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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).

Hazwaste piled up, permits expired: 3 execs face jail time

■ *Lied to regulators and hid lead-tainted waste*

Three former executives may be spending their golden years behind bars all because of a hazardous waste problem they wished they could just make disappear!

Like most hazwaste debacles that lead to criminal charges, this one was 100% preventable. All it would've taken was admitting they needed help, and reaching out to their state regulatory agencies, before things got out of hand.

Rags to riches to prison stripes

5R Processors recycled electronic equipment, appliances and other assets at multiple warehouses in Wisconsin

and Tennessee. Eighty-year-old Charles Cook founded the company in 1988. James Moss, now 61, served as president and Bonnie Dennee, now 66, was environmental director and later an executive VP.

5R took in tons of computer monitors and televisions with cathode ray tubes (CRTs). It resold "clean glass" and "funnel glass" that still had lead in it.

In the early 2010s, the CRT glass market started to bottom out (*search for "CRT glass" at our website for related stories*). 5R now couldn't move a lot of its products.

(Please see Hazwaste ... on Page 2)

RENEWABLE FUELS

EPA's denying small refineries' ethanol waivers

■ TO GET A WAIVER, FIRMS WILL NEED TO SHOW FINANCIAL HARDSHIP

Small refineries seeking a waiver from Renewable Fuel Standard (RFS) requirements are getting a cold shoulder from EPA.

After granting "blend wall" exemptions to many smaller oil companies, the Trump EPA denied 54 hardship petitions in a surprising about-face.

The Department of Justice (DOJ) urged the denials because the businesses didn't show they'd suffer financial hardship blending a percentage of ethanol or other biofuels

into gasoline. EPA chief Andrew Wheeler sided with the DOJ, but said a recent court ruling that overtuned RFS waivers for three other small refineries didn't affect his decision.

Biofuel makers demanded change

Corn and ethanol groups lobbied the administration after EPA made a series of friendly moves toward the oil & gas industry.

Barring a Congressional overhaul of the RFS, which many industry and environmental groups want, refineries will need to use biofuels.

Info: tinyurl.com/rfs637

EMERGING CONTAMINANTS

PFAS limits coming fast and furious

What's new on the regulatory front for per- and polyfluoroalkyl substances (PFAS)?

Not a whole lot at the federal level, but you need a scorecard to keep track of state actions, according to law firm King & Spalding.

PFAS are shaping up to be the most expensive "emerging" water contaminant that chemical manufacturers and towns have ever dealt with. Billion-dollar lawsuits against companies like DuPont and 3M are just the start (*search for "New Jersey PFAS at our website"*).

States not waiting on feds

This year four states (Michigan, New Hampshire, New Jersey and New York) finalized drinking water maximum contaminant limits for PFAS like perfluorooctane sulfonic acid and perfluorooctanoic acid.

That brings the number of states with more stringent PFAS limits than EPA's 70 parts per trillion to eight, with more states to follow suit.

Water utilities in New York will

have to start testing for traces of PFAS as early as this winter.

Also: Kentucky, Maryland and Minnesota established prohibitions on aqueous film-forming foams containing PFAS.

PFAS are a wide variety of chemical compounds used in furniture staining, coatings for cookware and firefighting foams linked to reproductive disorders and cancer.

Info: jdsupra.com/legalnews/pfas-update-states-continue-to-move-24158

Hazwaste ...

(continued from Page 1)

Thought they could hide it

From 2011 to 2016, 5R started fudging with the labels on containers of funnel glass. Workers were told to hide glass in locked semi-trailers. Employees also placed pallets in front of funnel glass waste bins in the warehouses in case inspectors ever came calling.

As if that wasn't bad enough, employees transported hazwaste illegally across state lines, and 5R never reported one of its warehouses as storing hazwaste. To top it off, Dennee submitted false inventory and shipping records.

Reputations & freedom at risk

It took awhile, but eventually regulators caught on to 5R's scheme and started building a strong case against the three execs.

Result: All three pleaded guilty to conspiracy to store and transport hazwaste without permits and manifests in violation of the Resource Conservation and Recovery Act.

Each faces up to \$250,000 in fines and a maximum of five years in jail.

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.

GROUP SAYS EPA TOOK IT EASY ON FIRM: COURT SAYS ...

Buck Flanagan, environmental manager, dipped his toes into the warm white sand and exhaled as a cool sea breeze blew over him.

Even though his eyes were closed, he sensed a rather large shadow looming over him.

"Buck?" came a familiar voice. "I thought that was you."

It was Buck's old nemesis, Margaret Farley, an environmental activist who loved nothing better than suing companies like Buck's.

"What can I do for you Margaret? Can't imagine you'd want to talk business on such a beautiful day," Buck said.

"Not business exactly," said Margaret. "Just a friendly warning that we'll be seeing you in court soon enough."

'Your upgrades don't cut it'

Buck sighed. "Why's that?"

"We're challenging the deal you made with EPA over breaking your air permit.

"EPA should've made you update to the best scrubber technology on the market," said Margaret.

"I see. You do realize we're paying a king's ransom on the penalty and upgrades?"

"We've already driven down emissions under the industry average," said Buck.

"It's not enough," said Margaret. "And we've won a lot of battles like this in court before."

Did the court rule Buck's company had to install the most stringent controls?

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

\$1.5 billion air settlement for auto-making cheats

Company: Daimler AG, Stuttgart, Baden-Württemberg, Germany.

Business: Mercedes-Benz auto manufacturer.

Penalty: \$1.5 billion.

Reasons for penalty: Daimler sold vehicles in the U.S. that didn't conform with California Air Resources Board and EPA emission guidelines for nitrogen oxides. Engineers installed emission cheat devices that turn on when cars are being tested and turn off out on the road. Daimler sold more than 250,000 diesel Sprinter passenger vans and cars with undisclosed auxiliary emission control devices or defeat devices programmed into their emissions control software.

Note: This is the second largest Clean Air Act settlement ever. Daimler must recall and repair 85% of affected vehicles within three years.

Ammonia user's chemical safety plan full of holes

Company: Colorado Premium Cold Storage, Denver.

Business: Cold storage facility.

Penalty: \$156,081.

Reasons for penalty: Premium processes large quantities of anhydrous ammonia to keep food items refrigerated and frozen. Inspectors found multiple examples

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.

of noncompliance with Clean Air Act Risk Management Plan (RMP) program rules with:

- emergency contact information
- hazard analysis
- mechanical integrity
- operating procedures, and
- compliance audits.

Note: If your facilities store and use RMP-listed chemicals above a certain threshold, you must have an RMP and controls in place to minimize the effects of an accidental release. EPA and state agencies are cracking down harder on RMP violators more than any other area the past three years.

Cut emissions or shut down: Utility on the clock

Company: Indianapolis Power & Light (IPL), Indiana.

Business: Coal-fired power plant.

Penalty: \$1.5 million fine plus a \$5 million pollution mitigation project.

Reasons for penalty: As part of its settlement, IPL has a choice:

- retire both of its electricity generating units (EGUs) before July 1, 2023, or
- install a selective non-catalytic reduction system that limits emissions of nitrogen oxides, sulfur dioxide, particulate matter and sulfuric acid mist.

Note: The utility can and might retire both of its EGUs before the 2023 deadline to comply with its settlement.

Wide range of hazards adds up to \$790K ticket

Company: Clean Harbors Environmental Services, Kimball, Nebraska.

Business: Owner and operator of 150 facilities including solid waste landfills, wastewater treatment

plants, incineration facilities and recycling centers.

Penalty: \$790,000.

Reasons for penalty: The company's incineration plant in Kimball was cited for failure to:

- address multiple fire incidents that resulted from workers mixing incompatible wastes
- manage and contain hazardous waste properly
- comply with emission limits for hazardous air pollutants
- comply with chemical accident prevention safety requirements, and
- report its usage of toxic chemicals in a timely manner.

Note: EPA racked up big fines against Clean Harbor by citing it under multiple statutes: the Resource Conservation and Recovery Act, the Emergency Planning and Community Right-to-Know Act and the Clean Air Act.

Caught taking shortcuts on groundwater – again

Company: Paxton Resources, Gaylord, MI.

Business: Oil & gas injection wells.

Penalty: \$73,000.

Reasons for penalty: Paxton didn't properly monitor and report pressure on seven injection wells spread across Antrim, Alcona, Oscoda and Otsego counties in Michigan as agreed to in a consent order. From 2014 to 2016, the company didn't record and report weekly injection pressure, check weekly annulus pressures or write down measurements. Paxton also let an unauthorized employee handle reports for four years.

Note: EPA cited Paxton under the Safe Drinking Water Act (SDWA). For more info on the violations, go to tinyurl.com/sdwa637.

NSPS

Methane rollback stalled by DC court

Oil & gas companies aren't officially off the hook for monitoring methane after all.

The Washington DC Circuit Court of Appeals granted a last-minute vacatur of New Source Performance Standards (NSPS) for the oil and natural gas industry (40 CFR 60, Subparts OOOO and OOOOa).

And the court order came one day after the revised NSPS was published in the *Federal Register*.

Tighter regs seen as burdensome

The Trump EPA determined methane regs were redundant and therefore a waste of money for industry because existing volatile organic compound (VOC) guidelines limited methane emissions.

EPA also rescinded technical requirements related to monitoring methane leaks from production, processing, transmission and storage facilities due to existing

states' rules related to fracking.

A 2016 EPA analysis found standards for VOCs "incidentally" reduce methane, but methane regs were nevertheless needed to "achieve meaningful greenhouse gas reductions" and "mitigat[e] the impact of emissions on climate change."

Will court precedent hold?

EPA will argue its case for rolling back much of the Obama-era NSPS this fall. A final decision by the DC Circuit may not come until after the November election.

Nonprofit groups are sure to stress how the rollbacks may allow an additional 450,000 tons of methane and 120,000 tons of VOC emissions over the next 10 years.

The DC Circuit typically defers to EPA on air rules and interpretations.

Info: jdsupra.com/legalnews/epa-methane-regulations-for-oil-and-gas-52874

AIR TOXICS

No more industry shield for steel & iron foundries

■ EPA WANTS TESTING & MONITORING DATA SENT ELECTRONICALLY

Iron and steel foundries can breathe a sigh of relief.

EPA is leaving emission limits and pollution control technology as is for 70-plus large sources and more than 400 area source foundries.

The agency's leaving the bulk of National Emission Standards for Hazardous Air Pollutants (NESHAP) in place after wrapping up residual risk and technology reviews.

SSM events can't be excused

The biggest change – one that foundries have had a few years to prepare for – is an end to the affirmative defense for emission spikes due to equipment startup, shutdown

and malfunction (SSM) events.

EPA has been systematically removing the so-called "industry shield," which allowed state agencies to waive or reduce air fines, from NESHAP and other air rules, after losing a federal court case.

Foundries will need to meet emission limits even if there's an unplanned shutdown or system failure as a result. (*Search for "SSM industry shield" at our website for a timeline of this regulatory change.*)

In addition, there are a few electronic reporting requirements for performance test results and emission compliance reporting. EPA also corrected some mistakes in the previous NESHAP and clarified a few technical requirements.

Info: 85 FR 56,080

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 CLAIMED IT DIDN'T NEED STORMWATER PERMIT

To: Regional Enforcement Director
From: Inspector Bob Wiley
Re: Contaminated discharges

I'm recommending we cite Acme Activities for violating federal stormwater rules.

Since Acme didn't adopt best management practices for controlling discharges, this fine could be upwards of \$90,000.

Acme's neighbors called a few months back saying there was muddy, black discharge showing up in a creek where anglers fish all the time. Turns out they were right on the money.

We did a thorough walkthrough of the area and discovered muck in three streams that empty into the creek.

These weren't isolated incidents either. Runoff streams revealed highly eroded and gouged-out stormwater gullies. And the primary source upstream was Acme.

'Once it leaves your site ...'

The company rep denied it was the source of the problem. He didn't deny that water ran off the site, but he blamed it on sediment from higher ground.

We explained that it doesn't matter where runoff originates. Once it reaches and leaves an industrial property, it's on them to minimize the pollutants.

As it turns out, the runoff was picking up grease and oil from vehicles and equipment on its site.

Before we let Acme resume construction, the company must apply for a stormwater permit.

■ *Dramatized for effect. Based on a settlement between EPA and a Southern construction firm.*

PPE

Coronavirus a big headache for recyclers

The coronavirus slammed a wide range of industries hard in the wallet – and it’s created multiple headaches for the recycling sector.

Reason: People are mistakenly throwing away used personal protective equipment (PPE), especially face masks and gloves, in their recycling bins.

For example, North Carolina recycling haulers and local governments reported a surge in contaminated recyclables since the beginning of March.

Workers can’t safely handle used PPE because of the health risks of COVID. As a result, loads of otherwise useful materials must be treated as solid waste and landfilled or incinerated.

EPA administrator Andrew Wheeler recently noted, “Businesses that normally recycle large amounts of paper and cardboard aren’t able to do that right now. ... There are critical needs for all raw materials in the

manufacturing supply chain, especially paper and cardboard.”

PPE no good? Throw it away!

Of course, there’s only so much environmental pros like yourself can do about what’s primarily a homeowner problem. But sharing info in an email or on your company blog can help.

You might see evidence of people tossing used PPE in your facility recycling bins. Folks may need a

Do your staffers need a heads up?

reminder – used face masks and assorted PPE are solid waste that should always be thrown away in trash cans.

Info: coastalreview.org/2020/09/covid-19

RCRA

Cracked drip pad make facility a hazwaste violator

PREVENTIVE MAINTENANCE AND TIMELY REPAIRS ARE A MUST

To avoid Resource Conservation and Recovery Act (RCRA) citations, facilities must periodically inspect storage containers and barriers for signs of cracks, rust and other signs of damage.

Wear and tear from years of use can make controls like drip pads inadequate – if they’re in poor shape, count on paying up.

Drip pad overdue for replacement

A Maryland facility, Eden Wood Preserving in Fruitland, is shelling out \$50,000 in RCRA fines because its drip pads weren’t up to snuff.

Like most companies that use wood

treating preservatives, Eden uses a concrete drip pad to prevent toxic substances like chromated copper arsenate (CCA) from breaking the pad’s surface and entering surrounding soil and groundwater.

Built in 1978, Eden’s drip pad had deteriorated and possessed visible cracks and gaps. Inspectors determined the company hadn’t inspected the pad properly and made necessary repairs.

Eden was cited for improper hazardous waste management methods and substandard wood preserving drip pad conditions, among other RCRA violations.

Info: Cornell Law School breakdown of drip pad regs under RCRA, law.cornell.edu/cfr/text/40/part-265/subpart-W

TRENDS TO WATCH

CALIFORNIA FACILITIES FACE TOUGH NEW COVID POLICY

A bill signed into law in California requires employers to provide written notification within one business day to employees who were potentially exposed to COVID.

Governor Gavin Newsom (D) signed the bill, which confirms COVID is a serious occupational illness requiring employers to report it in the same manner as other workplace illnesses.

Cal/OSHA can issue citations for serious coronavirus-related violations without having to comply with pre-citation requirements, and prohibit operations in workplaces where infection risks are severe enough to be an imminent hazard, according to law firm Jackson Lewis.

Now Cal/OSHA can act if employees may be exposed to COVID in a way that constitutes an imminent hazard by:

- prohibiting entry to a worksite
- prohibiting a process or operation at the worksite, and
- requiring posting of imminent hazard notice at the worksite.

Info: jdsupra.com/legalnews/assembly-bill-685-changes-employer-48536

MORE WORK NEEDED ON VAST WATER CLEANUP

Farms and cities in Pennsylvania and New York aren’t curbing nutrient and phosphorous pollution impairing the Chesapeake Bay watershed, a new lawsuit claims.

Environmental groups are demanding EPA crack down on the two states, which are partners in the Chesapeake Bay Total Maximum Daily Load (TMDL) plan to clean up the watershed.

While the historic watershed’s health is steadily improving, contaminated flows from the Susquehanna River remains a stumbling block to reaching the TMDL’s 2025 goal posts.

CORONAVIRUS

COVID-killing disinfectant list expanded

EPA's "List N" of disinfectants proven to kill the coronavirus includes nearly 500 products.

Factories, offices, schools and public gathering places that are increasing their occupancy rates can load up on multiple brands and types of products to disinfect high-touch areas like:

- door handles or flat pads
- desktops and chairs, and
- elevators and escalators.

Water-bleach mix works too

In the absence of recommended wipes and sprays, using a bucket of water mixed with a cap full of bleach is as effective at killing COVID as a List N product.

Info: epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19

Clock's ticking for ethylene oxide upgrades

Miscellaneous organic chemical manufacturers will need to begin reducing ethylene oxide (EtO)

emissions after EPA tightened National Emission Standards for Hazardous Air Pollutants (NESHAP).

EtO manufacturers must address leaks within one year (the rule went into effect on August 12) and make necessary process vent and storage tank modifications by August 2022.

Industry groups argued the NESHAP is too tough because it relies on an older Integrated Risk Information System assessment of EtO, but EPA didn't budge (*search for "IRIS" at our website for more*).

Info: 85 FR 49,084

Agriculture can keep using popular pesticide

Farmers can continue using atrazine, a widely used weed killer shown to cause chemical castration in frogs.

EPA determined the pesticide's risks can be managed through proper spraying and runoff controls.

Nonprofit groups urged the agency to ban atrazine under the Toxic Substances Control Act.

WHERE TO GET HELP

■ MULTI-MILLION WATER LOANS ON TAP FOR CITIES

Water utilities should be taking advantage of Water Infrastructure Finance and Innovation Act (WIFIA) loans for long-term capital upgrades.

Oceanside, **California** just received a \$69 million WIFIA loan for an innovative water reuse project that purifies recycled water into a new source of drinking water.

Salt Lake City, **Utah** now has \$348.6 million on hand to reconstruct its 55-year-old water reclamation facility.

EPA is taking applications for WIFIA loans. About \$5 billion in funds is still available.

Info: epa.gov/wifia/wifia-funding-currently-available

■ HAVE A SAY ON TOXIC SUBSTANCES RULEMAKING

Want to have a say on upcoming regs for 1-bromopropane and methylene chloride?

EPA is seeking representatives to sit on Small Business Advocacy Review panels to discuss how these substances should be restricted.

Info: tinyurl.com/chempanel637

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

No. The court didn't rule against the settlement between EPA and Buck's company.

The citizens' group argued that as a major source of emissions, the company should've been ordered to install best available control technology.

But a U.S. district court ruled that EPA was the expert in this case and deferred to the agency's decision.

ENFORCEMENT IS A DIFFERENT MATTER

Federal courts weigh in on air cases typically when there's a question if EPA has interpreted or enforced the Clean Air Act to the letter.

Courts will also weigh in on whether agencies, typically

state air offices, acted reasonably when setting technology requirements during the permitting process.

But wading into an enforcement case is a different matter. The court decided it didn't have the standing or the technical expertise to say if terms of the settlement went far enough.

Result: Case dismissed.

■ LESSON LEARNED: THERE'S ROOM TO NEGOTIATE WHEN YOU'RE SETTLING AN EPA VIOLATION

Facilities facing emission violations aren't necessarily locked into best available or maximum control upgrades.

If you can make a case that other changes to your operations will lead to a significant dent in emissions, EPA will listen.

Cite: *Wisconsin Electric Power v. U.S.*, U.S. District Court, Eastern Dist., WI, No. 03-c-371 Dramatized for effect.

WASTE MANIFESTS

West Coast firms gain hazwaste relief

California lawmakers are relaxing compliance procedures for businesses. (Yes, you read that right.)

Assembly Bill 2920 lets retailers ship all listed hazardous wastes on a consolidated manifest.

Less paperwork for businesses

This simplified process previously applied to used oil, but now is expanded to include:

- aerosol cans
- certain cosmetics and personal hygiene products plus sunscreen
- alkaline batteries
- electronic devices, and
- cleaning products.

Info: openstates.org/ca/bills/20192020/AB2920

Trump exempts 4 states from offshore drilling

President Trump signed a moratorium on offshore oil & gas drilling in several Southern states that runs until 2032.

The move covers Florida, Georgia, North Carolina (just added) and South Carolina.

BP inferno memories linger

Some GOP governors were initially open to oil & gas companies creating jobs in their states.

But voters and citizens' groups pushed to stop offshore drilling for now. The Deepwater Horizon oil disaster in 2010 made a lot of folks wary of letting oil & gas firms drill off their coasts.

Firm has to pay more for cleanup 30 years later

Once a company's paid toward a Superfund cleanup to a state, it can't

be sued for further contributions toward the same site.

Right? Not necessarily.

The 3rd Circuit Court of Appeals ruled Carter Day Industries (CDI) wasn't protected from a contribution claim brought by another company for cleanup costs of a contaminated New Jersey site.

'We thought we settled this!'

CDI thought it met its obligations after agreeing to a settlement with the NJ Department of Environmental Protection – 30 years ago!

But the 3rd Circuit ruled satisfying a state's requirements doesn't free a potentially responsible party (PRP) from federal liability.

CDI's settlement specified it had met all obligations to the state only, not the feds or other PRPs looking to be paid back for their costs.

Info: tinyurl.com/superfundliability637

States tell EPA to butt out of water actions

EPA means business when it says states are in charge of Clean Water Act enforcement.

Case in point: EPA found a U.S. Steel mining site in Minnesota was leaking metal tailings.

No fines 3 years later

The feds started an enforcement action against the Minntac iron ore mine. But three years later the case is stalled because the MN Pollution Control Agency (PCA) refused EPA's help with the case.

That leaves the PCA in charge of enforcing Minntac's discharge permit and assessing fines. EPA could step in if PCA doesn't take action soon, or if and when a citizens' group sues the iron mine.

REAL PROBLEMS/SOLUTIONS

■ TRAINING TIP: SHARE YOUR MISTAKES TO BRIDGE GAPS

(From Tim Page-Bottorff, certified safety professional, SafeStart, Washington, at ASSP's Safety 2020)

If you ask employees why they didn't follow a procedure, what ends up happening is you shut the conversation down.

They don't look for any sort of relationship between you and them – all they'll want is to resolve the issue and get away from you.

It's embarrassing to be called out in such a way.

Be willing to humble yourself

To prevent this from happening, I started sharing mistakes I'd made in the past.

When I shared those, I actually get more of a response and more engagement.

If you're willing to humble yourself to share a story about a time you screwed up, it can help build a relationship.

It helps to do this in training sessions from time to time. Think about a compliance area that you assumed the wrong thing or figured out you weren't doing a step right.

This opens the door for you to come across as human, not a "perfect" authority. And you'll develop better relationships.

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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.

"ECA is exactly what we need. It's a quick and easy resource for employee toolbox talks because of its broad scope."

Prince Knight
LE&C Manager
Norlite
Cohoes, NY

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

TSCA REPORTING DEADLINE

Here's your last reminder: The deadline for registering any chemicals you use or process under the Chemical Data Reporting (CDR) rule is November 30.

Manufacturers and importers must report chemicals in commerce every four years or lose their permits to make said chemicals as per the amended Toxic Substances Control Act (TSCA).

Any entity that makes or imports 25,000 pounds or more of a listed chemical substance at a single site for nonexempt commercial purposes during any single year is required to file a CDR report.

Good news for small manufacturers: You're exempt from several CDR obligations if:

- annual sales, combined with those of any parent company, are less than \$120 million (unless your firm manufactures more than 100,000 pounds of any one chemical at a site), or
- total annual sales of your site are less than \$12 million, regardless of production volume.

Note: Roughly half of 80,000-plus chemicals listed in the TSCA Inventory were removed in the past three years as companies reported the substances inactive.

Info: tinyurl.com/chems637

LEAD IN DRINKING WATER

EPA has reduced the percentage of lead allowed in plumbing materials

from 8% to 0.25%.

The "lead-free" final rule also makes manufacturers and importers responsible for certifying their products meet the requirements using a consistent verification process within three years.

Plumbing products that must meet the 0.25% lead limit include pipes, fittings, fixtures, solder and flux.

This change follows a series of rules promulgated by EPA to satisfy the Reduction of Lead in Drinking Water Act.

Info: 85 FR 54,235

In related news: The White House budget office is giving the lead and copper (LCR) rule a last look before it becomes the law of the land.

The LCR rule has a new trigger level of 10 parts per billion (ppb) for lead or copper, which would compel drinking water systems to reevaluate current treatment protocols or conduct a corrosion control study.

Systems above 10 ppb but below 15 ppb would be required to set an annual goal for replacing lead service lines, and identify neighborhoods in greatest need of line replacements.

Municipal water systems that exceed 15 ppb must begin replacing 3% of old lead lines within a year.

Info: 84 FR 61,684 (LCR)

CROSS-STATE AIR POLLUTION

Twenty states whose power plant emissions are pushing downwind states into nonattainment status are facing federal attainment plans.

After a long court battle with downwind states, EPA agreed on a March 15 deadline for submitting pollution reduction plans.

Upwind states' first target for emission reductions will be coal-fired power plants. Other sources for reductions are manufacturers, chemical plants and transportation.

The 20 upwind states are **Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia and Wisconsin.**

Federal courts ruled EPA satisfied the Good Neighbor provision in the Clean Air Act with its Cross-State Air Pollution rules but didn't set acceptable deadlines for upwind states to cut pollution.

Info: tinyurl.com/cross-state637

HURRICANE LAURA

It could take months for many businesses in **Louisiana** to recover from damage done by Hurricane Laura, one of the most destructive storms in state history.

One bit of good news: The Internal Revenue Service pushed back all tax filing and payment deadlines after August 21 to December 31.

That includes quarterly estimated income tax payments and quarterly payroll tax returns. You qualify if you're located in any area designated by FEMA (Federal Emergency Management Agency).

Info: tinyurl.com/taxeslaura637

In related news: An interactive mapping tool can help you locate landfills capable of taking debris after natural disasters.

The debris recovery can help government emergency personnel quickly identify recycling, composting and disposal facilities near areas affected by hurricanes, tornadoes, flooding and earthquakes.

EPA says better management of debris may reduce injuries, minimize or prevent the environmental impacts of mismanaged wastes, and ultimately support compliance with regs.

Info: epa.gov/debris-recovery-map