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*Chemistry Makes Your Life Better Every Day*

## Newsletter

February

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### Executive Director's Message

The silver lining to all this cold and snow is that the Government of the Commonwealth has been focused almost exclusively on the cold and snow. There has been very little going on in the State as far as regulations and legislation are concerned. On the legislative side, House leadership and committee assignments are just being announced. Bills have not yet received docket numbers or been assigned to committee. The meetings of the TURA committees have been canceled but not yet re-scheduled. The Toluene Diisocyanate (TDI) public hearing set for February 3rd was canceled and the public comment period has ended. Between clogged roads, interminable traffic jams and a broken transit system, officials, legislative members and staff have had a hard time getting into Boston. February was, in short, a lost month. MCTA

The Administration did continue making appointments; Ned Bartlett has been named Undersecretary of the Executive Office of Energy and Environmental Affairs and Marty Suuberg was appointed commissioner of Department of Environmental Protection (MassDEP).

Ned Bartlett previously served as a Partner at Bowditch & Dewey, LLP, a Worcester-based law firm, where he maintained a diverse environmental, energy and transportation practice. Prior to private practice, Ned served as an attorney in a number of environmental and state agencies, and as Special Assistant Attorney General for the Office of the Attorney General of Massachusetts. For more information, please follow this link: <http://www.mass.gov/eea/pr-2015/ned-bartlett-named-undersecretary-of-eea.html>

Suuberg served as Undersecretary for Environmental Affairs in the Executive Office of Energy and Environmental Affairs for a brief period at the end of the Patrick Administration. Before assuming that role, he served as Deputy Commissioner for Policy and Planning at MassDEP, Regional Director of MassDEP's Central Regional Office, MassDEP's General Counsel and has held other positions in the former Executive Officer of Environmental Affairs and Department of Environmental Management. For more information, please go to the following link: <http://www.mass.gov/eea/pr-2014/pr-re-martin-suuberg-as-undersecretary-for-environment.html>

With spring approaching, we expect things to get back to normal. Within the next few weeks, we expect bills to cascade out the Clerk's office and we will have our first look at the legislative landscape. Bill Delaney is ready to jump this, and provide a tracking sheet of bills filed in the 2015-2016 session that impact our member industries. Bill will also be scheduling meetings between me, MCTA members, new legislators and Legislative leadership over the next few months

The Governor's "regulatory pause," effective at least through March 31st, has provided some breathing room on the TURA fee increases; Sean Moynihan will continue working to keep the proposed fees from

ever becoming a reality. Moynihan will also continue to track proposed regulatory issues and will provide regular updates to members.

Administratively, MCTA has a lot going on. Over the next few months, we will be in touch with each of you to gather information about your company and its importance to the Commonwealth. We will also be asking if you would be willing to host a meeting at your plant with your legislative delegation so they can get a first-hand look at what you do and your contributions to the Commonwealth.

We are also updating our website so we can make it more informative and provide additional information on our member companies. Not only do we want to improve its usefulness to members, we want it to serve as an educational resource for anyone who plugs "Massachusetts Chemistry & Technology Alliance" into their search engine. We are also making our communications look more professional and recognizable, and will be getting MCTA email addresses for our Board leadership and executive director.

We are focused on building alliances with other organizations that share similar goals and missions. We have scheduled meetings with ACC, Chemistry Club of New England, and Associated Industries of Massachusetts. Please let me know if there are any other organizations to which we should reach out or meetings we should attend.

Lastly, we are looking to grow our membership base. To remain strong and relevant we always need to expand our membership. Your help in identifying potential members and assisting with outreach would be greatly appreciated.

#### **Dates to Remember:**

April 2, 2015 – MCTA Members & Board Meeting, Dow Chemical, 455 Forrest Street, Marlboro, from 10 am to 2 pm. The agenda will be announced within the next few weeks.

April 7, 2015 – Update on the New Massachusetts Comprehensive Fire Safety Code and HazMat Processing Permit, Worcester Chamber of Commerce, 440 Main Street, Worcester, 9 am to 11 am. Networking will start from 9; the program will begin at 9:30. This event is free and seating is extremely limited. To register, please contact Isabelle Lavigne from Irwin Engineers at [ilavigne@irwinengineers.com](mailto:ilavigne@irwinengineers.com). The update is sponsored by the Central Massachusetts Business Environmental Network in partnership with the Worcester Regional Chamber of Commerce.

#### **Other News:**

EPA issued a proposed rule in the Federal Register of January 15, 2015, concerning 2,4-toluene diisocyanate, 2,6-toluene diisocyanate, toluene diisocyanate unspecified isomers (these three chemical substances are hereafter referred to as toluene diisocyanates or TDI) and related compounds. This document extends the comment period for 45 days, from March 16, 2015, to April 30, 2015. The comment period is being extended because EPA received comments asserting that there may be significant implications for the supply chain and it is critical that interested stakeholders have sufficient time to respond to the proposed rulemaking.

On another issue, EPA has announced that it is starting the technical review phase of petitions to add n-Propyl Bromide (nPB) to the list of Hazardous Air Pollutants. The February 6th announcement kicked off the public comment period; all comments must be received on or before March 9, 2015.

#### **ACC State of the Industry:**

The Chemical Activity Barometer (CAB), a leading economic indicator created by the American Chemistry Council (ACC), dipped 0.2 percent this month, following a 0.3 percent gain in January, as measured on a three-month moving average (3MMA). Accounting for adjustments, the CAB remains up 3.2 percent over this time last year.

The Chemical Activity Barometer has four primary components, each consisting of a variety of indicators: 1) production; 2) equity prices; 3) product prices; and 4) inventories and other indicators. During February, the components were mixed, with production and equity prices up, product prices down, and inventories continuing to improve.

“Heavy snows in New England and severe cold weather across much of the nation are affecting growth prospects this quarter,” said Dr. Kevin Swift, Chief Economist at ACC. “However, chemical equity prices still surged in February and have outperformed the overall stock market, which is always a good sign,” he added.

### **Storage Tank Regulations Update**

Gary Roberts, Project Manager for MCTA Member Tighe & Bond, Inc., provided the following synopsis of the changes to the Petroleum and Hazardous Material Storage Tank Regulations that went into effect on January 1, 2015.

The start of the year brought major changes to the Massachusetts aboveground storage tank (AST) and underground storage tank (UST) regulations. For aboveground tanks, the Massachusetts Fire Marshal issued a revised Comprehensive Fire Safety Code, 527, CMR 1.00 on January 1, 2015. This revised code adopts the National Fire Protection Association (NFPA) Fire Code, NFPA 1, 2012 Edition with Massachusetts amendments. All previous sections of the Fire Code have been rescinded. The Fire Marshal’s Office has also revised 502 CMR 5.00 (Permit and Inspection Requirements for Aboveground Storage Tanks of More Than Ten Thousand Gallons Capacity).

Because the previous Massachusetts Fire Code incorporated NFPA 30 (Flammable and Combustible Liquids Code), these regulatory changes do not dramatically change the installation, maintenance or operational requirements for storage tank owners. It is important to note that 2012 edition of NFPA 30 is now referenced through NFPA 1, the 2003 edition is no longer the referenced standard.

A more significant change was made through the revisions to 502 CMR 5.00. Under this regulation Owners of individual tanks storing over 10,000 gallons of “any fluid other than water” must obtain a permit from the Fire Marshal to construct and maintain the tank. Previously tanks had to be inspected annually by a Qualified Inspector and the Fire Marshal would issue a Use Permit for the tank that would be valid for one year. Under the revised regulation the inspector must determine the appropriate Approved Standard for inspecting each tank and submit their determination to the Fire Marshal for approval by the end of 2015. Use Permits will now be issued by the Fire Marshal for a five year period. The inspectors are now responsible for reporting back to the Fire Marshal documenting that the tank is being inspected in accordance with the Approved Standard.

On the UST side the MassDEP issued one new regulation and amended three others effective January 2, 2015; a new 310 CMR 80.00 (Underground Storage Tank Systems) and amendments to 310 CMR 30.00 (Hazardous Waste Management), 310 CMR 70.00 (Environmental Results Program) and 310 CMR 80.01-80.02 (Operator Training). As expected, the changes to 310 CMR 30.00, 310 CMR 70.00 and the 310 CMR 80.01-80.02 were to maintain consistency with the new 310 CMR 80.00.

Many of the requirements in the new Underground Storage Tanks Systems will look familiar to those that were acquainted with former UST regulation 527 CMR 9.00. Many of the requirements such as the design and installation requirements, overfill protection, leak detection, cathodic protection have been

modified only slightly. But there are some major changes that UST Owner and Operators need to be aware of. Here's a brief list of what's new:

1. UST systems that are have interstitial monitoring of the tank and piping no longer need to meet the inventory monitoring requirements.
2. Piping sumps must be tested hydrostatically or by vacuum (i.e. tightness) by January 2, 2017.
3. New or replacement spill buckets must be at least 5 gallons in capacity – existing spill buckets do not need to be replaced.
4. Monthly Owner/Operator inspections must be documented – this is not a new requirement, but enforcement by the MassDEP has been sporadic up until now.
5. Compliance certification forms must be submitted to the MassDEP between 16 and 18 months after your Third Party Inspection date. This certification will be submitted electronically to the MassDEP. The electronic forms are expected to be released in May, 2015.
6. Delivery prohibition – five conditions have been identified by MassDEP that will result in a delivery prohibition, they are:
  - a. Spill prevention is not operating as required;
  - b. Overfill protection is not operating as required;
  - c. Leak detection equipment is not operating as required;
  - d. Corrosion protection equipment is not operating as required;
  - e. Failure to demonstrate or maintain adequate financial responsibility

MassDEP can also red tag a system for any condition that “poses a significant threat to public health, safety or the environment, as determined by the Department at its sole discretion.”

MassDEP has issued an enforcement discretion through April 30, 2015 and will not issue fines for violations found during this grace period, except for failure to comply with the Third Party Inspection requirement.

For more information on the MCTA newsletter or to provide content for future newsletters, please contact Executive Director Katherine Robertson at [krbertsconsulting@hotmail.com](mailto:krbertsconsulting@hotmail.com) or at 508-791-0445.