

## REGULATORY NEWS

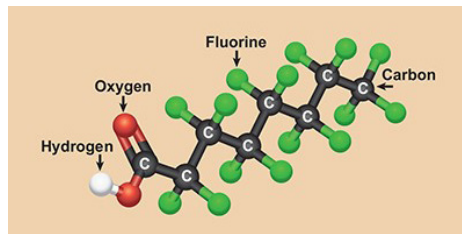
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### National Defense Authorization Act Includes Funding for Additional PFAS Contamination Study

While a federal drinking water Maximum Contaminant Level (MCL) has not been established for per-polyfluoroalkyl substances (PFAS), legislation has been developed to further the understanding of the human health impacts of PFAS contamination. On December 12, 2017 House Resolution 2810 was signed by the President authorizing the National Defense Authorization Act (NDAA) for fiscal year 2018. The NDAA included language directing the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct a study on human health impacts from PFAS contamination in drinking water and groundwater with a target completion by the end of 2023. By the end of 2020, ATSDR is also required to conduct an exposure assessment at a minimum of eight military installations with known PFAS contamination.



For more information on this act or PFAS treatment, please contact  
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### Massachusetts House and Senate Pass State OSHA Legislation: What Could This Mean for You?

Back in 1970 when the federal Occupational Health and Safety Act (OSHA) was established, state legislatures were allowed to “opt out” of the requirements for state and municipal employees; which Massachusetts did. However, on October 25, 2017 the Massachusetts House of Representatives chose to “opt in” to the OSHA regulations, and voted 151-0 in favor of extending workplace health and safety protections to state employees.



“This legislation will extend important protections for public employees and help to establish best practices when it comes to workplace safety,” said House Speaker Robert A. DeLeo (D-Winthrop).

If signed by the governor, this legislation would go into effect in October 2018 and public agencies will no longer be able to say “OSHA doesn’t apply to us”. Instead, state and municipal agencies will need to assess work place hazards to protect its employees and develop the necessary programs and provide the required training and personal protective equipment.

For more information, please contact  
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## New York DEC: Proposed Amendments to Solvent Cleaning Processes



If you have a facility in New York, this news may interest you. The New York State Department of Environmental Conservation (DEC) will be proposing amendments to 6 NYCRR Part 226 'Solvent Metal Cleaning Processes' and adding a new sub-part entitled 'Industrial Cleaning Solvents'. Currently, Part 226 only applies to the cleaning of "metal" however this distinction is removed in the proposal, which will open the applicability to "any" material(s) cleaned by a solvent cleaning process.

Facilities with solvent cleaning processes that were not subject to Part 226 previously, will be subject to Subpart 226-1 if/when the proposed changes become final. The NYDEC is making the proposed changes to be consistent with the Ozone Transport Commission's Model Rule (2012) and comply with the U.S. Environmental Protection Agency's Industrial Cleaning Solvents Control Technique Guidelines (2006).

DEC's Division of Air Resources will be hosting a meeting on Monday, January 29, 2018; 1:00pm - 3:00pm in Public Assembly Room 129 at the NYSDEC office located at 625 Broadway Albany, NY 12233. Written comments and questions should be forwarded to DEC no later than 5:00 PM, February 16, 2018 to [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov).



## Regulatory Alert: MassDEP Revisiting Old Trichloroethylene (TCE) Sites

The allowable groundwater concentrations of TCE in Massachusetts have decreased significantly from the 1990s when the Method 1 GW-2 Standard was 300 µg/L to today where as of June 2014, the Method 1 GW-2 Standard is 5 µg/L. This decrease in allowable concentrations can have a direct impact on disposal sites with TCE groundwater contamination that were closed out between 1993 and 2014 because what was considered "safe" in 1993 may not meet today's standards. Tighe & Bond is aware that the MassDEP is in the process of searching its databases for sites closed out between 1993 and 2014 with TCE levels greater than the new standard of 5 µg/L.

For more information, please contact **Joel Loitherstein, P.E., LSP**  
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## Massachusetts Launches Online Data Information and Public Access

In an August 2017 press release, the Commonwealth of Massachusetts announced the launch of the first phase of its new environmental data and public information access system entitled, you guessed it, the Energy and Environmental Information and Public Access System (EIPAS). According to the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), the new system will deliver online permitting with greater data accessibility and transparency. The system will also provide EEA and its agencies with a platform that 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.

In a recent press release, EEA Secretary Matthew Beaton stated

that "The EIPAS initiative will update EEA's existing legacy systems by replacing them with a highly functional and integrated online system. This is just the beginning of the process, as we plan to implement additional phases and agency permits over the next year that will continue to increase automation, improve citizen experiences, and increase governmental transparency."

EIPAS features that could impact the regulated community include two publicly accessible portals. This includes a public comment portal and information data portal where the general public can submit comments during the public comment period or obtain information about a regulated facility.

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# REGULATORY DEADLINES

## Electronic Filings Required for Exports of EPA RCRA Waste *Effective December 31, 2017*

Starting December 31, 2017, exporters of RCRA (Resource Conservation and Recovery Act) had to comply with filing EPA-specific information as part of their Electronic Export Information (EEI) filing in the Automated Export System (AES) per EPA regulations. This manifest tracks hazardous waste for recycling or disposal, spent lead-acid batteries (SLABs) being shipped for recovery of lead, and universal waste (UW) being shipped for recycling or disposal. Exporters of whole or broken cathode ray tubes (CRTs) being shipped for recycling had to similarly comply with filing EPA-specific information in AES starting on that date. Both EPA regulations require filing the EPA-specific items in the EEI, along with the other information required under 15 CFR 30.6. This upcoming compliance date was announced in the Federal Register on August 29, 2017 (82 FR 41015).



For more information about this recent regulatory change, contact  
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## Stormwater MSGP Facilities: Annual Reports due **January 30, 2018**

Facilities applicable to the 2015 Stormwater Multi-Sector General Permit (MSGP) must submit an annual report to the Environmental Protection Agency (EPA) electronically by January 30th. This is for each year of permit coverage that contains information generated from the past calendar year.

The following information must be included with each report:

- The results, or a summary, of the past year's routine facility inspection documentation and quarterly visual assessment documentation
- Information copied, or summarized, from the corrective action documentation (if applicable)
- If benchmark monitoring resulted in four quarter average exceedances, the rationale for why the facility asserts that no further pollutant reductions are achievable
- Any incidents of noncompliance observed, or if there is no noncompliance, a certification signed stating the facility is in compliance with the MSGP.

Please contact **Dave Horowitz, P.E., CSP**  
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## TSCA Inventory Reporting Rule Update: Reporting due **February 7, 2018**

The Federal EPA recently finalized a Toxic Substances Control Act (TSCA) rule that requires industry to report certain chemicals manufactured (including imported) or processed in the U.S. over a 10 year period from June 21, 2006 through June 21, 2016. This reporting will be used to identify which chemical substances on the TSCA Inventory were active in U.S. commerce during this period, and will be used to prioritize those chemicals for risk evaluation by the EPA. There are two types of reporting required:

**Retrospective Reporting** – Chemicals that were on the TSCA list during the period of June 21, 2006 through June 21, 2016 need to be reported. Manufacturers and Importers need to report by February 7, 2018. Processors are not required to report, but can voluntarily report by October 5, 2018. Please note that there are a number

of exemptions and that Processors of chemicals can be considered Importers.

**Future Reporting** – Chemicals and substances that become “inactive” after conclusion of the Retrospective Reporting period will need to be

reported prior to being re-introduced into commerce. This requirement applies to Manufacturers, Importers and Processors.

**IMPORTANT NOTE:** - Processors using substances that are not reported by manufacturers or Importers should report these substances prior to October 5, 2018 so that they don't become inactive.

If you have any questions about the TSCA reporting requirements, please contact **Doug Stellato** (413) 572-3215  
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## Toxic Substances Control Act



## EPA Biennial Hazardous Waste Reports: **Due March 1, 2018**

Any facility that was a Large Quantity Generator (LQG) or a Treatment, Storage or Disposal Facility (TSDF) during the calendar year of 2017 must complete a Biennial Report for its hazardous waste. Reports must be completed using calendar year 2017 information and submitted by March 1, 2018.

Note to Massachusetts Filers: MassDEP now requires electronic filing through the EPA's RCRAInfo reporting system. Existing users of the EPA's CDX system can access the RCRAInfo system. However, new Permission Levels need to be set in the system for Preparers and Certifiers. The Certifier roles requires identity proofing prior to signing reports, so get the process started early.

## Federal: Tier II Reporting required by **March 1, 2018**

Tier II reporting is required by the EPA for all facilities that store hazardous materials. These reports, detailing on-site chemical storage, must be sent to the Fire Department, Local Emergency Planning Commission (LEPC), and State Emergency Response Commission (SERC) for emergency planning purposes. The typical reporting threshold for common chemicals (like oil and propane) is 10,000 pounds. If you store more than 1,370 gallons of fuel oil you are subject to this reporting. Some extremely hazardous substances have reporting thresholds of 500 pounds.



Reminder to Filers: Effective January 1, 2018, the U.S. Environmental Protection Agency (EPA) will replace its five existing hazard categories with the hazard categories found within the revised OSHA Hazard Communication Standard. All Tier II reports for reporting year 2017, which are due by March 1, 2018, will need to use these new hazard categories. (see Tighe & Bond's November 2017 Regulatory News for more information).

If you have questions about Tier II reporting or the new requirements please contact **Doug Stellato** at (413) 572-3215 or [DAStellato@tighebond.com](mailto:DAStellato@tighebond.com)

## Important Changes to OSHA Injury and Illness Records: Submittals due **July 1, 2018**

Effective January 1, 2017, companies with 250 or more employees that are currently required to keep OSHA injury and illness records - and establishments with 20-249 employees that are classified in certain industries with historically high rates of occupational injuries and illnesses - must begin electronically submitting information from OSHA Forms 300, 300A, and 301.

The new reporting requirements are being phased in over 2017 and 2018.

In 2017, all covered establishments were required to submit information from their completed 2016 Form 300A. In 2018, covered establishments with 250 or more employees must submit information from all completed 2017 forms (300A, 300, and 301) by July 1, 2018, and covered establishments with 20-249 employees must submit information from their completed 2017

Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, covered establishments must submit the information by March 2.

OSHA has provided a secure website that offers three options for data submission. First, users can manually

enter data into a web form. Second, users can upload a CSV file to process single or multiple establishments at the same time. Last, users of automated recordkeeping systems have the

ability to transmit data electronically via an API (application programming interface).

For more information, contact **Dan Williams** (413) 875-1657 [DWilliams@TigheBond.com](mailto:DWilliams@TigheBond.com)



## OSHA's Standard for Respirable Crystalline Silica is effective **July 23, 2018**

OSHA's general industry standard for respirable crystalline silica, found in 29 CFR §1910.1053, requires engineering controls to keep workers from breathing silica dust commonly present in soil, sand, granite, abrasives and other construction and industrial materials.

This standard is effective and has compliance dates for general industry operations on June 23, 2018. The revised standards have a new Permissible Exposure Limit (PEL) that is half the current limit for general industry, and approximately five times lower for construction activities. Plus, the new rule requires the development of a formal Exposure Control Plan.

For more information on this new requirement please contact

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