



June 14, 2021

WHAT'S INSIDE

2 Sharpen Your Judgment

Did firm need permit to move hazardous waste on site?

3 Who Got Fined & Why

Facility nailed for 200-plus water permit violations

4 Air Quality

Right-to-Know Act sting puts industry on notice

5 Water & Waste News

Environmental Justice permit freeze is in effect

6 Enviro Regs Update

Trump air quality cost-benefit rule gets the ax

7 What's Coming

Mining companies get cold shoulder from Biden admin

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).

Inside the Colonial pipeline hack: Who else is a target?

■ Regulated sectors that should be on alert

Was the ransomware attack that shut down the Colonial Pipeline an isolated event – or a sign of things to come?

We're hoping it's the former, but regulated facilities would be wise to assume the latter.

Reason: The hackers who knocked Colonial off line demanded millions of dollars in ransom, and Colonial paid up. There's all the motivation malicious hackers need.

And the security flaws which the Russian hackers exploited are far from unique to Colonial.

Oil & gas just 1 vulnerable sector

Shutting down a crucial oil & gas supply line and inconveniencing millions of drivers along the East

Coast was worth the risks for the criminal hacking group Darkside, which reportedly extracted \$5 million in ransom from Colonial.

The oil & gas sector is far from being the only regulated, crucial sector that could be next. Other potential targets include:

- drinking water suppliers and wastewater treatment plants
- chemical plants and refineries
- food service operations, and
- any facility using a chemical regulated by the Department of Homeland Security (DHS).

The most critical and vulnerable targets listed above are under the DHS Chemical Facility Anti-Terrorism

(Please see Colonial ... on Page 2)

GREENHOUSE GASES

Supreme Court gives Big Oil a leg up in climate cases

■ HIGH COURT SETS PRECEDENT FOR ALL CIRCUIT COURT PROCEEDINGS

Fossil fuel companies sued by cities and states for climate change damage won an important victory in the Supreme Court.

The City of Baltimore sued BP and other oil producers for public and private nuisance, negligent failure to warn and other violations of Maryland's Consumer Protection Act.

Companies argued all of the charges should be heard in federal court, but didn't get the outcome it expected when the 4th Circuit Court of Appeals ruled against them.

The energy companies appealed to the Supreme Court which ruled 7-1 (Justice Alito abstained) that the 4th Circuit should've considered all of the firms' grounds for removal.

Venue victory for oil & gas

Energy companies do better at the federal level than they do in state courts. This ruling further settles where future cases will be heard.

The 4th Circuit ruled in similar fashion to consumer protection cases in the 1st, 9th and 10th Circuits.

Info: law.cornell.edu/supremecourt/text/19-1189

OCEAN POLLUTION

Top single-use plastic makers revealed

More than half of the world's single-use plastic products are manufactured by 20 companies, the top two of which are American.

Much of this junk is fouling oceans and rivers that billions of people depend on for fish and drinking water.

Single-use polymers make up the lion's share of plastics that are thrown away or incinerated. About 98% are made from fossil fuels.

"Of all the plastics, they are the most likely to end up in our ocean,

Ninety-eight percent of single-use polymers are made from fossil fuels.

where they account for almost all visible pollution," concludes the Minderoo Foundation report.

"Single-use plastics eventually break down into tiny particles that

impact wildlife health – and the ocean's ability to store carbon."

Minderoo tracked whose factories are churning out 55% of single-use plastics as well as the international banks that provide billions of dollars in funding to plastic makers.

Top single-use plastic makers are ...

1. ExxonMobil
2. Dow Chemicals
3. Sinopec
4. Indorama Ventures
5. Saudi Aramco
6. PetroChina
7. LyondellBasell
8. Reliance Industries
9. Braskem
10. Alpek SA de CV

Info: minderoo.org/plastic-waste-makers-index

Colonial ...

(continued from Page 1)

Standards passed into law following the September 11 attacks.

Darkside claimed it didn't mean to cause so much damage to Americans. The next group, foreign or domestic, to target a facility may not care how much trouble it causes.

Cybersecurity more vital than ever

Colonial posted an opening for a cybersecurity manager two months before the hack. It's possible Darkside saw the posting on job sites.

And like so many companies in the wake of COVID-19, many Colonial employees have been working at home, upping the risks of surfing inappropriate websites and giving hackers a way in.

Bottom line: Your company's compliance efforts in the months ahead should include IT/IS decision makers to minimize the risks of an attack and an Environmental, Health and Safety problem.

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.

■ DID FIRM NEED PERMIT TO MOVE HAZWASTE ON SITE?

"Right on time," said Buck Flanagan, environmental manager.

"You're not the only company I need to check up on today," said Barbara Sulani, the EPA inspector. "Don't want to fall behind."

"Right, right," said Buck, trying not to roll his eyes. "OK let's take a walk then. I can show you what we've done."

A few months back, equipment fell and ripped through a petroleum waste tank at Buck's site. Barbara investigated the accident and was now following up.

Kept contaminated soil on site

"As you can see, we excavated the soil where the oil and chemicals spilled," said Buck. "We moved it up this hill so we could treat it easier and keep it contained."

"We're almost done treating it. It's taken a little over four months," said Buck.

"Mmm hmm," said Barbara. "And you can show me the permit?"

Buck stopped dead in his tracks. "Permit?" he asked.

"Yes. Permit. A RCRA permit," said Barbara. "You transferred hazardous waste and kept it here for more than 90 days. That means you need a permit for building a hazwaste facility."

"But it's on our site," said Buck. "We're following the law here."

"Not if you didn't get a permit," said Barbara. "I'm afraid that will mean a fine."

Buck's company fought the fine in court. Did it win its appeal?

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



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Environmental Compliance Alert (ISSN 1069-0131), June 14, 2021, Vol. 29 No. 652, is published semi-monthly, except once in December (23 times a year).

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Where other companies are stumbling over compliance

Facility nailed for 200-plus water permit violations

Company: Holcim, Ravena, New York.

Business: Cement manufacturer.

Penalty: \$850,000.

Reasons for penalty: Holcim's facility includes a cement kiln dust landfill which for years discharged untreated and partially-treated stormwater into Coeymans Creek, which connects to the Hudson River. Discharges routinely exceeded permit limits for aluminum, toxicity, oil and grease. State regulators tallied 260 permit violations from 2005-19.

Note: As part of its settlement, Holcim will implement Best Management Practices and a new operations plan, and apply for a solid waste management facility permit.

Workers not protected from chemical exposure

Company: Quick Plug North America, South Portland, Maine.

Business: Tray manufacturer for seedlings and small plants.

Penalty: \$137,294.

Reasons for penalty: The company violated Clean Air Act Risk Management Plan (RMP) regs by:

- not safely storing and handling toluene diisocyanate, an extremely hazardous substance, and
- failing to prepare and submit an RMP for its use of the chemical.

Note: Toluene diisocyanate is a possible carcinogen that can cause

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.

respiratory irritation or breathing difficulties when inhaled. Quick Plug shut down its facility shortly after being inspected by EPA.

Air plan & controls badly need an upgrade: \$1.5M

Company: ExxonMobil Oil, Joliet, Illinois.

Business: Oil refinery.

Penalty: \$1,515,463.

Reasons for penalty: ExxonMobil agreed to amend a 2005 consent decree that will improve air quality in Joliet. The company will:

- make physical and operational changes to its sulfur recovery plant, resulting in fewer hydrogen sulfide and sulfur dioxide (SO₂) emissions
- upgrade its fluidized catalytic cracking unit so it meets lower limits for SO₂ and nitrogen oxides
- monitor valves that are covered in insulation or inside fireboxes to reduce leak detection and repair violations
- use an optical gas imaging camera to monitor its open-ended lines for leaks, and
- develop a comprehensive plan to prevent continuous emissions monitoring system violations.

Cut corners on hazwaste dozens of times too many!

Company: Riverbank Oil Transfer, Riverbank, CA.

Business: Hazardous waste treatment, storage and disposal facility.

Penalty: Up to \$25,000 per day the company was in noncompliance through a lawsuit filed by the California Department of Toxic Substances Control (DTSC).

Reasons for penalty: Riverbank is facing a potential half-million dollar fine for mismanagement of used oil, antifreeze and oily wastewater.

DTSC inspectors found:

- improper storage of hazardous waste
- unauthorized acceptance and co-mingling of hazwaste
- hazwaste stored in areas without secondary containment
- incomplete records, and
- exceedance of authorized hazwaste storage volume.

Note: Riverbank moved railcars filled with hazardous used oil to areas without secondary containment at least 77 times from 2014-16, and stored the railcars in unauthorized areas for more than a year. During that same time period, the company exceeded its storage limit of 50,000 gallons of hazwaste 37 times.

Not worth it! 3 pay price for selling cheat devices

Companies: Pypes Performance Exhaust, Hatfield; Hassler Diesel Performance, Bethel; and Bell Performance Solutions of Shoemakersville, all based in southeastern Pennsylvania.

Business: Heavy-duty diesel engine parts distributors.

Penalty: \$137,892 (total).

Reasons for penalty: The three "tuning" shops were caught selling emission defeat devices for diesel engines. Defeat devices bypass or render inoperative a motor vehicle engine's air pollution control equipment or systems, leading to excess emissions of nitrogen oxides and sulfur dioxide.

Note: Cracking down on companies that sell and use aftermarket emissions cheating devices remains one of EPA's National Compliance Initiatives (*search for "NCI" at our website for more stories*).

TOXICS RELEASE INVENTORY

EPCRA sting puts industry on notice

We'll be sure to remind you at least once more this spring, but don't forget July 1 is the annual deadline for Toxics Release Inventory (TRI) reporting.

The feds and state agencies can show businesses leniency on many environmental compliance fronts, but if you forget to file mandatory TRI reports, forget about it.

TRI-regulated facilities (upwards of 22,000) are required under the Emergency Planning and Community Right-to-Know Act (EPCRA) to file reports annually.

The TRI database is available to the public, and is a critical resource for emergency planning committees, paramedics and firefighters to respond appropriately in case of an accidental release or spill.

No relief from fines!

Four New England facilities were part of an EPCRA/TRI sting because

they neglected to submit reports:

- Saint Albans Creamery (Vermont), a milk and dairy producer, is paying \$58,765 for three late reports of nitric acid and nitrate compounds.
 - Westfield Electroplating in Massachusetts electroplates, anodizes, colors and finishes metals and formed products for the aerospace and defense industries. It's out \$55,862 for not submitting TRI reports for nitric acid, nitrate compounds and cyanide compounds in 2018.
 - Nichols Portland (Maine) uses powdered metals to manufacture small parts and pump components. It didn't file TRI reports for copper and nickel. Fine: \$36,943.
 - First Light Technologies, an ultraviolet lamp maker for air and water purification based in Poultney, VT, will pay \$23,558 for late reporting of 10 pounds of mercury.
- Info: epa.gov/enviro/tri-search

GREENHOUSE GASES

Methane rule for solid waste landfills is a go

■ GAS CONTROL RULE'S BEEN IN LIMBO AND LITIGATION FOR FIVE YEARS

The stalled EPA methane rule for municipal solid waste (MSW) landfills is being rolled out.

Nearly 1,600 landfills in 42 states will require emission and leak control systems for methane once the final rule is published in the *Federal Register*.

EPA's reg mirrors requirements in eight state air rules (Arizona, California, Delaware, New Mexico, Oregon, South Dakota, Virginia and West Virginia).

New York and Florida are awaiting EPA approval of their air regs.

Many sites will trigger limit

The methane reg requires all landfills install gas collection controls

within 30 months if they emit 34 metric tons (mt) or more of methane per year. The previous methane limit for existing landfills was 50 mt.

Industry groups challenged the methane reg and a sister New Source Performance Standards rule for air toxics (see last issue, Page 8).

But the sector expected both to become a reality after court challenges failed. The majority of MSW landfills already comply but some will need to catch up quickly.

EPA predicts an annual 290,000 metric ton reduction in methane once the sector's in full compliance.

Landfills are the third largest manmade source of methane emissions after gas and petroleum systems and animal digestion.

Info: RIN 2060-AU52

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.

■ METAL COATING PLANT NOT TREATING WASTEWATER

To: Regional Enforcement Director
From: Inspector Bob Wiley
Re: Hazardous waste

Our recent investigation of Acme Coating would suggest that metal coating operations are skirting clearcut environmental laws.

I'm recommending we step up inspections of other metal coating and finishing operations before there's an accidental discharge of toxic chemicals.

My visit to Acme started off on a wrong note.

While waiting for the site manager, I saw containers of solvents and flammable liquids sitting out in the middle of the production area.

There were hazardous waste containers a few feet away. But none of the containers had lids covering the waste.

Waste items included corrosive and reactive liquids, and sludge from coating operations. I asked the site manager for training records but he couldn't provide them.

Problems flowed downhill

We moved on to wastewater management and found problems there too. Acme apparently wasn't treating discharges for metals because they couldn't show me a permit or any records.

That meant pollutants like cadmium, lead and nickel were inundating the wastewater treatment plant and may have contaminated a nearby stream.

All totaled, Acme has racked up \$142,000 in penalties.

■ Dramatized for effect. Based on settlement with a West Coast metal finishing facility.

AT-RISK COMMUNITIES

Enviro Justice permit freeze is in effect

Industrial facilities can expect a tougher time getting their permits approved or renewed for at least the next four years.

Case in point: EPA administrator Michael Regan asked Chicago Mayor Lori Lightfoot (D) to hold off approving a metal shredding and recycling plant's permit change.

The company in question, Reserve Management Group (RMG), wants to expand operations at its facility on the city's southeast side.

Reason: An increase in emissions could impact surrounding neighborhoods. Regan (and President Biden) pledged to reduce Environmental Justice (EJ) disparities for poor and minority communities.

Air quality cause for alarm?

Chicago's been in the news for rampant crime and shootings, but Regan noted the city's environmental record is a big problem also.

"[The neighborhood in which

RMG wants to expand] currently ranks at the highest levels for many pollution indicators ... including fine particulate matter, air toxics cancer risk, respiratory hazards, traffic proximity, lead paint, Superfund site proximity, hazardous waste proximity and wastewater discharges.

"Since 2014, more than 75 facilities in the southeast area have been investigated by EPA, Illinois EPA and the city for noncompliance with the Clean Air Act."

Firm touts emission controls

RMG says the facility meets environmental and health standards, and that it will use a capture-and-control system, filters and emission cleaning system used only by a handful of metal shredders.

Community activists argue industrial facilities like the recycling plant are concentrated in the poorer neighborhoods of Chicago.

Info: aboutblaw.com/XnS

RCRA

Hazwaste handlers need to stay on their toes

■ EPA PROMISES TOUGHER APPROACH WITH HAZWASTE RULE BREAKERS

EPA plans to initiate more criminal investigations under the Resource Conservation and Recovery Act (RCRA) in cases that merit action.

There's a fine line between civil and criminal cases – often it comes down to answering, "Did the company set out to break the law and knowingly put people and the ecology at risk?"

Here's an example of a recent RCRA civil penalty that illustrates how easily a regulated facility may find itself in hot water.

No permit or contingency plan

Scranton Manufacturing in Scranton, Iowa, makes farming

equipment and trucks. It's been in business since 1971.

An inspection revealed several RCRA violations:

- lack of a contingency plan to respond to emergencies
- failure to make arrangements with local emergency responders in the event of a release of a hazardous waste, and
- failure to train staff members on all RCRA requirements.

The kicker: Scranton was generating enough hazwaste to require a large quantity generator permit, which it didn't obtain.

Scranton will pay a \$50,208 fine and must document it's in full RCRA compliance (federal EPA oversees RCRA programs in Iowa and Alaska).

TRENDS TO WATCH

■ OHIO FACILITIES NEED TO LIMIT VOC EMISSIONS

Ohio EPA is implementing Reasonably Attainable Control Technology (RACT) for Cincinnati and Cleveland to reduce smog-forming pollutants.

The cities were found in nonattainment of the 2015 National Ambient Air Quality Standards for ground-level ozone during the 2018-20 measuring seasons.

RACT requirements for lowering volatile organic compounds cover these sectors:

- aerospace manufacturing
- shipbuilding and repairs
- offset lithographic and letterpress printing
- solvent cleaning operations
- flat wood panel coating makers
- reinforced plastic composite production
- surface coating of miscellaneous metal and plastic parts
- industrial adhesives and sealants
- boat makers, and
- automobile and light-duty truck assembly coating.

Info: epa.ohio.gov/dapc/DAPCrules#188902674-interested-party-review

■ CARBON CAP-AND-TRADE PROGRAM COMING IN 2023

Washington state approved a greenhouse gas cap-and-trade program set to kick off in 2023.

Facilities that emit 25,000 tons or more of carbon dioxide equivalent will need to purchase credits from low-carbon entities to satisfy the state's baseline.

Industrial sources, in-state electric generators, natural gas utilities and fuel suppliers are impacted.

Governor Jay Inslee (D) and legislators set a 90% reduction goal for carbon emissions by 2050.

Info: tinyurl.com/BDLawWashclimate652

CLEAN AIR ACT

Trump air cost-benefit rule gets the ax

EPA is rescinding the “Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process,” aka the cost-benefit rule (CBR).

This is the latest move by the Biden administration to undo final regs promulgated in the last months of the Trump administration.

(Search for “Trump Biden EPA” at our website for more stories.)

EPA chief Michael Regan called CBR “unnecessary and misguided” because the Act requires rulewriters to prioritize public health risks associated with air pollutants such as fine particulate matter (PM 2.5) and smog.

Costly air regs in the cards?

Trump’s goal with the CBR action was to prevent highly expensive regs like the Mercury and Air Toxics Standards (MATS) for coal- and oil-fired power plants.

The CBR reg would’ve prevented EPA from using co-benefits to promulgate air rules as it did with MATS. EPA incorporated the health benefits of declining PM 2.5 to justify tighter mercury and air toxics

guidelines in MATS, which came with an annual compliance price tag of \$9.7 billion to industry.

Info: 86 FR 26,406

OSHA easing up on facemasks at work

OSHA’s position on who needs to wear face masks or shields inside the workplace now aligns with the Centers for Disease Control and Prevention (CDC):

Vaccinated workers aren’t required to wear face protection because they aren’t potential carriers of COVID-19 or capable of contracting the virus.

Not all states on board

The CDC says people are considered fully vaccinated two weeks after the second dose in a two-dose series (Pfizer, Moderna) or two weeks after a single-dose shot.

Some states like New Jersey still mandate employers make workers who interact with the public mask up.

Info: [osha.gov/coronavirus/safework](https://www.osha.gov/coronavirus/safework)

WHERE TO GET HELP

FIND THE LATEST PFAS TREATMENT OPTIONS HERE

Public and private water facilities concerned about per- and polyfluoroalkyl substance (PFAS) contamination should check out EPA’s updated Drinking Water Treatability Database which includes new references and treatment options for PFAS.

The database now includes 37 of the most common PFAS affecting groundwater sources including PFOS and PFOA.

EPA just added these 11 PFAS:

- PFPeS
- PFHxSA
- PFBSA
- PFMOBA
- PFMOPrA
- PFO4DA
- FtS 4:2
- ADONA
- PFECHS
- F-53B, and
- Nafion BP2.

The database contains other kinds of pollutants and emerging contaminants besides PFAS.

Info: [epa.gov/water-research/drinking-water-treatability-database-tdb](https://www.epa.gov/water-research/drinking-water-treatability-database-tdb)

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

No. The company lost its appeal.

Buck’s company couldn’t get out of paying a fine for not getting a hazardous waste permit.

The company argued that it protected the environment and followed the basic tenets of the Resource Conservation and Recovery Act (RCRA).

It admitted it removed contaminated soil from the accident area to higher ground, but only to make it easier to treat in a timely fashion.

Moving the contaminated soil didn’t equal creating a new hazardous waste facility, which would’ve required a permit, the company argued.

The state agency countered that rules are rules, and

RCRA is clear – any relocation of contaminated soil requires permit approval due to the potential for groundwater, surface water, air or further soil pollution.

ANALYSIS: ON PERMIT ISSUES, IT’S BETTER TO ASK THAN GUESS AND REGRET IT DOWN THE ROAD

This is an all-too-typical case where a company is better off running the problem by its state agency, and then biting the bullet and paying for a new permit.

Unfortunately the state didn’t give the company a pass for dealing with a pollution problem and trying to remediate it responsibly.

In general, transferring hazwaste from one location to another means you have to get a permit if you store it there for 90 days or longer.

Cite: *Maine v. McLaughlin*, ME Supreme Court, Case No. Som-08-625. This case has been dramatized for effect.

PRECIOUS METALS

Mining gets cold shoulder from Biden

American mining companies won't get permitting relief from the feds needed to meet the demand for precious metals.

The upshot: African and Asian mines will be providing cobalt, copper, lithium, nickel and other minerals crucial to manufacturing battery parts for electric vehicles (EVs).

Environmental groups pressured the White House against relaxing permit requirements or expanding mining rights on federal lands.

Most of the cobalt used in electronics manufacturing, for example, is mined by indentured child laborers in the Congo Republic.

Congress wants to give EVs a boost

President Biden's pushed his chips all-in on EVs for government agencies and workers.

His "Buy American" executive order calls for replacing all government fleets with EVs to be assembled in the U.S. There's also a plan underway to install thousands of plug-in charging stations nationwide.

In the meantime, Congress is considering bills that would increase funding and tax subsidies for EV and battery manufacturers.

The U.S. Energy Information Administration predicts a 4.3 gigawatt growth in utility-scale battery storage this year.

Info: tinyurl.com/bidenEVmining652

Supplemental enviro projects back on table

Traditional supplemental environmental projects (SEPs) are making a return to EPA settlements, as expected.

The Trump administration nixed SEPs crafted by third-party nonprofit groups. Not all in industry supported

the move because paying for SEPs helped local communities and gave violators a civic and PR boost (*search for "Trump supplemental environmental projects" at our website for a timeline*).

More inspections, more fines

An EPA memo, "Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements," outlines how the agency will utilize SEPs, as well as strengthen inspection efforts through:

- advanced monitoring data such as point source discharge and ambient fence-line monitoring
- audits and independent third-party verification
- electronic reporting, and
- increased transparency of compliance data such as regulated facility websites that show continuous emissions data.

Info: insights.michaelbest.com/post/102gx9o/early-messaging-from-usepa-enforcement-hq

And to stay a step ahead of EPA inspectors ...

Forewarned is forearmed, and there's no better way for a regulated facility to maintain compliance than a thorough, timely audit.

Here are a couple of auditing best practices to keep top of mind, courtesy of attorney Meagan Moore with Brouse McDowell:

- Check with legal counsel first about your state's audit immunity policy and how to prevent findings from being discovered, and
- Limit the scope of your audit in advance so the audit team focuses on pertinent air, water, waste and chemical safety issues.

Info: tinyurl.com/enviroaudit652

REAL PROBLEMS/SOLUTIONS

■ LOWERING ENERGY USE AND WASTE ONE STEP AT A TIME

We'll try any kind of conservation measure that people get on board with and that makes a dent in waste streams.

For example: Retrofitting the lights in both our warehouse and office spaces cut our energy usage significantly.

We went with top-of-the-line light emitting diode (LED) lights for the warehouse high-bay lighting, and more efficient fluorescent lights in the office.

Ideas come from the company

When we looked at all of the paper and plastic and assorted materials being trashed in the break room, it inspired us to make a big change immediately.

So we switched to using reusable utensils and plates made from recyclable materials only.

The benefits to reusable utensils and plates are three-fold:

- they're high quality and sturdy
- they don't contribute to landfill waste, and
- they help the environment because virgin materials aren't being used to make disposable products.

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

"We have a busy daily schedule. ECA allows me to scan issues quickly and then move on. All of the sections are useful."

Steve Bruton
Director of Engineering
Mitchell Gold

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.

LIQUEFIED GAS BY RAIL

The Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) is reviewing a liquefied natural gas (LNG) by rail rule finalized last year.

PHMSA had authorized moving refrigerated liquid methane in certain rail tank cars.

The LNG rule added cryogenic liquids in rail tank cars to the list of international dangerous goods, and amended the pressure control valve setting table with settings for LNG in DOT 113 C120W rail cars.

Methane is currently transported as a liquid by ships, trucks and pipelines. The American Association of Railroads petitioned DOT for the same regulatory permission.

If PHMSA rescinds some or all of the rule, rail carriers will need special permits to move LNG.

Info: 85 FR 44,994

GASOLINE EXEMPTIONS

Some good news for fuel transporters: The Federal Motor Carrier Safety Administration (FMCSA) issued a temporary hours of service exemption to help alleviate shortages due to the Colonial Pipeline shutdown (see cover story for more).

To avoid disruption to supplies of gasoline, diesel, jet fuel, ethanol and other refined petroleum products, the exemption will apply to commercial truck drivers transporting products to Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South

Carolina, Tennessee, Texas, Virginia and Washington DC.

An additional FMCSA exemption gives permission to transport overweight loads of gasoline and other fuels to Alabama, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Tennessee and Virginia.

At press time, Colonial didn't have the pipeline back on line.

Info: www.fmcsa.dot.gov/emergency-declarations

OIL & GAS METHANE REGS

EPA is getting started on a methane and volatile organic compound emissions rule for new and existing oil & gas facilities.

The agency announced public listening sessions open to stakeholders and the general public on June 15, 16 and 17.

Info: epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-announces-public-listening-sessions

PHOSPHORIC ACID

Phosphoric acid manufacturing plants that discharge wastewater containing phosphogypsum are going under EPA's microscope.

Eighteen nonprofit groups made three Toxic Substances Control Act (TSCA) petitions to clamp down on phosphogypsum. EPA denied the groups' calls for:

- designating phosphogypsum and process wastewater as high-priority substances for a three-year risk evaluation, and
- classifying phosphogypsum used in road construction materials as a significant new use.

EPA did agree to issue a TSCA testing rule of phosphogypsum and

process wastewater from phosphoric acid production.

Info: 86 FR 27,546

STATE AIR PLANS

Despite the change in administrations, EPA continues to fast-track air quality state implementation plans (SIPs).

The following air SIPs were recently approved by the feds:

- 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) second maintenance plan for the York-Adams area, **Pennsylvania**
- smoke management change, **Oregon**
- redesignation of the 2010 sulfur dioxide (SO₂) NAAQS unclassifiable area, Sumner County, **Tennessee**
- 2008 8-hour ozone nonattainment area requirements, western Nevada County, **California**
- 2006 tiny particulate matter (PM 2.5) NAAQS, Logan area, **Utah** and **Idaho**
- Restriction of emissions from lithographic and letterpress printing operations, **Missouri**
- Revisions to 2006 24-hour PM 2.5 NAAQS and 2012 annual PM 2.5 NAAQS, Calif.
- monitoring, recordkeeping, and reporting requirements in air SIPs, **North Carolina**
- revisions to SIP for large municipal waste combustors, **Massachusetts**
- revisions to Title 129 (general conformity provisions) of the **Nebraska** Administrative Code
- 2010 1-hour primary SO₂ NAAQS, Anderson and Freestone Counties and Titus County nonattainment areas, **Texas**, and
- 2015 8-hour ozone NAAQS New Review requirements, **Delaware**.

Info: epa.gov/air-quality-implementation-plans/approved-air-quality-implementation-plans