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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).

Storage tank compliance sweep a warning to industry

■ Facilities in overburdened communities fined

An enforcement sweep of facilities that store hazardous and volatile liquids is underway.

Just last month, five companies in Midwestern states were fined tens of thousands of dollars each for violating Resource Conservation and Recovery Act (RCRA) Organic Air Emission Standards, Subparts BB and CC.

Keep in mind that reducing hazardous air toxic emissions remains one of EPA's National Compliance Initiatives (*search for "NCIs" at our website for more stories*).

Environmental law firm Spencer Fane warns that two of the five companies fined are adjacent to Environmental Justice communities often overburdened by ambient air pollution, combined sewer overflows,

and proximity to manufacturing plants and hazwaste sites (*see top of Page 2 for related info*).

What did they do wrong?

RCRA's air standards cover tanks, containers, process vents and surface impoundments (Subpart CC) as well as piping, valves, connectors and pumps (Subpart BB).

Here's a rundown of what these five facilities did wrong:

- Aerosols Danville in Illinois makes beauty products and generates spent ethanol. EPA found it didn't monitor valves and pumps for leaks, maintain inspection records, tag valves and flanges or inspect roof

(Please see Sweep ... on Page 2)

CLEAN WATER ACT

Waters of U.S. rule on horizon: Will courts accept?

■ WETLANDS, INTERMITTENT STREAMS TO REGAIN FEDERAL PROTECTION?

The 2015 Waters of the U.S. (WOTUS) rule, which was stayed in two dozen-plus states by the Supreme Court, is about to make a comeback.

EPA and the U.S. Army Corps of Engineers are working to revive protections on intermittent streams, wetlands and maybe even irrigation ditches on farms that were axed by the Trump administration.

First up will be a "foundational rule to restore the regulations defining WOTUS that were in place for

decades until 2015, with updates to be consistent with relevant Supreme Court decisions," followed by a second rule that defines WOTUS.

Uphill legal battle for feds

Today's more conservative Supreme Court is likely to follow Justice Antonin Scalia's interpretation of protected waters in the *Rapanos* case.

Scalia defined WOTUS as "relatively permanent, standing or continuously flowing bodies of water" such as "streams, oceans, rivers and lakes" connected to traditional navigable waters.

ENVIRONMENTAL JUSTICE

Blurred lines? Civil to criminal referrals

We've warned you how the Biden EPA is prioritizing Environmental Justice (EJ) communities in criminal enforcement.

While the Department of Justice (DOJ) still calls the shots on which companies to go after, EPA's

**Historically
communication
has been
discouraged**

changing tactics to ensure violators in historically overburdened areas don't slip through the cracks.

No more civil/criminal boundary

Law firm Baker Botts says EPA's plan entails:

- civil and criminal staff within EPA communicating more often and sharing details of investigations. "Historically communication

between the civil and criminal components of EPA has been discouraged, and it was rare for a civil case to 'turn' criminal." EPA administrator Michael Regan's recent EJ directive will reverse the precedent (*search for "Regan EPA EJ" at our website.*)

- reaching out to potential victims of enviro crimes early, including through social media outlets, and
- cross-training EPA and DOJ staff on the EJ Screen mapping tool and other Next Generation technology. "The use of geospatial mapping tools ... with criminal enforcement training of EPA civil personnel will almost certainly lead to broader categories of conduct being at risk for criminal investigation."

Info: tinyurl.com/bakerbottsEJ657

Sweep ...

(continued from Page 1)

- closures. Fine: \$175,000.
- DCW Casing in Oelwein, Iowa, manufactures blood anticoagulants, resulting in waste ethanol. DCW failed to mark equipment and keep operation records. It's going to pay \$80,562 in RCRA fines.
- Fuchs Lubricants, a lubricating oil maker in Kansas City, didn't keep up with required monthly visual leak checks on pumps or keep records. Fine: \$255,344.
- United Industries (Saint Louis, Missouri) was fined for not documenting daily hazardous waste tank inspections, equipping a hazardous waste tank with a required fixed roof and repairing a crack in a secondary hazwaste containment area. Fine: \$95,000.
- We covered the final company cited, Safety-Kleen Systems in Dolton, Illinois, in our previous issue (*see ECA 8/16/21, Page 3*).

Info: tinyurl.com/spencerfaneRCRA657

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.

■ IS FIRM STUCK WITH CLEANUP BILL INSURER WON'T PAY?

"So how bad was it?" asked Cliff Uplander, the company attorney.

"If you ever needed images of how to never store hazardous waste drums, our old facility would fit the bill," sighed Buck Flanagan, the environmental manager.

"There were drums stacked two to three high in some aisles, and a couple looked like they could easily tip over," said Buck.

"I wish I'd known about that satellite facility. We could have recycled most of the hazardous waste," said Buck.

"Guess we're talking about chemicals that aren't in circulation anymore?" asked Cliff.

"Pretty much," said Buck. "I don't see how we can avoid paying some of the costs for the cleanup either.

"The feds are going after every industrial company that did business near that site," said Buck.

Hazwaste not stored safely

"That's not the worst news," said Cliff. "I just heard back from our insurance company.

"They say since there's no evidence of a 'sudden or accidental occurrence,' they can't cover us."

"Is that right?" asked Buck.

"We'll see," said Cliff. "Usually the courts don't look kindly on insurers that try to get out of indemnifying their clients!"

Buck's company took the insurer to court for refusing to indemnify it for the cleanup.

Who won?

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



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Where other companies are stumbling over compliance

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

Clean Air general duty clause fines are coming

Company: MDV SpartanNash, Norfolk, Virginia.

Business: Food distribution.

Penalty: \$47,429.

Reasons for penalty: The company failed to:

- install alarms to alert employees of an accidental release
- properly seal around ammonia refrigeration pipes, and
- inspect and repair worn-out pipe insulation.

Note: MDV is located near an Environmental Justice community. EPA cited the company under the General Duty Clause (GDC), Section 112r(1) of the Clean Air Act. The Biden EPA plans to enforce the GDC at chemical-using facilities. For more info on the GDC, go to epa.gov/sites/production/files/2013-10/documents/gdc-fact.pdf

10 firms paying to clean up huge hazwaste mess

Companies: American Airlines, Honeywell, Goodrich and seven other companies that sent hazardous waste to U.S. Technology (UST), Fort Smith, Arkansas.

Business: Hazardous waste generators in various industrial sectors.

Penalty: Multi-million dollar Resource Conservation and Recovery Act

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.

(RCRA) cleanup.

Reasons for penalty: Nearly 7 million pounds of hazardous waste that should've been treated and recycled was stored at the UST site for years. The treatment, storage and disposal facility didn't have a RCRA permit to store sludge containing:

- chromium
- lead, and
- cadmium.

Note: An EPA inspection in 2018 found UST's warehouse stored 10,000 drums and 1,200 super sacks of waste which contains a blend of spent, blast and related material used to make concrete products. Companies that sent UST hazwaste are paying EPA contractors to remove the waste and remediate contaminated soil. The facility is located half a mile from low-income homes and the Arkansas River.

Nailed for no containment around storage tanks

Company: PM Properties, with locations in Verona and Weyers Cave, Virginia.

Business: Fueling stations.

Penalty: \$27,483.

Reasons for penalty: The company failed to:

- install adequate spill prevention equipment around underground fuel tanks, and
- conduct proper testing of all of the storage tanks, transmission lines and leak detectors.

Note: Leaking tanks are a major source of soil and groundwater contamination. For help with compliance, go to epa.gov/sites/default/files/2016-02/documents/om_final_2-17-16_508_0.pdf

Effluent fouled waters for years: Firm fined \$861K

Company: Hussey Copper, Leetsdale, Pennsylvania.

Business: Smelting facility.

Penalty: \$861,500.

Reasons for penalty: The facility:

- exceeded effluent limits in its wastewater permit
- failed to limit oil sheens, and
- discharged copper, chromium, nickel, oil and grease, lead, pH, total suspended solids and zinc.

Note: As part of its settlement, the company agreed to:

- conduct a comprehensive review of its wastewater treatment system
- hire third-party consultants to conduct a compliance audit and implement corrective measures, and
- conduct annual compliance training for employees and contractors.

Warning: Inspectors want to see current spill plans

Company: Phoenix Petroleum, owner of tank batteries in two counties in North Dakota.

Business: Aboveground crude oil storage tanks.

Penalty: \$50,000.

Reasons for penalty: Phoenix didn't implement adequate Spill Prevention, Control and Countermeasure (SPCC) rule plans for aboveground storage tanks containing crude oil. Inspectors also wrote the company up for:

- storage tanks that weren't equipped with secondary containment in case of a spill or leak, and
- other technical deficiencies that increased the risks of a spill.

Note: Facilities with 1,320 gallons of oil that have the potential for a spill to protected waters are required to have SPCC plans. If you store, transfer, use or consume oil or oil products such as diesel fuel, gasoline, lube oil, hydraulic oil, emulsion adjuvants, crop oil, vegetable oil or animal fat, having an up-to-date SPCC plan and site map is a must.

CARBON EMISSIONS

How soon will 'green' steel be a reality?

Fact: Steel makers reduced energy consumption per ton of steel by about 50% since 1990.

Today's steel plants are going the extra mile to lower fossil fuel consumption and reduce carbon emissions via Green Steel methods.

In a nutshell, Green Steel means using hydrogen fuel instead of traditional coking coal to fire up blast furnaces.

The results are:

- very low carbon emissions from using clean energy, and
- clean byproducts – water, hydrogen and/or oxygen.

Hydrogen over coal

Pilot programs on more than one continent are experimenting with hydrogen (or electricity) in lieu of coking coal.

Steel's customers want to see a smaller carbon footprint from the

sector, and of course, air quality regs for metal manufacturers are among the costliest in industry.

Companies like Thyssenkrupp and ArcelorMittal are moving forward with Hybrit technology, which injects

Industry, clients all-in on change.

hydrogen gas into iron pellets to remove oxygen and produce sponge iron (with water the final byproduct).

Manufacturer SSAB is leading experiments with Hybrit and aims to manufacture the first carbon-free steel by 2026.

Info: "The green edge of steel: Cutting through carbon," White & Case, whitecase.com/publications/insight/green-edge-steel-cutting-through-carbon

NESHAP

Air toxics regs for 8 industries on EPA's agenda

- RULE WRITERS CHECKING IF AIR TOXICS BEING KEPT IN CHECK

Several industry sectors are "on deck" for Clean Air Act (CAA) risk and technology reviews.

Hazardous air pollutant (HAP) standards must be reviewed every eight years by EPA under the CAA.

If the agency determines there are any residual risks from HAPs, it can tighten emission limits from sources as well as facilities' monitoring and reporting requirements.

Updates to maximum achievable control technology standards are unlikely, but we'll keep you posted.

8 on the clock

According to EPA's spring regulatory agenda, these sectors'

National Emission Standards for HAPs will be reviewed (the Regulatory Identification Number or RIN is listed after the sector):

- oil & natural gas (2060-AS13)
- primary copper smelting (2060-AU63)
- coke ovens (2060-AV19)
- mercury cell chlor-alkali plants (2060-AU59)
- cyanide chemicals manufacturing (2060-AU64)
- primary magnesium refining (2060-AU65)
- carbon black production (2060-AU66), and
- refractory products manufacturing (2060-AU67).

Info: reginfo.gov/public/do/eAgendaMain

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.

■ NO PERMIT, BUT STORED HAZWASTE ANYWAY

To: Regional Enforcement Director
From: Inspector Bob Wiley
Re: RCRA permit

It would be worth checking out whether public utilities have all of their permits in order and are following the guidelines, especially when it comes to toxic and hazardous substances.

We scheduled the Oakville wastewater treatment plant for a routine site inspection of Resource Conservation and Recovery Act (RCRA) management practices.

We were in for a surprise.

The plant foreman showed us a stock of waste, including hazardous waste, it had collected from businesses and residents.

Oakville uses waste as a feedstock for a waste-to-energy conversion system. He was rightly proud of their sustainable energy alternative that reduces greenhouse gases to boot.

But when I asked about a RCRA permit, the foreman didn't know what I was talking about.

After doing a little digging, it was clear the utility was accepting hazwaste despite not having the required permits in order.

Hazwaste bins not labeled

This wasn't a case of just a missing permit either. Their crew wasn't versed in RCRA basics that are necessary to protect habitats and people.

For example, there were multiple waste containers that didn't have labels or any kind of signage to let people know what was in them.

I recommend a \$100,000 penalty.

- *Dramatized for effect. Based on a settlement with a publicly owned treatment works.*

NPDES

11,000 water permit holders on edge

National Pollutant Discharge Elimination System (NPDES) permittees shouldn't be surprised if and when an environmental inspector comes calling.

Reason: A Government Accountability Office (GAO) report finds nearly 11,000 NPDES facilities exceeded wastewater limits in 2018.

Inspectors can assess Clean Water Act fines for those violations and take a closer look at current compliance with contaminant limits.

As of last year, 335,000 facilities nationwide obtained NPDES permits, according to EPA.

States are slow to respond

One obstacle to an all-out EPA enforcement blitz?

Many states are still way behind inputting facilities' info into the NPDES electronic reporting database.

"EPA posts data that states report on their NPDES compliance," says the GAO, "but the data aren't reliable for

identifying changes in the number of activities states conducted since 2015. EPA's most recent assessment of states' data showed that two of 17 states met expectations for ... accuracy and completeness."

However: EPA estimates about 70% of NPDES facilities have sufficiently entered info into the national database for inspectors to track compliance.

Follow smart game plan

To comply with NPDES limits, EPA recommends companies:

- communicate to neighbors and community groups about the work they do and commitment to ecological preservation
- collaborate with state and federal regulators, and
- report permit exceedances promptly to help reach a resolution ASAP and possibly reduce fines.

Info: gao.gov/products/gao-21-290

RECYCLING

Business-case reasons to reduce, reuse, recycle

- TAKE A SECOND LOOK AT WASTE TOTALS! IS THERE ROOM TO CUT?

Could you slash your solid waste bill by recycling more?

For many facilities just like yours, the answer is Yes.

Here are four conservation and economic benefits of solid waste recycling (SWR) to share with decision makers at your facility:

4 good reasons to recycle more

1. Recycling preserves raw materials and natural resources.
We can't keep tapping natural resources like trees, minerals and freshwater at our current pace without destroying habitats.
2. Disposing of waste is expensive.

There's a variety of reasons – lack of space, trash hauling, land use and having to comply with associated air, water and waste regs.

Community groups increasingly rail against construction or expansion of landfills, which means businesses must look ahead now.

3. SWR helps promote reduced energy use. Examples: production of new commodities, securing materials.

Bonus: You're also reducing air pollution (truck emissions, landfill methane leaks).

4. SWR cuts greenhouse gases to boot. The Waste Reduction Model shows recycling one short ton of aluminum instead of landfilling it eliminates 3.71 metric tons of equivalent carbon dioxide.

TRENDS TO WATCH

■ STEPPING UP TO PLATE FOR WATERSHED RESTORATION

Six states and Washington DC have until 2025 to adopt runoff pollution plans to protect the Chesapeake Bay watershed.

New York's watershed improvement plan (WIP) for curbing phosphorous, sediment and nitrogen runoff was approved by EPA. The Empire State's southern tier is part of the Chesapeake ecosystem.

Delaware, DC, Maryland, Pennsylvania, Virginia and West Virginia also agreed to submit and implement WIPs.

Info: epa.gov/chesapeake-bay-tmdl

■ CLIMATE LAWSUITS TARGET GOP GOVERNOR DESANTIS

The first major climate change litigation in Florida has struck out twice in court.

In *Reynolds v. Florida*, plaintiffs are suing Governor Ron DeSantis (R), state lawmakers and the FL Department of Environmental Protection (DEP) for gross negligence related to climate change.

For example, the DEP granting permits to fossil fuel companies is contributing to rising seas and related climate change damage that taxpayers will foot the bill for and suffer the worst consequences, according to plaintiffs.

A Leon County Circuit Court judge who heard the case first dismissed it with prejudice. The FL First District Court of Appeal rejected the appeal. A third and final appeal before the state supreme court is possible.

Reynolds plaintiffs are suing under two uncommon theories: "breach of mandatory fiduciary duty to protect Florida's public trust resources" and violation of substantive due process under the state's constitution.

TOXICS RELEASE INVENTORY

Early look at TRI reporting: 21,000 sites

You can check out preliminary reporting data for the 2020 Toxics Release Inventory (TRI), the first year to include certain per- and polyfluoroalkyl substances (PFAS).

In a few months, EPA will break down how regulated industry sectors kept pollutants out of the air, waters and soil.

Over the past decade, industry's steadily found new ways to reduce dependence on harmful chemicals and recycle more.

More than 21,000 facilities reported via the TRI-Me portal as required by Section 313 of the Emergency Planning and Community Right-to-Know Act.

Info: epa.gov/toxics-release-inventory-tri-program/2020-tri-preliminary-dataset

New monitoring duty for oil spill dispersant use

New monitoring requirements are in place for use of dispersants, chemicals or other mitigating substances after a major oil spill.

EPA amended Subpart J of

the National Oil and Hazardous Substances Pollution Contingency Plan that governs dispersants.

An oil spill of 100,000 gallons within a 24-hour period, and surface use of dispersant for more than 96 hours after initial application in response to a spill, triggers the monitoring requirement.

Info: 86 FR 40,234

TSCA: E-reporting for chemical exports a go

Companies that export chemicals can report electronically to EPA and forego the hard copy.

The agency announced electronic notifications for exports can be made via the Chemical Data Exchange to comply with the Toxic Substances Control Act.

If you still want to send hard copy, you can. Federal agencies are slowly but surely offering electronic reporting options to reduce businesses' and regulators' paperwork burdens as mandated by the federal Paperwork Reduction Act.

Info: 86 FR 31,502

WHERE TO GET HELP

■ DREDGING A LITTLE EASIER WITH NEW EPA TOOL

Fact: About 4 million cubic yards of sediment are dredged and then relocated or disposed of elsewhere every year.

Deciding what to do with sediment and evaluating its environmental impact can be challenging.

To help, EPA launched the Dredged Material Decision Tool which contains insights from experts that handle it every day.

Potential reuse options include caps for contaminated soil at Superfund or Brownfield cleanup sites and road construction.

Info: epa.gov/research/dredged-material-decision-tool-dmdt

■ WILDFIRE AIR QUALITY APP IS A GAME CHANGER

EPA updated its AirNow app with the Fire and Smoke Map, a feature that gives real-time air quality data during wildfires like those impacting northern California.

You can learn the current Air Quality Index category at the monitor location, and whether air quality in the area is getting better or worse.

Info: fire.airnow.gov

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

Buck's company won. The court ruled there was the possibility of a "sudden and accidental occurrence" at the company's hazardous waste facility.

Since the policy clearly stated the insurer must defend in such instances, the insurer had to indemnify the company.

That meant the company wasn't on its own paying all of the cleanup and legal costs for soil as well as surface and groundwater contamination.

Accidental release waiting to happen?

There's no question the company didn't comply with state and federal hazardous waste storage laws. Some facilities stack containers or keep them too close together

due to cramped conditions. Inspectors won't look the other way when they see these kinds of mistakes.

In this case, the state agency reported the facility was "stacking drums in a manner that may cause the drums to fall, rupture or leak." That testimony helped sway the court to rule that any contamination was due to a sudden accident, putting the insurer on the hook.

■ LESSON LEARNED: SUPERFUND CLEANUPS ARE ENSNARING MORE COMPANIES THAN EVER

Environmental cleanups are getting more costly.

As a result, the feds are going after potential polluters to pay the freight. In one Superfund case, 66 companies had to repay EPA.

Cite: *American Guarantee and Liability v. Technichem*, U.S. District Court, Northern Dist., CA, Case No. 15-cv-3611. Dramatized for effect.

CHEMICAL FIRE

PFAS lawsuit with a shocking twist

Petrochemical manufacturer Chemtool is being sued by the Illinois Attorney General following a six-alarm fire that burned oil for several days.

Among the criminal charges?

Chemtool sprayed firefighting foam “that may contain perfluorooctanoic acid ... [which can] break down into perfluorohexanoic acid, and potentially other per- and polyfluoroalkyl substances (PFAS) ... for three hours before switching to a non-fluorinated foam.”

PFAS ran off to nearby Rock River after a pump at the Rockton chemical plant failed.

‘F’ for firefighting effort?

Illinois EPA evacuated residents within a one-mile radius of the fire. Toxic ash spread to nearby buildings and grounds.

Chemtool stores over 4 million gallons of crude oil and petroleum products, along with tanks of various greases, oils, additives and other fluids.

Firefighting foams containing PFAS are slowly being phased out by manufacturers and in response to tightening state regs (*see top of Page 6 for more info on PFAS*).

Info: illinoisattorneygeneral.gov/pressroom/2021_07/Chemtool_Complaint_FILED_7_9_2021.pdf

\$35 million fracking spill fine puts sector on notice

Oil & gas firms with deep pockets won't be catching any slack from the Biden Department of Justice.

A clear warning shot is the mammoth \$35 million criminal/civil settlement that North Dakota pipeline company Summit Midstream Partners agreed to.

For five months between 2014 to 2015, Summit discharged more

than 700,000 barrels of produced fracking water. The continuous spill contaminated soil, groundwater and parts of the Missouri River.

Summit reported it spilled only 70,000 barrels over a 10-day period. The truth about the spill's scope came out during an investigation.

Believed to be the largest inland spill in history, it was visible in photographs taken by satellites.

Summit's settlement includes \$15 million in criminal fines.

Info: justice.gov/enrd/consent-decrees

DOT hazmat rule update: Tons of changes to check

Hazardous materials shippers need to catch up on changes made by the Department of Transportation (DOT).

Every two years, the DOT's Pipeline and Hazardous Materials Safety Administration “harmonizes” Hazmat Regs (HMR) with international regs including Canada's.

Lithium battery shippers impacted

DOT is proposing dozens of HMR changes related to:

- proper shipping names
- hazard classes
- packing groups
- special provisions
- air transport quantity limitations
- packaging authorizations, and
- vessel stowage requirements.

DOT anticipates an increase in the volume of lithium batteries (LBs) transported interstate for electric vehicles, prompting new requirements for LBs.

Comments are due October 12. Contacts are Candace Casey and Aaron Wiener, (202) 366-8553.

Info: 86 FR 43,844.

REAL PROBLEMS/SOLUTIONS

■ CAN'T LET STORMWATER SAMPLING GO OFF TRACK

We've done a good job of controlling and reducing runoff.

Our biggest challenge?

Always remembering to collect quarterly samples and send them to our lab.

A lot of times a “measurable storm event” will happen over the weekend or on a weeknight.

So even if I was here, our lab wouldn't be open to analyze the samples ASAP like EPA wants.

We keep an eye on the skies

As a result, we're constantly tracking the weather to figure out the ideal time we can grab samples.

Forecasts can be a crap shoot (although the National Weather Service is pretty reliable).

So my team is always ready and our supplies are prepared if a storm is likely.

When the forecast calls for a storm, I call the lab.

EPA discourages holding onto samples, so I want to make sure the lab is ready to analyze if we end up collecting a sample.

Staying vigilant and prepared has kept us in compliance.

▼ FROM OUR SUBSCRIBERS

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

“ECA helps more than other publications because it's so quick. I just don't have much time to read.”

Mike Pond
Facility Manager
ACSS

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

ELECTRIC VEHICLE MANDATE

President Biden is announcing a zero-emissions goal for half of all new American-made cars and trucks by 2030.

The executive order sets a “target to make half of all new vehicles sold in 2030 zero-emissions vehicles, including battery electric, plug-in hybrid electric or fuel cell electric vehicles,” says the White House.

Also: Tougher fuel efficiency standards for fossil fuel-powered cars and trucks are coming down the pike from the National Highway Traffic Safety Administration.

Current vehicle emission standards require manufacturers to improve fuel efficiency by 1.5% through 2026.

Most automakers are all-in on electric vehicle manufacturing but the trick will be to make them more affordable. Only one electric car sells for less than \$30,000 and most are more than twice as expensive as the cheapest gas model.

Roughly 2% of car and truck sales nationwide are electric compared to 10% in Europe.

Info: [businessinsider.com/biden-executive-order-electric-cars-evs-2030-target-half-2021-8](https://www.businessinsider.com/biden-executive-order-electric-cars-evs-2030-target-half-2021-8)

TSCA - PFAS

Stakeholders have more time to comment on a chemical reporting rule for per- and polyfluoroalkyl substances (PFAS).

EPA extended the comment period until September 27 for a Toxic Substances Control Act (TSCA)

Section 8(a)(7) proposed rule.

If finalized, manufacturers, distributors and importers will need to report hundreds of PFAS electronically via the Chemical Data Exchange.

Data must include PFAS uses, production volumes, disposal, exposures and hazards dating back to Jan. 1, 2011.

The reg exempts:

- PFAS which aren't categorized as chemical substances under TSCA
- registered pesticides under the Federal Insecticide, Fungicide and Rodenticide Act, and
- food items, food additives, drugs, cosmetics and medical devices registered under the Federal Food, Drug and Cosmetic Act.

EPA contact is Stephanie Griffin, (202) 564-1463 or griffin.stephanie@epa.gov.

Info: 86 FR 41,802

POWER PLANT EFFLUENT

From the “if at first you don't succeed ...” files, EPA will try strengthening wastewater limits for steam electric power plants.

Changes in presidential administrations softened EPA efforts to toughen control technology investment and limit discharges from electricity generators. But the Trump administration left many of the requirements in the 2015 Effluent Limitation Guidelines in place.

The most problematic wastes from steam plants are flue gas desulfurization wastewater and bottom ash transport water.

EPA notes “treatment systems using membranes continue to rapidly advance as an effective option for treating” steam electric power plant wastewater.

Steam electric plants use fossil fuels such as coal, oil, and natural gas or nuclear reactions to heat water in boilers. Discharges to surface waters can destroy aquatic life and cause

permanent damage to habitats.

Info: epa.gov/eg/steam-electric-power-generating-effluent-guidelines

MULTI-SECTOR PERMIT

Will the Multi-Sector General Permit (MSGP) for stormwater be expanded to include plastics?

It could if an environmental group suing EPA gets its way.

The Center for Biological Diversity petitioned the 9th Circuit Court of Appeals (a rung below the Supreme Court) for a review of the 2021 permit, which falls under the National Pollutant Discharge Elimination System (NPDES) permit program.

Reason: Plastic pellets are impacting streams and ultimately contributing to ocean pollution. Technically NPDES regulated sites are obligated to keep solid objects from running off to waterways, but the group wants specific controls set for plastic waste.

This is the only MSGP challenge pending as the petition deadline for it has expired.

New requirements include:

- Stormwater Pollution Prevention Plan signage be visible on site and made available on a webpage
- monitoring for pH, Total Suspended Solids and Chemical Oxygen Demand if there are no sector-based benchmark monitoring requirements, and
- indicator monitoring for polycyclic aromatic hydrocarbons by some MSGP subsectors.

MSGP sectors include school bus transportation lots, airports, gasoline stations, outdoor material storage and handling operations, timber yards and construction sites.

Info: [biologicaldiversity.org/programs/oceans/pdfs/NPDES-Petition-for-Review.pdf](https://www.biologicaldiversity.org/programs/oceans/pdfs/NPDES-Petition-for-Review.pdf)