Tighe&Bond
Engineers | Environmental Specialists

REGULATORY NEWS
Important Updates
INFORMATION, NEWS, AND SUPPORT

What the Future May Hold for Nutrient Loading from Industrial Wastewater

As discharges of nutrients (like nitrogen and phosphorous), to rivers and streams become more of a concern, there have been numerous discussions about the National Pollutant Discharge Elimination System (NPDES) limits becoming more stringent. While most publicly owned treatment works (POTWs) are required to monitor nutrient levels, historically the discharge limits for nitrogen and phosphorous have not been excessively stringent. With an increasing number of water bodies seeing a deterioration in water quality due to nutrient loadings, regulators are beginning to lower the nitrogen and phosphorous discharge limits in certain POTWs NPDES permits. These lower limits often require the POTW to invest in plant upgrades and modifications to meet the limits and in turn, the POTW must then look to the regulated community to reduce nutrient loads, increase fees to cover for the additional costs, or both.

Please be aware that if your facility conducts operations that generate and discharge nitrogen and/or phosphorous, or you suspect that it does, you should start to better

understand your nutrient loads. Evaluating your potential impact on the POTW nutrient loading now will put you ahead of the curve should your POTW start looking upstream. Conducting internal sampling at your discharge and at individual processes will allow you to begin the processes of determining the best way to minimize these discharges before it becomes a requirement.

For more information, please contact: Bill Potochniak at (781) 708-9843 | wmpotochniak@tighebond.com.

Multi-Agency Focus - Increased Emphasis on Anhydrous Ammonia

Anhydrous ammonia is a common chemical used in many industrial applications including refrigeration, water treatment, and boiler emissions control. Anhydrous ammonia contains only nitrogen and hydrogen, and should not be confused with ammonium hydroxide, or aqua ammonia.

OSHA consiers anhydrous ammonia an acute toxic hazard since it can be harmful if inhaled. It is also corrosive and can be flammable under certain conditions. OSHA regulates anhydrous ammonia under the Process Safety Management (PSM) standard, EPA regulates its use under the Risk Management Program (RMP), and the Department of Homeland Security (DHS) regulates its storage under the Chemical Facility Anti-Terrorism Standards (CFATS). All three regulatory programs have an applicability threshold of 10,000 pounds. Due to recent incidents and significant deficiencies being identified in compliance inspections, the three agencies have increased their focus on all facilities using anhydrous ammonia, with EPA appearing to be taking the lead on auditing and enforcement. For facilities with less than 10,000 pounds in their process, EPA has the authority under the Clean Air Act standard to apply the *"General Duty Clause" (Section 112(r)(1))* to ensure that processes are managed safely even if a regulatory threshold is not exceeded.

As part of a national enforcement initiative, EPA has recently developed a set of key safety measures for facilities using anhydrous ammonia in refrigeration systems. The EPA expects the key measures to be in place, regardless of the refrigeration system's age or size, for the system to meet the General Duty Clause standards.

For more information or for a copy of the EPA's key safety measures for ammonia refrigeration, please contact: Alan Stratton at (413) 875-1604 | adstratton@tighebond.com.

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2017 is a Renewal Year for Wastewater Treatment Operators:

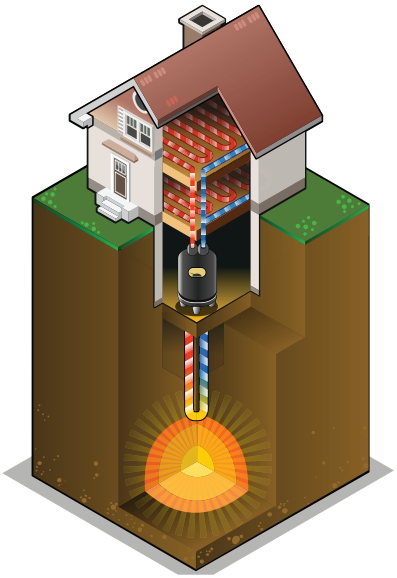
Upcoming Training Contact Hour (TCH) Approved Events

In this period of rapidly changing environmental legislation, it is imperative for senior management and line supervision to have a clear understanding of the current regulatory issues and how they affect a company. Tighe & Bond develops seminars to accomplish these goals. These training programs address current environmental and safety/ health issues. Our experienced staff of engineers, safety professionals and environmental specialists provides a comprehensive and systematic approach to environmental communications.

The approved training events (right) are being offered in our Westwood and Westfield office locations. **For more information, please contact: Dave Horowitz at (413) 572-3211 | dphorowitz@tighebond.com.**

Key: Westfield Westwood

	Westfield	Westwood
HAZWOPER Chemical Spill Responder	September 7 8am-5pm	September 14 8am-5pm
OSHA Compliance Strategies	September 21 8am-5pm	October 5 8am-5pm
Environmental Compliance Strategies	October 19 8am-5pm	October 26 8am-5pm
UST Operator Training	October 12 8am-5pm	
Wastewater Treatment Plant Operators Exam Preparation	September 12, 19, 26 | October 3, 10 1pm-5pm	
Chemistry for Water & Wastewater Treatment Plant Operators	November 2 8am-12pm	November 30 8am-12pm
Treatment Plant Equipment	November 9 8am-12pm	November 16 8am-12pm
Industrial Wastewater Treatment	December 7 8am-5pm	December 14 8am-5pm



Recent Changes to MassDEP Underground Injection Control Regulations for Closed-Loop Ground Source Heat Pump Wells

According to the MassDEP, as of December 2, 2016, the installation and operation of a Class V closed-loop or direct exchange Ground Source Heat Pump (GSHP) well no longer requires the filing of a Underground Injection Control (UIC) Registration application with MassDEP. This is true as long as the well:

- has been installed and is operating in accordance with MassDEP's Guidelines for Ground Source Heat Pump Wells, and
- is not used to produce water.

For more information, please contact: Wayne Bates at (781) 708-9847 | webates@tighebond.com.

Toxics Use Reduction Reporting

Now that the 2016 Toxics Use Reduction reporting season is (almost) over, here are a few items to start thinking about for the 2017 reporting season.

Completing your 2016 TUR Filing

Reminder that Payments are due September 1, 2017.

TUR reporting fees for filings submitted on July 1, 2017 are due to the Massachusetts Department of Environmental Protection (MassDEP) by September 1, 2017.

A late fee of $1,000 will be assessed to companies failing to pay by the deadline. To avoid the late fee, forward your payment and Toxics Use Fee Invoice to:

MassDEP
P.O. Box 4062
Boston, MA 02211

Next TUR Planner Course: August 29

If you are interested in becoming a certified TUR Planner, the Annual TUR Planners Course begins on August 29, 2017. The course is offered by the Toxics Use Reduction Institute (TURI) to train professionals responsible for assuring a company's TUR planning is done in good faith and yields new TUR opportunities.

Contact Pam Eliason (TURI) at (978) 934-3142 | pam@turi.org.

Toluene Diisocyanate Reporting Next Year

For reporting year 2017, there will three new high hazardous chemicals. These chemicals are reporting at the 1,000 pound/year threshold (usage, processing, or manufacturing) and TUR reports for these chemicals is due July 1, 2018. These chemicals include:.

a. **2,4 – Toluene diisocyanates**
b. **2,6 – Toluene diisocyanates**
c. **Toluene diisocyanates mixed isomers**

2018 is a TUR Planning Year

Remember that 2018 is a planning year and that the Plan Summary and TUR plan updates are due July 1, 2018. Start thinking about the potential TUR projects identified in your 2016 Plan and be sure to update our plan as necessary.

For any questions related to the Toxics Use Reduction Program requirements, please contact :

Jeff Bibeau at (413) 572-3243 | jbibeau@tighebond.com

Ted Karavedas at (508) 471-9610 | tmkaravedas@tighebond.com

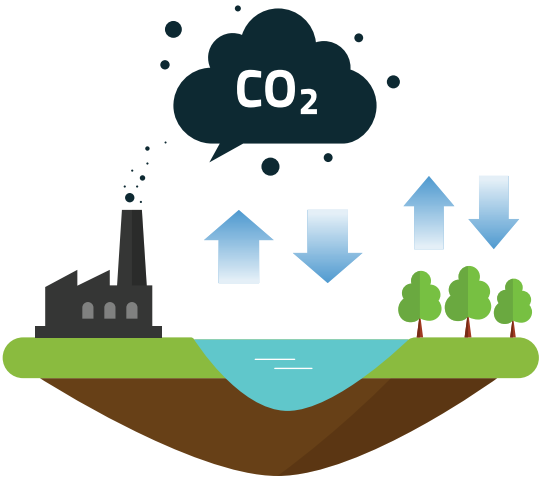
New Developments in Massachusetts Permitting Procedures

On August 2, 2017 the Baker-Polito Administration announced that the first phase of the long-awaited Energy and Environmental Information and Public Access System (EIPAS) is now online. This new environmental data and public information access system is expected to streamline online permitting, provide greater data accessibility to MassDEP, and provide increased transparency in state government operations for businesses and stakeholder groups across the Commonwealth and the public at-large.

The first phase establishes online permitting for 30 permits, which includes many for air quality, hazardous waste, solid waste, Toxic Use Reduction, water supply, special use permits and pesticides.

For more information, please contact: Wayne Bates at (781) 708-9847 or webates@tighebond.com.

Air Source Registration and Greenhouse Gases Due Dates – Still Waiting



As previously reported in past newsletters, the Climate Registry Information System (CRIS) software platform is no longer available for facilities to report their GHG emissions. With CRIS dissolving, MassDEP is in the process of incorporating GHG reporting into the eDEP platform currently used for Source Registration filing.

The MassDEP anticipates that the eDEP platform will be available to accept GHG data by October 13, 2017 and has extended the reporting deadline to December 15, 2017 for all filers.

The Source Registration forms are not currently available because they are being converted into webforms as part of the new Energy and Environmental Information and Public Access System (EIPAS) and electronic Permits, Licensing, Authorizations, Certification, and Eligibility (ePLACE) portals in the state. At this time, the MassDEP has not announced new deadlines for RY2016 source registration filings.

For questions regarding Air Emissions Reporting or Permitting, please contact: Tim Kucab at (413) 875-1607 or tkkucab@tighebond.com.

Chemical Restrictions and Labelling – California Proposition 65 and EU SVHC Update

For companies selling goods, or supplying materials to companies selling goods, in the European Union and California two recent changes took effect on July 7, 2017.

- The State of California added Glyphosate, and pentabromodiphenyl ether mixture (DE-71) to its Proposition 65 list of chemicals requiring warning labels for products sold in California.
- The European Union added Perfluorohexane-1-sulphonic acid and its salts (PFHxS) to its list of Substances of Very High Concern (SVHC) list that may require notification for products being shipped into Europe.

If you have questions regarding Chemical Control Laws, please contact: Doug Stellato at (413) 572-3215 | dastellato@tighebond.com.