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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).

85% reduction of powerful greenhouse gas is underway

■ Hydrofluorocarbons are on the way out

Believe it or not, the first significant greenhouse gas rulemaking of the Biden administration won't involve carbon dioxide or methane.

Instead it's hydrofluorocarbons (HFCs) being singled out for what'll amount to an 85% reduction by the year 2036.

Action kicks off in 2022

The EPA final rule calling for an immediate drawdown of HFC manufacturing will affect:

- the chemical industry
- air conditioner, refrigerator and freezer manufacturers
- makers and distributors of foams, aerosols and fire suppressants
- the automotive and trucking

industry, and

- equipment contractors and service companies.

Starting in 2022, manufacturers will need to cut back drastically on importing bulk quantities of HFCs. Companies that have weaned off HFCs can trade allowances to other businesses.

Where industry is headed

EPA's recommended replacements for HFCs are:

- hydrofluoroolefins
- ammonia, and
- carbon dioxide.

That third HFC alternative isn't

(Please see 85% ... on Page 2)

ENVIRONMENTAL JUSTICE

EPA, California partner on enforcement blitz

- FIRST EJ PARTNERSHIP OF ITS KIND TO TARGET URBAN POLLUTERS

California EPA and federal EPA signed a five-year agreement to go after polluters in poor and minority Environmental Justice (EJ) neighborhoods.

This is the first state/federal EJ initiative of its kind and could be a sign of things to come.

More muscle for inspections

With the feds backing CalEPA, regulated facilities that don't control emissions, discharges and accidental releases are risking significantly

higher fines and sweeping mandatory improvements under consent decrees.

Under their memo of understanding, the agencies will:

- conduct joint inspections in overburdened communities
- share metrics for determining pollution burdens
- coordinate on judicial enforcement actions, and
- expand engagement with EJ community leaders and citizens' groups to ensure the worst pollution problems are addressed.

Info: epa.gov/environmentaljustice

CARBON EMISSIONS

Does EPA guide promote greenwashing?

How did Microsoft manage to cut its greenhouse gas (GHG) emissions in half?

According to a *Wall Street Journal* (WSJ) report, the software company did it all with a “wave of a calculator.”

In 2017, Microsoft reported it was responsible for 22 metric tons (mts) of GHG emissions. Then it took a second look at its carbon footprint using EPA’s Scope 3 emissions guide (epa.gov/climateleadership/scope-3-inventory-guidance) and managed to deduct a whopping 11 mts of global warming gases!

Was it a classic case of greenwashing? Almost certainly.

Will others use Scope 3 to reduce the size of their footprints once the U.S. Securities and Exchange Commission (SEC) rolls out its climate change disclosure rule?

You’d better believe it!

With a wave of the wand ...

EPA defines Scope 3 emissions as resulting from “activities from

assets not owned or controlled by the reporting organization ... [that] indirectly impacts in its value chain. ... [Scope 3 emissions] often represent the majority of an organization’s total GHG[s].”

The WSJ report says “the measurement, target-setting and

Numbers can be absurdly off

management of Scope 3 is a mess ... There is a wide range of uncertainty in Scope 3 emissions measurement ... to the point that numbers can be absurdly off.”

Info: cooleypubco.com/2021/09/09/reliable-carbon-footprint

85% ...

(continued from Page 1)

a misprint. While HFCs are far less common in the atmosphere than carbon and methane, their warming potential is up to a thousand times greater than both of the more prevalent warming gases because they can linger in the upper atmosphere for 250 years.

Ozone alternative is on way out

While many U.S. manufacturers supported an HFC phaseout, some in industry called on EPA to adjust how historic production baselines are calculated for the purposes of allocating allowances.

Baselines will consider past HFC, hydrochlorofluorocarbon (HCFC) and chlorofluorocarbon (CFC) production amounts.

HFCs were first developed as stratospheric ozone layer depletant alternatives. HCFCs and CFCs were shown to be contributing to a massive hole in the ozone layer.

Info: 86 FR 27,150

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.

■ DOES FACILITY NEED A PERMIT FOR SCRAP METAL?

“This can’t be right,” said Buck Flanagan, environmental director. “What exactly is a waste transfer station?”

“I was hoping you could explain that one to me,” chuckled Cliff Uplander, the company attorney.

“The county says under its ordinance, this facility qualifies as a waste transfer station. And if we are, we need to apply for a license that costs \$20,000,” said Cliff.

Waste wasn’t dumped or burned

“I saw that part,” said Buck, looking over the notice again. “They’re at least giving us a recycling credit, so it shouldn’t cost the full \$20,000.”

“That’s nice! Glad the county administrators are in the giving spirit,” Cliff laughed.

Buck wasn’t seeing the humor in the situation. “They’re way out of line here,” said Buck.

“We’re not a transfer station,” said Buck. “We buy scrap metal, refurbish it and sell it to companies that need it.

“But we don’t landfill, incinerate or recycle any of it,” said Buck.

“Let me look into what qualifies as waste transfer with the county then,” said Cliff. “You think this case is flimsy?”

“Yeah. It’s about as weak as you can get,” said Buck.

The company tried getting out of paying for a waste transfer license.

Did it win?

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



EDITOR-IN-CHIEF: SCOTT BALL
sball@SafetyNewsAlert.com

MANAGING EDITOR: FRED HOSIER
PRODUCTION EDITOR: P.J. FRONZEO
EDITORIAL DIRECTOR: CURT BROWN

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Where other companies are stumbling over compliance

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

Chemical plant's safety holes to be plugged ASAP

Company: Formosa Plastics, Point Comfort, Texas.

Business: Petrochemical manufacturing.

Penalty: \$2.85 million.

Reasons for penalty: Formosa was cited for 20 violations of the Risk Management Plan rule designed to prevent accidental releases of chemicals. A series of fires, explosions and accidental releases from 2013 to 2016 caused multiple worker injuries, such as second- and third-degree burns and chlorine inhalation, each requiring hospitalization.

Note: In addition to the \$2.85 million fine, Formosa will also pay to update its response and personal protection plans, conduct a third-party audit of its risk management practices, implement a mechanical integrity reporting program and correct problems based on the audit.

Oil company's shelling out to clean up waste site

Company: Shell Oil, headquartered in Houston.

Business: Oil & natural gas company.

Penalty: \$29.5 million cost recovery settlement.

Reasons for penalty: Shell agreed to pay for cleanup and disposal of contaminated waste at the

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.

McColl Superfund site in Fullerton, California. The site is contaminated by benzene, heavy metals and a volatile chemical known as tetrahydrothiophene. From 1942 to 1946, the 22-acre McColl site was a petroleum refinery waste dump. More than 72,600 cubic yards of waste from companies like Shell were dumped in unlined pits and sumps. To control odors, the operator covered the three sumps with drilling mud. Starting in the 1950s, a golf course and homes were built on site. It was added to the National Priorities List in 1983.

Sulfur emission fix to improve air quality

Company: Arbor Hills Energy (AHE), Salem Township, Michigan.

Business: Landfill gas (LFG) to energy power plant.

Penalty: \$750,000.

Reasons for penalty: AHE exceeded sulfur dioxide (SO₂) limits on its air permit numerous times, endangering the health of nearby communities. As part of its settlement, AHE will either construct a renewable natural gas facility that converts LFG into pipeline quality natural gas that would virtually eliminate SO₂ emissions, or install a sulfur treatment system that achieves a 64% reduction in SO₂ emissions.

Contractors skimmed on lead safety: Time to pay

Companies: Bitech Construction, Buena Park; Kemp Brothers Construction, Whittier; and MIK Construction, Santa Fe Springs, all based in California.

Business: Renovation firms.

Penalty: \$55,000 (total).

Reasons for penalty: The contractors were hired by the Los Angeles Unified School District to renovate elementary schools that contained or were likely to contain lead-based

paint. They violated the Renovation, Repair and Painting (RRP) rule under the Toxic Substances Control Act by failing to:

- obtain EPA certifications
- retain proper records, including documentation ensuring that a certified renovator was assigned to the projects
- ensure on-the-job training was conducted by a certified renovator
- have a certified renovator perform the post-renovation cleaning verification, and
- provide schools with the mandatory "Renovate Right" pamphlet.

Note: Two smaller contractors were also caught up in the lead paint sting. They agreed to expedited settlements to save time and keep fines lower. Each firm will pay \$1,000 for bidding on an RRP job without first obtaining EPA certification. The RRP rule is designed to protect the public from lead-based paint hazards that occur during repair or remodeling in homes and child-occupied facilities, such as schools, that were built before 1978.

Filling in wetlands without a permit is a big mistake

Individual: Frank Alo, Hauula, Hawaii.

Business: Property owner.

Penalty: Not announced.

Reasons for penalty: Alo discharged approximately 200 truckloads of gravel, asphalt, clay, dirt and other fill material to wetlands on his property on Oahu island. He failed to obtain a fill permit from the Army Corps of Engineers which is required under Section 404 of the Clean Water Act.

Note: Alo can avoid hefty per-day fines by paying to restore the disturbed wetlands.

PROCESS SAFETY

Inside a regional chemical safety sting

Chemical facilities continue to take it on the chin for risk management and process safety slip-ups!

We told you about a trio of cold storage facilities in Yakima County, Washington that didn't report significant stocks of anhydrous ammonia as required by the Community Right-to-Know Act (*see ECA 9/14/21, bottom of Page 4*).

Now it's four businesses in central California paying hefty fines and seeing their reputations take a hit from media coverage.

More than \$800K in fines!

Dreyers Grand Ice Cream in Bakersfield didn't comply with process safety and hazard evaluation requirements, correct equipment deficiencies, manage change requirements or submit accurate hazardous chemical reports for anhydrous ammonia.

Dreyers paid a \$301,066 fine and

added machine room signage, pipe labeling, panic hardware, an eyewash station and ammonia sensors.

Here's a rundown of others fined:

- Kern Ice and Cold Storage, also in Bakersfield, didn't design and maintain a safe facility and minimize the consequences of a release. Kern will pay \$115,012 and will install emergency stop switches and machine room ventilation.
- Marina-based Dole Foods failed to follow process safety, hazard evaluation and operating procedure requirements. Dole has since installed barriers around ammonia piping, and improved machine room ventilation and emergency shutoff valve access. Fine: \$206,621.
- Dole's other plant in Atwater missed the mark in all of the same areas, and also lacked an adequate emergency response plan. It paid a \$203,445 fine and made a handful of improvements.

AIR TOXICS

Avoid air permit denials: 4 tips to remember

- DON'T WANT A HOLD-UP? HERE'S WHAT REGULATORS WANT TO SEE

Stakeholders can't afford screw-ups in the air permit process.

You obviously don't want an "incomplete" permit that leaves parties liable for a dangerous release or emissions.

Delays in the permitting process also waste everyone's time and cost stakeholders money.

There are a few common mistakes companies make that delay the permitting process:

Watch out for these permit pitfalls

- **The application letter has holes:** Include a concise cover letter and process diagram, and be specific about air pollutants (for example,

list "benzene" instead of "hazardous air pollutant").

- **Ongoing requirements aren't listed:** The big ones that need to be accounted for are emission limits, monitoring requirements and reporting guidelines, including process parameters and emissions.
- **Air testing requirements haven't been completed:** Without an accurate picture of what's coming out of stacks, regulators can't move forward on the permit.
- **Not responding promptly to regulators' calls/emails:** Permit handlers will move faster for facilities that make the process easier for all parties involved. Also: Not responding promptly to a regulator's question can make him or her suspicious.

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.

■ CONSTRUCTION STARTED WITHOUT GETTING A PERMIT

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

I was out doing a routine inspection of a gas processing company, and I noticed construction going on in the surrounding wetlands.

Something fishy was going on.

I asked to see their permit and was surprised to see the work was being done for Acme.

The workers were digging a 100-foot trench right in the middle of the wetlands, with all kinds of trees and vegetation getting cleared out.

I decided to stop by Acme's offices to check if they had a permit for their work.

Major slip-up

Can't say I was too surprised, but Acme didn't have a permit.

Apparently Acme was clearing out the wetlands for agricultural purposes, but it never got the necessary Clean Water Act permits before starting work.

As you know, Section 404 of the Act states that a permit is needed before any work adjacent to wetlands can begin.

Because of their actions, more than 10 acres of wetlands have been compromised.

These wetlands prevent flooding and serve as an important habitat for wildlife, including certain endangered species.

On top of a \$210,000 civil penalty, I also recommend Acme restore the wetlands.

- *Dramatized for effect. Based on a settlement with a Pacific Northwest land owner.*

POLLUTION PREVENTION

Stormwater: 6 red flags inspectors check

Virtually anyone can be hit with costly fines for contaminated stormwater runoff.

But there's a lot managers can do to avoid penalties. And it all starts with planning.

Here's a critical checklist of things to have ready for the inevitable stormwater inspection.

For starters, to avoid citations and fines, have your stormwater pollution prevention plan in hand when an inspector shows up, or at least be able to produce it quickly.

Inspectors aren't impressed when managers wildly search through filing cabinets and produce a plan that presumably hasn't been looked at for a while.

It's a 'living document'

EPA and state agencies require you to treat stormwater plans as living documents that are updated constantly to reflect changes to work and construction areas.

When inspectors review a plan, they want to see:

- **A site map** that details all the work or construction areas on a property or at a facility.
- **Locations of stormwater outfalls:** Make sure you're managing all of them. Inspectors aren't impressed when they find one that's been left off the list.
- **Controls and best management practices (BMPs):** Stormwater permits allow great flexibility to select controls and housekeeping practices that best suit each location.
- **Sampling and monitoring records:** Routinely log these checkups and you'll be in good shape.
- **Inspection records** that show you're regularly inspecting controls and BMPs, and
- **Repair records:** Controls and BMPs fail all the time. Inspectors expect to see good records on how you've repaired, replaced or updated them.

ETHANOL

From high times to prison for hazwaste scofflaw

■ CANNABIS OIL RETAILER'S DREAMS ALL WENT UP IN SMOKE

Environmentalists warned that the legalization of marijuana would lead to hazardous waste crimes by unscrupulous businesses.

A recent criminal case in California proves their point: A cannabis seller and an employee are looking at jail time for illegally dumping drums of ethanol waste.

And the long arm of the law didn't need to stretch far to find them.

Not a tough case to crack

Lunar Loussia, owner of Wellgreens in San Diego, specialized in extracting smokable oils from cannabis. His activities generated 55-gallon drums of

waste ethanol, which has a flash point below 140 degrees, making it a regulated hazwaste.

Loussia hired "contractors" to transport the waste off-site. Multiple shipments were made without required hazwaste manifests, and some drums ended up on nearby properties.

A supermarket Loussia dumped on didn't need to do much detective work to identify him – the drums included lab reports identifying Wellgreens as the sender!

A Wellgreens employee, Nadia Malloian, knew what Loussia was doing but didn't report the crimes.

Both pled guilty to illegal hazwaste dumping and could be sentenced to up to two years in jail each. Wellgreens was fined \$71,482.

TRENDS TO WATCH

■ BAY STATE BLUES FOR BUYERS OF WETLAND SITES

Massachusetts real estate owners can now be held liable for filling in wetlands going back decades.

The MA Supreme Court ruled a local conservation commission could force a land owner to restore illegally filled wetlands.

The now-deceased owner of a 3.2 acre tract built a store, installed a sanitation system and placed fill for a parking lot in the 1970s. The new owner was ordered to restore the property to its original condition.

Bottom line? Prospective buyers should check if wetlands damage is a risk before purchasing properties in the Bay State.

Info: mass.gov/files/documents/2021/08/31/s13058.pdf

■ BUILDING RETROFITS ON TAP FOR CITY CLIMATE PLAN

Miami-Dade County aims to reduce carbon emissions 50% by 2030 with a climate change plan.

The county says it will retrofit older buildings, expand renewable energy sources and construct ultra-low energy buildings.

Energy production in buildings accounts for 41% of total emissions. About 82% of housing units are targeted for energy improvements.

County vehicles will be electrified and new electric charging stations put in to accommodate drivers.

Info: miamidade.gov/green/library/climate-action-strategy.pdf

■ GREEN MOUNTAIN STATE TAKES BIG OIL TO COURT

Vermont is the latest state to sue oil companies for past and future climate change damages.

Brought by the state's attorney general, the lawsuit alleges numerous violations of the Vermont Consumer Protection Act.

Info: vermontbiz.com/news/2021/september/14/donovan-files-lawsuit-against-fossil-fuel-companies

OIL & GAS

Biofuel relief is coming for oil & gas

Beltway insiders say EPA will be lowering renewable volume obligations (RVOs) over the objections of ethanol manufacturers and farm state lawmakers.

U.S. Senator Chuck Grassley (R-Iowa) accused EPA administrator Michael Regan of “giving a gift to Big Oil” and “playing games with the Renewable Fuel Standard law” at the expense of struggling corn farmers in Midwestern states.

Retroactive relief in the works

On the other hand, 17 GOP Senators led by U.S. Senator Pat Toomey (R-Pennsylvania), representing the oil & gas sector, called on Regan to slash or waive RVOs altogether, although it was Congress which mandated refineries must blend biofuels in gasoline.

The 2020 RVOs remain set at 20.09 billion gallons (bg) for total renewables, advanced biofuel at 5.09 bg and biodiesel at 2.43 bg.

Chances are EPA will retroactively lower the 2020 limits this fall, a move smaller refineries will cheer.

Renewable blending mandates for 2021 have been on hold for six

months due to the pandemic.

Info: tinyurl.com/renewablefuelvolumes660

EPA scraps Trump ‘Maui’ case water guidance

EPA rescinded a Trump-era guidance document designed to help sites that store wastewater underground avoid clean water compliance problems.

The document, “Applying the Supreme Court’s *County of Maui v. Hawaii Wildlife Fund* Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program,” included an eighth factor which wasn’t part of the court’s “functional equivalence” factors for determining point sources.

The Trump EPA described this factor as “the design and performance of the system or facility from which the pollutant is released.” EPA presumably interpreted this as a favor to one or more industry sectors.

Info: epa.gov/npdes/releases-point-source-groundwater

WHERE TO GET HELP

■ BORROW WASTE-CUTTING IDEAS FROM PEER FACILITIES

Midwestern facilities won Pollution Prevention Awards from EPA Region 7.

Their strategies to keep contaminants out of the environment could be replicated by other regulated facilities.

- Doherty Steel, a steel fabricating plant in Paola, Kansas, installed an aerosol can puncture system to capture volatile organic fumes from paint. Doherty also put in solar panels; replaced fluorescent light bulbs with more efficient light-emitting diodes; stopped purchasing bottled water, replacing it with a water cooler; and is working to fix compressed air and gas leaks.

- The Iowa Waste Reduction Center, at the University of Northern Iowa in Cedar Falls, assesses breweries for sustainability, including energy efficiency, sustainable materials management and wastewater best practices. Twenty-eight breweries across the state have won Green Brewery certification working with the center.

Info: epa.gov/ks/forms/p2-awards

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2)

Yes. Buck’s company won its battle.

The county cited the company for not having a waste transfer license, which is required under its solid waste law.

The company qualified as a transfer station (a mid-point stop before an incinerator or landfill) because:

- it accepted and stored scrap metal
- the scrap metal was a solid waste, and
- its facility was a “final disposal” location, which made it a transfer station under the law.

Not so, said the company, because:

- its scrap metal wasn’t “worthless or useless” (as solid waste is defined in the county ordinance) because the

company bought it and re-sold it all the time, and

- “final disposal” means a final resting place for waste.

Its argument sold the court. The court ruled the company wasn’t operating as a transfer station and wasn’t required to buy a transfer station license.

■ ANALYSIS: STAYING ON TOP OF LOCAL LAWS WILL HELP PREVENT COSTLY MISTAKES

Keep in mind counties, cities and towns can enact waste ordinances of their own that raise the bar on what businesses must do to protect the environment.

Companies can follow the federal and state Resource Conservation and Recovery Act, but still need to comply with municipal or county waste laws that are different enough to cause big problems.

Based on *In re: Universal Metal & Ore v. Westchester County Solid Waste Commission*. Dramatized for effect.

NATURAL GAS

Hazy days ahead for renewable fuels?

Renewable energy instability and high natural gas prices are opening the door for nuclear and coal power throughout Europe.

Last winter's power shortages when wind turbines in Texas failed could lead to a similar trend here.

"The sudden slowdown in wind electricity production off the coast of the United Kingdom [this summer] whipsawed through regional energy markets," reported *The Wall Street Journal*. "Gas and coal-fired electricity plants were called in to make up the shortfall from wind."

Environmental reporter Michael Shellenberger notes, "Electricity from wind was 20% lower in Germany in the first half of 2021 than the first half of 2020, resulting in a 24% higher use of fossil fuels and 28% greater emissions from electricity. Coal was the No. 1 source of energy for electricity in Germany in the first half of 2021."

Wind power over-reliance risky

On mild and breezy days in the Lone Star State, power plants can rely on wind for about half of electricity generation.

But during the coldest days of a deep freeze in Texas this past winter, wind's share dropped to as low as 6% when turbines froze up.

2020 marked the first year renewables (wind, solar, hydroelectric, geothermal) beat out coal for electricity production in the U.S. – 21% to 20%.

Gas is still king at 40%.

Info: <https://michaelshellenberger.substack.com/p/skyrocketing-natural-gas-prices-create>

IG report: Residents in dark on this air toxic

Now that EPA is flush with cash, it's better equipped to follow through

on recommendations from the agency's Inspector General.

Top of the IG's list? To warn communities near ethylene oxide (EtO) plants about cancer risks.

Only nine of 25 communities near EtO-emitting facilities were notified of health risks, according to the IG.

Cancer rates higher near plants

The more residents know about EtO emissions, the more companies will need to worry about citizens' groups and regulators monitoring ambient air quality.

Higher levels of cancer have been found in areas near medical equipment sterilization plants that use EtO. Roughly half of medical instruments can be cleaned effectively using water while the other half require EtO steam treatment.

EtO is also used in fumigation treatment and services.

Info: epa.gov/system/files/documents/2021-08/epaoig_20210804-21-n-0191.pdf

Congress to boost Enviro Justice funds higher?

Environmental Justice (EJ) initiatives will receive even more funding if Democrats in Congress can sway enough lawmakers.

The Environmental Justice Pollution Cleanup would invest \$200 billion in EJ neighborhoods for:

- cleaning up contaminated sites, coal mines, brownfields and shuttered military bases
- upgrading or building new drinking water and wastewater systems
- diesel school bus retrofits or replacements, and
- urban tree-planting.

Info: tinyurl.com/envirojusticelegislation660

REAL PROBLEMS/SOLUTIONS

20-MINUTE KICKOFF TALKS GET TEAM ON SAME PAGE

We're big believers in the idea that many hands lighten the load.

And that's why we do a lot of work in teams.

We've found the best outcomes come from making sure teams always start out on the right foot.

4 key points to go over

We make sure every team gets together at the start of a project to go over these four key aspects of their assignment:

- Team structure, ground rules and responsibilities – both to each other and the company.
- Project background and scope, as well as how the solution was conceived.
- Significance of the project.
- Communication plan – for team members and people outside the team – that covers how to communicate, and how often.

This usually takes less than 20 minutes, but the benefits last for the entire scope of the project.

End result: Everyone goes into the assignment knowing exactly what they're there to do and how it will affect the team members – which is great motivation.

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 is very useful for staying current on topics and communicating with others."

Marian Keegan
Director, Community Conservation
Hemlock Farms Community
Association, Pike County, PA

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

ENVIRO JUSTICE

Environmental Justice (EJ) activists can check where air toxics are highest and quickly locate which power plants are the sources.

EPA launched an interactive mapping tool with up-to-date emissions data from fossil fuel power plants and key demographics of neighboring communities.

This is a key step in upgrading the agency's Next Generation technology so citizens can tip off regulators to high emissions of nitrogen oxides, sulfur dioxide, benzene and the like.

The webpage includes explanatory text, supplemental graphs and maps, and data sets. Population groups being tracked are:

1. low-income
2. people of color
3. those with less than a high school education
4. non-English speakers
5. children under age 5, and
6. children over age 6.

Info: epa.gov/airmarkets/power-plants-and-neighboring-communities

HAZMAT SHIPPING

Are ocean liners refusing to ship hazardous materials (hazmats)? And if so, can they continue to do so without breaking laws?

We're about to find out.

The Federal Maritime Commission (FMC) heard from chemical distributors who are alarmed about supply chain disruptions as

some ocean carriers are balking at shipping hazmats. Many of the chemicals imported to make products domestically are no longer manufactured in the U.S.

Federal law "prohibits carriers from unreasonable refusals to deal [and] generally requires ocean carriers 'to establish ... just and reasonable regulations and practices relating to receiving, handling, storing or delivering property,'" says the FMC.

Bottom line: Foreign shipping companies aren't required by any maritime law to ship dangerous goods if they don't want to.

Refusing or limiting hazmat shipping can help companies lower liability and eliminates the need for hazmat training.

Info: lion.com/Lion-News/September-2021/Are-Ocean-Carriers-Refusing-Hazmat-Shipments

PFAS

A new testing method for 40 different kinds of per- and polyfluoroalkyl substances (PFAS) is being rolled out.

EPA and the Department of Defense issued draft method 1633 for detection of PFAS in wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate and fish tissue.

The method will be approved for PFAS testing in drinking water under the Safe Drinking Water Act and in non-potable water under the Resource Conservation and Recovery Act once it's been verified.

Info: epa.gov/system/files/documents/2021-09/method_1633_draft_aug-2021.pdf

PIP (3:1)

Chemical manufacturers have until March 8, 2022 to stop using, distributing or importing phenol, isopropylated phosphate (3:1).

PIP 3:1 is widely used as a plasticizer and flame retardant in cellular phones, laptop computers and other electronic devices as well as in equipment used by transportation, life sciences and semiconductor production.

Imports won't be permitted under this Toxic Substances Control Act (TSCA) final rule.

EPA carved out some exemptions however. Stocks of PIP (3:1) can still be used in:

- hydraulic fluids for aviation or military purposes
- lubricants and greases
- replacement parts for motor and aerospace vehicles, and
- plastic to be recycled so long as PIP (3:1) isn't added in.

Info: 86 FR 51,823

TSCA INVENTORY

Should EPA exempt chemical byproducts that are recycled or otherwise used in a product from Chemical Data Reporting (CDR)?

Stakeholders should chime in by December 21 if they have a strong opinion one way or the other.

Chemical industry stakeholders petitioned EPA for CDR leniency because many byproducts are of "low interest" to the agency, and recycling prevents substances from impacting people or the ecology.

Manufacturers, distributors and importers are required to report chemicals through the CDR program to keep the TSCA Inventory current.

More than half of all chemicals – tens of thousands – that were in the TSCA Inventory were removed after chemical makers reported them as no longer in commerce.

For general info and questions, contact EPA at (202) 554-1404 or TSCA-Hotline@epa.gov.

Info: 86 FR 47,102