

# EH&S Monthly News - Jan

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Subject Line         Regulatory News to Kick Off 2013

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## Tighe & Bond

Consulting Engineers / Environmental Specialists

### Regulatory News

Happy New Year! Bringing you best wishes for 2013, along with some regulatory news that you won't want to miss...



#### EPA Finally Finalizes Standards for Industrial Boilers

On December 20, 2012, [EPA issued final changes to Clean Air Act standards](#) for major and area source boilers, and commercial/industrial solid waste incinerators. These adjusted standards will achieve extensive public health protections by reducing toxic air pollution, while increasing the rule's flexibility and addressing concerns raised by industry and labor groups.

#### Tier II Reporting Required by March 1st

Tier II reporting is required by the Environmental Protection Agency (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. However, depending on the hazardous chemicals stored on site, your threshold for reporting may be as low as 10 pounds. Some extremely hazardous substances have reporting thresholds of 500 pounds.

*Facilities covered by Emergency Planning and Community Right-to-Know Act (EPCRA) requirements must submit an Emergency and Hazardous Chemical Inventory Form to the Local Emergency Planning Committee (LEPC), the State Emergency Response Commission (SERC), and the local fire department annually. Facilities provide either a Tier I or Tier II form. Most States require the Tier II form. [Some states have specific](#)*

[requirements](#) in addition to the federal Tier II requirements. Many accept the Tier 2 form.”

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### EPA Auditing Risk Management Plan (RMP)

Region 1 of the Environmental Protection Agency (EPA) has been auditing facilities that maintain risk management plans ([RMPs](#)). These audits have been targeted and have resulted in penalties.

*January 9, 2013 – A cold storage and ice manufacturing company has [agreed to pay penalties of \\$225,000](#) to settle claims by EPA that the company violated federal Clean Air Act requirements meant to prevent chemical releases relating to its use of ammonia at facilities located in East Providence, R.I., and Sandwich, MA.*

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### 527 CMR 33 Hazardous Material Process or Processing Category 4 Permit Applications - Due June 1, 2013

Under the new Massachusetts hazardous material processing regulations in 527 CMR 33, Category 4 Process facilities are those that have a process that use or produce a Hazardous Material with a NFPA rating of 3 or higher, which occurs in a vessel with a capacity that is greater than or equal to 300 gallons, and the facilities are not subject to OSHA's Process Safety Management or EPA's Chemical Accident Prevention standards. These Category 4 Process facilities must submit a Hazardous Material Process or Processing permit application to their local Fire Department by June 1, 2013. The Category 4 process program requires facilities to apply some limited elements of the OSHA PSM Program to their facility that include, but are not limited to, hazard communication practices, emergency response plan development, performance of a process hazard evaluation, and the development of a limited Process Safety Program. The goal of the new regulation is to help protect the public and emergency response personnel in the area of your facility. Information about the new rule, including a helpful FAQ section, can be found on the [Massachusetts DFS website](#).

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### 2013 Conference Center

Tighe & Bond's 2013 Conference Center Schedule is now available. [Click here](#) for the printable schedule.

If you need additional help, contact **Alexis Dallaportas** at (508) 471-9643/[addallaportas@tighebond.com](mailto:addallaportas@tighebond.com).



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