



IRWIN Regulatory Newsletter – July 2019

Federal

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 - Comments being accepted until **September 2019**
2. Proposed Regulations for Perchlorate in Drinking Water
 - Comments being accepted until **August 26, 2019**
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Massachusetts

4. Updated Reporting Schedule for Greenhouse Gas and Air Source Registration Reporting
5. Proposed MCP Amendments
 - Comments being accepted until **July 19, 2019**

Rhode Island

6. Proposed Amendments for Surface Coating Emissions
7. Updated Risk Guidelines for Air Emission Sources

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

1. FEDERAL: Chemical Regulations under TSCA

EPA has issued proposed rules under the recently amended Toxic Substances Control Act (TSCA) to restrict uses of several Persistent and Bioaccumulative Toxic (PBT) chemicals. Affected chemicals include:

- Decabromodiphenyl ether (CAS # 1163-19-5): EPA is proposing to prohibit the manufacture, processing, and distribution in commerce of products containing DecaBDE except for certain specific applications and recycling of materials that previously contained DecaBDE.
- Phenol, isopropylated phosphate (3:1) (CAS # 68937-41-7): EPA is proposing to prohibit the processing and distribution in commerce of products containing PIP(3:1) except for certain specific applications. EPA is also proposing to prohibit releases of water from allows applications of PIP(3:1) and is accepting comment on possible approaches for implementing this prohibition.
- 2,4,6-Tris(tert-butyl)phenol (CAS # 732-26-3): EPA is proposing to prohibit the processing and distribution in commerce of products containing 2,4,6-TTBP for use as an oil or lubricant additive, and is also proposing to require that products containing 2,4,6-TTBP may only be distributed in commerce in containers 55 gallons and larger to prevent consumer use in prohibited applications.

- Pentachlorothiophenol (CAS # 133-49-3): EPA is proposing to prohibit the manufacture, processing, and distribution in commerce of products containing PCTP at a concentration exceeding 1% for any use.
- EPA also considered whether to restrict use of hexachlorobutadiene (HBCD) but is not proposing regulations under TSCA for this chemical.

Comments on the proposed rules will be accepted for 60 days following publication in the Federal Register.

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/persistent-bioaccumulative-and-toxic-pbt-chemicals-under>

2. FEDERAL: Proposed Drinking Water Standard for Perchlorate

EPA is proposing to create a national drinking water standard for perchlorate under the Safe Drinking Water Act. EPA's proposed Maximum Contaminant Level Goal (MCLG) for perchlorate is 56 µg/L, and EPA is accepting comment on MCLG values ranging from 18 µg/L to 90 µg/L. Note that Massachusetts currently has a state specific drinking water standard for perchlorate of 2 µg/L which is below EPA's range of possible values for the federal standard. The proposed rule also includes a list of treatment technologies for compliance with the proposed MCLG, and requirements for public water systems to conduct monitoring and reporting for perchlorate and to provide information about perchlorate to their consumers through public notification and consumer confidence reports. Comments on the proposed rule are being accepted until **August 26, 2019**.

<https://www.epa.gov/dwstandardsregulations/perchlorate-drinking-water>
<https://www.federalregister.gov/d/2019-12773>

3. FEDERAL: OSHA Regulatory Reform Amendments

OSHA has promulgated regulatory reform amendments to various occupational health and safety standards including general industry (29 CFR 1910) and construction (29 CFR 1926). The revision includes a variety of changes including:

- Collection of employees' Social Security Numbers will no longer be a required recordkeeping element in personal exposure monitoring or medical surveillance.
- Technical updates to medical surveillance requirements in the workplace exposure standards for several chemicals.
- Clarifications to criteria and recordkeeping requirements for recording operational hearing loss.
- Updates to requirements for communications and emergency contact information at construction sites to reflect advances in technology.

<https://www.federalregister.gov/d/2019-07902>

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. Annual source registrations and greenhouse gas reports for

reporting year 2017 must be submitted by June 2019 for annual reporting facilities covered by operating permits, and MassDEP plans to announce a deadline later in summer 2019 for the remaining annual reporting facilities. Reporting deadlines for reporting year 2018 are expected to be announced once data collection is completed for 2017.

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

5. MASSACHUSETTS: Proposed Waste Site Cleanup Amendments

MassDEP is proposing several amendments to the Massachusetts Contingency Plan (MCP) regulations at 310 CMR 40.0000. The proposed revision includes a variety of changes including:

- Changes to various numerical MCP criteria including Reportable Concentrations, Imminent Hazard criteria, and cleanup standards. Some standards would be raised and some lowered. Numerical standards would also be added for polyfluoroalkyl substances (PFAS) and MassDEP expects that the GW-1 standards for PFAS will be numerically equivalent to the standards established under the state drinking water program.
- The definition of Anthropogenic Background would be amended to include coal, coal ash and wood ash that is not associated with an ash landfill or the combustion of chemically treated or preserved wood.
- Amendments to criteria for determining current or potential drinking water areas.
- Amendments to several aspects of risk characterization requirements including sampling strategy, statistical methods, Imminent Hazard evaluations, identification of Hot Spots, and selection of reference toxicity values.
- Revisions to facilitate the presumptive approval process for applications of remedial additives near sensitive receptors.
- Amendments to monitoring and reporting for Active Exposure Pathway Mitigation Measures with particular focus on protection of measures for drinking water protection.
- Amendments to public notice requirements, particularly in cases where an Imminent Hazard or Critical Exposure Pathway is present.
- MassDEP has also indicated that it may require the submittal of GPS coordinates for monitoring wells and is seeking comment on possible strategies for implementing this requirement.

Comments on the proposed regulation are being accepted until **July 19, 2019**.

<https://www.mass.gov/lists/2019-proposed-mcp-revisions>

6. RHODE ISLAND: Proposed 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 is also proposing to adjust the applicability thresholds for some categories of surface coating, and add work practice standards for surface coating and cleaning operations to minimize VOC emissions.

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

7. RHODE ISLAND: Updated Guidance Document Available

Rhode Island DEM has issued a revised Guideline for Assessing Health Risks from Proposed Air Pollution Sources. RIDEM air permitting regulations (Reg. No. 9) require applicants to conduct health studies in accordance with the Guideline when assessing expected health effects of proposed air emissions.

The updated Guideline requires applicants for major source permits to perform a risk assessment as part of the application using a risk assessment tool developed by California EPA which evaluates cancer and non-cancer health effects associated with emitted pollutants. The risk assessment tool considers potential for various types of exposure to pollutants including dermal contact or ingestion of contaminated soil, ingestion of drinking water, and ingestion of contaminated food. RIDEM may also request risk-related documentation from minor source applicants on a case by case basis.

<http://www.dem.ri.gov/programs/air/documents/assess-health-guidance.pdf>

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