

**AWMA EPA Air Program Update  
Region 7  
Iowa-Kansas-Missouri-Nebraska**



Welcome:

Mark Smith, EPA, Director, Air & Waste Management Division

Mitchell Krasnopoler, P.E., Manager, Kiewit Engineering Group Inc.

Date: March 20, 2019

Location: EPA R7

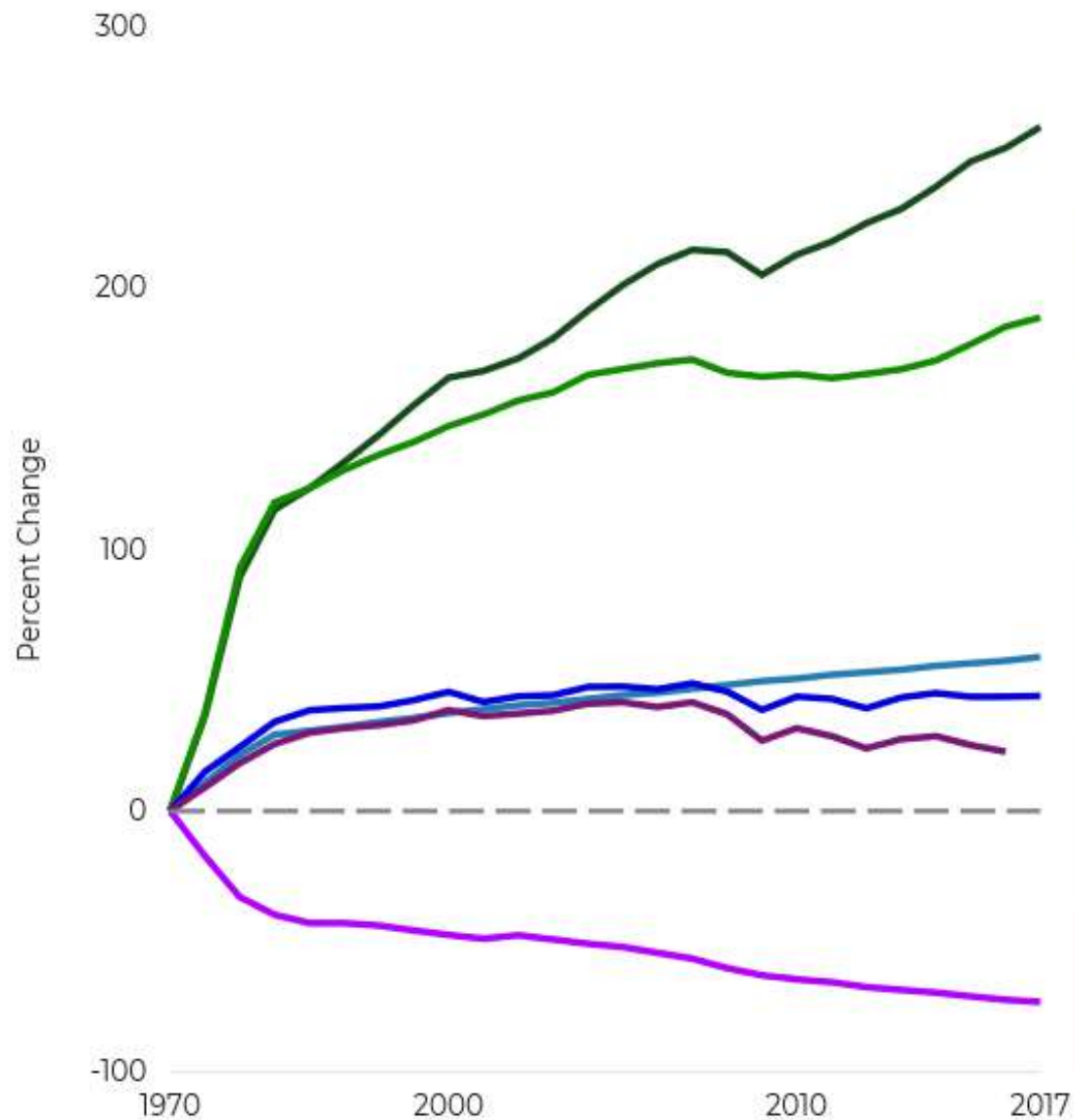
11201 Renner Blvd. Lenexa, KS 66219

**Mark Smith**

**Environmental Protection Agency, Region 7**

# Comparison of Growth Areas and Declining Emissions

1970-2017



Gross Domestic Product



Vehicles Miles Traveled



Population



Energy Consumption



CO<sub>2</sub> Emissions

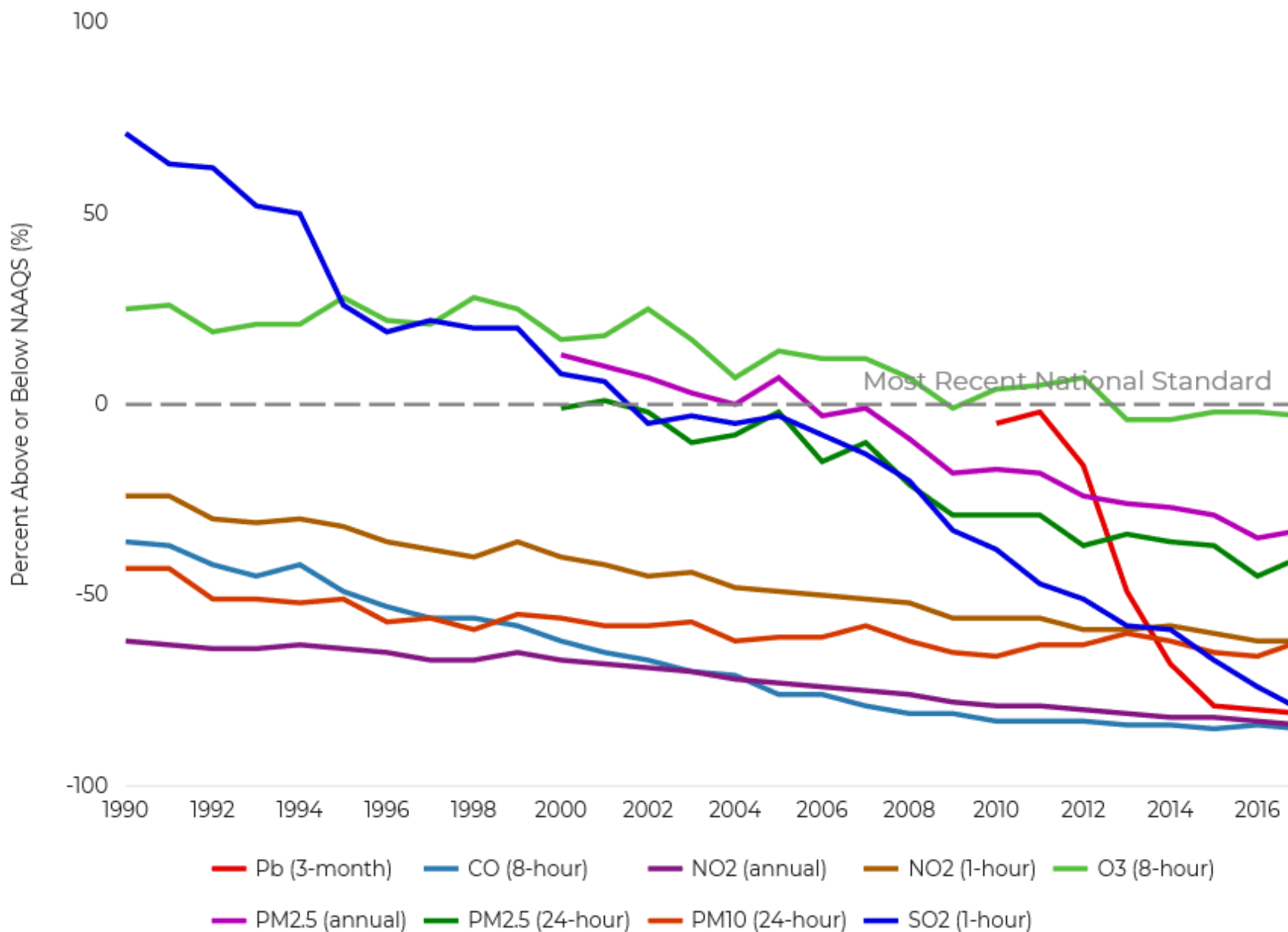


Aggregate Emissions  
(Six Common Pollutants)

Source: Various

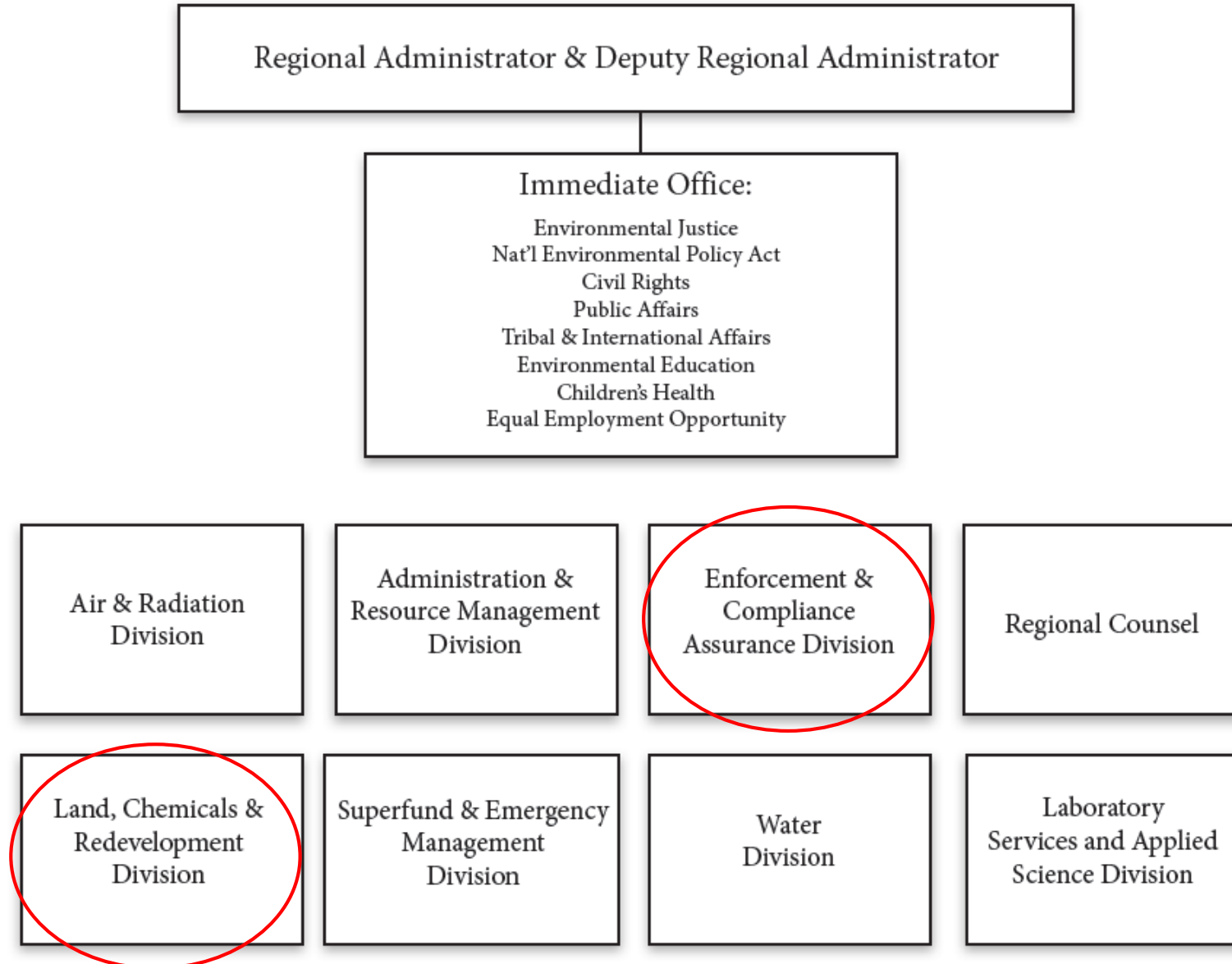
# Declining National Air Pollutant Concentration Averages

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Source: U.S. EPA Air Quality System

# Proposed Organization for EPA's Region 7 Office



Mitchell Krasnopoler, P.E.  
Kiewit Engineering Group Inc.



# AIR & WASTE MANAGEMENT ASSOCIATION

MIDWEST SECTION | Nebraska, Iowa, Kansas, Missouri

## UPCOMING EVENTS

4/10/2019	7:30 am - 9:30 am	Establishment of the Chariton Hills Bat Conservation Bank in Northeast Missouri
April Monthly Meeting		<i>Matt Ross Community Center, Overland Park KS</i>
4/23/2019 / 04/24/2019		Midwest Environmental Compliance Conference (MECC)
		<i>Kansas City Convention Center, Kansas City MO</i>
5/16/2019	7:30 am - 9:30 am	Johnson County Sustainability and LEED Gold tour
May Monthly Meeting		<i>Johnson County Department of Health and Environment, Olathe KS</i>
6/6/2019	5:30 pm - 7:30 pm	Midwest A&WMA Summer Social
		<i>The Well Bar, Grill &amp; Rooftop, Kansas City MO</i>

<https://midwestawma.org>



# Air Waste and Management Division Updates: O3, Pb, and SO2

Lachala Kemp, Stephanie Doolan, and Tracey Casburn

March 20, 2019

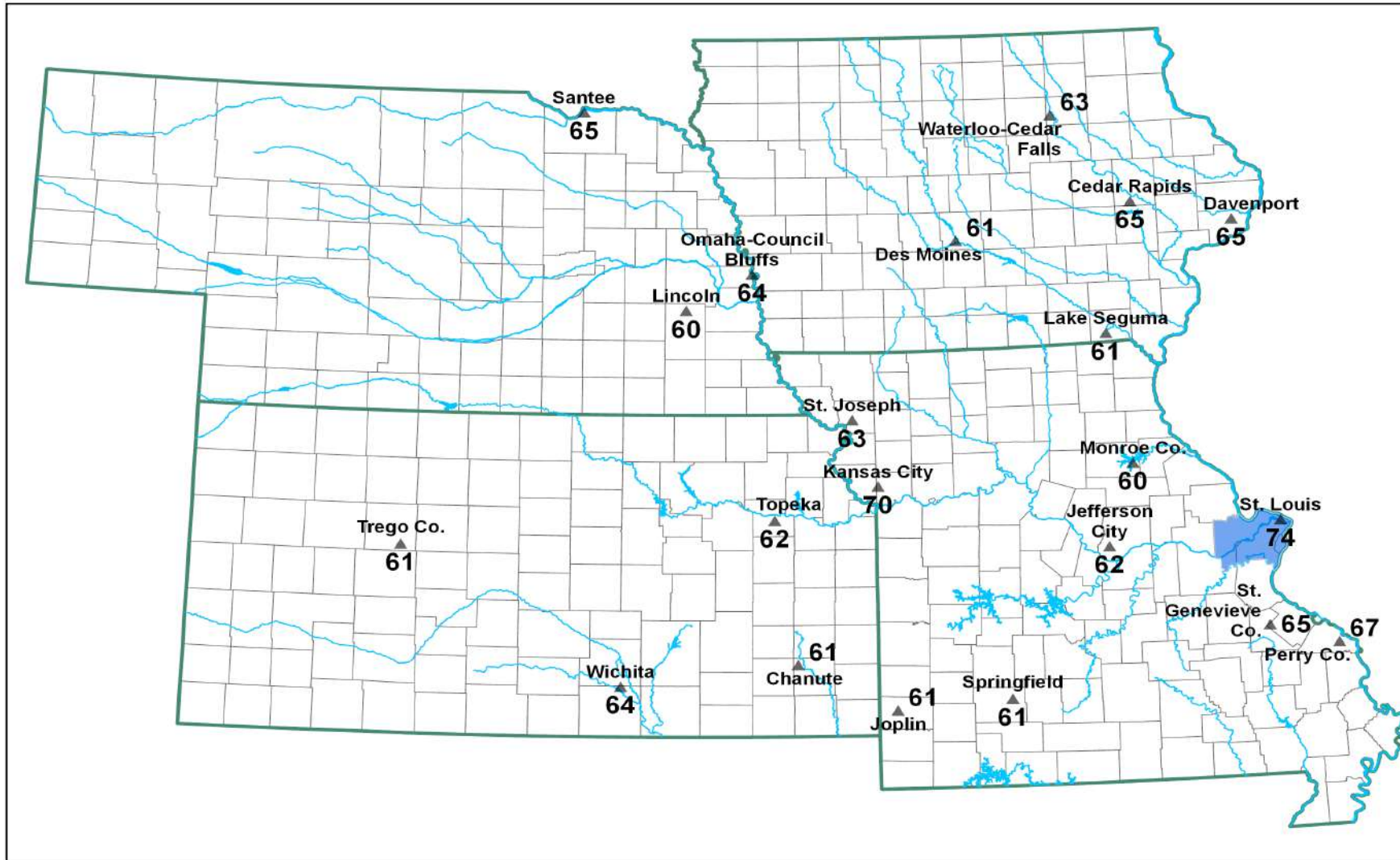
# 2008 CSAPR Closeout

- ▶ Rule determines that the CSAPR Update for the 2008 ozone National Ambient Air Quality Standards (NAAQS) (CSAPR Update) fully addresses certain states' obligations under Clean Air Act (CAA) section 110(a)(2)(D)(i)(I) regarding interstate pollution transport for the 08 NAAQS. CSAPR update published October 26, 2016.
- ▶ Proposal
  - ▶ July 10, 2018 (83 FR 31915)
- ▶ Final Action
  - ▶ December 6, 2018
  - ▶ Affected states (IA, KS, MO)

# 2015 Ozone NAAQS

- ▶ October 1, 2015
  - ▶ EPA strengthened the ozone NAAQS 70 (ppb)
- ▶ November 6, 2017
  - ▶ EPA designates most of the country “attainment/unclassifiable”
    - ▶ Iowa, Kansas, Nebraska
- ▶ April 30, 2018
  - ▶ EPA completes additional designations
    - ▶ Majority of Missouri designated attainment/unclassifiable
    - ▶ St. Louis Area
      - ▶ Franklin (Boles Township), St. Charles, St. Louis Counties and the City of St. Louis (designated Nonattainment)
        - ▶ Agency currently under Litigation for St. Louis area designation
- ▶ October 1, 2018
  - ▶ Infrastructure SIPs due

# Region 7 2016-2018 Ozone Design Values



# 2015 Ozone iSIPs (Transport)

- ▶ Due October 1, 2018
  - ▶ SIPs in house for Iowa, Kansas, and Nebraska. Each state has addressed Transport (Prongs 1 and 2), if applicable.
  - ▶ Missouri
    - ▶ Transport iSIP currently out for Public Comment
      - ▶ Comment period closes April 4, 2019

# 2015 Ozone iSIPs (Transport)

- ▶ March 2018-EPA provided projected air quality modeling results for ozone in 2023 including projected ozone concentrations at potential nonattainment and maintenance sites for the 2015 ozone NAAQS and projected upwind state contribution data.
- ▶ August 2018-provided analytical information regarding the degree to which certain AQ thresholds amounts capture the collective amount of upwind contribution from upwind states to downwind receptors, and makes recommendations about appropriate thresholds for us in state SIPs.
- ▶ October 2018-memo to assist states in evaluating the status of monitoring sites identified as potential maintenance receptors

# R7 States' Transport Contribution

Site	State	County	IA	KS	MO	NE
551170006	Wisconsin	Sheboygan	0.45	0.46	1.37	0.06
480391004	Texas	Brazoria	0.40	0.47	0.88	0.23
482011039	Texas	Harris	0.33	0.33	0.88	0.19
550790085	Wisconsin	Milwaukee	0.79	0.35	0.93	0.06
260050003	Michigan	Allegan	0.77	0.77	2.61	0.16
261630019	Michigan	Wayne	0.44	0.44	0.92	0.17

# Additional Transport SIP Obligations

- ▶ 2010 SO<sub>2</sub> NAAQS
  - ▶ No R7 state has currently submitted a SIP to address Transport
- ▶ 2012 PM 2.5 NAAQS
  - ▶ Missouri-Final Approval 10/1/18 (83 FR 49298)
  - ▶ IA, KS, NE (in-house w/action pending)

# Region 7 Lead Action Plan Progress Update

AWMA Meeting  
Stephanie Doolan  
March 20, 2019



# R7 Lead Action Plan

- ▶ Developed in FY 2018 to support EPA Administrator Wheeler's National Lead Strategy
  - ▶ Recognizes and addresses the significant risk lead poses, particularly to children under the age of 7
  - ▶ Includes Air, Water, Soil (Superfund/RCRA Corrective Action) and Lead-Based Paint program areas
  - ▶ Also includes a community-based focus area in St. Joseph, Missouri
  - ▶ Contains measurable goals that are reported to EPA Headquarters



# R7 Lead Action Plan cont'd

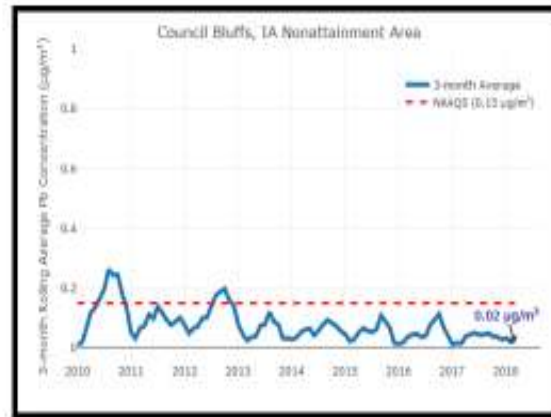
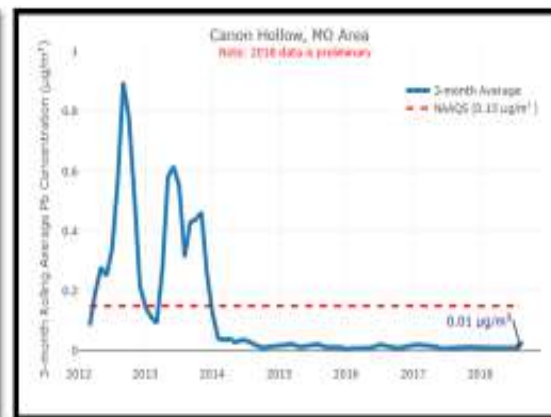
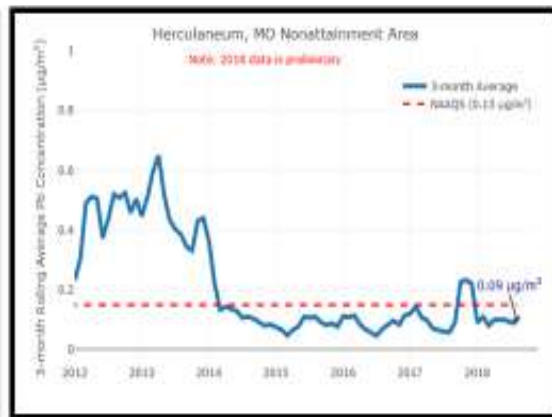
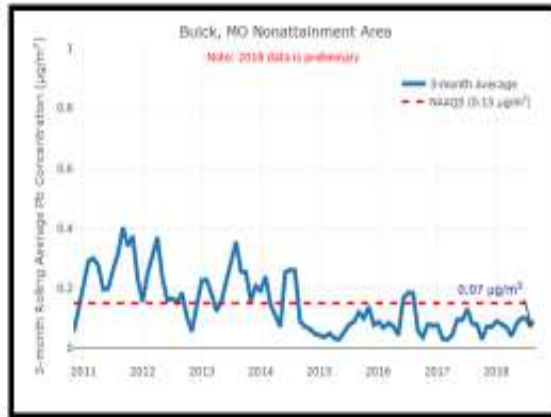
- ▶ Key component - Implementation and Enforcement of the 2008 Lead National Ambient Air Quality Standard (NAAQS)
  - ▶ Creates greater accountability for attaining the 2008 Lead NAAQS
  - ▶ Includes both Air Planning and Air Enforcement components
  - ▶ Relies on partnerships with both EPA R5 and our R7 States
    - ▶ Greater consistency amongst the regions
    - ▶ Consistency in implementation amongst out states

# Lead NAAQS Implementation Milestones

	Began Monitoring Attainment	Attainment Plan Approval	Subsequent Violation	Redesignation/ Maintenance	Anticipated Quarter of NAAQS Attainment	Comments
Herculaneum	Nov 2013 - Jan 2014	Oct 2014	Oct 2017		Nov - Jan 2021	Violation caused by demolition
BRRF/Viburnum Trend	Apr-Jun 2014	Aug 2015	June 2016		Jul - Sep 2019	Violation caused by upset operations
Council Bluffs	Oct - Dec 2012	Feb 2016	---	Oct 2018	Sep - Nov 2015	
Exide - Salina	Jun - Aug 2013	July 2016	Sep 2016		Dec 2019 - Feb 2020	Violation caused by inadequate SIP controls
Exide - Canon Hollow	Nov 2013 - Jan 2014	Sep 2016	---		Oct - Dec 2016	Not designated NAA

Note: Based on a rolling three-month calendar quarter with 38 months of monitoring data less than 0.15 µg/m<sup>3</sup> needed to attain the standard.

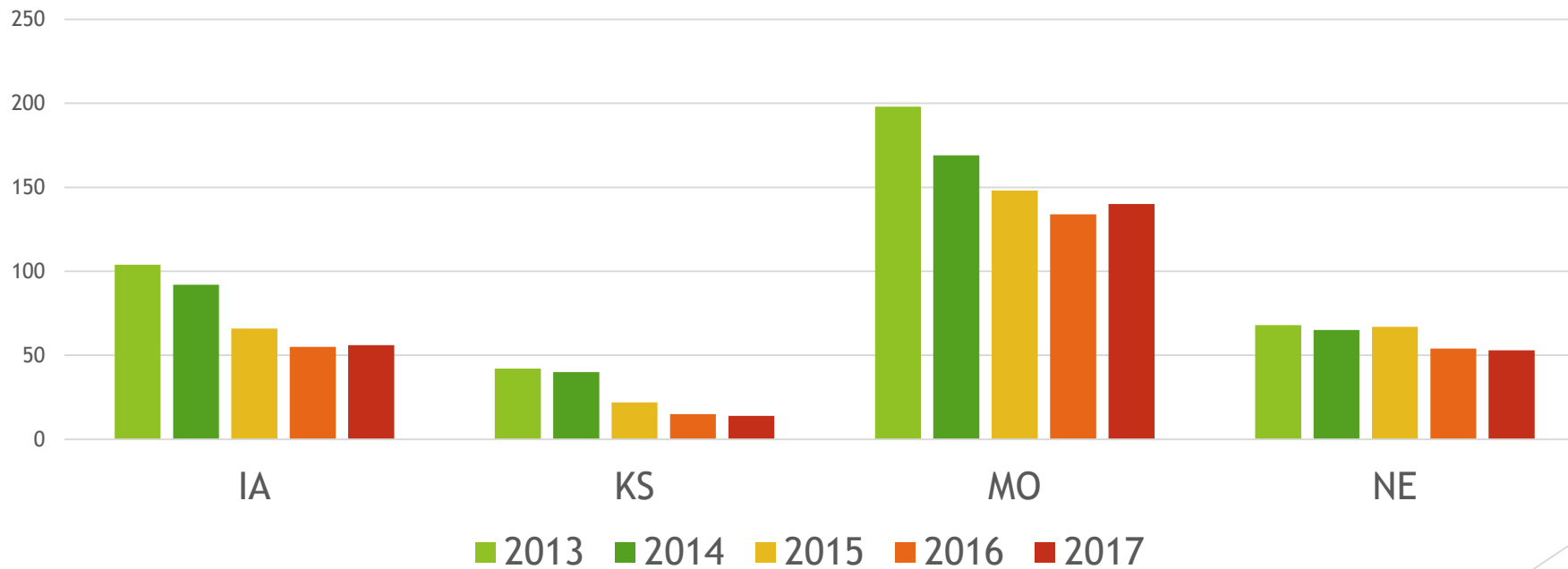
# Lead Results in Ambient Air



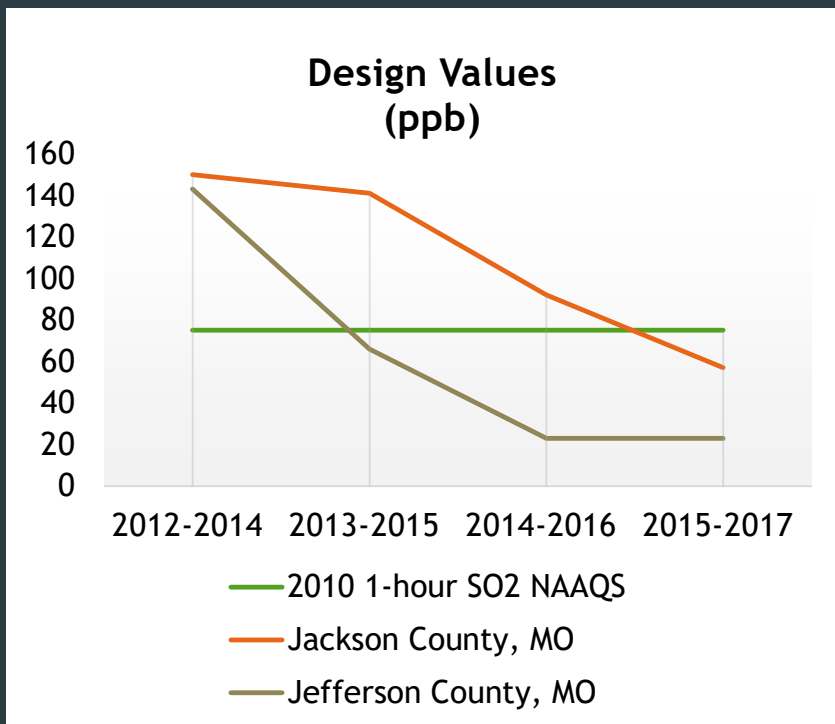
# The Status of the 2010 1-hour Sulfur Dioxide NAAQS in Region 7

## Region 7 SO<sub>2</sub> Emissions Trends, 2013-2017

emissions are in 1000 tons



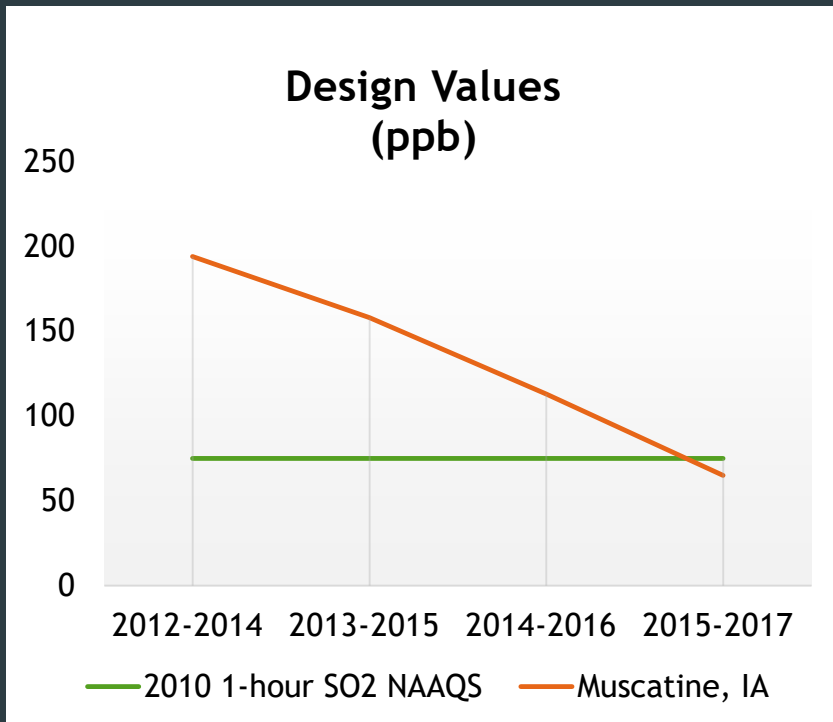
# 2010 1-hr SO<sub>2</sub> NAAQS Nonattainment Area Monitoring Trends



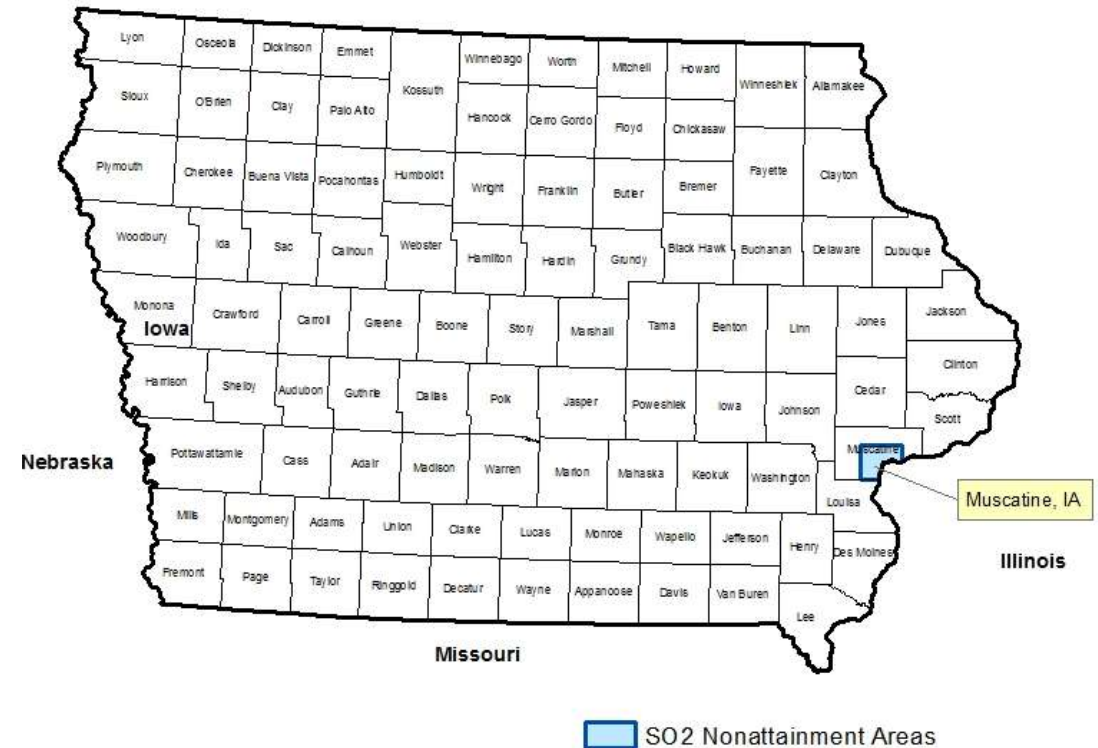
Missouri SO<sub>2</sub> Nonattainment Areas (2010 Standard)



# 2010 1-hr SO<sub>2</sub> NAAQS Nonattainment Area Monitoring Trends



Iowa SO<sub>2</sub> Nonattainment Areas (2010 Standard)





# Brownfields: Tools and Resources to Facilitate Community Revitalization and Redevelopment

**Region 7 U.S. Environmental Protection Agency  
A&WMA Meeting  
March 20, 2019**

## **Need More Information?**

[www.epa.gov/brownfields](http://www.epa.gov/brownfields)

### **EPA Region 7 Program Contacts**

**Susan Klein**  
klein.susan@epa.gov  
913-551-7786

**Stan Walker**  
walker.stanley@epa.gov  
913-551-7494

# “Brownfields”

- ▶ Properties with possible environmental issues that are limiting use of the site

Before: Old Gas Station  
St. Louis, MO



After: “Olio” Wine Bar

- ▶ Eligible for Liability Protections and Funding
- ▶ Can start the Revitalization Process
- ▶ Are Most Successful with a Community Champion
- ▶ Local Government frequently plays a Leading Role

# Brownfield Revitalization Process

Community Engagement,  
Visioning, and  
Planning

- Identify Brownfields
- Assess Environmental Conditions
  - Phase I assessment
    - Site visit, interviews, records search
  - Phase II assessment
    - Site sampling
- Clean up
- Sustainably Redevelop

Before:  
Historic Horace Mann  
Elementary School  
(Kansas City, MO)



After:  
Ivanhoe Gateway at  
39<sup>th</sup> and Affordable  
Senior Housing



# MARCH 2018 BUILD ACT

- Part of FY 2018 Omnibus Bill
- Amends the Brownfields provisions of CERCLA
- Reauthorized the Brownfields Provisions through 2022

## Key Changes from BUILD Act

For all Brownfields grantees (including states that apply for competitive grants)



**Bigger cleanup grants**  
Now up to \$500,000.



**Non-profits** can now apply for assessment and RLF grants, as well as LLCs and community development entities that are non-profit.



**Administrative costs** can be funded by up to 5% of the grant award.



**Multi-purpose grants** (assessment and cleanup combination) up to \$1M can be offered.



**Authorized new grant program** available to states to provide training, technical assistance or research for small communities (population  $\leq 15,000$ ). Maximum of \$20,000 per community.



**Publicly owned sites** acquired prior to Jan 11, 2002 can apply as long as the entity is not responsible for the contamination.



**New ranking criteria focusing on renewable energy** or energy efficiency projects and waterfront developments.



**More certainty of liability protection** for local or state governments that take control of contaminated sites. No longer has to be "involuntary" acquisition.



**For petroleum Brownfield sites**, removed the language and requirement that they be "of relatively low risk" in order to be eligible for funding.

Direct

### EPA COMPETITIVE GRANTS

- Assessment & Area-Wide Planning
- Cleanup
- [Multi-Purpose](#)
- Revolving Loan Fund
- Environmental Workforce Development & Job Training

### EPA ONE-ON-ONE PROGRAM DEVELOPMENT AND TECHNICAL ASSISTANCE

### TARGETED BROWNFIELD ASSESSMENTS

### REGION 7 REDEVELOPMENT NAVIGATION TEAM (RNT)

### TECHNICAL ASSISTANCE FROM EPA GRANTEES

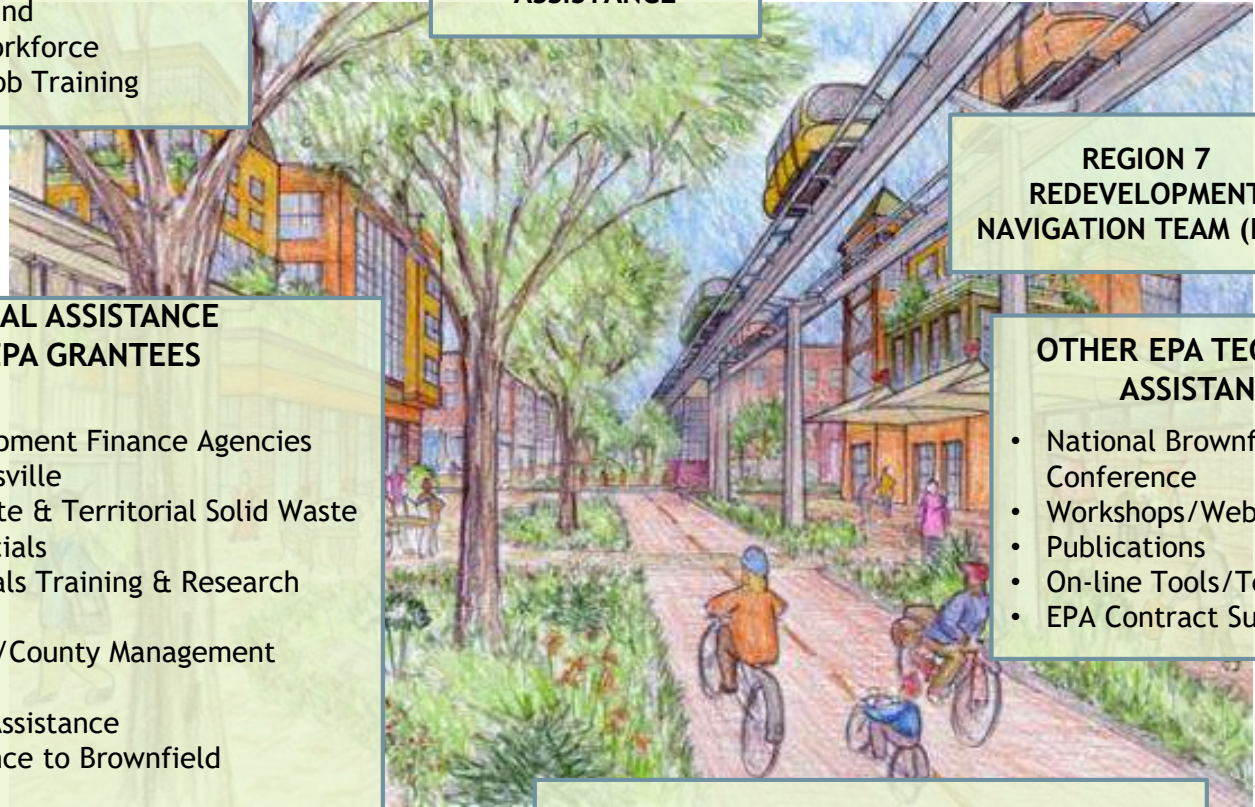
- Groundwork USA
- Council of Development Finance Agencies
- University of Louisville
- Association of State & Territorial Solid Waste Management Officials
- Hazardous Materials Training & Research Institute
- International City/County Management Assoc.
- Tribal Technical Assistance
- Technical Assistance to Brownfield Communities:
  - New Jersey Institute of Technology
  - Kansas State University
  - Center for Creative Land Recycling

### OTHER EPA TECHNICAL ASSISTANCE

- National Brownfields Conference
- Workshops/Webinars
- Publications
- On-line Tools/Templates
- EPA Contract Support

### TECHNICAL ASSISTANCE FROM STATE AND TRIBAL RESPONSE PROGRAMS

- [Small Community Assistance Grants](#)



Indirect

# BROWNFIELD GRANTS

Grant Type	Assessment	Cleanup	Multi-Purpose (Assessment & Cleanup)	Revolving Loan Fund (RLF)	Environmental Workforce Development and Job-Training (EWDJT)	Assistance to Small and Tribal Communities
Eligible Applicants	Government, Tribe, Quasi-Government, Regional Councils, <u>Non-profits</u>				Same + Job-Training Organizations, Community Colleges, Universities	States, Tribes
Amount of Funding Available (Up to \$)	\$200,000 per site \$400,000 per grant \$600,000 per Coalition	<u>\$500,000 per site</u> 20% Cost Share	<b>\$1,000,000</b> 20% Cost Share for Cleanup	\$1,000,000 < 50% Subawards	\$200,000	<b>\$20,000 per community</b>
Common Eligible Grant Activities	Inventory, characterize and assess brownfields; community engagement and visioning; <b>area-wide/redevelopment planning</b> ; cleanup planning	Cleanup planning; community engagement; cleanup; reuse and redevelopment planning	<b>All Assessment and Cleanup Grant Activities</b>	Capitalize a RLF program; provide loans and subawards to carry out brownfield cleanup activities	Recruit, train, and place unemployed and under-employed brownfield community residents; training includes various aspects of hazardous and solid waste management, as well as variety of other environmental.	<b>Provide training, technical assistance, or research for small communities (populations of 15,000 or less), Indian tribes, rural areas, and disadvantaged areas</b>



# Region 7 Waste Remediation & Permitting Branch Update

Don Lininger, Chief, Waste Remediation & Permitting

# WRAP BRANCH



**Don Lininger,  
Branch Chief**



**Brenda Terrill,  
Administrative  
Assistant (SEE)**



**Bob Aston,  
Physical Scientist**



**Ruby Crysler,  
Environmental  
Scientist**



**Mark Doolan,  
Corrective Action  
Officer**



**Dan Gravatt,  
Geologist**



**Mary Grisolano,  
Environmental  
Engineer**



**Brad Hayworth,  
Hydrogeologist  
(SEE)**



**Lisa Messinger,  
Geologist**



**Brian Mitchell,  
Environmental  
Engineer**



**Bruce Morrison,  
Environmental  
Engineer**



**Annah Murray,  
Physical Scientist**



**Patricia Murrow,  
Environmental  
Engineer**



**Brad Roberts,  
Environmental  
Scientist**

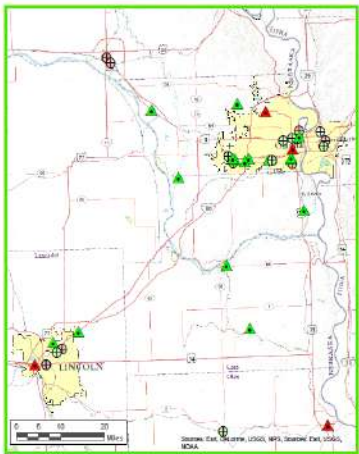
## Current Strategic Plan

- ▶ SM-7 By September 30, 2022, make 536 additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU14
- ▶ SM-22 By September 30, 2022, reach all permitting-related decisions within six months

## Current ACS Measures

- ▶ CA1 - # of RCRA facilities with Human exposures under control
- ▶ CA2 - # of RCRA facilities with migration of contaminated groundwater under control
- ▶ CA5 - # of RCRA facilities with final remedies constructed
- ▶ CA6 - # of RCRA corrective action facilities with performance standards attained
- ▶ PC1 - # of sites receiving 40 CFR 761.61(a) or (c) approvals
- ▶ PC3 - # of PCB approvals issued under authorities other than 40 CFR 761.61(a) or (c)
- ▶ HW2 - Permit Modification Approvals
- ▶ HW3 - Percent Updated Permits
- ▶ HW4 - Permits with Initials Controls (%)
- ▶ HW5 - Updated Permits
- ▶ RSRAU - # of RCRA facilities Ready for Anticipated Use

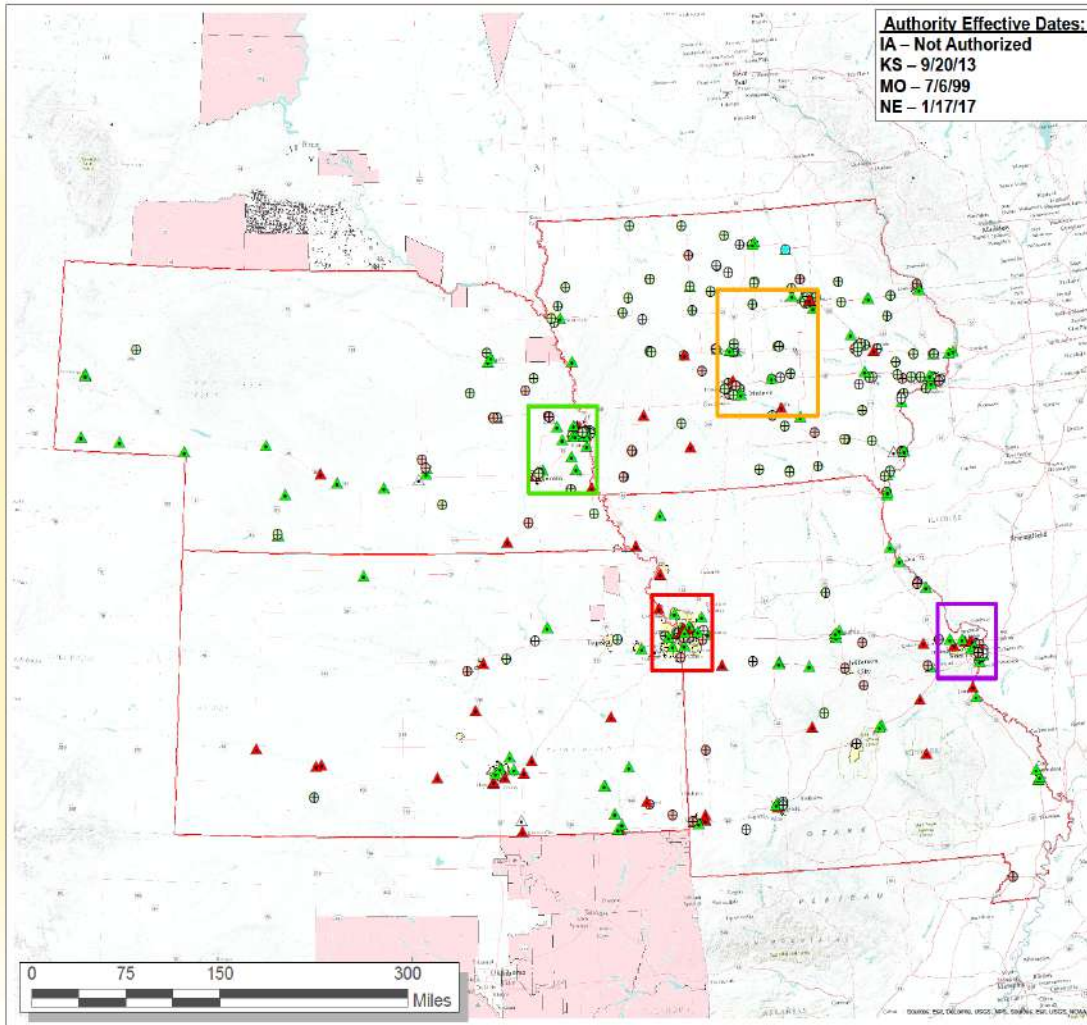
# Region 7 RCRA Corrective Action Universe



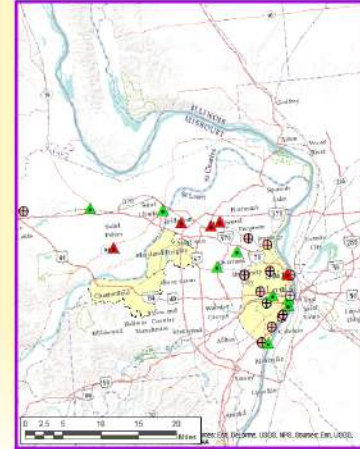
Omaha/Lincoln Metro Areas



Kansas City Metro Area



Des Moines/Waterloo Metro Areas



St. Louis Metro Area



EPA Region 7

**2020 Universe (204)**

- ▲ Remy Construction not Achieved (65)
- △ Referred to a Non-RCRA Authority (7)
- ▲ Remy Constructed (CA550 Achieved) (132)

**Non-2020 Universe (207)**

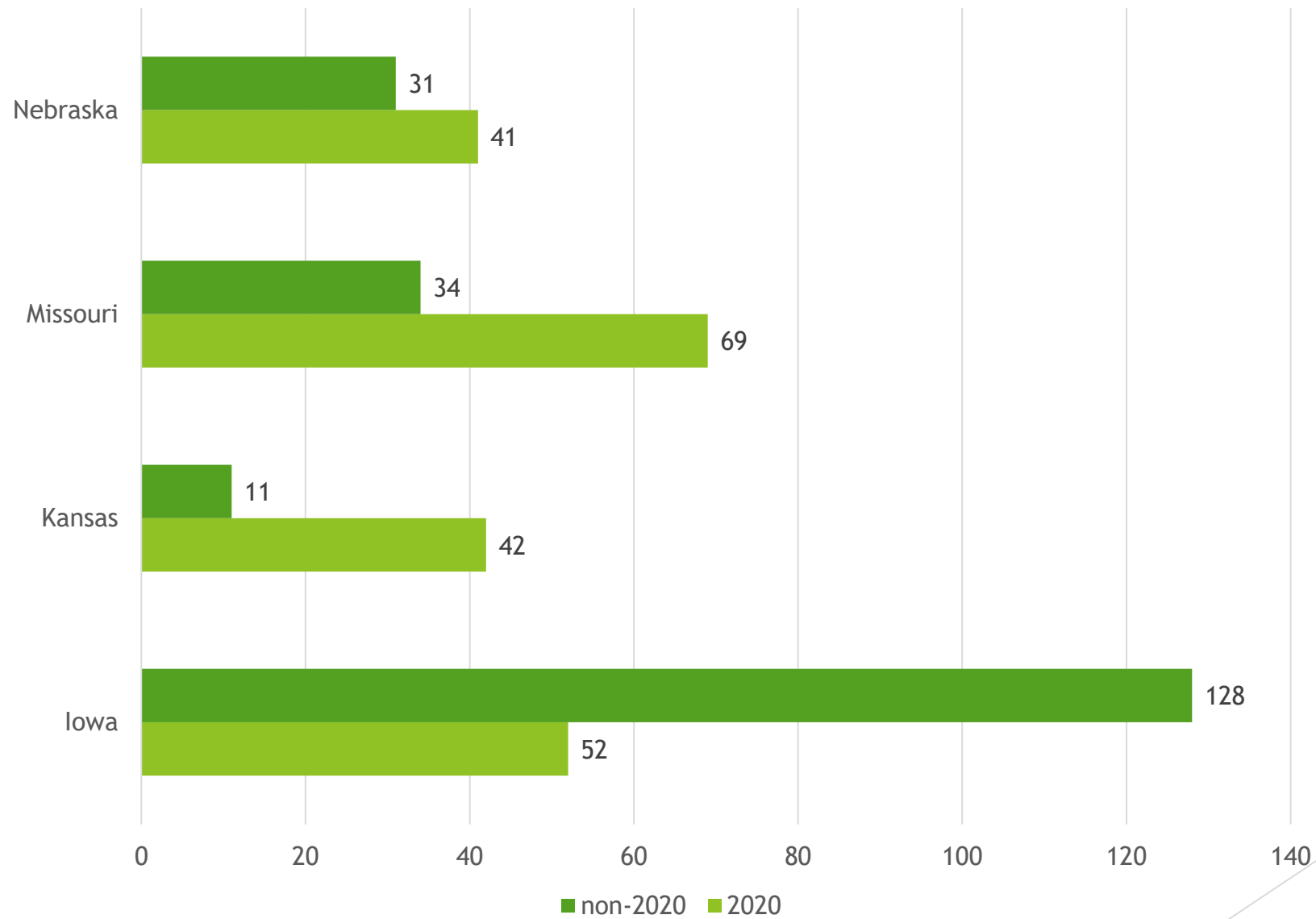
- ⊕ Remy Construction not Achieved (64)
- ⊕ Referred to a Non-RCRA Authority (24)
- ⊕ Remy Constructed (CA550 Achieved) (119)

- City Boundary
- Region 7 State Boundaries
- Tribal Nations

Notes: Data updated in November 2018.

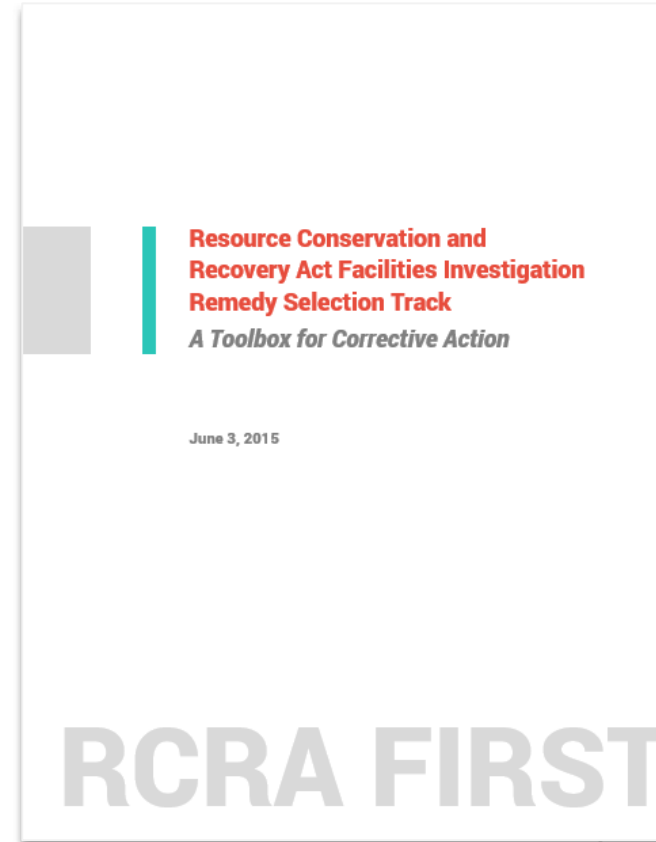


## Number of 2020 and non-2020 universe sites

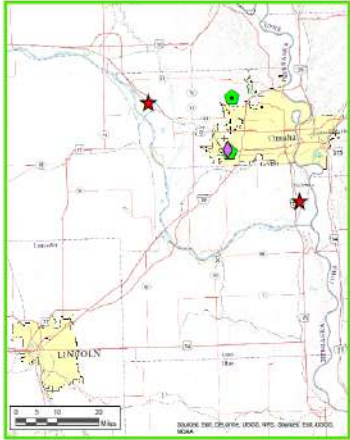


# RCRA FIRST Toolbox Purpose

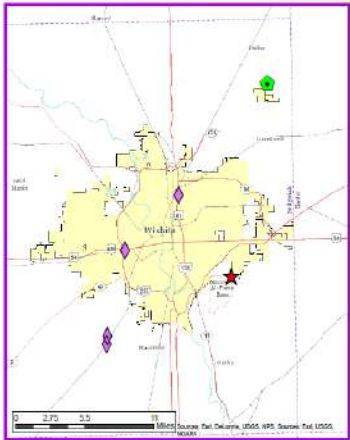
- ▶ Assist EPA Regions and partners to take advantage of efficiency and quality gains from RCRA FIRST
- ▶ RCRA FIRST is an approach to *managing* RCRA corrective action projects. **The legal and technical foundation of the program remains the same.**



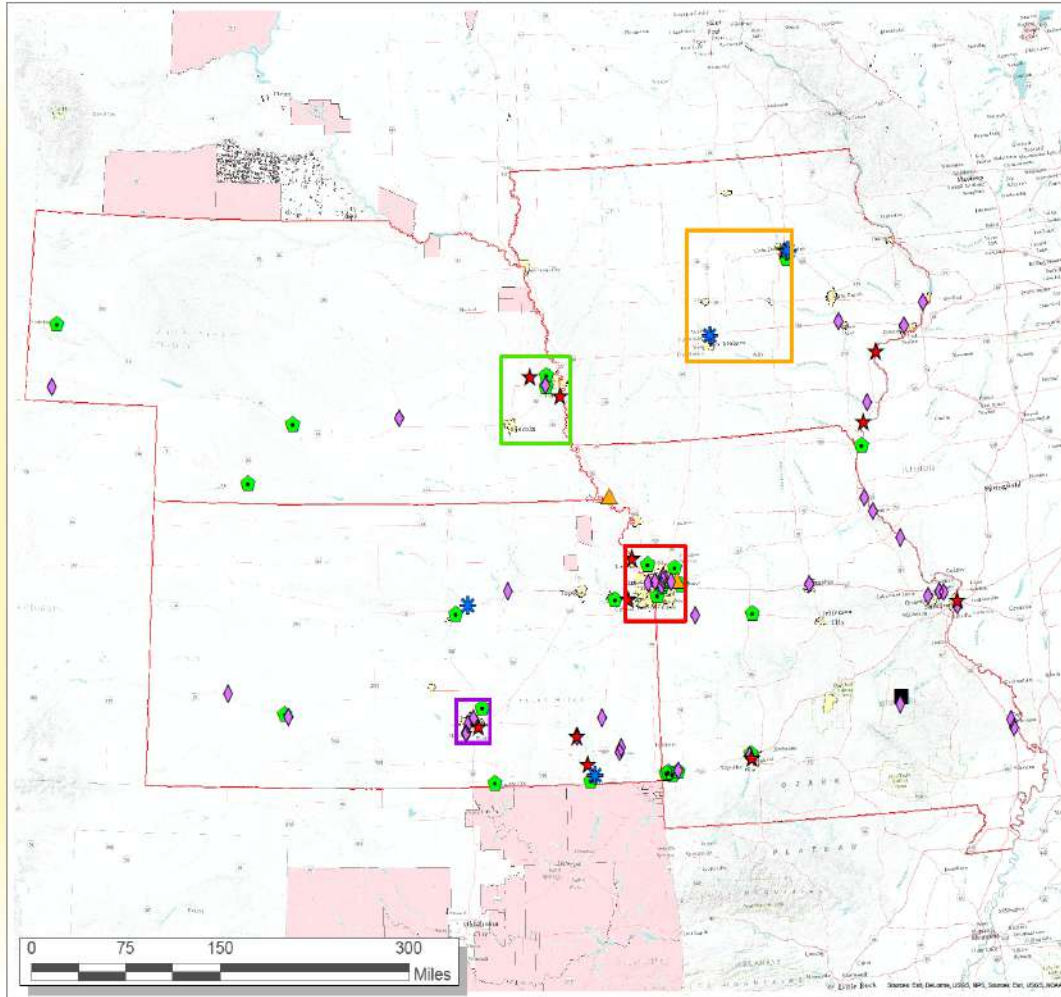
# Region 7 RCRA Permitted Facilities



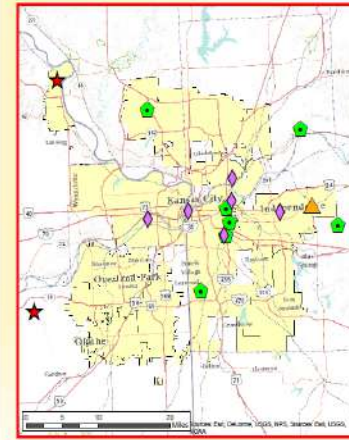
Lincoln/Omaha Metro Areas



Wichita Metro Area



Des Moines/Waterloo Metro Areas



Kansas City Metro Area



EPA Region 7



- ★ Corrective Action (12)
- ◆ Operating (40)
- ▲ Operating/Post-Closure (2)
- Post Closure (26)
- RAP (1)
- ★ PCB/TSCA (4)
- City Boundary
- Region 7 State Boundaries
- Tribal Nations

Notes: The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any injury or loss resulting from reliance upon the information shown.

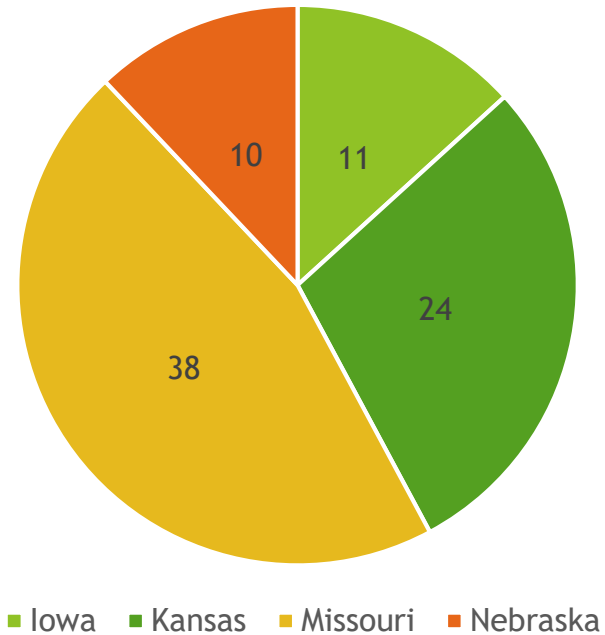
Creator: LGM  
Date: 12/7/2018



# Permit Workload

- ▶ Operating
- ▶ Post-Closure
- ▶ Corrective Action Only
- ▶ Developed Part II Permit Termination Process
- ▶ POC - Pat Murrow
  - ▶ 913-551-7627
  - ▶ [Murrow.patricia@epa.gov](mailto:Murrow.patricia@epa.gov)

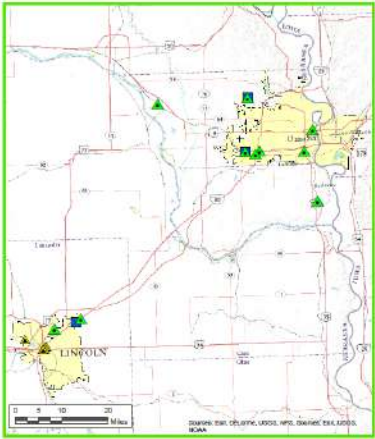
Subtitle C Permits



# PCB Clean-up & TSD approvals

- ▶ Four TSD's in Region 7
- ▶ PCB FAST
- ▶ POC
  - ▶ Annah Murray
  - ▶ 913-551-7895
  - ▶ [Murray.annah@epa.gov](mailto:Murray.annah@epa.gov)

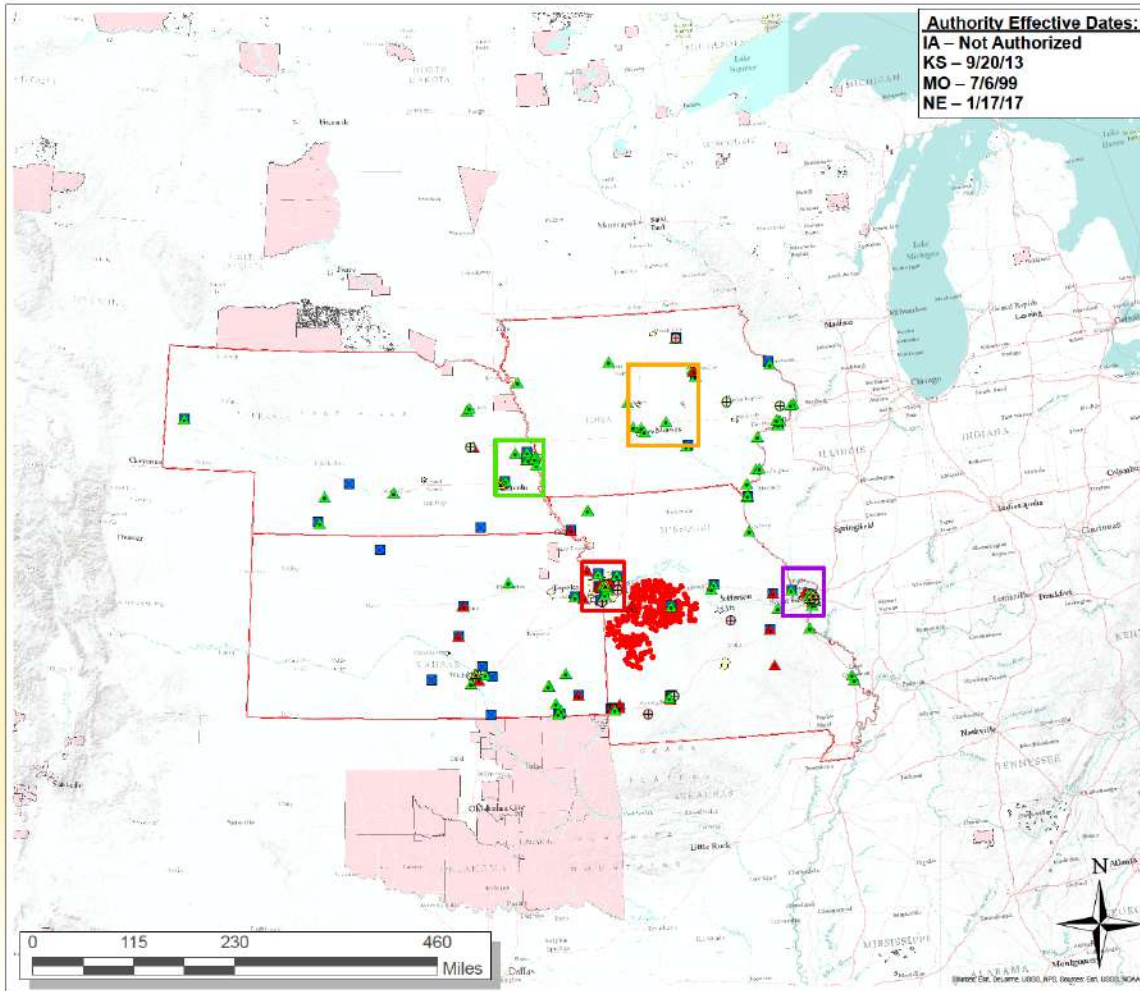
# Region 7 RCRA CA LTS Universe



Omaha/Lincoln Metro Areas



Kansas City Metro Area



**Authority Effective Dates:**  
 IA - Not Authorized  
 KS - 9/20/13  
 MO - 7/6/99  
 NE - 1/17/17



Des Moines/Waterloo Metro Areas



St. Louis Metro Area



EPA Region 7

**2020 Universe**

- ▲ Remy Construction Not Achieved (25)
- ▲ Remy Constructed (CA550 Achieved) (81)

**Non-2020 Universe**

- ⊕ Remy Construction Not Achieved (17)
- ⊕ Remy Constructed (CA550 Achieved) (5)
- Post Closure Universe (49)
- ▲ TSCA/PCB Facilities with Controls (14)
- Minute Man II Sites (156)

Region 7 State Boundaries

City Boundary  
 Tribal Nations



Notes: Data updated in December 2018.

# Region 7 Long Term Stewardship

- ▶ Corrective Action
- ▶ PCB approvals
- ▶ Post-Closure Care
- ▶ Minute Man II sites
- ▶ National Dialogue has begun
- ▶ Region 7 Approach
  - ▶ Annual Desk Top Assessments
  - ▶ On-site LTS Assessments
- ▶ POC
  - ▶ Lisa Messinger
  - ▶ 913-551-7403
  - ▶ [Messinger.lisa@epa.gov](mailto:Messinger.lisa@epa.gov)



# Recent Permitting Improvements

Amy Algoe-Eakin

# Withdrew OIAI Memo

- ▶ “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act” issued by William Wehrum on Jan. 25, 2018 withdrew the May 1995 Seitz memo “Potential to Emit for MACT Standards - Guidance on Timing Issues”
- ▶ Now following plain language of CAA
- ▶ Proposed revisions to Part 63 General Provisions at OMB

# Recent NSR Guidance

Title	Date
New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability	Dec. 7, 2017
Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program	March 13, 2018
Technical Guidance for Demonstration of Inter-Precursor Trading (IPT) for Ozone in the Nonattainment New Source Review Program	May 25, 2018

## Recent NSR Guidance (cont)

Title	Date
Plantwide Applicability Limit (PAL) Emissions Level	June 14, 2018
Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program	April 17, 2018

Documents available at <https://www.epa.gov/nsr>

# Upcoming NSR Guidance

Title	Date
<b>Draft Guidance</b> Interpreting “Adjacent” for New Source Review and Title V Source Determinations in All Industries Other Than Oil and Gas	Sept. 4, 2018
<b>Draft Guidance</b> Guidance on the Development of Modeled Emission Rates for Precursors (MERPs) as a Tier 1 Demonstration Tool for Ozone and PM <sub>2.5</sub> under the PSD Permitting Program	Dec. 1, 2016
<b>Draft Guidance</b> Revised Policy on Exclusions from “Ambient Air”	November 2018

# Project Aggregation

- ▶ Nov. 7, 2018 - EPA completed a reconsideration of a 2009 action to clarify “project aggregation” for the major New Source Review (NSR) permitting program.
- ▶ FR notice in 83 FR 57324 on Nov. 15, 2018



# Federal Reg Update



RCRA Hazardous Waste Rules 2018-2019

Nicole Moran

# Rule Topics

- ▶ Implementation of e-Manifest
- ▶ Pharma [Pharmaceutical]
- ▶ Pending Aerosol
- ▶ CCR [Coal Combustion Residual]
- ▶ Implementation Hazardous Waste Generator Improvement Rule (HWGIR)



# e-Manifest Rule



# e-Manifest Rule

- ▶ **Industry** (driven principally by TSDFs)
- ▶ **Empowered by statute** (2012)
- ▶ **Effective throughout United States**  
30 June 2018

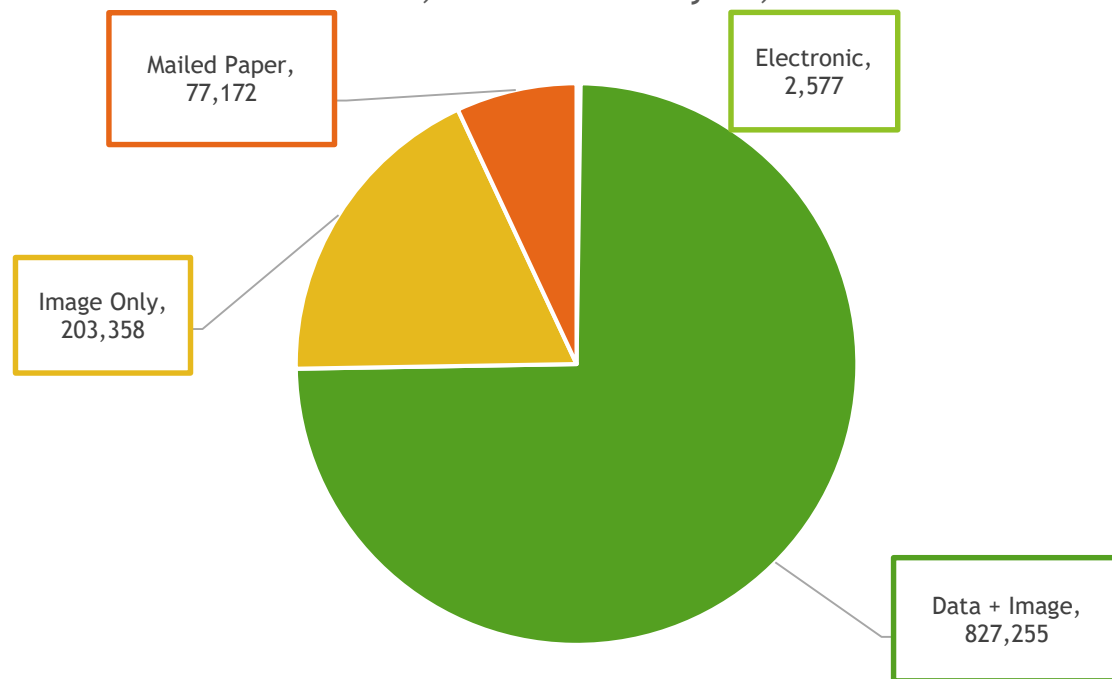
# e-Manifest Rule



- ▶ 18 workshops reaching 1300 people in IA, KS, MO & NE
- ▶ <https://www.epa.gov/ks/e-manifest>
- ▶ Compliance assistance materials

# e-Manifest Rule

e-Manifest System Manifest Submissions  
June 30, 2018 - February 20, 2019



# e-Manifest Rule



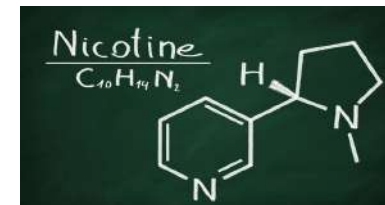
- ▶ EPA - processing paper manifests
- ▶ EPA - meeting generator functionality requests
- ▶ Industry - Quality assuring uploads - data + image

# e-Manifest Rule



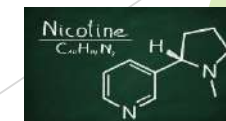
- ▶ States - <https://www.epa.gov/ks/e-manifest> (left side bar)
- ▶ EPA - Rebecca Wenner, 913.551.7644 or [Wenner.Rebecca@epa.gov](mailto:Wenner.Rebecca@epa.gov)

# Pharma Rule



# Pharma Rule

- ▶ Better fit for healthcare sector
- ▶ Eliminate sewerage HW Pharmaceuticals (HWP, a new acronym for a wordy term-of-art)
- ▶ Reduce overlapping regs
- ▶ Clarity & consistency
- ▶ Regulatory relief



# Pharma Rule

- ▶ Signed 11 December 2018
- ▶ Promulgated 22 February 2019  
[84 Federal Register 5816.](#)
- ▶ **Effective 21 August 2019** in Iowa, Alaska, Indian Country & Territories  
[sewer prohibition effective nationwide, see next slide]

# Pharma Rule

## Sewer prohibition

- ▶ Effective **21 August 2019** all States, India..  
Country and Territories
- ▶ Coordinated with DEA
- ▶ Applies to HWP



# Pharma Rule

- ▶ Relax definitions of P075 (nicotine)
- ▶ Re-defines “empty” container
- ▶ HWP defined as solid wastes
- ▶ Special dispensation for HHWP & DEA collection programs



# Pharma Rule

- ▶ 40 CFR 266 Subpart P - governs the storage and transport of HWP
  - ▶ SQG HWP
  - ▶ LQG HWP
  - ▶ Reverse Distributors
  - ▶ VSQG (optional)



# Pharma Rule

## Impacted class

- ▶ **Non-residential care centers** - hospitals & clinics
- ▶ **Residential care centers** - nursing homes, assisted living, & hospice
- ▶ **Reverse Distributors**

# Pharma Rule

## Impacted class

- ▶ Distribute or sell wholesale or retail
- ▶ General merchandisers
- ▶ Veterinary services
- ▶ Practitioners - other than veterinarians

# Pharma Rule

## **NOT** included

- ▶ Pharmaceutical manufacturers - unless as Reverse Distributor
- ▶ Farmers, Ranchers, & Fisheries
- ▶ Household usage [household hazardous waste]

# Pharma Rule

## OUTREACH EFFORTS



- ▶ Awareness in Region 7
- ▶ Iowa - detailed compliance assistance workshops
- ▶ Coordinate with professional associations

# Pharma Rule



▶ EPA - Marcus Rivas, 913.551.7669  
or [Rivas.Marcus@epa.gov](mailto:Rivas.Marcus@epa.gov)

▶ Web support - FAQs & webinar content,  
<https://www.epa.gov/hwgenerators/final-rule-management-standards-hazardous-waste-pharmaceuticals-and-amendment-p075>



# Aerosol Cans Rule

- ▶ EPA proposed to add hazardous waste aerosol cans to those “universal wastes” regulated under title 40 CFR part 273
- ▶ Rule Proposed 16 March 2018  
[83 Federal Register 11654](#)
- ▶ Comment closed 16 April 2018  
[EPA Docket EPA-HQ-OLEM-2017-0463](#)

# Aerosol Cans Rule

## Proposed Elements

- ▶ Assumes cans will be recycled as scrap metal
- ▶ Does not include gas cylinders
- ▶ Allows GEN or other handlers to puncture container

# Aerosol Cans Rule

## Proposed Elements

- ▶ Puncture waste must receive HW determination (not UW)
- ▶ FIFRA allows pesticide disposal by this method
- ▶ P-listed aerosol cans still hazardous unless triple rinsed

# Aerosol Cans Rule

- ▶ EPA workgroup reconciling comments
- ▶ Region 7 staff active on workgroup
- ▶ Final Rule expected August 2019
- ▶ When finalized:
  - ▶ Rule effective in Iowa, Alaska, Indian Country & Territories
  - ▶ Rule not effective in authorized programs until adopted

# Aerosol Cans Rule



- ▶ EPA - Ed Buckner, P.E.,  
913.551.7621 or  
[Buckner.Edwin@epa.gov](mailto:Buckner.Edwin@epa.gov)

- ▶ Web support -  
<https://www.epa.gov/hw/increasing-recycling-adding-aerosol-cans-universal-waste-regulations>

# Coal Combustion Residuals



# CCR

- ▶ Final Rule published 2015 - designed as “self-regulating”
- ▶ 2016 Congress passed WIIN Act - allows States CCR permit program
- ▶ Settlement agreement and WIIN Act driving EPA to modify provisions of the CCR Rule
- ▶ Phased approach to proposed changes

# CCR

- ▶ Phase One, Part One Final Rule - effective August 29, 2018  
[83 Federal Register 36435](#)
  - ▶ Alternative performance standards
  - ▶ Revised GW protection standards
  - ▶ Extension to closure deadline

# CCR



- ▶ EPA - Robert Aston, 913.551.7392  
or [Aston.Robert@epa.gov](mailto:Aston.Robert@epa.gov)

- ▶ Web support - FAQs, State Permit Programs,  
Initial Inventory ...  
<https://www.epa.gov/coalash>

# HW Generator Improvements Rule



# HWGIR

- ▶ Final Rule 28 November 2016  
[81 Federal Register 85732](#)
- ▶ Reorganizes the regulations to make them more user-friendly
- ▶ Provides greater flexibility
- ▶ Addresses identified gaps in the regulations
- ▶ Clarifies components of the program to address ambiguities

# HWGIR

## Major Regulation Provisions

- ▶ Reorganization
- ▶ Consolidation of CESQG Waste at LQGs
- ▶ Episodic Generation
- ▶ Emergency Planning and Preparedness
- ▶ Hazardous Waste Determinations
- ▶ Labeling
- ▶ Reporting
- ▶ Satellite Accumulation Areas
- ▶ Waiver to 50-foot Requirement
- ▶ Closure
- ▶ Additional Clarifications



# HWGIR



- ▶ EPA - Ed Buckner, P.E. , 913.551.7621 or [Buckner.Edwin@epa.gov](mailto:Buckner.Edwin@epa.gov)

- ▶ Web support - Fact sheet, webinar, ...  
<https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>





# Preventing Chemical Accidents Updates, Resources, and Planned Outreach



**Wilfredo Rosado-Chaparro**  
EPA Region 7



# Agenda

- ▶ Keys to accident prevention
- ▶ Updates on Risk Management Program rule change
- ▶ Resources and planned outreach



# Clean Air Act (CAA) Amendments of 1990

- ▶ General Duty Clause [Section 112(r)(1)]
- ▶ EPA Risk Management Program [Section 112(r)(7)]
- ▶ OSHA Process Safety Management (PSM)
- ▶ Established Chemical Safety Board (CSB) to investigate incidents

## Goals

- Prevent accidents from occurring
- Minimize consequences of accidents that do occur



# CAA 112(r)(1) - General Duty Clause

Any stationary source with an extremely hazardous substance (listed or not listed), regardless of quantity on-site, has a general duty to:

- ▶ Identify hazards which may result from a release
- ▶ Design and maintain a safe facility
- ▶ Take such steps as are necessary to prevent releases
- ▶ Minimize the consequences of accidental releases that do occur
  - ▶ Coordinate with local emergency planners/responders

EPA guidance on GDC implementation

[www.epa.gov/rmp/general-duty-clause-under-clean-air-act-section-112r1](http://www.epa.gov/rmp/general-duty-clause-under-clean-air-act-section-112r1)



# Risk Management Program Elements

- ▶ Management System
- ▶ Hazard Assessment
- ▶ Prevention Program
- ▶ Emergency Response
- ▶ Risk Management Plan



# Key to Accident Prevention

- ▶ Learn from accidents/incidents
  - ▶ **Including near-miss incidents**
- ▶ Compare your process to Recognized and Generally Accepted Good Engineering Practices (RAGAGEP)
  - ▶ There is no grandfathering - review new/revised standards



**National Fire  
Protection Association**

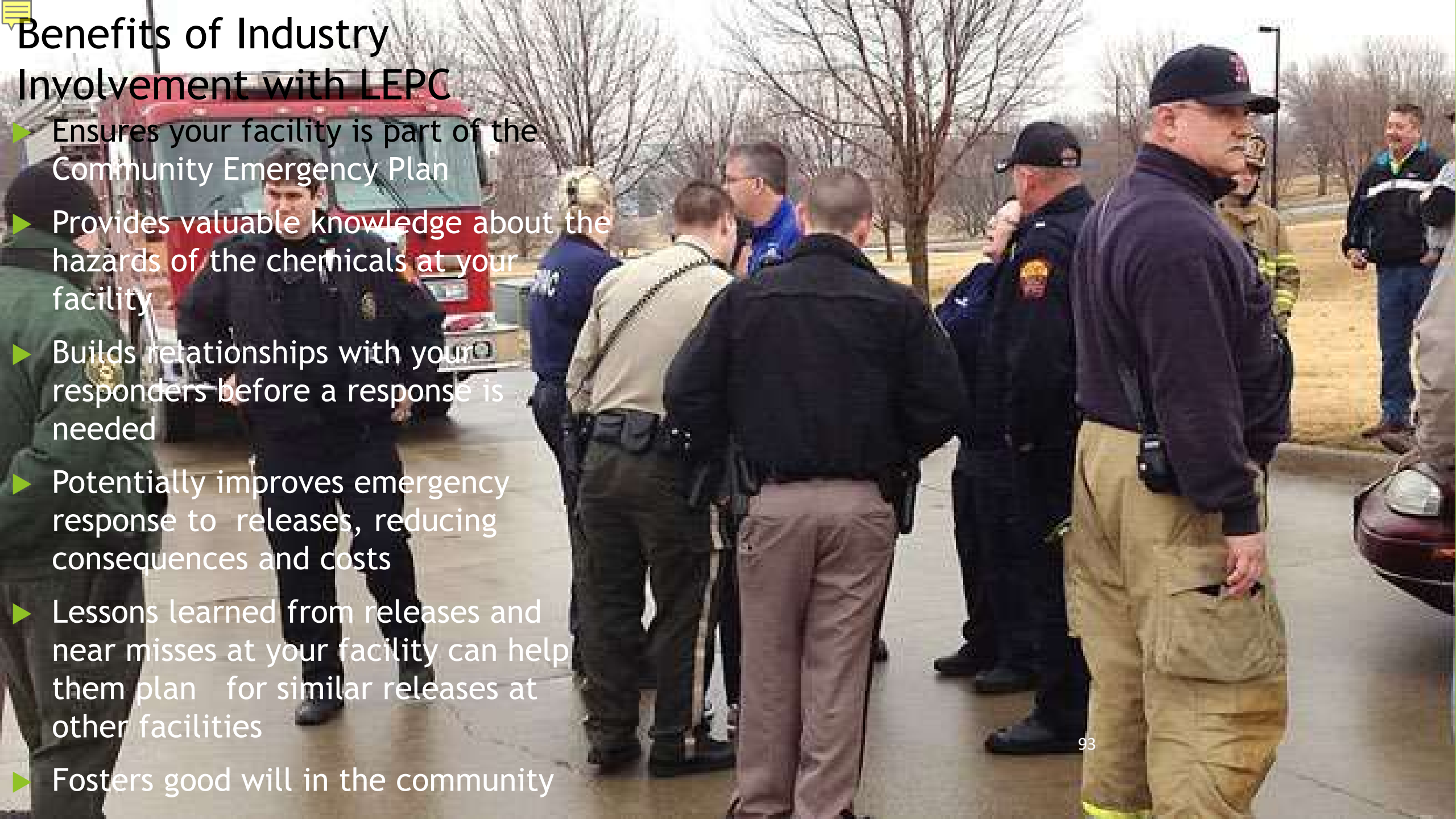
The authority on fire, electrical, and building safety



# Benefits of Industry

## Involvement with LEPC

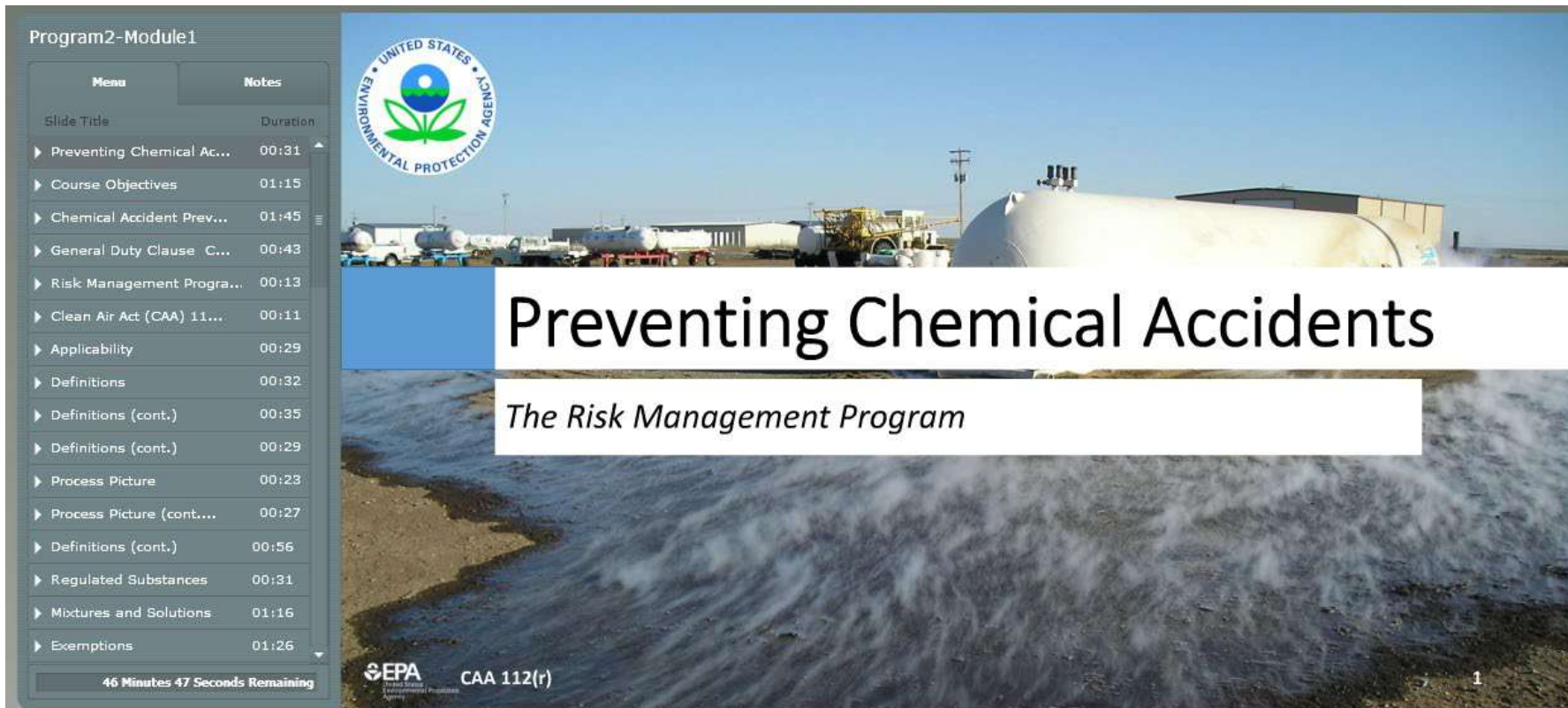
- ▶ Ensures your facility is part of the Community Emergency Plan
- ▶ Provides valuable knowledge about the hazards of the chemicals at your facility
- ▶ Builds relationships with your responders before a response is needed
- ▶ Potentially improves emergency response to releases, reducing consequences and costs
- ▶ Lessons learned from releases and near misses at your facility can help them plan for similar releases at other facilities
- ▶ Fosters good will in the community



# Risk Management Program Resources

Main website: [www.epa.gov/rmp](http://www.epa.gov/rmp)

Training: [www.epa.gov/rmp/region-7-risk-management-plan-rmp-training-workshop](http://www.epa.gov/rmp/region-7-risk-management-plan-rmp-training-workshop)



The screenshot shows a training interface for 'Program2-Module1'. On the left is a table of contents with 'Menu' and 'Notes' tabs. The main area displays a slide with the EPA logo, a photograph of an industrial facility, and the title 'Preventing Chemical Accidents' with the subtitle 'The Risk Management Program'. The slide also includes the EPA logo, the text 'EPA United States Environmental Protection Agency', and 'CAA 112(r)'. A timer at the bottom left indicates '46 Minutes 47 Seconds Remaining'.

Slide Title	Duration
▶ Preventing Chemical Ac...	00:31
▶ Course Objectives	01:15
▶ Chemical Accident Prev...	01:45
▶ General Duty Clause C...	00:43
▶ Risk Management Progra...	00:13
▶ Clean Air Act (CAA) 11...	00:11
▶ Applicability	00:29
▶ Definitions	00:32
▶ Definitions (cont.)	00:35
▶ Definitions (cont.)	00:29
▶ Process Picture	00:23
▶ Process Picture (cont....	00:27
▶ Definitions (cont.)	00:56
▶ Regulated Substances	00:31
▶ Mixtures and Solutions	01:16
▶ Exemptions	01:26

46 Minutes 47 Seconds Remaining

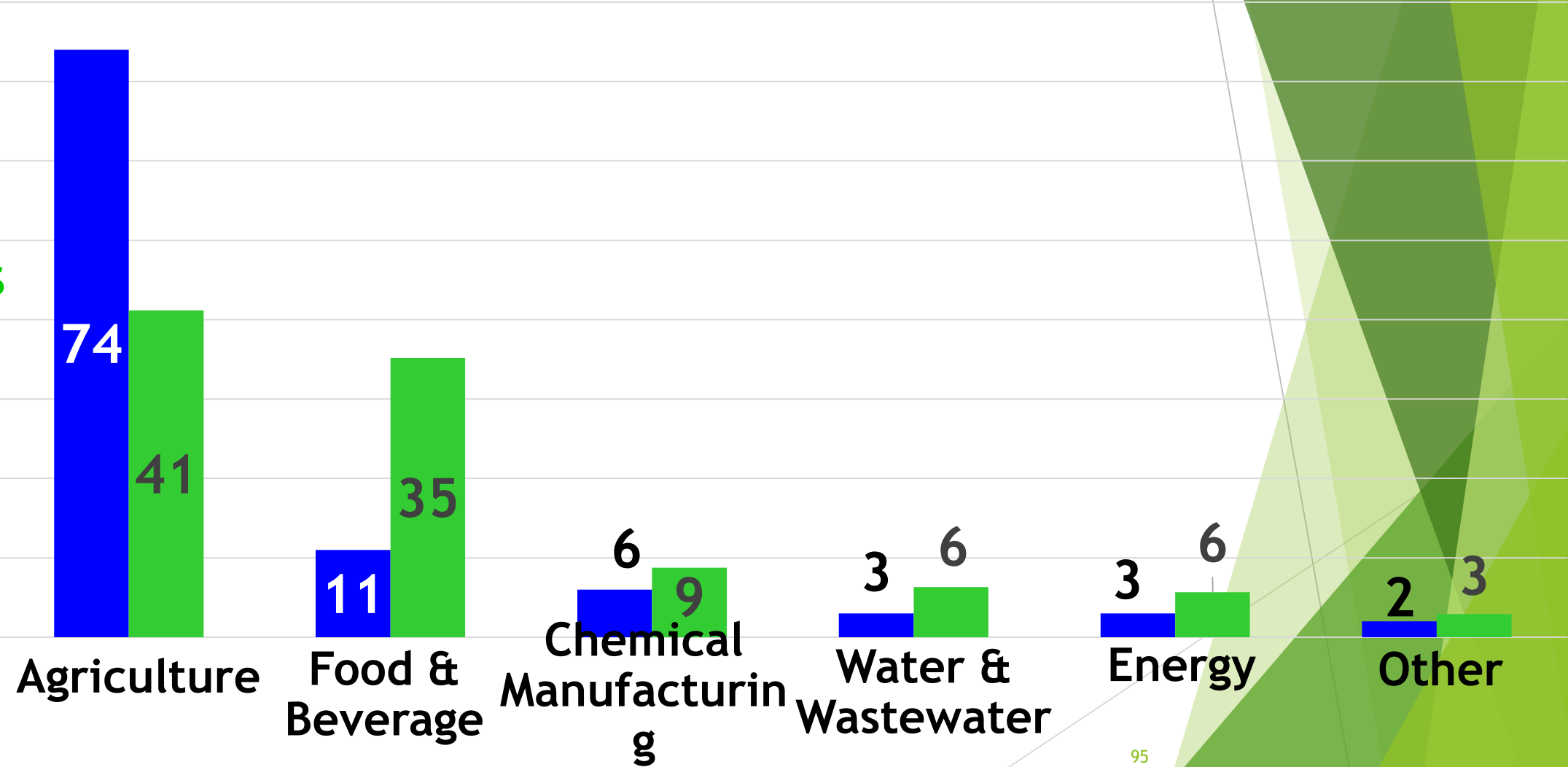
EPA United States Environmental Protection Agency

CAA 112(r)

1

# Region 7 Risk Management Program Facilities and Accidents

% RMPs  
% RMP  
Accidents





# Risk Management Program Chosen for National Compliance Initiative (NCI)

- ▶ October 2016 to September 2019
- ▶ Greater emphasis on outreach and enforcement
- ▶ Several sectors selected; compliance assistance tools for ammonia refrigeration sector are available

[www.epa.gov/enforcement/national-enforcement-initiative-reducing-risks-accidental-releases-industrial-and](http://www.epa.gov/enforcement/national-enforcement-initiative-reducing-risks-accidental-releases-industrial-and)

# Changes to Risk Management Program Rule



- ▶ Court ruled that the rule modernization is now in effect
  - ▶ Compliance dates found at: [www.epa.gov/sites/production/files/2018-09/documents/rmp\\_emergency\\_coordination\\_minor\\_provisions\\_compliance\\_info\\_9-24-18\\_final.pdf](http://www.epa.gov/sites/production/files/2018-09/documents/rmp_emergency_coordination_minor_provisions_compliance_info_9-24-18_final.pdf)
- ▶ Public comment period ended in August for Vacatur Rule  
[www.epa.gov/rmp/risk-management-plan-rmp-delay-rule-vacatur](http://www.epa.gov/rmp/risk-management-plan-rmp-delay-rule-vacatur)
- ▶ **Make sure you coordinate with local emergency response agencies**
  - ▶ Includes fire departments and LEPCs
  - ▶ Provide emergency response/action plans and emergency contact information

# Resource: Region 7 Emergency Preparedness Newsletter

- ▶ Semi-annual
- ▶ Topics include LEPC spotlight, industry spotlight, federal and state updates, upcoming events in Region 7, and training resources
- ▶ To be added to the list or submit article ideas contact Jodi Harper at: [R7PreparednessNewsletter@epa.gov](mailto:R7PreparednessNewsletter@epa.gov)



Participants and presenters from the Mid-America LEPC CFATS Training

**U.S. Environmental Protection Agency, Region 7**  
Iowa, Kansas, Missouri, Nebraska and Nine Tribal Nations



March 2019 Volume 4

## LEPC Spotlight

### Mid-America LEPC Provides Training on CFATS

On August 16, 2018, the Mid-America LEPC, in conjunction with the U.S. Department of Homeland Security (DHS), hosted a regional workshop addressing chemical facility security and anti-terrorism standards under CFATS. The focus was to:



- Encourage partnerships between industry and the LEPC to strengthen preparedness
- Provide an opportunity for business and industry to meet and interact with local, state and federal partners regarding chemical facility security and regulatory standards

- Serve as a forum to learn about tools and resources provided by federal agencies to the private sector, which are intended to enhance safety and security
- Provide a way for private sector partners who work with chemicals or operate production facilities to learn about regional threats that planners and first responders must consider

Participants received a regional threat briefing from the U.S. Federal Bureau of Investigation and learned about the Kansas City Regional Fusion Center. The U.S. Environmental Protection Agency discussed spill prevention and response resources.

DHS presenters shared information about the CFATS program, the current Regional Sector Outreach and Protective Security Advisors program, and DHS voluntary programs.

*Continued on next page*

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# Live Training Opportunities

## Chemical Accident Prevention Workshops

- ▶ Hosted by EPA and Industry Partner
- ▶ Topics covered:
  - ▶ Regulation 101
  - ▶ Common compliance issues
  - ▶ Key industry standards
  - ▶ Inspection and enforcement process
  - ▶ Site visit with inspectors
- ▶ Perry, Kansas (July 2018)
- ▶ Western Kansas (July 2019)
- ▶ Nebraska or Iowa (July 2019)



# Join Us for the R7 Region 7 LEPC Emergency Planning and Response Conference

- ▶ August 8-10, 2019, in Omaha, Nebraska
- ▶ Includes an industry track
- ▶ Thursday - Training day
  - ▶ Includes an exercise
- ▶ Friday and Saturday track sessions - include an industry track
  - ▶ Confirmed sessions include various case studies, Working with LEPCs to Protect Your Neighbors, LEPC Networking, CFATS/Voluntary programs, and Developing Your LEPC Exercise



# Building Partnerships Between Industry and Emergency Planners/Responders

- ▶ Consider becoming a sponsor or exhibiting a booth
  - ▶ Expect over 200 attendees
- ▶ Nominate your candidates for:
  - ▶ Outstanding LEPC Award (3 per state, 1 tribal)
  - ▶ Industry Award (2 per state)
  - ▶ Exercise Award
  - ▶ Digital Communications Award
  - ▶ Innovation Award
- ▶ For more information visit: [www.regonline.com/2019LEPC](http://www.regonline.com/2019LEPC)





# Region 7 Resources

## Chemical Accident Prevention State Coordinators

Iowa: Krystal Stotts; [stotts.krystal@epa.gov](mailto:stotts.krystal@epa.gov); (913) 551-7946

Kansas: Terri Blunk; [blunk.terri@epa.gov](mailto:blunk.terri@epa.gov); (913) 551-7013

Missouri: Dave Hensley; [hensley.dave@epa.gov](mailto:hensley.dave@epa.gov); (913) 551-7768

Nebraska: Terri Blunk; [blunk.terri@epa.gov](mailto:blunk.terri@epa.gov); (913) 551-7013

Compliance assistance for industry  
Assists and provides guidance for local and state  
emergency planners/responders



# Resources: Other Region 7 Federal Contacts

Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS)

Rodney Lockett; [rodney.lockett@hq.dhs.gov](mailto:rodney.lockett@hq.dhs.gov); 202-841-2065

Department of Labor (DOL)/Occupational Safety and Health Administration (OSHA)

Angela Irwin; [irwin.angela@dol.gov](mailto:irwin.angela@dol.gov); 816-502-9023



# Your Presenter

**Wilfredo (Wilo) Rosado-Chaparro**

Acting Branch Chief

Chemical and Oil Release Prevention (CORP) Branch

U.S. EPA Region 7

11201 Renner Boulevard

Lenexa, KS 66219

Phone: 913-551-7944 Cell: 816-225-3089

Email: [rosado-chaparro.wilfredo@epa.gov](mailto:rosado-chaparro.wilfredo@epa.gov)

Website: [www.epa.gov/aboutepa/epa-region-7-midwest](http://www.epa.gov/aboutepa/epa-region-7-midwest)



# Closing Remarks

Mike Jay, Branch Chief, Air Planning and Development Branch