

PRACTICAL SOLUTIONS

HAZARD EVALUATIONS, INC.
QUARTERLY NEWSLETTER

WINTER 2016

**Important
Compliance
Dates &
Deadlines for
2016:**Annual Air
Compliance
Report:
January 30thStormwater
Annual
Compliance
Report:
February 28thEPCRA Section
312 (Tier II):
March 1stAnnual
Hazardous
Waste
Report:
March 1stAir Title V
Emission
Statement:
April 15thEPCRA Section
313 (Form R):
July 1stHazardous
Waste
Reduction Plan:
July 1stSemi-Annual Air
Compliance
Report:
July 30thVISIT US
ONLINE AT
hazardevaluations.com

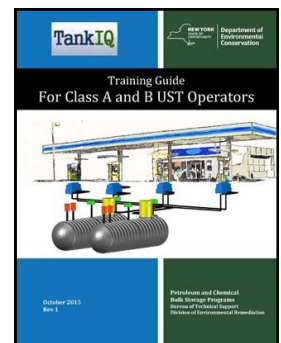
OR CALL

(716) 667-3130

OPERATOR TRAINING REQUIRED FOR REGULATED UST SYSTEMS IN 2016

New York State Petroleum Bulk Storage (PBS) and Chemical Bulk Storage (CBS) regulations were significantly revised effective October 11, 2015. The revised regulations include a requirement for underground storage tank (UST) operators to undergo "Operator Training" if they manage USTs subject to the new 6 NYCRR Part 613, Subpart 2. Tank operator duties are shared between three classes of operators, designated as Class A, Class B, and Class C. Class A operators are individuals with primary responsibility for the operation and compliance of UST systems. They manage resources and personnel and are generally a manager or owner. Class B operators have daily responsibility for the UST system, are technically oriented, and are responsible for maintenance and operation. These operators are typically maintenance managers or maintenance personnel. Class C operators have responsibility for responding to emergencies presented by spills or releases from a UST system who may call a spill into the NYSDEC hotline.

Facilities with USTs that are subject to these regulations must have at least one operator from each class, although a person may be designated to more than one operator class as long as they are properly trained and authorized in each class for which they are designated (i.e., one person at a facility may fulfill all three roles). Operators of tanks installed prior to September 11, 2016 must be trained, authorized, and registered by October 11, 2016. Operators of tank installations after that time must be trained within 30 days. All operator classes must be trained; however, only Class A and Class B operators must pass the NYSDEC online or paper exam, thereby becoming 'authorized.' The online version of the exam will be continuously accessible and will be designed to reflect the varying complexity of the topics and importance in preventing releases. Emphasis will be given to tank system basics, overfill prevention, tank and piping leak detection, corrosion protection, spill containment, recordkeeping, as well as operation and maintenance. Training and guidance materials associated with the upcoming requirements will be provided by NYSDEC and tank owners are now responsible for maintaining current facility registration information with respect to designated Class A and Class B operators.

**IMPROVEMENTS TO HAZARDOUS WASTE GENERATOR RULE PROPOSED**

In August 2015, USEPA proposed changes to the RCRA hazardous waste (HW) generator regulations known as the "Hazardous Waste Generator Improvements Rule." The intention of the rule is to ease the regulatory burden on some generators and to reorganize the regulations themselves so that they can be more easily followed by the regulated community. The proposed rule was published in the Federal Register in September 2015 and it should be noted that the proposed regulation is not yet effective law. The comment period for the proposed changes has been extended and comments may be submitted online and via formal letter to USEPA. This rule includes a large number of proposed changes; several significant changes are identified below:

- Conditionally Exempt Small Quantity Generators (CESQG) would be referred to as Very Small Quantity Generators (VSQG).
- A generator will be able to maintain its generator status in the event of an unplanned and/or episodic HW generation event that would otherwise result in a change in generator status and thus additional compliance activities.
- VSQGs could ship HWs to LQGs under the same control / operation (i.e. common ownership) so that waste can be more efficiently managed and consolidated.
- The rule will also include revised, well-defined definitions of generator statuses and guidance for determining generator status, particularly for facilities where both HWs & acute HWs are being managed in the same month.
- Identification of activities required for making a proper HW determination and clarification of requirements when mixing of HWs & non-HWs is occurring.
- Clarification of labeling requirements & making them consistent with other agency requirements (i.e. DOT, OSHA).

Additional potential improvements are described in USEPAs "Pre-Publication Copy Notice" for this rule and HEI will provide additional updates as information becomes available.

FEDERAL AIR STANDARDS: IS YOUR FACILITY IN COMPLIANCE?

When it comes to addressing air permitting and compliance requirements, various federal air regulations currently in effect are often overlooked by facilities. Unlike the state rules and regulations which are developed by the NYSDEC, federal regulations are established and enforced by the USEPA. The most notable federal air regulations include New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Maximum Achievable Control Technology (MACT) standards. NSPS are technology-based standards that were adopted by the USEPA under the Clean Air Act (CAA) to control air emissions from various stationary sources. These standards apply to both new and modified sources and cover more than 70 different source categories within numerous industries. The entire set of NSPS can be found in 40 CFR Part 60.



Additionally, the NESHAP and MACT standards were also created under the federal CAA for the specific purpose of controlling emissions of hazardous air pollutants (HAPs) from industrial sources. Currently, there are over 120 different NESHAP and MACT standards in effect, which pertain to both major sources of HAPs (Title V Facilities), as well as non-major sources. The NESHAP and MACT standards are presented in 40 CFR Part 63 and some regulated non-major sources include: hazardous waste combustors, Portland Cement manufacturers, secondary lead smelters, chemical manufacturing and steelmaking facilities. The federal air standards are not directly enforced by the NYSDEC, therefore, facilities often fail to realize that they may also be subject to these regulations. Common industrial operations such as metal fabrication and finishing, plating and polishing, and surface coating are among those regulated by the federal air standards. Emissions from non-process operations/equipment such as boilers, emergency generators and fire suppression pumps may also be subject to these standards.

In most cases, the NSPS, MACT and NESHAP standards have separate reporting and recordkeeping requirements, in addition to those mandated under NYSDEC regulations. HEI strongly recommends regularly assessing facilities for compliance with federal air standards and the NSPS, MACT, and/or NESHAP regulations.

ATTENTION OSHA-REGULATED FACILITIES!



Now is the time to complete a submission for a 2016-2017 New York State DOL Hazard Abatement Board Safety Grant, administered through HEI. HEI is offering facilities the opportunity to receive significant training grant support during the August 2016 - July 2017 Program Year. The Hazard Abatement Board awards grants for employers to provide OSHA training programs which train and educate workers, supervisors, and management personnel. The grants also promote workplace accident and injury prevention by offering approximately \$6.5 million in annual funding, throughout New York State.

HEI provides affordable grant-eligible safety training focused on site-specific compliance. Grant funding is typically awarded for actual on-site training costs and most training materials. Please contact Erik Hanna, H&S Project Manager at (716) 667-3130 or at ehanna@hazardevaluations.com for further information. To ensure that your organization is included in this opportunity, please submit your requests to HEI by **January 15, 2016**.

REVISED FEDERAL AND STATE VAPOR INTRUSION GUIDELINES

The United States Environmental Protection Agency (USEPA) recently released revised vapor intrusion guidelines on June 11, 2015. The revision includes the reclassification of volatile contaminants, utilizing vapor pressure instead of molecular weight to determine volatility, resulting in the addition of many compounds to the list of volatile compounds. This reclassification raises concern associated with sites that were previously closed and for which vapor intrusion assessments may not have been completed.

In addition, the New York State Department of Health (NYSDOH) lowered the guideline for Trichloroethylene (TCE) in indoor air from 5 to 2 mcg/m³ in August 2015. TCE is an organic, non-flammable, clear and colorless liquid that has been utilized as a solvent and degreaser. TCE will readily volatilize from groundwater and soil, and can enter soil vapor and migrate through a building floor or foundation causing vapor intrusion concerns. Revisions to indoor air quality guidelines at the state and federal levels, paired with an advanced understanding of soil vapor risks, are critical components of site assessments. A multi-faceted approach considering soil types, contaminant characteristics, building configuration, among other factors will provide mechanisms for additional data evaluation. The result will be a more focused analysis based on site-specific conditions to determine if mitigation is necessary.

Updated guidelines could result in the re-opening of many previously closed sites. Additionally, as new sites are being assessed, assessors should be aware of new requirements in collecting and evaluating information and assessing the need for remedial action.

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