



March 15, 2021

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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 enforcement blitz! What's driving the big fines?

■ RCRA fines coming left & right

Facilities are paying hefty fines and suffering bad publicity for mismanaging hazardous waste.

A flurry of EPA and state agency actions this winter shows how easily a facility can run afoul of basic Resource Conservation and Recovery Act (RCRA) guidelines.

Here are three questions to ask to help keep your facility compliant:

1. Who's keeping an eye on it?

Depending on the size and scale of your operation, you may need help from one or more staffers to inspect storage spaces and satellite accumulation areas.

George Washington University Hospital in Washington DC could've

avoided a \$108,304 RCRA fine by:

- conducting weekly inspections of waste accumulation areas
- maintaining safe space between aisles to prevent cross-contamination and fire hazards
- properly labeling and dating waste bins, and
- sending waste off for treatment and recycling within 90 days.

GWU moved quickly to fix problems but not enough to get the fine below six figures!

2. What does our permit allow for?

It's up to you to ensure you're properly authorized and permits are up to date before sending, accepting,

(Please see Hazwaste ... on Page 2)

LIABILITY

Biden EPA will continue self-auditing leniency

■ OLIVE BRANCH STILL EXTENDED TO THOSE WHO TURN THEMSELVES IN

The Biden administration will attempt to undo Trump EPA policies, but one area that's not changing is the industry-friendly voluntary audit policy.

An EPA guidance clarifies common questions businesses ask about self disclosing violations. As EPA aims to ramp up enforcement, companies will want to consider voluntary audits.

Audit rules are industry-friendly

- Facilities don't have to notify EPA before doing an internal audit.

- There's no set time frame for starting and compiling a voluntary audit. Caveat: That doesn't apply to the Clean Air Act (CAA) New Owner Audit policy if a company's seeking relief from the previous owner's air infractions.
- Air and water reporting violations may qualify under the voluntary policy and therefore be eligible for reduced fines.
- Clean Air Act Title V or major source violations may be deemed "voluntarily discovered" if reported well in advance of recertifying a Title V permit.

Info: tinyurl.com/19kd7nuq

NATIONAL PRIORITIES LIST

Are there too few Superfund sites?

Heads up: Companies that contributed to “legacy” contamination sites or want to develop a brownfield should be prepared to pay a pretty penny.

Reason: More pollution sites are liable to be declared Superfund cleanup sites if a recent case is any indication.

Granite State Leathers, aka Mohawk Tannery, operated a leather tanning factory in Nashua, New Hampshire, between 1924 and 1984. Like many tanneries of that era, Mohawk didn’t always prevent runoff of chromium salts and liming agents used to make leather.

After the tannery shut down, tanning sludge containing hazardous substances such as chromium, pentachlorophenol, phenol and 2,4,6-trichlorophenol migrated from unlined landfills at the site and discharged to the municipal wastewater plant.

Yet somehow the site didn’t merit being put on the Superfund National Priorities List until late last year.

Redeveloping opens can of worms

Blaylock Holdings, a builder that plans to redevelop the area into mixed-use commercial space and residential units, agreed to an \$8 million settlement with EPA to clean up the site first.

More pollution sites are liable to be declared Superfund cleanup sites

Blaylock will pay to test soil and groundwater for heavy metals and chemicals, remove and treat soil, and monitor the property to ensure Nashua maintains safe drinking water quality standards.

Info: epa.gov/superfund

Hazwaste ...

(continued from Page 1)

treating, recycling or disposing of hazwaste or industrial solid waste.

Texas Sludge Disposal in Taft learned that lesson the hard way after laying 137,000 gallons of industrial wastewater sludge containing metals on a clay-lined compost pile.

The waste handler wasn’t authorized to accept the sludge or store it on land. The Texas Commission on Environmental Quality fined it \$37,362.

3. Are we controlling emissions?

Loose or poor-fitting storage tank lids put many hazwaste generators at risk for emission tickets.

Case in point: Storage tanks at Emerald Kalama Chemical in Washington state didn’t adequately prevent volatile organic compound vapors from escaping into the air.

Emerald is out \$121,478 for violating RCRA and the state’s dangerous waste rule.

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 INSURER DODGE COVERING FIRM’S OIL LEAK?

Buck Flanagan, environmental manager, nearly flung his phone against a wall after scanning an email from his insurance carrier.

Denial of coverage?! Buck thought. No way they’re getting away with this. Buck fumed as he sat holding for Jimmy Fresco, the insurance agent handling the claim.

“This is Jimmy, how can I help you today?” said Jimmy.

“You can begin by stepping up and defending my company, like we pay you to do,” Buck replied.

When does 30-day notice start?

“Ahh Buck,” said Jimmy. “I’m sorry to hear about the oil leak. Lawsuits are never fun.”

“Neither is an EPA citation,” said Buck. “We’re taking care of our storage tanks as we speak. But that’s not the issue here. Our policy covers accidental spills and leaks.”

“Yes. But there is a clause in there,” said Jimmy. “You have to give us 30 days notice or we can’t cover you.”

“EPA cited us last week,” Buck growled. “What is the problem?”

“It’s 30 days from the discovery of an environmental incident,” said Jimmy. “You knew about the problem well over 30 days ago.”

“So that’s how you intend to weasel out of paying?” said Buck. “That won’t work in court, which is where this is headed if you don’t change course.”

Buck’s company sued the insurer for nonpayment. Did it win?

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



EDITOR-IN-CHIEF: SCOTT BALL
sball@SafetyNewsAlert.com
MANAGING EDITOR: FRED HOSIER
PRODUCTION EDITOR: P.J. FRONZEO
EDITORIAL DIRECTOR: CURT BROWN

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Where other companies are stumbling over compliance

For more fines, visit: www.EnvironmentalComplianceAlert.com/category/who-got-fined-why

Risk plans needed for flammable gas at 3 sites

Company: Des Moines Cold Storage, Des Moines, Iowa.

Business: Refrigeration storage and processing facilities

Penalty: \$65,008.

Reasons for penalty: All three of Des Moines Cold Storage's facilities contained over 10,000 pounds of anhydrous ammonia, making them subject to Risk Management Program guidelines. None of the facilities had a risk plan or procedures in place to deal with an accidental release of a toxic or flammable substance. The company never submitted risk plans to the Iowa Department of Natural Resources or implemented plans at any of the three sites.

Waste handlers weren't permitted: Firm to blame

Company: Universal Pressure Pumping, Pearsall, Texas.

Business: Oilfield vehicle and machinery maintenance.

Penalty: \$34,221.

Reasons for penalty: Universal mishandled used oil and other chemicals. The Texas Commission on Environmental Quality (TCEQ) documented 22 shipments of Class I industrial solid waste sent to unauthorized facilities for disposal. More than 98,000 gallons

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 soil contaminated with organic matter were shipped to two sites that don't have the permits to accept such waste. The company also failed to notify TCEQ about all of the industrial waste it generated and disposed of.

Record-breaking \$180 million air reporting fine

Company: Toyota Motor Corporation, headquartered in Plano, Texas.

Business: Automobile and truck manufacturer and dealer.

Penalty: \$180 million.

Reasons for penalty: Between 2005 and 2015, Toyota systematically delayed filing emissions defect information reports (EDIRs) required under the Clean Air Act (CAA). Toyota was in some cases eight years late filing EDIRs. These mandatory reporting requirements are in place so manufacturers will investigate and correct defects that may result in excess emissions of harmful air pollutants like nitrogen oxides and sulfur dioxide, and also recall models if needed.

Note: The \$180 million penalty is the largest CAA fine for reporting violations ever.

Expedited stormwater settlement to save cash

Company: Valhalla Country Estates construction site in Middleton, Idaho.

Business: Homebuilders.

Penalty: \$3,300.

Reasons for penalty: Valhalla didn't maintain best management practices such as erosion and sediment control measures to prevent sediment and contaminants from running off to nearby waterways. The company was required to follow stormwater control requirements in the Idaho Construction General Permit.

Note: Valhalla agreed to an expedited

settlement by admitting its violations and agreeing to fix the problems immediately. State agencies lower penalties for companies that agree to waive an investigation.

Pesticides mislabeled and sold illegally: \$88K hit

Company: Helena Agri-Enterprises, facilities in Exeter, Oxnard, Modesto and Kerman, California.

Business: Pesticide dealer.

Penalty: \$88,000.

Reasons for penalty: Helena violated the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by failing to:

- seal cracks in containment structures and loading pads
- correct insufficient capacity of containment structures
- generate and maintain repackaging records
- attach and maintain complete product labels, and
- keep misbranded products from being sold to customers.

Note: California's Department of Pesticide Regulation travels the state and inspects agricultural dealerships to make sure they're complying with FIFRA guidelines.

Community, responders in dark on hazardous chem

Company: Quality Liquid Feeds, Granger, Washington.

Business: Liquid feed supplements and cooked low-moisture block manufacturer for animals.

Penalty: \$56,359.

Reasons for penalty: The company violated the Emergency Protection and Community-Right-to-Know Act (EPCRA) by not reporting a hazardous chemical it uses. EPCRA reporting keeps local government agencies and emergency responders up to speed on chemical hazards in case of a fire or accidental release.

OZONE

State air plans passing with flying colors

Heavy industry, fossil fuel power plants and facilities in chemical and manufacturing sectors won't have to worry about "surprise" emission reduction mandates for a while.

Reason: EPA continues to rubber-stamp air quality state implementation plans (SIPs) to comply with regs like the National Ambient Air Quality Standards (NAAQS).

Emission targets in various states already have their marching orders from state regulators. States won't need to find additional sources for pollution reduction now that their SIPs are good to go.

Rundown of approved SIPs

Here are the plans getting EPA's approval in February by keeping pollutants in check:

- **Arkansas:** Infrastructure for the 2015 ozone NAAQS
- **Pennsylvania:** Reasonably Available Control Technology determinations

for case-by-case sources under the 1997 and 2008 8-hour ozone NAAQS

- **Indiana:** Sulfur dioxide SIP
- **Texas:** Emission statements for the 2015 ozone NAAQS and Clean Air Act (CAA) requirements for Nonattainment New Source Review
- **Virginia:** Negative declaration certification for the 2008 ozone NAAQS, including the 2016 oil and natural gas control techniques guidelines
- **Massachusetts:** Infrastructure SIP requirements for the 2015 ozone NAAQS
- **Maryland:** Emissions control from existing sewage sludge incineration units, and
- CAA federal implementation plans for Indian reservations in **Idaho, Oregon and Washington.**

Info: federalregister.gov/agencies/environmental-protection-agency

FOSSIL FUELS

Breaking down the Biden climate change plan

- TOUGHER GHG RULES COMING DOWN THE PIKE FOR BUSINESSES?

The U.S. is officially rejoining the Paris Climate Agreement, as President Biden promised he would do on the campaign trail.

The White House must submit a plan to reduce economy-wide greenhouse gases (GHGs) by 26% to 28% of 2005 levels by the year 2025.

EPA's most recent greenhouse gas sinks and emissions report shows a continual downward trend in GHG emissions (epa.gov/sites/production/files/2020-04/documents/us-ghg-inventory-2020-main-text.pdf).

Carbon impact pushed to forefront

Biden issued an executive order for tackling climate change (CC) at home

and abroad that calls for:

- making CC a key consideration for national security and foreign policy
- Cabinet members developing CC policies as well as a White House Office of Domestic Climate Policy
- a new National Climate Task Force and federal agencies developing a plan for "de-carbonizing" the electricity sector by 2035
- replacing government vehicles with zero-emission vehicles by 2035
- pausing new oil and gas leases on public lands (*see bottom of Page 1, last issue, for more*)
- doubling offshore wind production by 2030, and
- eliminating all fossil fuel subsidies and funding clean energy projects.

Info: tinyurl.com/1sgam52z

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.

■ STORED A TOXIC CHEMICAL WITHOUT A RISK PLAN

To: Regional Enforcement Director
From: Inspector Bob Wiley
Re: Risk management plan

We're dealing with a serious compliance problem:

Acme Industrials' lack of a risk management program (RMP).

Acme's compliance record is pretty strong. They're no strangers to environmental and chemical safety regs.

How Acme didn't create an RMP for large quantities of anhydrous hydrogen fluoride quite frankly boggles the mind.

We're talking about a toxic gas that can kill you in seconds and cause horrible burns.

Acme should've known they were exposing their people to an unnecessary risk.

Plant's on the right track now

I'm happy to report Acme is taking the violations we cited them for seriously.

They've spent nearly \$200,000 on a system to recycle hazardous hydrogen fluoride gas.

That's a win-win for Clean Air Act and RMP compliance and for the plant's neighbors who had no protection in case of a leak.

We've taken a look at the company's plans and are about to approve them as well.

Despite their progress, we can't let these violations slide.

That's because it would send a message to other companies that you can ignore laws and get away with it.

I recommend a \$96,000 fine.

- *Dramatized for effect. Based on a settlement with a Texas chemical processing plant.*

HWGI

Ins & outs of waste generator changes

Two RCRA rulemakings make it easier than ever for thousands of facilities to maintain their small or very small generator status:

- the hazardous waste generator improvements (HWGI) rule now adopted in 32 states (*see sidebar on this page*), and
- the aerosol cans as a federal universal waste rule.

Caveat: Small and very small generators can't assume they're locked in to their status. They can still be fined for not following large generator requirements.

Keep these guidelines in mind to keep inspectors at bay.

1. Reporting is mandatory

If a facility's hazwaste accumulation for one month reaches 1,000 kilograms, it must report it to EPA or its state agency.

Large generators must train staff on hazwaste handling. And the 90-day storage deadline begins ticking once

a facility's at or above the 1,000 kg hazwaste threshold.

2. Episode or production bump?

HWGI contains a one-time "episodic event" (EE) allowance that prevents a facility from having to notify about a status change.

The exemption is for planned events like cleaning out a storage tank and unplanned events like a spill that needs to be cleaned immediately.

But remember that hazwaste increases due to production being ramped up don't qualify.

3. Check your state's RCRA plan

The bad news with the EE exemption is that EPA made it voluntary, so facilities need to check whether their state's adopted it.

The good news is most states are adopting the EE allowance, plus most or all of the HWGI rule.

Info: tinyurl.com/hwgiEE646

ENFORCEMENT

Will \$7.6 million settlement keep hazwaste at bay?

- RECYCLER PAYING A MINT TO REDUCE RISKS: WILL IT WORK?

Many companies facing \$3 million in environmental fines and \$4.3 million in mandatory upgrades would throw in the towel.

But American Zinc Recycling (AZR) in Palmerton, Pennsylvania, promises to make good on those upgrades and keep heavy metals out of the soil, air and waters.

Time will tell if AZR, which emerged from bankruptcy recently, can pull it off.

Lead exposure risk is still too high

AZR recovers precious zinc from electric arc furnace dust, a hazardous waste. It also generates waste kiln

rubble, which includes lead and cadmium. To top it off, aboveground oil tanks on site have an aggregate 61,000-gallon storage capacity.

Over the years, regulators dinged the facility for Clean Air Act, Clean Water Act, RCRA and Community Right-to-Know violations for fugitive dust containing metals and contaminants running off site to streams and the Lehigh River.

Recent air quality tests showed elevated lead levels within three miles of the facility, alarming residents.

AZR will spend \$4.3 million to install leak-detection equipment, improve monitoring, and launch plans for controlling dust and stormwater.

We predict inspectors will check in on their progress soon enough.

■ WHERE IS HAZWASTE HANDLING GETTING EASIER?

Chemical plants and the petrochemical industry in **Delaware** need to comply with EPA's Hazardous Waste Generator Improvements (HWGI) rule.

The First State became the 32nd state to officially adopt HWGI in recent weeks, as did **Nevada** (go to ndep.nv.gov/land/waste/statutes-and-regulations).

Delaware facilities can also handle aerosol as a universal waste. EPA made aerosol cans the fifth federal UW last year (*search for "universal waste aerosol cans" at our website*).

States must adopt mandatory parts of HWGI but don't have to abide by voluntary provisions.

Info: epa.gov/hwgenerators/where-hazardous-waste-generator-improvements-rule-effect#state

■ AIR 'INDUSTRY SHIELD' BATTLE IS FAR FROM OVER

EPA will try reviving a nationwide policy on startups, shutdowns and malfunctions (SSM).

But the agency will face stiff challenges in federal appeals courts.

Six years ago, EPA ordered 36 states to remove SSM allowances in their air quality implementation plans, after a court ruled they violated the Clean Air Act.

For decades, state agency directors could reduce or waive fines for emission spikes that were caused by SSM events (*search for "startups shutdowns" at our website for a timeline of the rule*).

Nineteen states sued EPA to get the so-called industry shield reinstated. EPA then carved out exceptions for large stationary sources in **Texas** and **North Carolina** rather than battle in court.

Then-EPA administrator Andrew Wheeler said SSM exemptions "may be appropriate in certain SIPs."

WIND FARMS

Migratory bird taking rule is endangered

The Biden administration shelved an Interior Department rule protecting facilities that “accidentally” kill birds from Endangered Species Act (ESA) enforcement.

The dispute over what constitutes incidental takes is a critical issue for wind turbines, one that’s gone back and forth for a decade.

If the Migratory Bird Treaty Act rule’s remanded as expected, federal appeals courts will call the shots on ESA cases.

The 5th, 8th and 9th Circuits have ruled wind farms couldn’t be held liable for accidental bird killings, while the 2nd and 10th Circuits decided in favor of environmental groups suing wind companies.

(For more news on wind farms, see Page 7.)

Info: tinyurl.com/1sikubnv

March 31 is greenhouse gas reporting deadline

Heads up: March 31 is the reporting deadline for EPA’s greenhouse gas (GHG) program.

Thirty-four stationary source categories, large combustion facilities and GHG suppliers that exceed a minimum carbon dioxide equivalent (CO₂e) threshold of 25,000 metric tons (mts) must report electronically.

Carbon dioxide, methane, nitrous oxide and hydrofluorocarbons have a global warming potential (GWP) that’s multiplied by actual emissions.

For example, the GWP for methane is 25, so 1,000 mts equals 25,000 mts of CO₂e and would need to be reported. (The GWP for CO₂ is 1.)

Info: ghgreporting.epa.gov/ghg/login.do

Hazwaste reporting for 32 states is September 1

Small quantity hazardous waste generators in 32 states must notify regulators by September 1.

Renotification is required in states that have adopted EPA’s Hazwaste Generator Improvements rule (*search for “HWGI state” at our website*).

Delaware and Nevada just adopted HWGI (*see sidebar, Page 5*).

WHERE TO GET HELP

WEBINAR: ABOVEGROUND STORAGE TANK COMPLIANCE

If you use aboveground tanks or other containers like drums to store oil, you may have to adhere to Spill Prevention, Control and Countermeasure (SPCC) program requirements.

Failure to do so can result in costly fines.

“Your Guide to SPCC Compliance: Requirements for Your Facility,” an online webinar from Premier Learning Solutions, can help you and your staff stay on top of SPCC rules.

This course includes:

- a breakdown of what regulators expect to see at your facility
- strategies to ensure you’re in compliance
- steps to help you develop an SPCC plan, and
- real-world examples of SPCC plans that target critical areas.

The webinar is 60 minutes long and costs \$99. The speaker is Joyce Rizzo, who’s published books on underground storage tanks and SPCC compliance.

Info: learningpremier.com/product/your-guide-to-spcc-compliance-requirements-for-your-facility

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

No. Buck’s company lost.

A court ruled the insurer could deny coverage because the company didn’t file a written claim until after 30 days from the date of discovery.

The company’s argument was it acted in good faith and reported the leak shortly after EPA cited it.

Misreading (or misinterpreting) its contract was a costly mistake as the court threw out the lawsuit.

Firm didn’t read the fine print

In this case, a neighboring property owner sued the company because some oil leaked from its underground tank. The company paid to clean up the spill.

But the insurer won’t have to pay back any of those remediation costs. The fine print in the contract got it off the hook.

Buck’s company argued the insurer “suffered no prejudice” because the firm filed too late. The court agreed but ruled that it didn’t matter – whatever the contract says is what goes.

LESSON LEARNED: DON’T WAIT TO REPORT A SPILL, RELEASE, LEAK, ETC. – IT CAN COST YOU BIG

Maybe this company assumed its storage tank problem was manageable and wouldn’t cost much to deal with.

Now instead of getting compensated by its insurer, it has to eat the costs.

Cite: *Nicholas Petroleum v. Mid-Continent Casualty*, U.S. Appellate Court, 5th District, TX, No. 05-13-01106-cv. This case has been dramatized for effect.

POWER PLANTS

Air toxics, carbon output reach new low

Harmful pollutants from power plants dropped dramatically from 2019 to 2020.

Emission data from EPA shows drops of:

- 19% for sulfur dioxide (SO₂)
- 16% for nitrogen oxides (NO_x)
- 17% for mercury, and
- 11% for carbon dioxide.

Electricity generation from the power plants' decreased by 6%.

Acid rain efforts pay off

EPA's data report notes "ambient particulate sulfate concentrations in the eastern U.S. ... [decreased] between 47% and 83% from 2000-2002 to 2017-2019 observation periods.

"The level of acid neutralizing capacity, an indicator of recovery, improved significantly from 1990 levels at lake and stream monitoring sites in the Adirondacks, New England and the Catskill mountains."

From 1990 to 2020, annual emissions of SO₂ from power plants fell by 95% and NO_x by 88%.

EPA collects detailed SO₂, NO_x and CO₂ emissions data and other info from power plants via the acid rain program, the cross-state air pollution rule (CSAPR) and the CSAPR update.

Info: epa.gov/airmarkets/power-plant-emission-trends

EPA calling all the shots on chemical regulation?

The Toxic Substances Control Act (TSCA) program won't be working with the National Academies of Sciences (NAS) on chemical risk evaluations any longer.

The upshot: EPA scientists are back in the driver's seat and will be aiming to heavily restrict or outright ban high-risk substances.

Asbestos is a likely target as are other substances that were included in a 2014 TSCA work plan (*search for "TSCA work plan" and "top 10 chemicals" at our website*).

Academies urge collaboration

Shortly after the break was announced, the NAS urged EPA to work with industry and outside groups on risk evaluations.

The NAS cited the National Institute of Environmental Health Science's Office of Health Assessment and Translation and EPA's Integrated Risk Information System and Navigation Guide as sounding boards for EPA.

Info: tinyurl.com/NASreport646

Wind turbines knocked off-line in chilly Texas

Record cold temperatures froze about half of Texas' wind turbines, sparking rolling blackouts.

As a result, the Electric Reliability Council of Texas approved brief power outages to alleviate strain on the power grid.

Daytime temperatures were in the 20s in many parts of the state. Freezing rain wreaked havoc on roads and highways along with wind turbines and power plant equipment.

At press time, more than a dozen people had died from exposure and in vehicle crashes. Millions lost power.

Wind tops coal in Texas power

Texas tops all states in wind power generation with 150 farms cranking out 30,000 megawatts.

The state's electricity utilities now use wind power more than coal, with roughly three-quarters of power generated from natural gas.

Info: time.com/5939633/texas-power-outage-blackouts

REAL PROBLEMS/SOLUTIONS

POINT SYSTEM KEEPS STAFF ON TOES WITH CHEMICALS

Our process is always changing since we try eliminating chemicals when we can – especially ones that EPA deems unsafe.

That doesn't always stop folks from taking shortcuts.

If someone's low or out of a certain chemical, they might try using a substitute that's not on our approved list.

There's no way I or anyone else can police the whole building every minute of the day and still do our jobs properly.

Tie it into bonuses

Solution: We set up a point system for chemical violations for every department.

If you're caught leaving a container open, that's one point against your crew.

The points get higher for more serious violations. Then we tie those "debits" into bonus criteria.

The better your team's chemical safety record, the more money you can earn at bonus time.

Our system boosts teamwork. Employees keep their eyes out for violations and make sure their team members aren't slacking off – which can cost everyone.

FROM OUR SUBSCRIBERS

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

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

Marian Keegan
Director, Community Conservation
Hemlock Farms Community Assoc.

Air, Water & Waste regs that affect your operations

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

RULE ROLLBACKS

President Biden's "Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking" will lead to a reversal of many Trump EPA "midnight" rulemakings.

"Improper political interference in the work of federal scientists or other scientists who support the work of the government and in the communication of scientific facts undermines the welfare of the nation, contributes to systemic inequities and injustices, and violates the trust that the public places in government to best serve its collective interests," reads the Biden science memo.

EPA quickly moved to withdraw a toxic assessment of perfluorobutane sulfonic acid (PFBS) which agency scientists say violated its Scientific Integrity Policy.

Info: epa.gov/newsreleases/epa-takes-action-protect-scientific-integrity

CORONAVIRUS SCAMS

Amazon hasn't cracked down effectively on sellers of fraudulent coronavirus pesticides.

EPA issued a stop-sales order to Amazon for 70 unregistered products marketed as effective for killing the COVID-19 virus.

Last spring Amazon was ordered to stop sales of 30 illegal pesticides (*search for "Amazon, eBay still selling COVID-19 scam products" at our website for more*).

None of the 100 products sold

on Amazon are on EPA's List N of disinfectants and wipes proven to kill COVID-19 (*go to epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19*).

The stop-sale orders were issued under the Federal Insecticide, Fungicide and Rodenticide Act.

OSHA HAZCOM STANDARD

OSHA proposes to align its Hazard Communication Standard with the most current Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

By improving information provided on labels and in Safety Data Sheets of hazardous chemicals, workers will have more knowledge on how to protect themselves.

Some modifications would enhance the effectiveness of the standard by improving information on hazards so employees are made more aware of exposure in the workplace.

Other modifications will also address issues since implementation of the 2012 standard and improve alignment with other federal agencies and Canada.

(*Go to osha.gov/hazcom for all the latest changes to the HazCom standard and info on SDSs.*)

Comments are due April 19, 2021.

Info: public-inspection.federalregister.gov/2020-28987.pdf

CHEMICAL SAFETY INCIDENT

The Chemical Safety and Hazard Investigation Board (CSB) is investigating a liquid nitrogen (LN) release at a Georgia poultry plant that killed six employees and hospitalized 12 others.

CSB has released three reports on the tragic accident but hasn't determined the exact cause.

What's known so far is unscheduled maintenance was underway on the production line while poultry plant

workers were nearby packing frozen chickens to be shipped.

Prior to a recent installation of the LN system, ammonia-based freezing equipment was used, and is still connected to the line adjacent to the facility's cryogenic system.

LN becomes a gas at room temperature and expands up to 700 times in volume, leading to quick, massive oxygen depletion in a closed area. Exposed workers can suffer tissue burns, lose consciousness and asphyxiate.

Info: csb.gov/third-csb-update-on-poultry-plant-incident

PFAS DISPOSAL

Facilities now have interim guidance for destroying and disposing of certain per- and polyfluoroalkyl substances (PFAS).

The recently released EPA guidance applies to:

- aqueous film-forming foam for extinguishing fires
- soil and biosolids
- textiles (other than consumer goods) treated with PFAS
- spent filters, membranes, resins, granular carbon and other waste from water treatment
- landfill leachate that contains PFAS, and
- solid, liquid, or gas waste streams containing PFAS from facilities manufacturing or using PFAS.

Caveat: PFAS-containing consumer products such as non-stick cookware and water-resistant clothing aren't covered in the guidance.

Several methods – landfilling, underground injection, thermal treatment – may be appropriate depending on the circumstances.

Info: *You can download the guidance at* downloads.regulations.gov/EPA-HQ-OLEM-2020-0527-0002/content.pdf