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Latest Posts

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.

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.

02.25.2015 [Next Generation Compliance—EPA Strategy to Delegate Enforcement to Third Parties?](#)

By Baerbel E. Schiller

In a recent January 2015 Memorandum to EPA's Regional Enforcement Managers from Cynthia Giles, EPA Assistant Administrator for Enforcement, EPA is touting its Next Generation Compliance strategy as "an integrated strategy" intended to "bring together the best thinking from inside and outside EPA."

01.19.2015 [A Sham, a Waste? EPA's New Recycling and Hazardous Waste Rules Finalized](#)

By Andrew C. Brought

Last week, on January 13, 2015, EPA issued its new "Definition of Solid Waste" Final Rule in the Federal Register at 80 Fed. Reg. 1694. This new rulemaking will have significant impacts regarding how secondary hazardous materials are recycled and exempted from the hazardous waste regulations. Unless challenged (and by all accounts it appears at least certain aspects may be litigated based on initial comments by various industrial sectors) the rule becomes effective on July 13, 2015, where EPA is the authorized implementing agency (Iowa, Alaska, American Samoa, and Puerto Rico and the U.S. Virgin Islands). Because RCRA is a federally delegated program, other states will have to adopt the more stringent aspects of the rule discussed below.

06.10.2014 [CERCLA Will Not Save a Toxic Tort Claim which is Barred by a State Statute of Repose](#)

By Kathleen M. Whitby

Earlier today, June 9, 2014, the United States Supreme Court handed down its decision in *CTS Corp. v. Waldburger*, et al., slip op. No. 13–339 (U.S., 6-9-2014). Reversing the Fourth Circuit, the Supreme Court held that the Superfund law's preemption of state statutes of limitation for personal injury or property damage claims does not apply to state statutes of repose. Not every state has such a statute on the books, but for those that do, this may provide an additional shield for defendants, and an additional hurdle for plaintiffs.

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