

**Important  
Compliance  
Dates &  
Deadlines  
for 2016:**

Quarter 2  
Stormwater  
DMR  
July 28

Semi-Annual  
Air  
Compliance  
Report  
July 30

PBS UST  
Operator  
Training,  
Registration  
October 11

Quarter 3  
Stormwater  
DMR  
October 28

Cooling  
Tower  
Equipment  
Initial Annual  
Certification  
November 1

## OSHA Issues Rule for Injury & Illness Data Collection

On May 11, 2016, OSHA issued a final rule to modernize injury and illness data collection. Currently, little or no information about injuries and illnesses at individual employers is made public or available to OSHA; however, under the new rule, employers in high hazard industries will be required to send OSHA injury and illness data that employers are already required to collect for posting on OSHA's website.

According to OSHA, the data will enable interested parties to identify workplaces where the risk of injury is lowest and also allow employers to benchmark their safety and health performance against industry leaders to improve their own safety programs. OSHA believes this will also "nudge" employers to prevent worker injuries and demonstrate that they operate safe and well-managed facilities.

Under the new rule, all establishments with more than 249 employees in industries covered by the record-keeping regulation must electronically submit information to OSHA from Forms 300, 300A, and 301. Establishments with 20-249 employees in designated industries must submit information electronically from Form 300A only. The new rule takes effect August 10, 2016 with phased in data submission beginning in 2017.

## Attention:

### NYSDEC to Revise Solid Waste Regulations

The NYSDEC has proposed revisions to 6 NYCRR Parts 360, 364, and 369, which cover various solid waste management activities and facilities. The intent is to improve the management of solid waste in New York and to reduce potential negative impacts on the environment due to improper waste disposal practices.

Proposed revisions provided by the Department are to include new predetermined Beneficial Use Determinations (BUDs) to address common and acceptable uses. This includes wood pallet reuse, use of street sweepings as fill, various materials approved by the NYSDEC for remedial projects, and the use of up to 1,000 tires to hold down tarps, in addition to others. The revision would also include a list of materials that will not be eligible for a BUD. Furthermore, all case-specific BUDs will be required to be renewed every five years. If the proposed changes go into effect, BUDs already in place currently and greater than five years old will expire if a petition to renew is not received by the Department by a certain date.

Once the changes are effective, predetermined BUDs would include construction and demolition (C&D) debris and debris residues that can be utilized or reused. Additional provisions include expanding the existing tracking form requirements of material leaving permitted and registered C&D Processing facilities. Other proposed revisions include storage time and pile-size restrictions.

The comment period for these proposed changes ended on June 24, 2016 and therefore, the changes are likely to take effect before the end of the year.

## Oil Pollution Prevention: Compliance Reminder



The federal oil pollution prevention regulations at 40 CFR 112 require subject facilities (aboveground storage capacity >1,320 gallons or underground storage of >42,000 gallons) to maintain a Spill Prevention, Control & Countermeasure (SPCC) Plan, outlining various oil-handling aspects at the facility including spill equipment, facility security, spill planning, and storage considerations. The regulations define oil as including, but not limited to: petroleum, synthetic oils, mineral oils, animal fats, and vegetable oils. SPCC plans must be updated every five years according to the Rule. Training for oil-handling personnel is also required annually.

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### Chemical / Haz. Substance Reporting & Management

#### SARA 302

Extremely  
Hazardous  
Substance  
(EHS)  
Notification

#### SARA 304

Substance  
Release  
Notification

#### SARA 311

M/SDS  
Requirements

#### SARA 312

Chemical  
Inventory  
Reporting

#### SARA 313

Form R / TRI

#### NYS GML 209-U

NYS Hazardous  
Materials Report

#### CFATS

Dept. of  
Homeland  
Security  
Assessment

#### CDR

Chemical Data  
Reporting under  
TSCA

#### RMP

Risk  
Management  
Program

Call for more  
Information

## OSHA Issues New Regulation for Silica Exposure

OSHA recently issued new regulations addressing employee exposure to respirable silica dust. Prior to this change, OSHA's silica dust rules primarily addressed Permissible Exposure Limits (PEL), engineering control measures when employee exposures exceed the PEL, and respiratory protection requirements. The new rule has expanded the silica regulations to also address the areas of exposure assessment, regulated areas, house-keeping, medical surveillance, training, and recordkeeping. In addition, OSHA also modified the PEL from a calculated value using an equation, to a simple number; 50 ug/m<sup>3</sup> averaged over an 8-hour day.

The format of this regulation parallels many other OSHA hazardous material regulations, such as lead and hexavalent chromium. The regulation, codified 29 CFR, 1910.1053, takes effect on June 23, 2016. However, employers are not required to come into compliance with the standard until June 23, 2018. The regulation applies to all general industry employers. In addition, OSHA also issued similar regulations for both construction and agricultural operations. If you have silica exposures at your facility, HEI can help you assess the exposure and comply with the new standard.



## SILICA DUST HAZARD

EXPOSURE TO CRYSTALLINE SILICA  
DUST CAN CAUSE CANCER  
OR SILICOSIS

**AVOID BREATHING DUST**



### *In the Spotlight:*

## Due Diligence & Hydraulic Elevators

Due diligence plays a critical role in commercial property refinancing and ownership transfer transactions. An environmental site assessment (ESA) is the primary tool used to understand a property's history and determine if any environmental liability exists related to site contamination and/or other potential concerns. "Potential concerns" can span a wide array of conditions, including chemical or petroleum spills with unknown status. These conditions are generally caused by structurally-compromised or leaking storage tanks, transformers, and other oil-filled equipment and storage systems.

Hydraulic elevators are often unidentified during due diligence investigations and can represent a significant potential concern due to the oil storage associated with these systems. There are several types of hydraulic elevators, including conventional, hole-less, and roped hydraulic elevators. Conventional hydraulic elevators, which present the greatest concern, work by forcing hydraulic oil (often >100 gallons) into a piston, which moves the car upward as it fills. These systems require a deep pit below the elevator system into the ground, even if the piston is telescoping. Properties that have antiquated or improperly maintained hydraulic elevators are of particular concern because these systems can leak, potentially causing soil and/or water contamination far below the ground surface and representing significant financial obligations for the owner or liable party.

When completing an ESA, it is important to identify on-site hydraulic elevators, determine their status and condition, and to obtain and review all available maintenance and repair records. Ensuring an elevator system is in sound structural condition and has not had a history of leaks can avoid significant legal and/or financial liability. Using a thorough and knowledgeable environmental professional ensures your ESA is completed properly and protects your transaction.

### HEI News & Alerts

The annual deadline for submitting Form Rs (SARA 313), also known as reporting under the Toxic Release Inventory (TRI), passed on **July 1, 2016**. If your facility falls under a specific NAICS code, has 10 or more employees, and potentially uses, processes, or manufactures a TRI chemical in certain amounts, your facility may be subject. Call HEI today to determine if you require reporting services and to develop your chemical reporting management program to ensure future compliance with various State and federal regulations.

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