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#### 09.24.2018 [New EPA Guidance Proposed on Clean Air Act Single Source Determinations – Industrial Air Emission Sources May Benefit](#)

By Paul Jacobson

On September 5, 2018, EPA issued a [draft guidance document](#) announcing a shift of the term “adjacent” in the context of the Clean Air Act’s New Source Review (NSR) and title V operating permit programs which may benefit industrial air sources. This interpretation would focus EPA’s attention on physical proximity of facilities when making source determinations, rejecting EPA’s past practice of considering “functional interrelatedness.”

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**03.26.2016** [\*\*EPA to Focus on RMP Chemical Accident Prevention and Safety, Issues Proposed Rule and Will Increase Enforcement\*\*](#)

By Andrew C. Brought

Businesses that store and use flammable and toxic chemicals that are regulated under EPA's Risk Management Plan (RMP) Program at 40 CFR Part 68 need to be aware of recent actions by the U.S. Environmental Protection Agency aimed at curtailing chemical accidents and releases through new proposed regulations and also enforcement. Facilities potentially subject to EPA's initiatives include chemical plants and refineries, POTWs that use chlorine as a disinfectant, as well as those companies that use and store bulk anhydrous ammonia as an industrial refrigerant (dairy operations, food and pharmaceutical manufacturing, cold storage warehousing) or as fertilizer (agricultural cooperatives, fertilizer distribution).

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**07.01.2015** [\*\*EPA's Air Rules Must Consider Costs, Says U.S. Supreme Court\*\*](#)

On June 29, 2015, the United States Supreme Court announced its decision in *Michigan v. Environmental Protection Agency*, holding that EPA unreasonably interpreted a provision of the Clean Air Act regarding the regulation of power plants under the EPA's Mercury and Air Toxics Standard (MATS) (also referred to as the Utility MACT).

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**06.06.2015** [\*\*Warehouse and Distribution Center Fined \\$3 Million for Anhydrous Ammonia Releases from its Industrial Refrigeration System\*\*](#)

By Andrew C. Brought

On June 2, 2015, the U.S. EPA and DOJ announced a \$3 million dollar settlement with Millard Refrigerated Services, a company specializing in refrigeration and distribution services to retail, food service, and food distribution companies. The settlement resolves alleged violations of the EPA's Risk Management Program, the Clean Air Act's General Duty Clause, and CERCLA and EPCRA release reporting requirements stemming from three releases of the industrial refrigerant anhydrous ammonia from the facility's Mobile Marine Terminal in Alabama. Among the release incidents was an August 2010 release involving hospitalization and medical treatment of individuals who were offsite working on decontaminating ships in response to the 2010 oil spill in the Gulf of Mexico.

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**06.06.2015** [\*\*Kansas City Passes Ordinance Requiring Building Owners to Disclose Energy and Water Usage\*\*](#)

By Bradford J. Cytron, Roger Denny, S. Shawn Whitney, Elizabeth Fast, David Schatz

On June 4, 2015, by a 12-1 vote, the City Council of Kansas City, Missouri, passed the Energy Empowerment Ordinance (No. 150299) that will require building owners to disclose energy and water usage.

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**04.07.2015** [\*\*EPA Revises its Supplemental Environmental Project – SEP Policy\*\*](#)

By Andrew C. Brought

On March 10, 2015, EPA issued a new revised 2015 Update to its Supplemental Environmental Project (SEP) Policy, thereby superseding prior SEP policies.

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