

Practical Solutions

Hazard Evaluations, Inc.
Quarterly Newsletter

Summer 2018

Important Compliance Dates & Deadlines for 2018:

Q2 TP - 550 HW
Assessment & Fees
July 20

Quarter 2
Stormwater DMR
July 28

Semi - Annual Air
Compliance
Report
July 30

Q3 TP - 550 HW
Assessment & Fees
October 20

Quarter 3
Stormwater DMR
October 28

Cooling Tower
Equipment
Initial Annual
Certification
November 1

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AEROSOL CANS TO BECOME UNIVERSAL WASTE



The US Environmental Protection Agency (USEPA) has proposed to add hazardous waste aerosol cans to the Universal Waste (UW) Program under the federal Resource Conservation and Recovery Act (RCRA) regulations. This proposed rulemaking would affect establishments that generate, transport, treat, recycle, or dispose of hazardous waste aerosol cans, unless those establishments are households or very small quantity generators (VSQGs).

The Consumer Specialty Products Association (CSPA) estimates that in 2015, 3.82 billion aerosol cans were filled in the United States with a broad range of products for commercial, industrial, and household use. At large retail facilities, aerosol cans account for nearly 40% of retail items that are managed as hazardous waste. Entities potentially affected by this action include over 18,000 industrial facilities in 18 different industries. The two top economic sectors with the largest percentage of potentially affected entities are the retail trade industry, representing 65% of the affected Large Quantity Generator (LQG) universe, and manufacturing industry representing 20% of the affected LQG universe.

Once finalized, the proposed streamlined UW regulations are expected to benefit the various establishments generating and managing hazardous waste aerosol cans. The proposed regulations are expected to:

1. Ease regulatory burdens on retail stores and others that discard aerosol cans;
2. Promote the collection and recycling of aerosol cans; and
3. Encourage the development of municipal and commercial programs to reduce the quantity of these wastes going to municipal solid waste landfills or combustors.

UW regulations can vary from state to state; however, the majority of states have already adopted the full federal UW program. A state does not have to include all of the federal universal wastes when they adopt the regulations, and states authorized for the RCRA petition process may add additional universal wastes to the state's UW program. Because of this, authorized states do not have to accept or change their UW rule already in place. There is currently no indication as to whether or not New York State will add aerosol cans to the wastes that can be managed under its UW rule.

Addition of NPEs Category to TRI List

The US Environmental Protection Agency (USEPA) has finalized a rule to add a category of 13 specific nonylphenol ethoxylates (NPEs) to the Toxics Release Inventory (TRI) list of reportable chemicals. The rule will take effect for the 2019 TRI reporting year. Forms will be due July 1, 2020 for facilities that manufacture, process, or otherwise use products containing any of the 13 specific NPEs. For a complete list of the NPEs category, visit www.epa.gov and search for NPEs category.

NPEs are used in products such as, adhesives, wetting agents, emulsifiers, stabilizers, dispersants, defoamers, cleaners, paints, and coatings. The USEPA has determined that the longer-chain NPEs can break down to short-chain NPEs and nonylphenol in the environment. Both short-chain NPEs and nonylphenol are persistent in the aquatic environment, moderately bioaccumulative, and extremely toxic to aquatic organisms. Nonylphenol has also been associated with reproductive and developmental effects in rodents. Therefore, the USEPA has determined that NPEs meet the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313(d)(2)(C) toxicity listing criteria. The USEPA expects 114 facilities to file a TRI reporting Form R and another 64 facilities are expected to file a Form A for the NPEs category. If your facility manufactures, processes, or otherwise uses products containing NPEs, contact HEI for reporting assistance.

HEAT ILLNESS AWARENESS

Each year, dozens of workers in the United States die from heat illness, sometimes referred to as heat stress, due to working in extremely hot environments. In 2011, OSHA launched the Heat Illness Prevention Campaign to raise awareness and educate employers and workers on the dangers of working in hot environments. This campaign highlighted three key words to keep workers safe: **Water, Rest, and Shade**.

Workers can be exposed to hot or humid conditions from a variety of sources. Working outdoors may come to mind first but working indoors around heat producing machinery or processes such as foundries, ovens, boiler rooms or steam applications can also produce heat illness. Types of heat illness include heat stroke, heat exhaustion, heat cramps, and heat rash. Common first aid practices include removing the affected worker from the hot or humid area, providing cool beverages (preferably water), and cooling the worker down by applying cool water or cold compresses to the body.



Under Section 5(a)(1) of OSHA's General Duty Clause, employers are required to provide employees with a place of employment that is "free from recognizable hazards that are causing or likely to cause death or serious harm to employees." This clause includes heat-related hazards. In addition to implementing engineering controls, such as air conditioning, fans, and ventilation, major steps that employers can take to prevent heat related illnesses include providing **water, rest, and shade**. Acclimation periods for new or returning employees who will be assigned to work in the heat or hot environments have also proven effective in reducing the amount of heat related illnesses.

NEW REGULATIONS FOR BERYLLIUM



OSHA recently issued new regulations for beryllium, which include the permissible exposure limit (PEL) and short-term exposure limit (STEL) for employees in general industry, construction, and shipyard industries. These new regulations are designed to replace outdated and inadequate exposure limits that were based on studies conducted some 45 years ago. Beryllium has since been widely identified as a human carcinogen and the PEL's have been lowered significantly to protect workers who are exposed to beryllium. OSHA's initial enforcement date had previously been set for March 12, 2018, but enforcement began on May 11, 2018 to allow for employers to become familiar with their obligations.

The new standard format parallels many other OSHA chemical exposure regulations such as cadmium, formaldehyde, lead, and silica dust. The PEL for beryllium is now 0.2 ug/M³ as an 8-hour time-weighted average (TWA). This represents a ten-fold decrease from the previous PEL. The 15 minute STEL is now set at 2.0 ug/M³ rather than the previous 25.0 ug/M³.

The new beryllium standard requires the following: employee exposure assessments; employee notification of monitoring results; a written exposure control plan; a medical surveillance program for employees exposed above the PEL or STEL; housekeeping requirements; employee training on beryllium hazards; recordkeeping; and where exposures exceed PEL levels, the establishment of regulated areas, a respiratory protection program, engineering controls, and work practice controls.

In addition, OSHA also requires medical removal protection benefits to workers identified with beryllium-related disease. If you have beryllium exposures at your facility, HEI can help you assess them and achieve compliance with the new standard.

STORMWATER: IMPLEMENTING STRUCTURAL & NON-STRUCTURAL CONTROL MEASURES



Through implementation of both structural and non-structural control measures, facilities will be able to limit pollutants from entering the waterways of New York State. In this article, we will discuss a few of these measures that will help minimize exposure and keep pollutants out of stormwater.

The use of structural control measures such as grading, berming, and curbing can prevent or even eliminate stormwater from flowing through processing, manufacturing, or storage areas. These measures will help the facility avoid comingling of pollutants and stormwater, and remain compliant with benchmark monitoring parameters. Exposure can also be minimized through the use of non-structural control measures, which include using spill or overflow protection, performing vehicle maintenance/cleaning operations indoors, and replacing chemicals with less toxic alternatives.

Another important non-structural control measure is good housekeeping. This includes regular sweeping and/or vacuuming of the facility, cleaning up spills immediately, storing materials in their appropriate containers, keeping lids closed on dumpsters, and cleaning up garbage and other wastes on a regular basis. Good housekeeping is a measure that is often overlooked and under-utilized.

Lastly, a very simple yet effective measure is maintenance. Inspections and maintenance of stormwater drainage conveyances, structural controls, and non-structural controls should be conducted on a regular basis. Ditches, swales, and pipes should be inspected to ensure that they are clean and clear of debris. If not, they should be dredged or repaired immediately. Berms need to be inspected and repaired as needed, and spill response supplies must remain stocked on-site.

Although seemingly quick and simple, these measures are often neglected by facilities. Part II of the Multi-Sector General Permit (MSGP) GP-0-17-004 requires that these measures be implemented in order to keep water quality below effluent limitations. If your facility needs assistance achieving stormwater compliance, or guidance with stormwater regulations in general, give us a call.

USEPA E-MANIFEST SYSTEM HAS LAUNCHED

On June 30th, the United States Environmental Protection Agency (USEPA) launched a national electronic manifest (e-Manifest) system to track hazardous waste shipments electronically, in an attempt to make manifesting more effective and convenient for users. Paper manifests are still allowed under the new system; however, the cost is higher and a newly revised paper manifest form is required.

Facilities should use the RCRAInfo website to verify that the EPA ID number, site name, address, and phone number associated with the site are correct. New York facilities that have an EPA ID number beginning with "NYP" or "NYN" should not be used as a permanent EPA ID number for a site in the e-Manifest system. New York facilities should visit the EPA's webpage on obtaining new ID numbers or call EPA Region 2 at (212) 637-4106.

Receiving facilities are required to submit all final manifests to the e-Manifest system, so the facility must have an EPA ID number. The receiving facilities that accept state-only hazardous wastes, including wastes in New York State or in the state where the waste was generated, are also required to submit final manifests to the e-Manifest system. Transporters are also required to have an EPA ID number and be identified as a Transporter of Hazardous Waste in RCRAInfo in order to be electronically selected in the e-Manifest system. Generators will need to obtain a RCRAInfo Industry App account in order to access, sign, and store electronic manifests. Generators can also use a transporter to act as the offeror "on behalf of" the generator. The transporter can then sign the manifest for the generator. The e-Manifest system also supports a hybrid approach in which the generator and initial transporter may sign a paper copy of the manifest and maintain it on site. The subsequent waste handlers then process the remainder of the manifest electronically.

Additional requirements in New York State include:

1. The use of all applicable state hazardous waste codes including, PCB wastes (state-only hazardous waste codes B001-B007) and the ultimate disposal method code (L, B, R, T) as already required on paper manifests; and
2. Generators must continue to submit a copy of the hazardous waste manifest forms to the NYSDEC, if the generator uses paper manifests. The NYSDEC will evaluate the necessity of this requirement after the EPA e-Manifest system has been operating for a reasonable period of time. Generators who use the e-Manifest system for entire manifest transactions (electronic manifest from the generator to the receiving facility) will not be required to submit a paper copy. Instead, the DEC will have access to the manifest data in the EPA e-Manifest system.

