

US Department of Labor Announces New Rules to Adjust Civil Penalty Amounts

WASHINGTON D.C. (June 30, 2016) – In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect. The new law directs agencies to adjust their penalties for inflation each year using a much more straightforward method than previously available, and requires agencies to publish “catch up” rules over summer to make up for lost time since the last adjustments.

The first rule will cover the vast majority of penalties assessed by the department’s Employee Benefits Security Administration, Mine Safety and Health Administration, Occupational Safety and Health Administration, Office of Workers’ Compensation Programs, and Wage and Hour Division. The second rule will be issued jointly with the Department of Homeland Security to adjust penalties associated with the H-2B temporary guest worker program.



The new penalties will take effect after August 1, 2016. Any citations issued by OSHA after that date will be subject to the new penalties if the related violations occurred after November 2, 2015.

More Information:

[DOL/OSHA's News Release](#)

[OSHA's Penalty Adjustments Table](#)

Volkswagen to Spend Up to \$14.7B to Settle Allegations of Cheating Emissions Tests on Diesel Vehicles

WASHINGTON D.C. (June 28, 2016) – In two related settlements, one with the United States and the State of California, and one with the U.S. Federal Trade Commission (FTC), German automaker Volkswagen AG and related entities have agreed to spend up to \$14.7B to settle allegations of cheating emissions tests and deceiving customers. VW will offer consumers a buyback and lease termination for nearly 500,000 model year 2009-2015 2.0L diesel vehicles sold or leased in the U.S., and spend up to \$10.03B to compensate consumers under the program. In addition, the companies will spend \$4.7B to mitigate the pollution from these cars and invest in green vehicle technology.

The settlements partially resolve allegations by the EPA, as well as the California Attorney General’s Office and the California Air Resources Board (CARB) under the Clean Air Act, California Health and Safety Code, and California’s Unfair Competition Laws, relating to the vehicles’ use of “defeat devices” to cheat emissions tests. The settlements also resolve claims by the FTC that Volkswagen violated the FTC Act through the deceptive and unfair advertising and sale of its “clean diesel” vehicles.

More Information:

[USEPA New Release](#)

USEPA Issues Final Actions to Cut Methane Emissions from Municipal Solid Waste Landfills

WASHINGTON D.C. (July 15, 2016) – Continuing the Obama Administration’s commitment to taking action on climate change and protecting public health, USEPA is taking steps to further reduce emissions of methane-rich gas from municipal solid waste (MSW) landfills. Under the final rules, new, modified and existing landfills will begin capturing and controlling landfill gas emissions at levels that are one-third lower than current requirements, updating 20-year-old standards for existing landfills.



Combined, the final rules are expected to reduce methane emissions by an estimated 334,000 TPY beginning in 2025 – the equivalent to reducing 8.2 million metric tons of carbon dioxide. EPA estimates the climate benefits of the combined rules at \$512 million in 2025 or more than \$8 for every dollar spent to comply.

Methane is a potent greenhouse gas with a global warming potential more than 25 times that of carbon dioxide. Climate change impacts threaten our health—by exposing us to extreme heat waves, degraded air quality, and diseases spread through food, water, and insects—and they threaten our economy—by increasing insurance premiums and food prices, and damaging our infrastructure and ecosystems.

More Information:

[USEPA News Release](#)

[Rule and Implementation Information](#)

USEPA Research Shows Moderate or Severe Corrosion in Majority of Diesel Fuel USTs

WASHINGTON D.C. (July 20) – In a released report on corrosion inside diesel fuel underground storage tanks (USTs), EPA found moderate or severe corrosion that could affect metal components inside both steel and fiberglass underground tank systems. Corrosion inside USTs can cause equipment failure by preventing proper operation of release detection and prevention equipment. If left unchecked, corrosion could cause UST system failures and releases, which could lead to groundwater contamination.



UST releases have historically been a leading cause of groundwater contamination. Groundwater is a source of drinking water for almost half of the people in EPA’s report shows that 35 of 42 – or 83 percent – of the USTs studied exhibited moderate or severe corrosion, but less than 25 percent of owners were aware of corrosion prior to the internal inspection.

Although EPA cannot project the actual percentage of USTs storing diesel that are affected by corrosion nationwide, the Agency is alerting owners of USTs storing diesel fuel about risks from corrosion. EPA’s notification recommends owners check inside their tank systems and further investigate the condition of their diesel fuel tanks. Owners’ awareness and early actions could help protect them from higher repair costs and help protect the environment from contamination from releases.

More Information:

[USEPA New Release](#)

EPA Proposes Greater Protection from Selenium in San Francisco Bay and Delta

SAN FRANCISCO, CA (July 1, 2016) – USEPA proposed a federal Clean Water Act rule to tighten the current selenium water quality criteria for the waters of San Francisco Bay and Delta, CA. The proposed change



would better protect aquatic species, including salmon, smelt, and diving ducks, that are dependent on the Bay and Delta ecosystem, from harmful exposure to elevated levels of selenium.

Reducing selenium in the San Francisco Bay and Delta will benefit the wildlife that are part of this critical ecosystem,” said Alexis Strauss, EPA’s Acting Regional Administrator for the Pacific Southwest. “This proposal is based on years of scientific study, and will accelerate the restoration of the Bay and Delta.”

Selenium levels from agricultural runoff and oil refinery discharges have been reduced due to previous state and federal regulatory requirements. EPA set selenium limits for the Bay and Delta in 1992, yet the latest research on bioaccumulation of selenium indicates that the existing federal criteria of 5 ppb are insufficient to protect aquatic and aquatic dependent species in these water bodies. New proposal calls for more stringent selenium water quality criteria of 0.2 ppb, which would be the basis to limit selenium sources through the implementation of state regulations.



More Information:

[USEPA News Release](#)