



Blogs / Transportation

Toggle
Navigation

RECORDED WEBINARS

- [Environmental Enforcement & Crimes Webinar – March 22, 2016](#)

BLOG TOPICS

- [Air Emissions Climate Change & Sustainability](#) (6)
- [Brownfields & Contaminated Properties](#) (13)
- [Environmental Cleanups](#) (12)
- [Environmental Compliance & Enforcement Defense](#) (24)
- [Environmental Litigation](#) (21)
- [Environmental Permitting](#) (9)
- [Environmental Statutes & Regulations](#) (27)
 - [CERCLA / Superfund](#) (12)
 - [Clean Air Act](#) (10)
 - [Clean Water Act](#) (11)
 - [EPCRA](#) (5)
 - [FIFRA](#) (4)
 - [RCRA / Hazardous Waste & Solid Waste](#) (10)
 - [TSCA](#) (4)
- [Fracking](#) (8)
- [Industries](#) (21)
 - [Construction](#) (13)
 - [Energy](#) (12)
 - [Health Care](#) (7)
 - [Life Sciences](#) (9)
 - [Manufacturing](#) (16)
 - [Petroleum](#) (11)
 - [Transportation](#) (9)
 - [Waste Management](#) (12)
- [OSHA / Health & Safety](#) (12)

BLOG EDITORS

[Andrew C. \(Drew\) Brought](#)

T 816.292.8886

abrought@spencerfane.com

ENVIRONMENTAL LAW GROUP

- [Overview](#)
- [Attorneys](#)

Latest Posts

02.01.2018 [EPA Asks States to the Take the Lead in Environmental Enforcement](#)

By Baerbel E. Schiller, Ryan Pulkrabek

Recently, EPA issued an Interim OECA Guidance on EPA and state roles on managing enforcement and compliance assistance. See, [Interim OECA Guidance on Enhancing Regional—State Planning and Communication on Compliance Assurance Work in Authorized States](#). While EPA is seeking to emphasize cooperative federalism in modifying the emphasis of the 1986 revised policy on state/EPA enforcement agreements, as provided in the first footnote of the Guidance, the policy issued on January 22, 2018, appears to make the states the primary enforcer of environmental laws and provides a secondary role for EPA in that regard.

02.05.2017 [EPA and OSHA Increase Civil Penalties – Days Before New Administration](#)

By Andrew C. Brought

In January 2017, both EPA and OSHA increased civil penalties for new enforcement cases. While the increases became effective just days before the new Administration took office, the increases are a result of Congressional action in 2015 to annually adjust civil penalties for inflation by January 15 of each new calendar year.

12.11.2016 [EPA Issues Final Hazardous Waste Generator Improvements Rule](#)

By Paul Jacobson, Baerbel E. Schiller

On November 28, 2016, EPA published the final version of the Hazardous Waste Generator Improvements Rule (the Rule) in the Federal Register. Promulgated under the Resource Conservation and Recovery Act (RCRA), the Rule updates EPA's regulations governing generators of hazardous waste, most of which EPA promulgated in the 1980s. The Rule significantly revises the hazardous waste generator requirements.

09.18.2016 [Retail and Consumer Product Hazardous Waste – Update on Reverse Distribution and Aerosol Cans by EPA](#)

By Andrew C. Brought

On September 12, 2016, EPA issued its "Strategy for Addressing the Retail Sector under RCRA's Regulatory Framework." The strategy document sets forth three actions the agency is expected to finalize in the short-term to help ease the RCRA burden on managing retail and consumer products that may trigger RCRA hazardous waste characteristics or RCRA listings once a decision to discard is made.

03.27.2016 [New OSHA Silica Dust Rule to Impact Over 675,000 Workplaces, Biggest Impact on Construction Industry](#)

By Andrew C. Brought

On March 25, 2016, 81 Fed. Reg. 16286, OSHA issued a new final rulemaking to reduce silica dust exposure that will directly affect more than 2 million construction workers who drill, cut, crush, or grind silica-containing materials such as concrete and stone, and 300,000 workers in general industry operations such as brick manufacturing, foundries, and hydraulic fracturing. OSHA explains that silica dust exposure occurs in common workplace operations involving cutting, sawing, drilling, and crushing of concrete, brick, block, rock, and stone products (such as construction tasks), and operations using sand products (such as in glass manufacturing, foundries, sand blasting, and hydraulic fracturing).

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."

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.

Showing 1-10 of 9 results [View All](#)