



TOPIC 2
EPA & DEEP Morphing,
Citizens & NGOs
Rising: Updating Your
Compliance Program
in the New Regulatory
World

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EPA and DEEP Morphing, NGOs and Citizens Rising: Updating Your Compliance Program to the Changing Regulatory World

CBIA E2 CONFERENCE
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Boston | Hartford | New York | Providence | Stamford | Albany | Los Angeles | Miami | New London | rc.com

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Agenda

- Changing Compliance Context
 - EPA and DEEP Morphing
 - Implications for CT Facilities
 - Growing Use of Technology
 - NGOs and Citizen Rising
- Industry Perspective: Adapting EH&S Management
 - Legrand
 - Kaman

What is ***“The Changing Regulatory World”***

While the responsibilities of Environmental Professionals are always changing, new pressures and paradigms are changing the traditional risk points



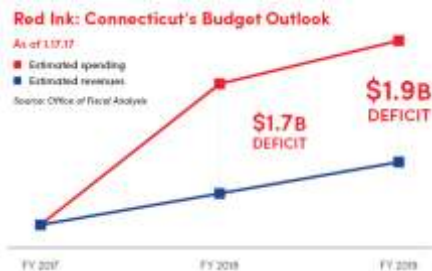
Federal Landscape

- Shrinking EPA
 - FY 2018 Budget is a 30% reduction over prior
 - Programs eliminated
 - Workforce reduction
 - Changing ability to serve
- Changing EPA
 - Scope of EPA
- No federal leadership on greenhouse gases
- Look for states or even municipalities to step into the gap.



State Landscape

- Budget Realities
 - 2018, 2019 and beyond
- Retirement Realities
 - 50% of CTDEEP eligible to retire within 72 months
- Loss of institutional knowledge & relationships
- “Doing less with less”



The Social Landscape

- **Our Culture**
 - Very little understanding of “risk”
 - Popular culture driving views & opinion
 - We want sound bites
- **Fake news & real information**
 - Non-Governmental Organizations (NGOs) for every cause and location
 - New media willing to take content from everywhere



What Does This Mean for You

- **Regulatory Fragmentation**
 - Increasingly complex potentials
 - Influence of litigation outcomes must be monitored
- **Less support from regulatory service providers**
 - Less “outreach”
 - Lost knowledge of your facility
- **Social expectations and tools**
 - Pressure from new directions



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- **2-dimensional puzzle is becoming a multi-dimensional puzzle**



The dynamic environment at EPA

- Multiple major initiatives/pullbacks
 - e.g.,
 - Postponement and review of all rules published but not yet effective
 - “2 for 1” Executive Order
 - EPA: Public solicitation of proposals for regulatory reforms



Implications for CT Facilities

- **Direct impact: So far, limited**
 - 2016 tightening of **CAA 112(r) Accidental Release Prevention/Risk Management Program**: In limbo
 - 2016 tightening of **refrigerant/ODS* regulations** (40 CFR Part 86): In limbo; pending legal challenge now stayed
 - **Hazardous waste generator improvements rule**: Legal challenge pending, but settlement coming?

* Ozone-depleting substances

Implications for CT Facilities

- **Broader impacts**
 - Newest ozone NAAQS* implementation: Delayed
 - Likely lead to delay in controlling upwind states
 - Climate change:
 - Clean Power Plan: Suspended, to be withdrawn?
 - Paris Accord: Withdraw, seek to renegotiate?
 - Increased state (and local?) efforts?
 - “Waters of the U.S.”: Further muddied
 - EPA call for regulatory reform proposals: Results TBD
 - Superfund and RCRA Corrective Action
 - Clean Air Act programs

* National Ambient Air Quality Standard

Increased Role of Technology and CCS

- Crowdsourcing and Citizen Science
- Remote Sensing Equipment, Cameras, Drones
- Ambient/Resource Monitoring
 - By source, per regulation ... e.g. petroleum refinery NESHAP requiring continuous benzene monitoring at fence line (Sept. 2015)
 - By source, through enforcement settlements
 - By citizens/agencies
 - Clean Air Coalition / Tonawanda Coke (Western NY)
 - Neighbor complaints re: particulates (Minneapolis)
 - Moss/Metals “hot spot” investigation (Portland, OR)

Increased Role of Technology and CCS



Increased Role of Technology and CCS

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Remote Sensing with Infrared Camera

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Drone Surveillance



<http://www.dailymail.co.uk/news/article-2091159/A-drone-plane-spots-river-blood-flowing-Dallas-meat-packing-plant.html>
Photo: Gary Mortimer sUAS News

Google and Other Aerial Photos/Maps



CCS Support


<https://www.epa.gov/citizen-science>

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Citizen Science for Environmental Protection

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Post Election Windfall for NGOs

Law360 (1/27/2017)

“... many laws give public interest groups enforcement power if the agency fails to do so ... [CAA, CWA, RCRA, NEPA, CERCLA, and EPCRA]” David Goldston, NRDC Dir. Govt. Affairs

“... our staff will continue to work offensively at the state and city level. We'll target every decision maker other than Trump to move our agenda ... states will be key in pushing environmental issues, especially ... states like California” Pat Gallagher, Sierra Club, Dir. Envntl. Law Program


- Sierra Club: 20,000 new monthly donors and > \$3,000,000 in post election commitments
- Environmental Defense Fund: raised \$250,000 online in week following election (double same week year earlier)
- Natural Resources Defense Council: 50,000 new members by the end of November 2016

Money Pours Into Sierra Club at Frantic Pace After Trump Victory

By Juan Carlos Rodriguez

Flush With Cash, Enviro Groups Gird For War With Trump

By Juan Carlos Rodriguez


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NGO Citizen Lawsuit/Intervention Targets

The screenshot shows a Law360 article from December 7, 2016. The main headline is "Exxon Calls Mass. Climate Suit A Permitting Regs Rewrite" by Keith Goldberg. The article text states that Exxon Mobil Corp. urged a federal judge to dismiss an environmental group's lawsuit, claiming it is "inadequately protecting a Massachusetts petroleum storage terminal from the effects of climate change." The article also mentions that the suit, filed in September, claims Exxon is violating the Clean Water Act and Resource Conservation and Recovery Act by failing to ensure its Everett Terminal can withstand increased storms and flooding risks.

Other visible text in the screenshot includes "CONNECTICUT HEALTH TEAM", "LAW360", "News, cases, companies, firms", "Advanced:", "Fines & Sanctions", "Work Events Podcast", "enalized For Toxic ations. EPA Data Show", "John Nation Business Entertainment Living Outcomes Blogs", "gal discharge", and "2010".

NGO Citizen Lawsuit/Intervention Targets

- Clean Water Act/NPDES
 - "Impaired" Receiving Waters
 - Stormwater Discharges
 - Sewer Overflows
- RCRA Imminent Hazard & Other Contaminated Sites
- Climate Change Risks – Big Oil
- Environmental Justice

What Does This Mean for You

- Regulatory Changes-Fragmentation
- Less Support from Agencies
 - Less “Outreach”
 - Lost Experience & Relationships
- Enforcement Pressure
 - Technological Advances
 - Crowdsourcing & Citizen Science
 - Digital Journalism
 - Targeted Actions by NGOs
- **Puzzle Becoming Multi-Dimensional**
- **Strategies?**



Who is Wiremold? / Legrand?



“The Wiremold Company” Started in Wisconsin in 1900 by D. Hayes Murphy

Mfg. in West Hartford since 1929

Family owned
sons John & Robert



Manufacturer of electrical raceways and electrical wiring products



Acquired by Legrand in 2001.
Many new product types – see Legrand table



West Hartford Facility

Size and Information

- 5 buildings (built in 1920s, 30s, 40s, 60s & 70s)
- 166k ft2 of manufacturing space/ 95k ft2 of office
- 342 people in manufacturing, 700 total at site
- 2 shifts, 5 day operation in manufacturing
- Legrand North/Central American headquarters
- ISO14001 Certified

Core Manufacturing Competencies

- Roll Forming – 12 mills
- Metal Stamping – 50 stamping presses
- Metal Fabrication – 3 CNC punch presses, 1 laser, 12 brake presses, 7 welders, 6 aluminum saws
- Painting – Electrocoat, electrostatic spray, powder
- Electrical Assembly and Test

Compliance Obligations



- GP- Discharge of Waters from categorical industrial users to a POTW
- GP- MISC discharges to sewer compatible waste waters
- GP- Fats, Oils, Grease (FOG)
- Haz Waste Generator Requirements
- Contingency Plan for Haz Waste Generators
- Spill Reporting Regulations
- Air Emissions
- Community Right To Know -Tier 2 reporting
- Biomedical Wastes
- GP- Storm Water
- CT Siting Council – Fuel Cell
- Recycling- DEEP regulation, state statute, and local ordinance.



How do I learn of changes?



- **CBIA E2**
 - Attend monthly meetings and learn about upcoming and potential changes.
- **DEEP website**
- **DEEP Outreach**
 - SWAC/HWAC (SHWAC) meetings/training
- **Call DEEP**
 - best if you have a contact/relationships
- **DEEP inspections**
 - Environmental Consultants
 - Environmental Attorneys
- **EPA Outreach**
 - Tier 2 Reporting

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What else can you do?



Establish relationships with state and local officials

- proactively approach contacts before going for a permit or modifications and maintain open communications

Establish procedures to handle external inquiries

- At Legrand all environmentally related questions are directed to myself.

Contract with a regulatory tracking service

- annual fee and they notify you of changes

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How do we handle change?



Environmental Management System (EMS)

- Review compliance obligations annually
- Internal/External audits of EMS
- Management reviews



Training

- new factory employees receive recycling training
- associates directly involved with regulated operations get annual training. (Paint lines, Maintenance)

What are our concerns?



Uncertainty at the federal level

- lack of leadership will foster regulatory variances between states
- Increased attention on TSCA, Haz waste, Storm Water

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Preserving Our Environmental Legacy

Presenter: George W. Steir

Brief Company History

- Inspections in the 80's and 90's showed room for improvement
- Our previous company culture may have been suspicious and confrontational with the regulatory community
- There was a major court case.
- Senior management recognized that something needed to be done
- An “*all-out effort*” to change.
- A 20 year commitment to changing our culture and practices



Cultural and Practice Changes Included

- Mandatory environmental awareness training for all new employees
- Environmental Management System at the division level
- Increased interaction between Regulatory Agencies (EPA/CTDEEP) outside the scope of the inspections
- Getting to know regulators on a personal level and they in turn getting to know all company personnel involved with environmental responsibilities.
- Increased training and allocation of resources for Environmental Professionals within the company
- Corporate wide policies mandating environmental compliance as a core objective
- Allocation of funds to ensure all the above results in success.



Results of 20 Years of Effort



- Kaman Corporation has achieved its core objective
 - “True Steward and Protector of the Environment”.
- Positive results in numerous multi-sector inspections
- Positive and respectful working relationship between Kaman and the regulatory agencies.
- We are viewed positively in the communities we operate.
- Well positioned to continue to be a leader in EH&S practices.

Are these Achievements at Risk?



- New staff within regulatory agencies may not be aware of our history and status as an environmental leader.
- NGO's may not care about the improvements we have made.
- Press may report without proper context or all the facts
- Increasing fragmentation of state, federal and local regulations will challenge our EH&S management systems.

Preserving Our Legacy

- We will rely on our core values and skills
- We accept and understand that NEW relationships may need to be built as regulators we know are no longer working with us.
 - We are committed to investing the time and energy to educate new regulators about our company.
 - We may go to the regulators to meet with them.
- Training to recognize and respond to new areas of EH&S risk
 - The NGO at the door
 - The reporter at the door
- Continue to utilize world class Environmental Management Systems
 - Systematic tracking of regulatory standards at all levels, Federal, State and Local



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