

The year 2017 is off to an exciting start with several important updates to report for several state and federal regulatory programs; some expected and some completely unexpected! Please reach out to any of our experts listed below if you have any questions on these changes.



Anhydrous Ammonia Users – Multi-Agency Emphasis Program

At the Cambridge Massachusetts Local Emergency Planning Commission (LEPC) meeting held in January 2017, representatives from the Federal Environmental Protection Agency and the Department of Homeland Security announced a multi-agency emphasis program to audit users of anhydrous ammonia. This comes under the federal EPA's Clean Air Act Risk Management Plan (RMP) program, the Occupational Health and Safety Administration (OSHA) Process Safety Management (PSM) program, and the DHS's Chemical Facility Anti-Terrorism (CFATS) program.

The EPA and DHS emphasized that facilities handling less than 10,000 pounds of anhydrous ammonia may also be targeted during this emphasis program under the General Duty Clause (Section 112(r)(1) of the Clean Air Act. For more information about the General Duty Clause, see the article below. If you have any questions, please contact Alan Stratton (ADStratton@tighebond.com) of Tighe & Bond at 413-875-1604 or you can find additional information about EPA's emphasis program on anhydrous ammonia at <https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>.

Massachusetts DEP Suspends Source Registration and GHG Deadlines

MassDEP is working on converting its eDEP Source Registration (SR) forms from PDF to web forms, and it is also working to incorporate the GHG emissions reporting into the eDEP SR forms. Because this process is not complete, the MassDEP has suspended the April 15, 2017 deadlines for 2016 Source Registration and 2016 GHG emissions until further notice. The MassDEP has indicated that when the forms are available for use, facilities required to submit under these two programs will be mailed a reminder letter. If you have questions regarding Source Registration or GHG reporting in Massachusetts, please contact Tim Kucab at TKKucab@tighebond.com or 413-875-1607. If you would like to reach out to the MassDEP directly, please email air.quality@state.ma.us.

Tier II Reports - Plan Ahead When Submitting Your Tier II Reports

For those exporting Tier II's into the T25 format from Tier II Manager, Tighe & Bond has been getting a warning that this process will take up to 24 hours to export. While recent submittals have not taken that long, there may be more of a delay as the deadline approaches. To avoid a delay, we recommend completing and submitting your forms ahead of the March 1st deadline.

Also, all Tier II reports in Franklin County, Massachusetts must go through Dan Nietzsche, the Emergency Preparedness Coordinator for the FRCOG (repc@frcog.org). Franklin County also has a \$200 (up from \$150 last year) per facility fee and they recently sent out invoices for facilities on record. If this is your first time filing or you did not receive an invoice, you will still need to pay the fee.

Contact Doug Stellato
(DAStellato@tighebond.com)
at 413-572-3215 with questions.



Check Out Our 2017 Industrial Wastewater Survey

Tighe & Bond is launching a survey to assess the current state of existing industrial wastewater treatment systems in operation. Industrial wastewater treatment plant operators participating in the survey will be provided a summary of the results that can be used to benchmark their system against similar systems. In addition, all participants will be eligible to receive a gift certificate or free training contact hours.

Click [here](#) for survey.

For more information about the survey please contact Bill Potochniak (WMPotochniak@tighebond.com) at 781-708-9843.



Commonly Misunderstood Regulation Program

The General Duty Clause

The General Duty Clause (GDC) is a confusing aspect of the Clean Air Act and tends to be a “catch all” for regulators to impose stringent regulatory requirements even when a facility is operating below a threshold quantity of a regulated substance. The following information is helpful in explaining the GDC and was published in the Environmental Protection Agency (EPA) February 2015 Regulatory Alert (EPA 325-R-014-0001).

“When Congress amended the Clean Air Act in 1990, it added the General Duty Clause (GDC) at CAA Section 112(r)(1). Under the GDC, owners and operators of facilities that have regulated substances and other extremely hazardous substances are responsible for ensuring that these chemicals are managed safely. Safe management includes taking steps to both prevent accidental releases of the extremely hazardous substances and to minimize the consequences of any accidental releases that may occur. Facilities have been required to comply with the GDC since November 1990. Facilities subject to the GDC are, among other things, responsible for:

- ◆ *Identifying the hazards posed by the chemicals and assessing the impacts of possible releases,*
- ◆ *Designing and maintaining a safe facility to prevent accidental releases, and*
- ◆ *Minimizing the consequences of accidental releases that do occur.*

Points to remember about the GDC:

- ◆ *The GDC applies to many chemicals; it is not limited to the chemicals subject to the RMP regulations.*
- ◆ *The GDC applies facility-wide, regardless of the amount of chemical stored.*
- ◆ *In analyzing the standard of care, EPA consults industry standards, codes and practices.”*

Two of the major challenges in complying with the GDC include:

1. The GDC applies regardless of the amount of chemical that is stored. This means that even if you are not exceeding a storage threshold limit for a regulated chemical, you are still responsible for identifying the hazards, preventing accidental releases and minimizing the consequences of a release.
2. The regulatory authority is allowed to use industry standards and codes to determine the standard of care for handling a chemical, even if the chemical is below a regulatory threshold. This means that the regulatory agency can consider trade association recommendations and standards enforceable “compliance” controls or limits when inspecting your facility.

If your facility handles regulated substances, above or below threshold limits, make sure that you have the systems and programs in place to safely manage these chemicals.

Upcoming Deadlines

Federal - Tier II Reporting Required by March 1st

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.

Massachusetts – Restricted Emission Status (RES) Report Due March 15th

Facilities that are subject to an RES final approval must report actual monthly and 12-month rolling emissions data on the Annual Air Quality Reporting Form. Submit this to the appropriate MassDEP Regional Office by March 15 of each year for the previous calendar year.

OSHA – Respirable Crystalline Silica Due June 23rd

Massachusetts - Toxics Use Reduction Reporting & Planning Due July 1st

Federal - Toxic Release Inventory Due July 1st

Construction Industry Alert - New Respirable Crystalline Silica Standard

OSHA passed a new standard for respirable crystalline silica which is contained in 29 CFR §1926.1153 and general industry standard of 29 CFR §1910.1053. This rule 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 construction activities on June 23, 2017, and 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.

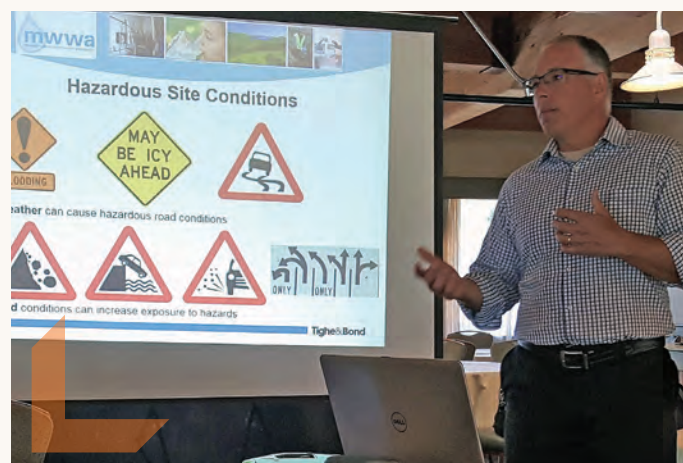
For more information on this new requirement please contact Alan Stratton (ADStratton@tighebond.com) at 413-875-1604.

Conference Center Upcoming Training Dates '17

March 9	4-hour DOT Hazardous Waste Shipping	Westwood
March 9	2-hour Hazardous Waste Management	Westwood
March 30	4-hour UST Operator Training	Westwood
March 21 - April 18	20-hour Wastewater Treatment Operator Exam Prep	Westfield
May 11	4-hour DOT Hazardous Waste Shipping	Westfield
May 11	2-hour RCRA Hazardous Waste Management	Westfield

To learn more about our public training sessions or customized training sessions, please contact Dave Horowitz (DPHorowitz@tighebond.com) at 413-572-3211.

Click [here](#) to see our complete conference calendar or to learn more about our public training.



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