com/legalnews/online-environmental-compliance-tools-84136/

White House streamlines NEPA permit process

The National Environmental Policy Act (NEPA) is getting its first major makeover since 1980.

To cut permitting red tape and project delays, the Council on Environmental Quality is mandating:

- All comments and analysis by federal agencies on a project's environmental impact statement must be specific to the project and submitted within a reasonable amount of time. Lead agencies must compile all data within 21 months following a permit application.
- Indirect effects of a project, such as climate change, won't be considered in a project's approval process. Neither will any projected effects outside of U.S. territory.

Info: tinyurl.com/CEQ633

WHERE TO GET HELP

■ HOW TO MEASURE COVID-19 IMPACT ON UTILITIES

Water utilities can measure the financial impact of the coronavirus on their balance sheets by using a new tool from EPA.

The Water Utility COVID-19 Financial Impact Tool includes a downloadable spreadsheet.

EPA isn't collecting data and the tool is purely voluntary.

Info: epa.gov/waterfinancecenter/water-utility-covid-19-financial-impact-tool

■ WHO NEEDS AN EPA ID NUMBER FOR HAZWASTE?

You need an EPA ID number for your facility if you fit one of these three categories:

- small quantity generator for hazardous waste
- large hazwaste quantity generator, and
- large quantity handler of universal waste.

Very small quantity generators (formerly known as conditionally exempt) don't need an EPA ID.

To apply, download the form below and submit to your state.

Info: tinyurl.com/rcrasubtitleforms633

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

No. Buck's company couldn't get the citizens' group's lawsuit dismissed.

The group gave the company 60 days notice before suing. Its demand was simple: Begin remediating the waste pile or face penalties in court.

Buck's company relied on the "double jeopardy" provision of environmental laws such as the Resource Conservation and Recovery Act in this case.

In a nutshell, the environmental groups can't sue if the state or EPA had already initiated enforcement.

A settlement between the agency and company would constitute enforcement as well.

But the state was "dragging its feet," as the

environmental group saw it, and hadn't enforced any actions against the company.

That meant the group could sue and its lawsuit could proceed even after the state penalized the company.

■ ANALYSIS: ONCE NOTICE IS GIVEN, IT'S THE LAST CHANCE FOR A FACILITY TO STAY OUT OF COURT

Was this company headed for court regardless? Maybe, maybe not.

In most cases, the sooner a facility with an environmental problem takes action, the less money it spends on legal bills, court costs, penalties, remediation and potential insurance spikes.

This company probably should've taken the citizens' group's lawsuit more seriously.

Cite: *Adkins v. VIM Recycling*, U.S. Appeals Court, 7th Circuit, No. 10-2237. Dramatized for effect.

AIR TOXICS

Bromopropane emissions on EPA radar

EPA listed its first hazardous air pollutant (HAP) in three decades – 1-bromopropane.

(Search for “EPA puts degreaser on HAP list” at our website.)

Reminder: Once a chemical’s added to the HAP list, it automatically becomes a reportable hazardous substance under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), aka the Superfund law.

The CERCLA reportable quantity for 1-bromopropane is one pound.

Info: 85 FR 36,851

Uh oh: Stormwater bar raised higher out west

California facilities will now have to contend with one of the toughest stormwater programs in the country.

The Golden State’s industrial general permit (IGP) for stormwater went into effect on July 1.

IGP includes monitoring and best management practices for thousands of businesses that may discharge one or more state-listed contaminants.

Exempt facilities must show they don’t discharge stormwater or their activities aren’t exposed if inspected. More than 500 industrial codes are listed on the permit.

The IGP includes total maximum daily load numeric action levels, numeric effluent limits and onsite/offsite alternative compliance options.

Info: waterboards.ca.gov/water_issues/programs/stormwater/tmdl_igp.html

Supreme Court win can’t save multi-state pipeline

Just days after winning a permit battle before the Supreme Court, Dominion Energy and Duke Energy threw in the towel over its hotly

contested Atlantic Coast Pipeline.

Justices ruled 7-2 in favor of the 600-mile pipeline being dug underneath the Appalachian Trail weeks ago. But the costs of pending litigation and construction delays made the utilities pull the plug.

The \$8 billion pipeline would’ve carried natural gas from West Virginia into North Carolina and Virginia to offset coal electricity generation.

In other pipeline news: The Supreme Court excluded the Keystone XL pipeline from coverage under Nationwide Permit 12 (NWP 12).

Other kinds of pipeline projects can be permitted under NWP 12 by the Army Corps of Engineers.

Info: time.com/5863557/supreme-court-keystone-xl

Don’t let folks ‘zoom out’ during training talks

Plenty of organizations hold meetings where there’s no stated agenda, a lack of structure and a tendency to run on too long.

These meandering meetings are more common with the rise in Zoom and other kinds of remote meetings every company’s using now.

Whether you’re responsible for setting up a remote meeting or deciding if you need to sit on one, ask yourself these two questions:

1. Who’s the meeting really for?

Unless there’s important company news to relay, or attendees are working on projects that require sharing info, nix the meeting.

Otherwise it’s liable to be the same folks rehashing the same info.

2. Can an hour-long agenda be 30 minutes instead? Or shorter?

The goal shouldn’t be to get 45 minutes of Zoom room time in – it should be about respecting people’s time and cutting a meeting short of “fluff” when it’s doable.

REAL PROBLEMS/SOLUTIONS

MADE HAZWASTE HANDLING A SNAP FOR OUR TEAM

(From Melissa Vitale, safety director, Water Tech, Fort Smith, AR)

Our employees work with different kinds of hazardous materials that come with specific instructions on how they’re used.

That forced them to keep track of a lot of info that’s not so easy to memorize.

They had no choice but to stop and reference the safety data sheet for the substance they were handling.

It was a waste of their time – and that’s always the top reason why people take shortcuts.

Portable cards do the trick

We looked at a bunch of products on the market and finally settled on an old-fashioned product that seemed perfect for our crew: wallet-sized hazmat cards for every chemical we handled.

The cards weren’t expensive, so we bought enough that we could distribute a pack to every employee and keep some on hand too.

They have the info they need with them at all times.

Bonus: The cards include step-by-step instructions, which is a big help for our crew.

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.

“Lots of up-to-date info in a quick-read format so you can see what might be coming up next.”

Arthur Sherman
President
Eagle Environmental
Northbrook, Illinois

Air, Water & Waste regs that affect your operations

Here'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

REGULATORY ROLLBACKS

Nearly a third of EPA rules listed in the latest regulatory agenda are regulatory rollbacks.

Three years after President Trump announced for every new federal rule, agencies would need to pull back two existing regs, EPA has exceeded the "2-for-1" pledge.

"Since 2017, EPA has completed a total of 62 deregulatory actions, projected to save Americans an estimated \$40 billion in costs," the agency announced.

EPA chief Andrew Wheeler says, "[Our] agenda includes new actions ranging from cost-benefit reforms and improved permitting procedures to meeting air quality review timelines.

"Our smart deregulatory agenda helps American businesses large and small innovate and create jobs while keeping our air and water at the cleanest levels since environmental records began."

Info: tinyurl.com/epaspring2020agenda633

COVID-19 ENFORCEMENT

EPA's temporary COVID-19 enforcement policy for routine monitoring and reporting violations ends on September 1.

The policy took the potential for fines off the table for permitted facilities and contractors dealing with reduced personnel for routine tasks like taking stormwater samples and training.

For example: Under normal circumstances, a facility caught

keeping hazardous waste on site past 90 days could be considered a treatment, storage and disposal facility (TSDF) under the law and face steep fines for not having a requisite TSDF permit.

If any of your facilities are past due to ship out any hazardous, universal and electronic wastes, now's the time to take inventory of what's on your production floors and loading docks, and check in with your TSDF.

Make sure to document how COVID-19 affected your ability to hold any necessary on-site training and satisfy RCRA duties.

(For more on the enforcement leniency policy, search for "EPA COVID-19 enforcement policy" at our website.)

The temporary enforcement policy covers violations that may have occurred between March 13 and August 31.

Caveat: EPA could decide to extend its policy past Aug. 31 or end it ahead of time.

We'll keep you posted.

Info: epa.gov/enforcement/frequent-questions-about-temporary-covid-19-enforcement-policy#1

LIQUID GAS BY RAIL

Bulk transportation of liquefied natural gas (LNG) can now be done via rail transport, courtesy of a joint final rule by the Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration and the Federal Railroad Administration (FRA).

Tank cars with enhanced outer tank protections and new operational controls can move bulk quantities of LNG now.

LNG and other flammable cryogenic materials were previously authorized for transport by rail in portable tanks with FRA approval.

The final rule incorporates new safety requirements, such as enhanced thicker carbon steel outer tanks for

DOT 113 tank cars as well as remote monitoring of the pressure and location of those cars.

DOT says the reg "carefully lays out key operational safeguards to provide for the safe transportation of LNG by rail to more parts of the country where this energy source is needed."

Info: RIN 2137-AF40

OZONE ATTAINMENT

Several counties that were designated in ozone attainment may be reclassified by EPA following a court order.

Nonprofit groups argued air quality may be worse in these areas than reported by state regulators. The Washington DC Circuit Court of Appeals court agreed there were "irregularities" in how attainment decisions were made.

The court remanded several partial and full attainment designations back to EPA for:

- nine Wisconsin counties – Milwaukee, Ozaukee, Waukesha, Washington, Racine, Manitowoc, Kenosha, Sheboygan and Door
- Weld County, Colorado
- Jefferson County, Missouri and Monroe County, Illinois, both located in the Saint Louis metro area
- Ottawa County, Michigan
- McHenry County, Illinois and Porter County, Indiana, both near Chicago, and
- El Paso County, Texas.

The DC Circuit upheld a partial attainment designation for Lake County, Indiana.

EPA is keeping the 70 parts per billion limit for ground-level ozone from the 2015 National Ambient Air Quality Standards intact (*see bottom of cover page for more*).

Info: tinyurl.com/ozonenaqsattainment633