

Practical Solutions

Hazard Evaluations, Inc.
Quarterly Newsletter

Winter 2019

OSHA ISSUES FINAL RULE UPDATING WALKING-WORKING AND FALL PROTECTION STANDARDS



On November 17, 2016, OSHA issued a final rule to update its General Industry Walking-Working Surfaces and Fall Protection Standards. Specifically, the rule updates the standards addressing slips, trips, and fall hazards (1910 Subpart D) and adds requirements for personal fall protection systems (1910 Subpart I). Some of these revisions have aligned the general industry requirements with those of the construction industry, therefore simplifying and easing compliance for employers who perform both of these activities.

One of the most significant changes of the rule is that it offers the employer more flexibility in choosing a fall protection system that works best for them, especially in situations where employees have to walk on low sloped roofs or platforms. For example, it eliminates the existing mandate to use guardrails as primary fall protection, and allows employers to choose from a wide range of accepted personal fall protection systems that will work best in a particular scenario. It also outlines the requirements for protection for roof openings and skylights. This rule also replaced the General Industry Scaffold Standards with a requirement that employers comply with the OSHA Construction Industry Scaffold Standards.

Under the new rule, OSHA estimates that dozens of fatalities and thousands of lost-workday injuries can potentially be prevented every year. The new rule took effect on January 17, 2017 with important provisions having delayed effective dates. Employers must ensure that they are in compliance with the following provisions: ensure exposed workers and workers who use equipment covered by the final rule receive training on fall hazards (May 17, 2017); inspect and certify permanent anchorages for rope descent systems (November 20, 2017); install personal fall arrest or ladder safety systems on new fixed ladders over 24 feet (November 19, 2018); and replace cages and wells used as fall protection with ladder safety or personal fall arrest systems on all fixed ladders over 24 feet (November 18, 2036). Have you assessed your facility for compliance with the new regulations? Talk to HEI about how this updated standard affects your facility.

NEW REQUIREMENTS FOR PREDETERMINED BENEFICIAL USE OF FILL MATERIAL



Department of
Environmental
Conservation

The general requirements for solid waste management facilities (6 NYCRR Part 360) operating in New York State (NYS) have recently been revised. As part of the revisions, the New York State Department of Environmental Conservation (NYSDEC) has added special requirements for reuse of fill materials under a pre-determined beneficial use determination (BUD).

A BUD is a designation by the NYSDEC which applies to waste material that is to be beneficially used. When a material is classified for beneficial use, the material ceases to become a solid waste, provided that the material is used in accordance with the new regulation. There are 28 predetermined BUDs, one of which is the reuse of fill material with no evidence of historical impacts, or visual / olfactory evidence of physical and/or chemical contamination.

If one of the above indications of contamination are met or encountered, this regulation requires the fill to be sampled and analyzed under the direction of a Qualified Environmental Professional (QEP). Required analytical parameters include metals, PCBs, pesticides, and semi volatile organic compounds (SVOCs). Additional parameters such as asbestos and volatile organic compounds may also be included based on past events and uses at the site. The analytical results will then determine what types of restrictions, if any, will be placed on the use of the fill. The department requires retention of all records of fill material quantities and analytical data for a minimum of three years. For fill material which is then characterized as restricted-use or limited-use, the NYSDEC requires notification at least five days before delivery of the fill material. The notification must be made on the Notification of Fill Material Reuse form found on the Department's website and must also include any analytical data required by the regulation.

USEPA ENFORCES LEAD RULE



In October 2018, the USEPA issued an Enforcement Alert for lead paint in order to protect human health and ensure renovators comply with the requirements. The Renovation, Repair and Painting (RRP) Rule covers any activity that disturbs lead-based paint, which includes remodeling, electrical work, window replacement, plumbing and painting. The rule requires that renovation firms obtain training and certification and comply with the lead-safe practices and regulatory requirements. Violators of the RRP Rule run the risk of significant penalties and even prison time for knowing or willful violations.

For more information on lead laws and potential program implementation, contact HEI.

Important

Compliance Dates & Deadlines for 2019:

2018 Quarter 4
TP-550

January 20

Annual Stormwater
Compliance Report
January 28

Annual & Semi-
Annual Air
Compliance
Report
January 30

EPCRA 312
(Tier II)
March 1

Annual Hazardous
Waste Report
March 1

Solid Waste Reports
for Material
Recovery / Handling
Facilities
March 1

Annual Water
Withdrawal Report
March 31

Air Title V Emission
Statement
April 15

VISIT US
ONLINE AT:

hazardevaluations.com

OR CALL:

(716) 667-3130

ENVIRONMENTAL TRAINING REQUIREMENTS

When employers think of the training required for their employees, they are often familiar with the health and safety training requirements. However, there are also several environmental regulations that require employers to conduct employee training. The summary below is a general description of some of the most commonly required environmental training topics.

Hazardous Waste (6 NYCRR 370-373): Training requirements include: the person conducting the training must be trained in hazardous waste management procedures; and the training program must ensure personnel are able to respond effectively to emergencies in various situations.



Universal Waste (6 NYCRR 374-3): Small quantity and large quantity universal waste handlers must "inform all employees who handle or have responsibility for managing universal waste" of the "proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility."



Spill Prevention, Control, and Countermeasure Plan (SPCC) (40 CFR 112): Training must include topics such as discharge response procedures, information on the facility's SPCC Plan, information on facility oil storage, background on applicable regulations, and operation and maintenance of equipment.

Stormwater Pollution Prevention Plan (SWP3) (6 NYCRR 750): Annual training must include information on the SWP3 itself, maintenance and repair of facility pollution control measures, information on the storage and handling of chemicals and petroleum materials to prevent stormwater contamination, and information regarding required inspections and best management practices.

Underground Storage Tanks (40 CFR 280 & 6 NYCRR 598 and 613): The USEPA requires that a facility complete a training program and demonstrate understanding and/or complete their online examination. The NYSDEC requires subject facilities to complete and pass an extensive operator examination.

Training documentation is essential to ensuring compliance. Training records should be maintained on-site and should be readily available. Training records are often one of the first things an inspector will ask for and documentation should be readily available upon request. For more information on environmental training requirements, contact HEI today.

NEW HYDROFLUOROCARBON REGULATIONS



The NYSDEC is considering adopting regulations to reduce Hydrofluorocarbon (HFC) emissions, which may include prohibitions of HFCs in manufacturing and new or retrofitted equipment. In September of 2018, NYSDEC announced its intention to consider supporting the USEPA's Clean Air Act Title VI Section 612 Significant New Alternatives Program (SNAP), which sets allowable oxygen depleting substitutes for new products by end-use, based on availability of safe alternatives. The NYSDEC's pre-proposal draft (6 NYCRR Part 494) outlines the proposed date of January 1, 2020 for HFC prohibition in various aerosol products, foam blowing agents, and food refrigeration equipment. For more information about the specific products and dates, please visit www.dec.ny.gov/docs/administration_pdf/hfcterms.pdf.

It should be noted that this is not a proposal, but a consideration. If you have any comments, concerns, or input please contact the NYSDEC at climatechange@dec.ny.gov.

GROUNDWATER SAMPLING FOR EMERGING CONTAMINANTS



NYSDEC has committed to analyzing representative groundwater samples at both "new" and "active" remediation sites for emerging contaminants (1,4-dioxane and PFAS). The final rule for Per- and Polyfluoroalkyl Substances (PFAS) became effective on March 3, 2017, which allows the state to hold polluters accountable whenever PFAS contamination is found. PFAS are groups of chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease, and water. Some PFAS do not break down easily and persist in the environment, especially in water, for a long time. The toxicity and persistence means that they are a potential danger to the environment and public health.

When a "new" site is being brought into a remedial program, such as the Brownfield Cleanup Program (BCP), PFAS and 1,4-dioxane will be incorporated into the investigation of groundwater as part of the standard "full TAL/TCL" sampling; however, soil samples do not need to be analyzed for PFAS unless groundwater contamination is detected. The current analysis performed for Semi Volatile Organic Compounds (SVOCs) in soil is adequate for evaluation of 1,4-dioxane. Separate guidance will be developed to address sites where emerging contaminants are found in the groundwater, which shall include subsequent sampling using the Full PFAS Target Analyte List to understand the nature of the contamination; however, the NYSDEC project managers may approve a shorter analyte list for some reporting on a case-by-case basis. Furthermore, if lab and/or matrix specific issues are encountered for any particular compounds, the NYSDEC project manager will make case-by-case decisions as to whether particular analytes may be temporarily or permanently discontinued from analysis for each site. If you need assistance completing the NYSDEC emerging contaminant sampling, please contact HEI.

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