



IRWIN Regulatory Newsletter – October 2019

Federal

1. Regulatory Actions under TSCA
 - o Comments being accepted until **November 2019**
2. Revised Clean Air Act Regulations
3. Proposed Repeal of Methane Emission Regulations for Oil and Natural Gas Sector
 - o Comments being accepted until **November 2019**

Massachusetts

4. Updated Reporting Schedule for Greenhouse Gas and Air Source Registration Reporting
 - o Reports Due **December 13, 2019**
5. Upcoming Compliance Deadline for Combustible Dust Safety
 - o Dust Hazard Analyses due **September 7, 2020**
6. Updates to Dig Safe Regulations
7. Amendments to MWRA Sewer Discharge Regulations
8. Amendments to Air Emission Standards for Asbestos Abatement
9. Proposed Amendments to Fee Regulations

Rhode Island

10. Amendments for Surface Coating Emissions

FOR MORE INFORMATION SEE BELOW OR CALL US AT 508-653-8007

1. FEDERAL: Regulatory Actions Under TSCA

EPA has released a proposed listing of high and low priority chemicals for risk evaluation under the Toxic Substances Control Act. EPA published a list of 40 chemicals for review in March 2019, and is now proposing to designate 20 of them as high priority chemicals and 20 as low priority. The chemicals selected as high priority include:

- Chlorinated solvents including o-dichlorobenzene (CAS # 95-50-1), p-dichlorobenzene (CAS # 106-46-7), 1,1-dichloroethane (CAS # 75-34-3), 1,2-dichloroethane (CAS # 107-06-2), 1,1,2-trichloroethane (CAS # 79-00-5), trans-1,2-dichloroethylene (CAS # 156-60-5), and 1,2-dichloropropane (CAS # 78-87-5)
- Phthalates including dibutyl phthalate (DBP, CAS # 84-74-2), butyl benzyl phthalate (BBP, CAS # 85-68-7), bis(2,ethylhexyl) phthalate (DEHP, CAS # 117-81-7), di-isobutyl phthalate (DIBP, CAS # 84-69-5), and dicyclohexyl phthalate (CAS # 84-61-7)

- Flame retardants including tetrabromobisphenol A (TBBPA, CAS # 79-94-7), tris(2-chloroethyl) phosphate (TCEP, CAS # 115-96-8), triphenyl phosphate (TPP, CAS # 115-86-6), and ethylene dibromide (EDB, CAS # 106-93-4)
- 1,3-Butadiene (CAS # 106-99-0)
- Galaxolide (HHCB, CAS # 1222-05-5)
- Formaldehyde (CAS # 50-00-0)
- Phthalic anhydride (CAS # 85-44-9)

High Priority chemicals must then undergo a risk evaluation which will include a scope document, hazard assessment, exposure assessment, risk characterization, and a draft and final risk evaluation which will state whether the chemical presents an unreasonable risk to health or the environment. Comments are being accepted until **November 21, 2019** for the high priority chemicals list and until **November 13, 2019** for the low priority chemicals list.

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization>

EPA also conducts risk evaluations for new chemicals and has developed a tracking website that displays the status for completed and pending new chemical reviews.

<https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review>

2. FEDERAL: Clean Air Act Regulatory Amendments

EPA has issued proposed rules implementing several of its recent policy amendments under the Clean Air Act.

- Reversal of the “Once In Always In” policy, which previously required major sources of hazardous air pollutants (HAP) to continue to be subject to NESHAP standards and Title V permitting even if they reduced emissions below major source applicability thresholds. The proposed rule would require a former major source to be subject to federally enforceable emission limitations in order to reclassify as an area source, and would also include a compliance schedule and provisions for electronically notifying EPA of the reclassification.
- Amendments to the New Source Review (NSR) permitting program for proposed projects at existing sources. The proposal would allow for both emissions increases and decreases from a major modification at an existing source to be considered during Step 1 of the two-step project emissions accounting process to evaluate NSR applicability.

<https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean>

<https://www.epa.gov/nsr/nsr-regulatory-actions>

3. FEDERAL: Proposed Repeal of Methane Emission Limits

EPA is proposing to amend its New Source Performance Standards for sources in the oil and natural gas sector (40 CFR 60 Subpart OOOO and OOOOa) by removing the emission limitations for methane. The preamble to the proposed rule indicates that oil and natural gas sources are already

required to have emission controls for VOCs, and that these emission controls would also be expected to reduce methane emissions such that a separate methane emission limit would be redundant. EPA is also proposing to remove sources in the transmission and storage segment of the oil and gas industry from regulation under the NSPS. Comments on the proposed rule will be accepted for 60 days following publication in the Federal Register.

<https://www.epa.gov/newsreleases/epa-proposes-updates-air-regulations-oil-and-gas-remove-redundant-requirements-and>

4. MASSACHUSETTS: Air Emissions Reporting Deadlines Updated

MassDEP has updated its schedule for the Air Source Registration and Greenhouse Gas reporting programs. MassDEP had temporarily suspended online reporting for technical updates but resumed collection of reports in late 2018, and has now collected annual source registrations and greenhouse gas reports for reporting years 2017 and 2018 for annual reporting facilities covered by operating permits. MassDEP has announced that source registrations and greenhouse gas reports for reporting year 2017 will be due on **December 13, 2019** for the remaining annual reporting facilities, and a deadline for reporting year 2018 will be announced after collection of 2017 reports is completed. Reporting deadlines for triennial reporting facilities are expected to be announced once data collection is completed for annual reporting facilities.

<https://www.mass.gov/guides/massdep-source-registration-greenhouse-gas-reporting>

5. MASSACHUSETTS: Upcoming Dust Hazard Analysis Deadline

NFPA has released its newly updated *Standard on the Fundamentals of Combustible Dust* (NFPA 652). NFPA code is incorporated by reference under the Massachusetts fire code as well as many other state and local fire codes. If your facility handles combustible dust in an enclosure, NFPA code requires you to conduct a Dust Hazard Analysis (DHA) to identify areas with fire and explosion hazards, identify safeguards that are currently in place, and make recommendations for additional safeguards where warranted. The DHA must be completed by **September 7, 2020**.

<https://catalog.nfpa.org/NFPA-652-Standard-on-the-Fundamentals-of-Combustible-Dust-P15545.aspx>

6. MASSACHUSETTS: Dig Safe Program Amendments

Mass DPU has finalized amendments to the “Dig Safe” regulations for excavation safety (220 CMR 99.00). The amendments include a variety of changes, including:

- Provisions for reporting Dig Safe violations and for emergency notifications if an underground utility is damaged during excavation.
- Procedures for marking of an excavation longer than 500 feet.
- Procedures for notifying Dig Safe about excavations being done on an emergency basis.
- Clarification of applicability of marking requirements for abandoned underground utilities.

<https://www.mass.gov/guides/about-dig-safe>

7. MASSACHUSETTS: MWRA Sewer Discharge Amendments

The Massachusetts Water Resources Authority (MWRA) has finalized amendments to its sewer discharge regulations (360 CMR 10.00). The amendments include a variety of changes, including:

- Increases in fees for facilities with industrial discharge permits. For most classes of permitted facilities fees will increase by a total of about 17% from fiscal year 2019 through 2024. MWRA is also replacing the five-year fee for general permit facilities with a smaller annual fee, and adding permit fees for dentists and construction dewatering.
- Changes to the general prohibitions for the Clinton Sewerage District, including an increase in the limit for Oil and Grease and addition of a limit for formaldehyde.
- Changes to the listings of Total Toxic Organics for both the Metropolitan and Clinton Sewerage Districts.
- Provisions for requesting MWRA approval for a one-time discharge without the need for an industrial wastewater permit application.
- Addition of a general permit for dentists which incorporates federal and state performance standards (40 CFR 441 and 310 CMR 73.00) by reference.
- Changes to definitions and other administrative provisions.

<https://www.mass.gov/law-library/360-cmr>

8. MASSACHUSETTS: Amendments for Asbestos Emission Standards

MassDEP has finalized amendments to its air emission standard for asbestos abatement operations (310 CMR 7.15). The amendments include a variety of changes, including:

- Procedural changes for asbestos notification requirements, particularly for submittal of blanket notifications covering multiple abatement projects at a single facility.
- Changes to work practice standards for various types of asbestos operations including glove bags, shingles and siding, and underground asbestos-cement pipe.
- Changes to definitions and other administrative provisions.

<https://www.mass.gov/doc/310-cmr-715-asbestos-regulation-amendments>

9. MASSACHUSETTS: Proposed Amendments for Permitting and Compliance Fees

MassDEP has proposed amendments to its regulations for schedule and fee provisions (310 CMR 4.00). The proposed amendments include a variety of changes, including:

- Exclusion from some annual air compliance fees for facilities that are not subject to Source Registration reporting.
- Exclusion from some annual air and hazardous waste compliance fees for facilities that are already subject to an annual compliance fee under Environmental Results Program regulations.
- Numerical hourly and daily review rates for applications with project-specific fees would be replaced with a calculation for adjusting rates on a fiscal year basis.
- Addition of an administrative completeness review step for some permit categories.
- A fee category would be added for certification of laboratories for PFAS analysis.

<https://www.mass.gov/regulations/310-CMR-400-timely-action-schedule-and-fee-provisions>



10. RHODE ISLAND: Surface Coating Amendments

Rhode Island DEM is proposing to amend its regulations for emissions of VOC from surface coating operations (250-RICR-120-05-19). The proposed revision would include new and revised VOC content limitations for paper, film and foil coating, metal furniture coating, large appliance coating, miscellaneous metal and plastic parts coating, and flatwood paneling. RIDEM also adjusted the applicability thresholds for some categories of surface coating, and added work practice standards for surface coating and cleaning operations to minimize VOC emissions.

<https://rules.sos.ri.gov/regulations/part/250-120-05-19>

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