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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).

EPA sending message with \$100K clean water fines

■ Spills, discharges and plan deficiencies are targets

Run for cover: There's a Clean Water Act (CWA) enforcement tsunami coming your way!

EPA is doling out six-figure oil spill, wastewater and stormwater fines left and right.

And under the Biden administration, EPA won't hesitate to piggyback on any state enforcement action it deems too lenient (*see bottom of Page 5 for related story*).

Here's a sampling of what industrial facilities are doing wrong and how much they're paying to rectify the matter.

No room for errors!

- Texas-based Arrow Midstream Holdings isn't getting off the hook

for produced water spills from its pipeline which crosses an Indian reservation in North Dakota. More than 4,000 barrels of the byproducts, high in dissolved salts toxic to fish, were released from two well pads. Fine: \$106,500.

- BNSF promptly reported and paid to clean up a diesel fuel and oil spill to Wyoming's North Platte River after three of its train cars derailed. Good thing the company did so or its CWA fine would be a lot higher than \$140K.

Permits & plans not up to snuff

- Three Kansas contractors needed Construction General Permits to discharge any stormwater with

(Please see EPA ... on Page 2)

POLITICS

Biden seeking 21% budget hike for EPA

- SENATE EXPECTED TO WHITTLE DOWN \$11 BILLION BUDGET ASK

If President Biden gets his way from Congress, EPA is due for its biggest raise in two decades.

The White House is requesting \$11.2 billion – a 21% increase – in funds for EPA for Fiscal Year 2022.

Funding is being earmarked for:

- tackling climate change with upwards of \$100 million in air quality grants for reducing greenhouse gas emissions
- delivering Environmental Justice for “overburdened” communities.

\$900 million would go to funding EJ-related jobs and pollution projects in cities

- investing in municipal water treatment and sewer infrastructure totaling \$3.6 billion
- cleaning up hazardous waste faster at Superfund sites
- doing toxicity research and regulatory work on per- and polyfluoroalkyl substances (PFAS) polluting groundwater, and
- hiring former and new employees to fulfill EPA's core mission. EPA lost 1,000 staffers in recent years.

Info: tinyurl.com/epafunds650

GROUNDWATER POLLUTION

Chicken plant settles \$65M cancer suit

Agriculture should take a closer look at their waste practices following a \$65 million settlement by poultry processor Mountaire.

For years Mountaire “sprayed billions of gallons of highly contaminated wastewater and liquefied sludge onto fields” at its Millsboro, Delaware plant.

Contaminants seeped into an aquifer that residents depend on,

Fines weren’t enough to encourage change.

leading to high rates of cancer, gastrointestinal disease, Crohn’s disease, diarrhea and wheezing.

Nitrogen spread through aquifer

Residents complained to the state Department of Natural Resources and Environmental Control (DNR) about foul-tasting water and health problems.

DNR inspected the poultry plant multiple times and issued citations, but penalties apparently weren’t high enough to encourage Mountaire to change how it handled wastewater and sludge. Investigators discovered high levels of nitrogen in groundwater three years ago.

Mountaire says it disputes the amount of damage homeowners say it caused but opted to avoid a jury trial. The company’s now building a wastewater treatment plant for the Delaware facility.

Some residents will receive filtration systems to treat their well water. Mountaire is the largest employer in the area and is the sixth largest poultry processor in the U.S., based out of Arkansas.

Info: tinyurl.com/poultry650

EPA ...

(continued from Page 1)

sediment or contaminants, but didn’t obtain them. Stormwater ran off work sites owned and operated by ABP Funding, KAT Excavation and Pyramid Contractors to an impaired creek. Fine: \$122K.

- There were no spills, leaks or illicit discharges at the Hess-owned Tioga gas plant in ND. But inspectors couldn’t overlook deficiencies in Tioga’s Spill Prevention, Control and Countermeasure plan, like missing tank containment structures, or its complete lack of a Facility Response Plan. It’s out \$195K.
- Massachusetts-based Cashman Dredging & Marine Contracting is paying a steep Ocean Dumping Act penalty for a careless mistake. One of its shipping vessels dumped dredging material two miles away from the Rhode Island Sound disposal site, its intended destination. Fine: \$185K.

Info: epa.gov/enforcement/water-enforcement

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.

■ WHOSE POLLUTION IS IT? COURT DECIDES CASE

“I need your advice,” sighed Frank, the company lawyer.

“Don’t we pay you to give us advice?” chuckled Buck Flanagan, the environmental director.

“Very funny,” said Frank. “The bill for cleaning up the old River Road property is getting steep.”

“Ugh,” said Buck. “There was a lot of industrial activity on that site for decades. I can only imagine.”

“Here’s the thing,” said Frank. “We leased the River Road property to Acme Manufacturing most of that time.”

“Acme was a big manufacturer,” said Buck. “And they have a good environmental record. Even so, it’s a strong bet chemicals from Acme’s activities made their way into the soil or groundwater.”

“We did find chemicals, but Acme says they didn’t come from their work,” said Frank.

Site owner stuck with bill

“Really?” asked Buck.

“Yep,” said Frank. “The one solvent that keeps coming up when we test, Acme says it never used or handled at any time.”

“That’s odd,” said Buck. “But you’d be surprised how many different ways contaminants can migrate onto a property.

“It does sound like Acme is trying to get out of paying its fair share,” said Buck.

“And leave us stuck with the cleanup bill,” Frank nodded.

Was Buck’s company liable for the bulk of the cleanup costs?

■ *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

3 years in the clink for enviro services scam artist

Individual: Aaron Micah Jamison, former CEO, Micah Group, Lexington, KY.

Business: Environmental services.

Penalty: 3 years in prison and \$640,638 restitution.

Reasons for penalty: Jamison pled guilty to unlawful storage of hazardous waste, stealing from an employee benefits plan and conspiracy to commit mail fraud. His company secured contracts to abandon groundwater monitoring wells at gas stations and convenience stores throughout Kentucky. On multiple occasions, Jamison signed documents saying wells had been abandoned without actually completing the work. His fraud cost Kentucky taxpayers \$640,000. Jamison also stored hazardous waste at the company's site without a RCRA permit, potentially putting employees and residents in harm's way, from 2016-17.

Note: Jamison must serve at least 85% of his three-year sentence for his environmental crimes and stealing from employees' benefits plan to line his own pockets.

EPA keeping close eye on this emissions violator

Company: Drummond Company, owner of ABC Coke, Tarrant, AL.

Business: Coke oven battery and coke byproduct recovery facilities.

Penalty: \$775,000.

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

Reasons for penalty: These Alabama coke plants violated National Emission Standards for Hazardous Air Pollutants by not:

- enclosing open waste streams
- sealing leaking equipment to prevent benzene emissions, and
- implementing Leak Detection and Repair technologies.

Note: The company's also conducting a Supplemental Environmental Project that requires using an infrared thermal imaging camera to detect air toxics leaks during periodic inspections.

Chlorine discharges too high, not reported: \$101K

Company: South Bend Products, South Bend, Washington.

Business: Salmon and crab preparation and processing facility.

Penalty: \$101,630.

Reasons for penalty: The company failed to:

- comply with discharge limits in its National Pollutant Discharge Elimination System permit
- monitor wastewater discharges on a routine basis
- sample discharges correctly, and
- submit accurate, timely discharge monitoring reports.

Note: South Bend Products improved effluent treatment to reduce total residual chlorine discharges, and sampling procedures for Total Suspended Solids, Biological Oxygen Demand, and oil and grease.

Let chemical data reports slip through the cracks

Company: Brenntag Pacific, Fairbanks, Alaska, and Santa Fe Springs, California.

Business: Chemical importer.

Penalty: \$128,265.

Reasons for penalty: The company violated the Chemical Data Reporting (CDR) rule, the bedrock of the Toxic Substance Control Act (TSCA), by failing to:

- report the import production volumes and uses of five chemicals from 2012-15, and
- submit first-time export notices for four chemicals from 2016-17 as required to EPA.

Note: Chemical manufacturers, processors, distributors and importers must submit complete CDR data to EPA every four years. To find out if a chemical is on the TSCA chemical substance inventory, go to sor.epa.gov/sor_internet/registry/substreg/LandingPage.do

Emergency pros left in dark about ammonia

Company: Multistar Industries, Othello, WA.

Business: Storage facility and distributor for anhydrous ammonia and other chemicals.

Penalty: \$135,000.

Reasons for penalty: Multistar didn't follow the Clean Air Act Risk Management Plan (RMP) rule. Violations included:

- improper design of an ammonia storage and distribution system
- inadequate inspection and testing records on certain equipment, and
- lack of written operating procedures for ammonia operations consistent with industry standards.

Note: As part of its settlement, Multistar agreed to provide compliance data semi-annually. The company stored more than 10,000 pounds, the RMP reporting threshold, of anhydrous ammonia, which is a highly hazardous chemical regulated by EPA's RMP and OSHA's Process Safety Management rules.

TITLE V PERMITS

General Duty Clause ramp-up on way?

Clean Air Act-permitted facilities better not wait too long to evaluate equipment and get needed maintenance and upgrades taken care of ASAP.

Reason: EPA is primed to go after violators more under the Act's General Duty Clause (GDC).

The Environmental Integrity Project (EIP) and other nonprofit groups urged the White House to expand enforcement of the Act's Section 112(r)(1) clause that pertains to hazardous substances.

Also: EIP argues responsibilities to protect workers, neighbors and the air embedded in the GDC should be incorporated in state-issued Title V air emission permits. The result would be more citizens' lawsuits against industry.

Higher bar for major permit holders

Last year, EPA denied EIP's petition to reject a Title V permit granted to

Hazlehurst Wood Pellets in Georgia. The company produces and handles wood dust that had caused flash fires at its site previously.

EPA concluded the GDC wasn't applicable to Title V permit decisions. If the agency's position shifts, facilities applying for new permits or looking to renew existing ones will need to demonstrate adequate safety measures are in place for flammable and hazardous materials.

Likely areas of concern are:

- storage tank lids to control dangerous vapors
- drip pad integrity
- ventilation systems
- hazardous materials and hazwaste storage areas, and
- maintenance and age of piping, valves, leak-detection systems and other equipment.

Info: tinyurl.com/generalcladutyclause650

GREENHOUSE GASES

Climate lawsuits against Big Oil are losing steam

- COURTS REPEATEDLY RULE STATE TORT LAWS DON'T HOLD WATER

Good news for oil & gas producers: Climate change lawsuits filed by cities and states are being tossed out of court.

The 2nd Circuit Court of Appeals is the latest to dismiss a nuisance claim brought by New York City against Chevron, ConocoPhillips, ExxonMobil, BP and Shell.

The Big Apple sought \$20 billion in compensation from oil firms for causing a public and private nuisance and trespass under state law by producing fossil fuels.

"[The question] is whether municipalities may utilize state tort law to hold multinational oil companies liable for the damages caused by greenhouse gas emissions.

Given the nature of the harm and the existence of a complex web of federal and international environmental law regulating such emissions, we hold that the answer is no," ruled 2nd Circuit judges.

Losing battle for cities, states

Similar lawsuits brought by Massachusetts and Oakland, California, also went in favor of energy producers.

While GHGs are steadily declining throughout North America, towns and cities will need to find other funding sources for water infrastructure upgrades, sea walls and other climate change barriers since litigation against oil companies isn't working.

Info: environblog.jenner.com/files/city-of-new-york-v.-chevron.pdf

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.

■ PERMIT APPLICATION SHOWS LACK OF EMISSION REPORTS

To: Regional Enforcement Director
From: Inspector Bob Wiley
Re: Air toxics reporting

ABC Industries is building a new facility here, which is obviously good news for the economy and jobs.

They applied for an air permit a few months ago before they broke ground. That's when we found a big problem: ABC emits fluoride, among other chemicals.

They predict even with maximum achievable controls, they'll still emit six tons of it per year.

ABC's facilities in other states also emit fluoride, but they've never needed permits for it. That's not the case in our state.

And ABC hasn't been reporting those chemical emissions going back over 10 years.

'Oversight' not a valid excuse

This surprised us because ABC does business in a lot of places and has a pretty good (though not spotless) environmental record.

Company reps called the permit problems and lack of reporting an "inadvertent oversight." Based on the company's record, I believe it was an honest mistake.

Be that as it may, we can't let a major company like ABC get away with a slap on the wrist, especially since many smaller businesses don't get breaks when they violate the Clean Air Act.

ABC plans on posting their emissions online, which is a strong first step, and their permit's in order.

For the emissions violations, I'm recommending a \$143,000 fine.

- *Dramatized for effect. Based on a settlement between EPA and an electronics manufacturer.*

RCRA

Navigating tricky hazardous waste regs

We've heard seasoned state environmental regulators say at industry conferences how they're always learning something new about the Resource Conservation and Recovery Act (RCRA).

That's largely because of all the types of wastes that are classified as hazardous and a myriad of exclusions that industrial facilities can take advantage of.

Another reason RCRA can be interesting – and quite honestly, frustrating for busy compliance pros like yourself – is how other statutes and regulations come into play.

How does hazcom rule apply?

Take RCRA and OSHA's hazard communication (hazcom) standard.

If you're handling a universal or hazardous waste according to RCRA guidelines, you don't need Safety Data Sheets (SDS) or Globally Harmonized System (GHS) labels which are staples under the hazcom standard.

Now let's say one or more of your waste streams meets RCRA's exclusion clause and don't have to be handled as hazwaste.

Are they still exempt from the hazcom reg?

No they're not. For wastes like spent solvents being the most common example, you would need SDS and GHS labels because they're flammable and therefore hazardous to humans and the ecology.

Don't overlook DOT regs

As a heads up, hazcom isn't the only reg that can conflict with RCRA.

Department of Transportation (DOT) Hazardous Materials Regs differ from RCRA in some important ways. Make sure your staffers know the different reg requirements if necessary.

Info: Adapted from "Why some excluded RCRA wastes need hazcom labels," by Joel Greiger, *lion.com*

SPILL PREVENTION

No slap on the wrist for oil polluters on West Coast

■ STATE SENDS STERN MESSAGE TO FACILITIES THAT POLLUTE WATERS

The feds aren't the only ones levying big fines against Clean Water Act rule breakers (*see cover story*).

Case in point: Washington state's Department of Ecology fined a plastic film manufacturer more than \$222,000 for two oil spills.

Ecology initially fined Achilles USA in Everett \$327,200 in part because the firm didn't report promptly.

Worker mistake, lax maintenance

Three years ago an Achilles employee dropped a moving tote with lubricating oil. The container ruptured and ran down a storm drain into a stormwater retention pond.

During the cleanup, responders found a clogged collection pit in the facility leaking to the pond. About 340 gallons of oil drained to the pond, requiring a three-week cleanup.

What's coming for regulated sites

The company noted in a press release it's invested \$200,000 in spill prevention equipment and has upgraded its compliance programs.

That investment and the accidental nature of the spill led Ecology to cut Achilles USA's fine by a third.

Note: The Biden administration won't be taking a hands-off approach to state water enforcement actions. EPA can assess additional fines on top of state penalties it considers too low for egregious violations.

TRENDS TO WATCH

■ PREVENTING GASOLINE FIRE CREATES CHEMICAL HAZARD

Per- and polyfluoroalkyl substance (PFAS) contamination continues to challenge state utilities.

The North Carolina Department of Environmental Quality (DEQ) is investigating newly discovered PFAS pollution in Huntsville.

Their best guess is that firefighting foam used to treat a million-gallon gasoline spill along the Colonial pipeline, which stretches from Houston to Linden, New Jersey, is to blame.

Colonial sprayed a fire suppressant called F-500 on the spill site to minimize the risk of vapors catching fire.

DEQ testing shows elevated levels as high as 22,600 parts per trillion of three PFAS compounds.

Info: tinyurl.com/pfasspillnocar650

■ STORMWATER DUTIES TOUGHER FOR MASS SITES

The Massachusetts Department of Environmental Protection (DEP) will be revising:

- stormwater guidelines to the Bay State's wetland rule, and
- its Stormwater Handbook.

An advisory council is finalizing changes that will make regulated facilities responsible for having current stormwater plans and control measures.

The coming changes from the DEP will help satisfy requirements in EPA's recently finalized 2021 Multi-Sector General Permit.

Both Massachusetts and New Hampshire dischargers are regulated under EPA's National Permit Discharge Elimination System permitting program and not their respective state agencies.

Info: mass.gov/info-details/massachusetts-stormwater-management-updates-advisory-committee

OVERBURDENED COMMUNITIES

Environmental Justice goals set for EPA

The White House's prioritization of Environmental Justice (EJ) will be felt in all future EPA program moves, rulemaking and enforcement.

EPA chief Michaela Regan announced four agency directives for EJ, which the agency defines as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income."

New rules, new liabilities

EPA offices and departments are instructed to:

1. Strengthen enforcement of violations of cornerstone environmental statutes and civil rights laws in communities overburdened by pollution (*see top of Page 4 for related story*).
2. Consider EJ when assessing impacts on pollution-burdened, underserved and Tribal communities in the regulatory process.
3. Engage more consistently with communities affected by pollution, including Tribal nations.
4. Prioritize direct and indirect benefits to underserved communities in grant applications and awards.

A new EJ website was launched featuring water grants available to high-risk communities.

Info: epa.gov/environmentaljustice

No tougher COVID policy from OSHA – yet

After much fanfare, OSHA has postponed releasing a national COVID-19 workplace policy.

The safety agency is compiling the latest data and is seeking recommendations from the U.S. Centers for Disease Control and Prevention (CDC).

OSHA is issuing fines to companies that don't comply with its respiratory protection standard and illness and injury reporting rule following coronavirus cases linked to workplace exposure (*search for "OSHA coronavirus" at our website for a timeline of stories*).

Poultry and beef processing plants are among the most-cited sectors by state OSHA agencies.

Info: politico.com/news/2021/04/07/biden-covid-workplace-safety-479801

WHERE TO GET HELP

■ ALL THE NEW SOURCE REVIEW INFO YOU NEED

Complying with the New Source Review (NSR) program requires a lot of reading and keeping up with changes made over the past three years.

For help, check out EPA's NSR policy and guidance documents webpage. You can access significant interpretations and rulings on NSR starting with late 2020 and dating back to 1976.

You can search three ways:

- using the general guidance index to view documents by date, author or title
- accessing a relevant guidance index to narrow in on a topic such as NSR nonattainment areas, or
- through a keyword search of both NSR and Title V (large emission source) indexes.

The Trump EPA made a host of industry-friendly changes to NSR staples like its aggregation policy and preconstruction permit applications (*search for "New Source Review reform" at our website for numerous stories*).

Info: epa.gov/nsr/new-source-review-policy-and-guidance-document-index

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

Yes. The company was left stuck paying for the contamination cleanup bill that may or may not have been caused by the manufacturer's activities.

A court ruled that the manufacturer wasn't liable for chemical waste left on site during the decades the company owned it.

Making matters worse, the court described the property owner as an "absentee landlord."

The manufacturer disputed the meat of the evidence – widespread solvent contamination, including trichloroethylene (aka TCE) – as being theirs.

It had records going way back that showed it didn't use, process or store TCE. That blew a big hole in the company's

argument that the manufacturer played a part in the mess.

The court concluded it was possible the manufacturer was responsible, but that wasn't enough to make it liable under the Superfund law.

■ ANALYSIS: EVIDENCE MUST SHOW PLAUSIBLE TIE BETWEEN CONTAMINATION AND COMPANY

The manufacturer took on the key piece of evidence, solvent contamination, and freed itself from a six-figure cleanup cost.

Even though the court agreed the manufacturer may have played a part in site contamination over the years, its solid recordkeeping got it out of hot water in this case.

Cite: *Anthony Wayne v. Elco Fastening*, U.S. District Court, Northern Dist., IN, No. 13-cv-0140. This case has been dramatized for effect.

GREENHOUSE GASES

Will Biden clean power plan lack bite?

It's early but we're betting the eventual Biden climate plan for power plants won't be as tough as many in industry fear.

Consider that the Clean Power Plan (CPP) sought to reduce carbon dioxide pollution from electricity generating units (EGUs) 32% below 2005 levels by the year 2030.

The CPP was finalized in 2015. Fast forward: Carbon emissions from power plants were down 34% from 2005 levels [in 2019](#).

With so many EGUs being switched to natural gas and renewable fuels, there's little practical reason for the Biden EPA to call for draconian carbon cuts.

Courts the highest hurdle

Another practical consideration is the makeup of the Supreme Court, which is likely to be the final arbiter on the Biden rule.

The High Court struck down the CPP for regulatory overreach five years ago ([search for "Supreme Court CPP" at our website](#)). With three of President Trump's appointees on the bench, a Biden climate rule that's too "ambitious" won't fly far.

Info: insideclimatenews.org/news/09032021/federal-courts-biden-trump-environmental-climate-policy

Major water drought expected for 7 states

Significant water usage restrictions for farming, ranching and industry seem likely for seven Western states that depend on the Colorado River, starting in 2021.

The U.S. Bureau of Reclamation predicts much less water than usual will flow from the Rocky Mountains through Lake Powell and Lake Mead over the next two years.

Both man-made lakes are expected to fall below 1,075 feet later this year,

the trigger level for mandatory water shortage restrictions.

Who'll be affected?

Arizona and Nevada would be hardest hit. Residents there are already facing water cuts for this summer.

California, Colorado, New Mexico, Utah and Wyoming may be feeling the pinch sooner rather than later.

Info: "Man-made lakes supplying water to millions in the West expected to shrink to historic lows," by Sam Metz, tinyurl.com/lakes650

First new air toxic listing soon for bromopropane

A final rule making 1-bromopropane a hazardous air pollutant (HAP) is set for this year.

The solvent will be the first new HAP since 1990 after years of environmental, and some industry, groups petitioning EPA.

The Halogenated Solvents Industry Alliance, representing chlorinated solvent manufacturers, pushed for the listing because 1-bromopropane is linked to cancer, neurological defects and reproductive disorders.

Chemical makers on notice

1-bromopropane is a common ingredient in metal degreasers, spray adhesives, dry cleaning stain removers and lubricants. It was developed as an alternative to ozone layer-depleting chemicals and trichloroethylene.

Chemical manufacturers will face emission limits for 1-bromopropane once a final rule is out.

EPA may also crack down further on manufacture of the chemical through a Toxic Substances Control Act rulemaking.

Info: epa.gov/haps/petitions-add-1-bp-npb-clean-air-act-list-hazardous-air-pollutants

REAL PROBLEMS/SOLUTIONS

■ 'RECYCLABLE' NOT ALWAYS 'ECO-FRIENDLY': HERE'S WHY

We've all heard the mantra: "Reduce, reuse and recycle."

Many of the companies that call us want ideas for recycling.

One thing I tell them: Just because something is recyclable doesn't mean it's environmentally friendly.

Example: Mercury is recyclable!

Not to mention, 100% recycled-content pulp produces a big carbon footprint.

What's the long-term impact?

Some studies say we're gobbling up too many of the planet's virgin materials, and too quickly.

That's why businesses, regulators and the public must look at the big picture: What's the life cycle of materials or a practice?

How can we minimize the damage – and waste – to make the best choices?

The answers may not be so easy.

Case in point: Composting is all the rage these days.

Ironically enough, food and other compostable items have the smallest carbon footprint – so long as they don't end up in landfills where they decompose.

▼ FROM OUR SUBSCRIBERS

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

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

Arthur Sherman
President
Eagle Environmental
Northbrook, Illinois

Air, Water & Waste regs that affect your operations

Here's ECA's digest of recent Federal Register (FR) notices, Regulatory Identifier Numbers (RINs) and other national activities concerning air, water and waste issues.

FIFRA

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) enforcement against pesticide manufacturers and retailers is stronger than ever.

In the first quarter of 2021, the largest fine assessed by EPA was a \$464,737 FIFRA citation against Chicago-based Hu-Friedy Manufacturing.

Hu-Friedy makes dental hygiene equipment and supplies. One of the products they sold was a kit that it didn't register first with EPA. The company also made claims on the product's label and packaging for a pesticide product that it wasn't able to back up.

EPA's keeping close tabs on unregistered or misbranded products during the COVID-19 health pandemic. Companies were ordered to stop selling products that don't conform with FIFRA:

- Macoma and FN Nano, Las Vegas and Reno, Nevada, and
- JT Construction Group and BZ Nano, both Glendale, California.

These companies were nailed for selling an unregistered disinfectant, FN Nano Photocatalytic coatings, also called FN Coatings, FN NANO2 Photocatalytic Film.

Info: epa.gov/enforcement/federal-insecticide-fungicide-and-rodenticide-act-fifra-and-federal-facilities

PROCESS SAFETY

The U.S. Chemical Safety and Hazard Investigation Board (CSB) is investigating a fatal fire and explosion at Yenkin-Majestic Paint (YMP) and OPC Polymers in Columbus, Ohio.

An accidental release occurred after midnight while employees were manufacturing alkyd resin. The process involves firing up a metallic kettle with an agitator and furnace.

Flammable gases caught fire and set the building ablaze. Multiple explosions made it more difficult for occupants to escape. A 44-year-old man died and eight were injured.

CSB hasn't narrowed the cause of the accident. The fire and explosion occurred while a kettle was being heated up.

YMP as well as many paint and coatings manufacturers are regulated under OSHA's process safety management (PSM) standard. OSHA is working with CSB to check the structural integrity of the kettles, equipment and facility.

Info: csb.gov/april-13-yenkin-majestic-paints-and-opc-polymers-deployment-update

GREENWASHING

What's believed to be the first climate change-related petition for "greenwashing" the public is now in the Federal Trade Commission's (FTC) hands.

Earthworks, Global Witness and Greenpeace allege Chevron is grossly exaggerating its investments in renewable energy and reducing use of fossil fuels in its advertising and marketing campaigns.

Chevron made claims to reducing the effects of climate change in a resilience report for investors. The groups argue Chevron is the second largest polluter in the world and spends 0.2% of capital expenditures on low-carbon energy initiatives.

The FTC's Green Guides set parameters for claiming a product is "green" or "eco-friendly." For example, a product that's labeled "organic" must have at least 95% certified organic content, and

"made with organic" labeling requires a product have at least 70% certified organic content.

Fines could be on the table for Chevron and potentially other fossil fuel companies that stretch the truth on climate change investments.

Info: popsci.com/story/environment/chevron-greenwashing-ftc-complaint

METHANE EMISSIONS

Hundreds of nonprofit groups argue that methane and ethane shouldn't be excluded from EPA's list of volatile organic compounds (VOCs) that cause smog.

Groups petitioned EPA to designate both gases as VOCs. Some studies show methane makes up 20 parts per billion of global background tropospheric ozone.

"The rapid expansion of the fracking and petrochemical industries has come at the tragic price of millions of asthma attacks and widespread damage to our national parks," the petition reads. "We're asking the Biden administration to close the EPA loophole that has allowed unchecked methane and ethane pollution to enable this tragedy."

Info: tinyurl.com/methanepetitionVOC650

SULFUR NAAQS

Turns out Outagamie County, Wisconsin, meets the current National Ambient Air Quality Standard (NAAQS) for sulfur dioxide after all.

EPA declared the area as nonattainment in December, but more recent air quality sampling has shown that Outagamie meets the 2010 1-hour NAAQS.

Info: epa.gov/sulfur-dioxide-designations