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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).

Coronavirus woes spur easier air rule for storage tanks

■ *In-service inspections save firms time & money*

Storage tank inspections are about to change dramatically – and in industry's favor.

More than 300 industry stakeholders petitioned EPA for rooftop, in-service inspections in lieu of shutting tanks down.

EPA responded with relaxed New Source Performance Standards (NSPS) sure to please:

- petroleum bulk storage farms
- oil refineries
- coke and other coal product manufacturers, and
- chemical and petrochemical plants.

Less cumbersome rule on tap

The current inspection method for certain large volatile organic liquid storage vessels under NSPS subpart Kb has been in place since 1987.

NSPS Kb requires out-of-service inspections for holes and tears at least once every 10 years, as well as monitoring, recordkeeping, reporting and other duties.

Tank operators typically need to drain vessels and de-gas them via venting and flaring for inspections, which from the start of the process to the finish, can take up to a week or longer, depending on tank volume and facility size.

(Please see Storage tanks ... on Page 2)

ENFORCEMENT

Coronavirus fines pile sky-high! How to avoid them

■ PROTECTING WORKERS IS TRICKY, NEEDS TO BE TEAM PRIORITY

Environmental health and safety pros need to be on their toes for coronavirus compliance as more workplaces get back to “normal.”

Reason: OSHA has issued more than a million dollars in fines under the general duty clause (GDC) and respiratory standard for COVID hazards at work.

Breathing protection is key

Since the pandemic began, OSHA's doled out \$1,222,156 in fines. That doesn't include amounts that state

agencies such as California OSHA (which has been very busy citing employers) are ringing up either.

The most common OSHA citations are for failure to:

- implement a written respiratory protection program
- provide medical evaluations, respirator fit tests and training on the proper use of respirators and personal protective equipment
- report an injury, illness or fatality
- record an injury or illness on OSHA recordkeeping forms, and
- comply with the GDC.

Info: [osha.gov/SLTC/covid-19](https://www.osha.gov/SLTC/covid-19)

CORONAVIRUS

EPA cases spike after height of COVID

Coronavirus may have curtailed EPA cops from the beat earlier this year, but inspectors caught up in a big way this summer.

EPA finalized 327 settlements with regulated entities in the 3rd quarter of the year totaling \$6.4 million in fines. By comparison, 162 settlements were made during the 2nd quarter.

In addition, the Justice Department wrapped up the second largest Clean Air Act settlement ever against Daimler AG of Germany. The auto maker sold thousands of diesel vehicles with emissions cheating devices and eventually got caught. Total fine: \$1.5 billion!

Reporting waiver only went so far

Regulated companies benefited from a five-month-long enforcement waiver for routine monitoring, reporting and training violations related to COVID-19 issues. The temporary waiver from EPA concluded in late August.

Contrary to the negative press coverage EPA received, the temporary waiver didn't excuse companies

from potential fines for not reporting releases or spills.

Case in point: A Michigan company that didn't report a release of 8,288 pounds of nitric acid to the National Response Center in time got fined \$41,000 last quarter.

EPA cited it under the Comprehensive Environmental Response, Compensation and Liability Act and Emergency Planning and Community Right-to-Know Act.

Info: epa.gov/enforcement

Storage tanks ...

(continued from Page 1)

EPA agreed with stakeholders that allowing for in-service, rooftop inspections would be less "expensive, labor-intensive and [would] result in [fewer] volatile organic compound (VOC) air emissions and other pollutants from venting and flaring."

Costlier for tank sites to comply

Unlike some previous Trump EPA regulatory rollbacks (search for "New Source Review reform" at our website), this reg change will result in less pollution.

EPA estimates VOC emissions will drop by 83 tons per year due to reduced venting and flaring, while owners of more than 3,500 tanks will save between \$768,000 to \$1,091,000 in compliance costs annually.

Oil & gas companies were hit hard by the coronavirus pandemic and are dealing with heavy inventory. EPA acknowledges that "inspecting large tanks from the inside has become more challenging because there is a significant increase in the need for liquid storage capacity (particularly crude and petroleum products), due to slower consumer demand."

Info: 85 FR 65,774

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.

■ CAN GROUP SUE FIRM AFTER IT'S SETTLED WITH EPA?

"Can you tell me what this is about, Ms. Farley?" sighed Buck Flanagan, environmental manager.

"It's a citizens' complaint," replied Margaret Farley, the director of a watchdog group that sued industrial firms like Buck's.

"It's not like you haven't come across a few of those in your career, Buck," Margaret chuckled.

"I think you know what I mean," said Buck. "You know all about our settlement with EPA."

"We're addressing the air quality problems as we speak. You did see my email about a consent decree in the works?"

Will court see it as 'piling on?'

"I did," said Margaret. "But that's neither here nor there. Your smokestacks were blasting out foul-smelling air for years, and you didn't do anything about it."

"Just because you're complying with EPA doesn't mean the residents who suffered because of your dirty air can't have their day in court."

"That's where you're wrong," said Buck. "Now that we've entered a consent decree, your group can't pile on top with a lawsuit. We've owned up to our mistakes and we're paying to fix them."

"All a little too late," said Margaret. "Your plant was negligent, and we're betting the court will see it our way."

Buck's company tried getting the lawsuit thrown out.

Did it win?

■ 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

What's in your dumpsters? \$1.4 million reasons to look

Company: Kelly-Moore, San Carlos, California.

Business: Retail paint manufacturer with 106 shops in the state.

Penalty: \$1.43 million settlement with 20 county prosecutors.

Reasons for penalty: Kelly-Moore employees didn't separate items like paint colorants, paints, electronic devices, aerosol cans and other kinds of hazwaste from normal trash. Inspectors checked dumpsters at multiple sites and documented these items were thrown in with solid waste. These hazwastes then went to municipal solid waste landfills not permitted to accept hazwaste.

Note: Kelly-Moore can reduce part of its penalty by hiring a hazwaste compliance manager.

Gas explosion tied to lax safety plan: \$400K fine

Company: Blue Rhino, Tavares, FL.

Business: Liquid propane cylinder distributor.

Penalty: \$400,000.

Reasons for penalty: Blue Rhino's Florida facility refurbishes and refills 20-pound liquid propane cylinders for retail stores. In 2013, workers improperly vented several cylinders. A spark from a forklift ignited the fumes and set off a chain reaction

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 nearby tanks to explode. The resulting fire and explosions injured workers and caused \$3.5 million of damage. Blue Rhino shut down the site for five months to investigate and fix problems.

Note: EPA cited Blue Rhino under section 112(r)(1), aka the general duty clause, of the Clean Air Act for failing to identify hazards that may result from accidental releases of propane gas and not using appropriate hazard assessment techniques.

Sediment runoff must be controlled & monitored

Company: Northern Alaska Contractors, Unalaska, AK.

Business: Quarry operator.

Penalty: \$62,500.

Reasons for penalty: The company violated its multi-sector general permit by not controlling sediment and contaminants in stormwater runoff. A 2018 inspection found it failed to:

- update its stormwater pollution prevention plan and site map to reflect current operations
- conduct required monitoring, sampling and reporting
- conduct all required inspections and annual training, and
- store, handle and dispose of construction waste properly.

Kids at risk from tainted water: Firms pay fine

Entities: Paint Rock Canyon and C5 Youth Foundation of Southern California, operators at Camp Paintrock in Big Horn County, Wyoming.

Business: Youth camp.

Penalty: \$4,400.

Reasons for penalty: The youth camp operators failed to monitor for acute contaminants in the drinking water system. The companies violated

previous administrative orders to monitor for contaminants. They were fined under the Safe Drinking Water Act.

Facility found corroded piping late in the game

Company: CarMax Auto Superstores, Independence, Missouri.

Business: Car dealership.

Penalty: \$119,440.

Reasons for penalty: CarMax discharged thousands of gallons of gasoline into a creek from corroded piping attached to a petroleum storage tank used to fill up vehicle fuel tanks. The company notified the National Response Center and the state after discovering the leaks.

Note: Facilities that store 1,320 gallons or greater of oil products in aboveground storage tanks are subject to Spill Prevention, Control and Countermeasure regs that require proper containment around tanks, inspections of tanks and piping, and integrity testing of oil storage equipment.

No training documents means it didn't happen

Company: Dilbeck & Sons, Salinas, CA.

Business: Home renovations and construction.

Penalty: \$22,774.

Reasons for penalty: The company violated the lead paint Renovation, Repair and Painting rule while renovating a house in 2019 by failing to:

- provide occupants with the Renovate Right pamphlet that explains lead paint hazards
- produce documents showing it provided on-the-job training for workers, and
- ensure a certified person oversaw lead paint removal.

FIFRA

Chemical enforcement gets tougher

Not too long ago there was a dividing line between who took the lead on chemical safety:

- OSHA typically handled cases of exposure and contained releases affecting employees within the facility, and
- EPA got involved in “outside the fenceline” cases impacting the ecology and neighboring communities and emergency responders. For example: anhydrous ammonia leaks.

Those days are long gone since EPA made Risk Management Plan (RMP) and Clean Air Act (CAA) general duty clause investigations a top priority in agency enforcement.

Directions were on equipment

Case in point: BEI Hawaii had a liquefied chlorine leak in 2016. Employees didn't wear personal protective equipment (PPE) while investigating the leak or when they

attempted to stop the leak from the gas-containing equipment.

That was in direct violation of the EPA-approved label on the chlorine vessel as well as dangerous substance handling guidelines under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

EPA wrote BEI a ticket totaling \$127,209 for not following RMP and FIFRA protocols.

Multi-statute goofs drive up fines

Keep in mind EPA can piggyback on OSHA process safety management enforcement and dole out fines for egregious noncompliance (*search for “RMP OSHA” at our website for related stories*).

And those fines can get pretty steep when EPA finds violations under multiple statutes like the CAA and FIFRA – even for an accident from four years ago.

Info: tinyurl.com/rmpfifra639

OIL & GAS

Summertime standards for fuels get the ax

- SINGLE, YEAR-ROUND SET OF REGS REDUCES PAPERWORK BURDEN

Refineries and fuel retailers, say goodbye to seasonal production standards for gasoline, diesel and other kinds of fuels.

EPA finalized the Fuels Streamlining rule, which locks in a Reid vapor pressure (RVP) per-gallon cap of 7.4 pounds per square inch (psi) for fuels year-round.

For decades, refineries and the fuel supply chain have had to adjust RVP down during summer months to reduce ozone pollution.

Simpler reg for oil & gas sector

EPA created a new federal code, 40 CFR part 90, that includes:

- a simplification of the reformulated

gasoline summer volatile organic compound standards

- consolidation of the regulatory requirements across the 40 CFR part 80 fuel quality programs, and
- improved oversight through the leveraging of third parties to ensure in-use fuel quality.

The streamlining rule's expected to save industry more than \$40 million per year, largely in administrative costs. With EPA deleting more than 800 pages of regulatory text, refineries and retailers won't have to deal with redundant provisions such as duplicative registration duties and other out-of-date requirements.

The streamlining rule goes into effect January 1, 2021.

Info: epa.gov/diesel-fuel-standards/fuels-regulatory-streamlining

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.

■ FIRM PLEADS IGNORANCE FOR LACK OF AIR PERMITS

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

Our office ran a records check on Acme Industrials and made a startling discovery:

Acme has been operating without Clean Air Act permits for more than five years. And the firm's operations are part of the reason why our state hasn't met ozone attainment goals.

Not only was Acme not limiting – let alone monitoring – volatile organic compounds (VOCs), but it took advantage of competitors that did invest in best available pollution controls.

That's why I recommend the maximum penalty of \$195,000. The company should pay for years of operating under an unfair economic advantage.

Controls were out of date

Acme's owner called me when he learned I'd cited his company.

When I explained that they weren't keeping a handle on VOCs, he protested that their condensers were getting the job done.

That didn't wash obviously. I reminded him that technology is improving all of the time.

The industry standard from 10 years ago won't cut it today. On top of that, they could look at their permits and see they'd expired.

Going forward, we should follow up regularly with Acme. I'm concerned this is a pattern of behavior and not just a one-time mistake.

- *Dramatized for effect. Based on a settlement between EPA and a manufacturing plant.*

UNIVERSAL WASTE

5 steps for handling used aerosol cans

You may be one of the thousands of facilities planning to take advantage of the recent universal waste (UW) listing of aerosol cans.

Businesses should first check their state’s UW lists or consult with regulators on whether they can subtract aerosol cans from hazardous waste counts.

EPA defines a UW aerosol can as “a non-refillable container holding compressed, liquefied or dissolved gas and is fitted with a self-closing release device that when pressed expels liquid, paste or powder.”

Make sure your compliance team knows: All UW is technically still hazardous and can’t be sent to solid waste landfills or incinerators. The UW program was designed to spur more recycling and give businesses relief from hazwaste handling duties.

DIY rules to live by

Some facilities will choose to puncture cans on site. The rule doesn’t

place limits based on whether you happen to be a small quantity or large quantity handler or licensed treatment, storage and disposal facility.

The aerosol cans UW rule defines puncturing as “treatment” – cans should be free of contents before they’re handled as scrap metal that can be recycled.

To prevent environmental and safety problems with puncturing cans:

- establish written procedures that workers follow by the book
- use a flat, well-ventilated surface to place puncturing devices and containers or tanks on
- transfer can contents to containers or tanks to prevent emissions of hazardous air pollutants
- check if a Clean Air Act permit is needed because of the potential for emissions, and
- establish written procedures for leaks or spills.

Info: 84 FR 67,202

EMERGENCY RESPONSE

EPA insider shares 2 keys steps for managing a spill

- THE MORE INFO YOU CAN SHARE WITH RESPONDERS, THE BETTER

What’s one of the very first things you should do in the event of a major oil, chemical or waste spill?

Call the National Response Center (NRC) at (800) 424-8802, says Richard Franklin from EPA’s Region 10 office.

Often the NRC won’t call in other agencies, so long as it can verify the spill is being contained properly.

Here are two other pieces of good advice from Franklin if you’re dealing with a spill:

1. Share all the info you can

Franklin has heard industry lawyers warn environmental managers about

disclosing info to EPA or other federal agencies. He says that’s a recipe for disaster in more ways than one.

Many spills impact responders’ immediate safety, trumping even long-term health effects from a spill.

Any info that can help contain a spill and boost safety is critical. Not doing so is counterproductive and can lead to criminal enforcement.

2. Leave more than one number

You or another designated emergency caller may reach voicemail. So leave more than one number the NRC can call back.

Your cell phone is probably the best contact number if you’re on the scene directing cleanup.

TRENDS TO WATCH

■ FLUSHABLE BABY WIPES CLOGGING WATER PLANTS

Flushable wipes aren’t so flushable judging by the sewer system clogs they keep causing.

A buildup of baby wipes in Beulah, Michigan, triggered a 10,000-gallon sludge spill at the municipal wastewater plant.

And a nearby town in the Great Lakes State says it’s forced to pump out thousands of pounds of baby wipes weekly at a pump station.

Some public officials want Congress to take action.

■ TEXAS AIMS FOR CONTROL OF DISCHARGE PERMITS

Texas is seeking discharge permitting authority for produced water, hydrostatic test water and gas plant effluent from the oil & gas industry.

EPA has 90 days to decide the Lone Star State’s petition to oversee National Pollutant Discharge Elimination System permits.

The TX Commission on Environmental Quality is taking over oil & gas discharge duties from the Railroad Commission of TX.

Info: tinyurl.com/texasnpdes639

■ RESIDENTS SAY NO TO PFAS STUDY IN THEIR BACKYARD

A study of per- and polyfluoroalkyl substance (PFAS) at a New Jersey incinerator was scrapped after citizens’ groups protested.

The NJ Department of Environmental Protection and EPA had approved a study of two nontoxic chemicals similar in composition to PFAS at an incineration plant in Union County, home to several of the Garden State’s largest chemical plants and oil refineries.

PFAS are a growing groundwater contamination problem in several states including NJ.

NEW SOURCE REVIEW

Air permitting relief for new projects

Air permit applicants can stop at Step 1 of the New Source Review (NSR) process if they can show emissions won't increase following plant modifications.

EPA finalized a major change to Nonattainment NSR and Prevention of Significant Deterioration policy that gives businesses the benefit of the doubt on the impacts of modifications and new projects.

Fewer court battles for industry

In decades past, EPA took companies to court if they didn't apply for preconstruction permits regardless of firms' emission projections.

The rule's effective 30 days after publication in the *Federal Register* (not listed at press time).

Info: RIN 2060-AT89

Feds not done regulating against pipeline delays

States and tribes will get one year to oppose new natural gas (NG) pipelines or liquefied NG projects under a Federal Energy Regulatory Commission (FERC) reg.

FERC's proposal mirrors an EPA Clean Water Act Section 401 rule change that limits the time for lodging water quality petitions against proposed pipelines to one year.

FERC says one year is a reasonable amount of time to make a case for holding a project and for regulatory agencies to approve or reject.

Info: 85 FR 66,287

Solar panels now a universal waste in CA

The California Department of Toxic Substances has listed spent solar panels as a universal waste (UW) to spur recycling of materials.

Photovoltaic solar modules were previously listed as hazardous waste because of heavy metal content. Panels may contain palladium, silver, nickel, copper and cadmium content.

The modules can be handled as UW before they're recycled now. The rule goes into effect on Jan. 1.

Info: dtsc.ca.gov/regs/pv-modules-universal-waste-management

WHERE TO GET HELP

■ GET THE LOWDOWN ON COVID-19 COMPLIANCE

OSHA enforcement is continually being modified in reaction to COVID-19, leaving employers unsure of how to protect their employees and the public.

While enforcement actions at the federal level are mainly falling under OSHA's general duty clause and respiratory standard, state OSHA agencies are adopting their own level of emergency standards.

Attorney Adele Abrams answers employers' most common questions in an online forum hosted by Premier Learning, such as:

- how recording and reporting of occupational illnesses should be handled for COVID-19
- what's needed beyond social distancing, face masks and hand sanitizer to have an effective COVID-19 program, and
- what are the distinctions between face coverings, surgical masks and respirators – and why it's legally significant.

The program costs \$199 with access to all materials included.

Info: learningpremier.com/product/covid-19-enforcement-oshas-general-duty-clause-new-state-standards/

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

No. Buck's company couldn't get all of the citizens' group lawsuit claims thrown out.

Now the company can take its chances in front of a sympathetic jury or settle the case for a hefty sum.

Settlement with EPA not enough for judge

A federal court ruled that just because a company's entered a consent decree doesn't necessarily shield it from citizens' or watchdog group complaints.

Most of the time, courts will throw out citizens' claims if a company's faithfully taking care of a problem that it caused or inherited from buying a brownfield site.

What was different in this case: Citizens argued

emissions caused health problems for residents, and the company didn't alleviate foul odor problems that persisted for several years.

Several of the group's claims were thrown out of court, but the judges let some of the health and environmental complaints stand.

■ LESSON LEARNED: TAKING NEIGHBORS' COMPLAINTS SERIOUSLY (AND ASAP) PAYS OFF

Industrial facilities located near neighborhoods are finding that addressing neighbors' complaints – whether it's odors, smoke, even noise – can head off lawsuits and keep EPA at bay.

This company learned that lesson the hard way.

Cite: *Graff v. Haverhill North Coke*, U.S. District Court, Southern Dist. Ohio, Case No. 1:09-cv-670. This case has been dramatized for effect.

AIR TOXICS

Get ready for RCRA liability to spike

Title V air permit holders are exempt from Resource Conservation and Recovery Act (RCRA) citizen suits as well as EPA and state enforcement actions.

But with EPA ending the “once-in, always-in” policy for major sources (*see cover story, last issue*), companies that successfully downgrade to area source permits aren't exempt from RCRA anymore.

More than 3,000 current major air sources are expected to be able to apply for area source permits.

RCRA tickets are on the table

Reminder: Air toxics from hazardous waste facilities are a key National Compliance Initiative of EPA's, and it's resulted in big fines for RCRA violators.

RCRA mandates effective monitoring to identify and repair leaks from hazwaste storage tanks, piping and valves.

Also: Open containers and drums that release chemical vapors may trigger RCRA fines.

Coronavirus scam artists still at it! DOJ on case

Fraudulent COVID disinfectants keep being shipped into New York, New Jersey and Puerto Rico, with some ending up on product shelves and being sold online.

Manufacturers, distributors, retailers and e-tailers risk steep fines under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) if they're caught selling or promoting mislabeled products.

The Department of Justice (DOJ) is pursuing criminal charges against foreign and domestic sellers (*for recent examples, search for “COVID fraud” at our website*).

For a list of 500-plus disinfectants proven to kill the coronavirus and

EPA-approved, check out the agency's List N website.

Info: epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19

Court rules 'takings' policy isn't for the birds

Incidental bird kills can't be excluded under the Migratory Bird Treaty Act per the courts.

The District Court for Southern New York threw out a 2017 Fish and Wildlife Services (FWS) memo that exempted incidental kills by wind farms, tilling and other activities.

Unfortunately the court didn't clarify what industry must do to protect accidental killings. The court didn't reinstate a broader FWS definition of bird kills.

Courts have split on what constitutes an incidental take for decades. Fossil fuel and renewable energy providers that don't have controls to prevent or mitigate bird kills risk big fines and court payouts.

The feds could appeal the ruling.

Info: tinyurl.com/birds639

State storage tank programs get EPA jolt

Cash-starved underground storage tank (UST) programs are getting a boost from EPA funds.

Arkansas facilities in particular should check their site inspections are up to date in case the AR Department of Environmental Quality (DEQ) comes calling.

EPA gave the DEQ more than half a million dollars to fund UST cleanups and corrective action. The money will also go towards catching up on backlogged cases.

REAL PROBLEMS/SOLUTIONS

■ METERS, SELF-AUDIT TAKE BITE OUT OF EMISSIONS

(From the facilities manager of a private university)

Our university set an ambitious greenhouse gas pledge that required taking a much closer look at how we were using – and in some cases wasting – energy.

For example: We have multiple facilities running all kinds of equipment, some of them “energy hogs.”

But until we installed meters and sub-meters, we couldn't identify what and when our peak loads were.

With meters, we know exactly when our energy loads spike and we can adjust equipment so we're using less electricity.

Another idea that helped?

Doing a full-scale energy audit.

No more guesswork

We used a process developed by the American Society for Heating, Refrigerating and Air-Conditioning Engineers.

It helped us change when we brought certain kinds of machinery, such as heating and cooling equipment, online.

In addition, we scaled down lighting and other energy loads based on what the audit told us.

▼ 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.

“ECA gives a good review of current topics and new issues on the way. It's pithy.”

Larry Kennedy
Environmental Manager
Round Mountain Gold
Nye County, Nevada

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 - SNUR

A Significant New Use Rule (SNUR) limits how chemical manufacturers can use or process five toxic substances.

Companies will need to file premanufacture notices with EPA before they begin using any of the five following chemicals in a significantly new way:

- 2-(2(methylcaboxymonocyclic) amino)ethoxy)-alcohol (generic)
- formaldehyde, polymer with alkyl aryl ketone (generic)
- propanedioic acid, 1,3-dihexyl ester
- propanedioic acid, 1,3-dicyclohexyl ester, and
- propanedioic acid, 2,2-bis(hydroxymethyl)-, 1,3-dicyclohexyl ester.

Info: 85 FR 66,506

RECYCLING STRATEGIES

With the value of recyclable materials dropping, it's time to reassess how industry and consumers re-use products and cut waste streams.

A draft National Recycling Strategy from EPA identifies three strategies that are needed to create a "stronger, more resilient and cost-effective municipal solid waste recycling system":

1. **Reduce contamination in recycling streams** through enhanced consumer education and outreach. The more people know how valuable recyclables are and what can and can't be recycled, contamination will drop. (Search for "recycling

COVID" at our website for a related story.)

2. **Increase processing efficiency** through new technologies. Public-private partnerships are needed to fuel demand for recyclable materials. Greater R&D will result in environmental gains from improvements in manufacturing.
3. **Improve domestic markets** with a focus on product and packaging designs. Workshops can spur market demand and educate people on the value of secondary materials. There's also a need for analyses of different types of end markets for recyclables, and more regional use of feedstocks to reduce landfilling.

Info: tinyurl.com/recyclingstrategy639

PESTICIDES

Good news: A natural pesticide that repels Lyme disease-carrying insects just hit the market.

EPA approved nootkatone, an oil found in cedar trees and grapefruits, through a Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) rulemaking.

The chemical repels ticks, mosquitoes, fleas and bedbugs, and kills them in high concentrations. Testing found it lasts for hours and gives off a pleasant grapefruit odor.

Over the past 15 years, Lyme disease cases have tripled in the U.S. Left untreated, it can be fatal.

Nootkatone is non-toxic to humans, animals and fish. It's commonly used in perfumes and cosmetic products.

Info: epa.gov/pesticides/nootkatone-now-registered-epa

TSCA - CHLORPYRIFOS

EPA won't ban the pesticide chlorpyrifos despite health studies showing it harms children's brains.

Reason: The chief study showing a

link doesn't conform with the agency's "secret science" policy.

(For a timeline of the agency's policy change, search for "secret science" at our website.)

EPA wasn't allowed to see the raw data from a Columbia University study of migrant farmers' children. Columbia researchers refused, citing privacy concerns.

Citizens' groups pushed for a chlorpyrifos ban under the Toxic Substances Control Act (TSCA).

Chlorpyrifos is widely sprayed on crops like almonds, walnuts, apples and oranges. **California** EPA recently listed it as an air toxic.

Info: beta.regulations.gov/document/EPA-HQ-OPP-2008-0850-0944

PM 2.5

Portable air cleaners make indoor work environments safer from wildfire smoke, according to the National Institute for Occupational Safety and Health (NIOSH).

The devices reduced levels of fine particulate matter (PM 2.5) by 73% during working hours and by 92% during non-working hours.

Wildfires are ravaging sections of northern and central **California, Oregon, Washington** state and parts of **Montana**.

NIOSH funded a research study at Montana Technological University (MTU) due to limited data on portable air cleaners' effectiveness. MTU researchers compared air quality in identical office spaces during wildfire season, one with air cleaners and the other without them.

Wildfire smoke contains chemicals and PM 2.5 that can stay in the air for long periods and be inhaled deep into the lungs, causing heart disease and lung damage.

Info: tinyurl.com/wildfireparticulates639