

PRACTICAL SOLUTIONS

HAZARD EVALUATIONS, INC.
QUARTERLY NEWSLETTER

WINTER 2018

Revised NYSDEC Solid Waste (Part 360) Regulations Now in Effect

Important
Compliance
Deadlines for
2018January 30:
Annual &
Semi - Annual
Air
Compliance
ReportFebruary 28:
Annual
Stormwater
Compliance
ReportMarch 1:
EPCRA 312
(Tier II)March 1:
Annual
Hazardous
Waste ReportMarch 1:
Solid Waste
Reports for
Material
Recovery/
Handling
FacilitiesMarch 31:
Annual Water
Withdrawal
ReportApril 15:
Air Title V
Emission
Statement

Effective November 4, 2017, the New York State Department of Environmental Conservation (NYSDEC) adopted revisions to its solid waste management regulations (6 NYCRR Part 360). Revisions include updates to registration and permitting requirements, as well as the reorganization of the regulations. Changes to these provisions are anticipated to impact many facilities statewide. The primary requirements/changes for specific waste types/handlers have been summarized below.

Regulated Medical Waste – Regulated Medical Waste (RMW) includes infectious animal waste; human pathological waste; human blood and blood products; needles and syringes (sharps); cultures and stocks (microbiological materials); and other biohazard waste (e.g., materials contaminated with infectious agents) generated/managed at medical facilities and industrial/manufacturing facilities, among others. In general, requirements for RMW generators are now more explicitly differentiated from the specific requirements for treatment, storage, and disposal facilities. Major changes for facilities generating and/or managing RMW include:

- Specific storage time limits for small and large-quantity RMW generators;
- A requirement to develop a written Waste Management Plan describing the management practices/procedures, training for employees, emergency contact information, contingency planning, and on-site RMW storage practices;
- The regulations continue to require the use of Medical Waste Tracking Forms (MWTF) and the 3-year records retention requirement; and
- A report of the RMW generated annually must be submitted to the NYSDEC upon request only.



Courtesy: Wikipedia

C&D Debris Handling & Recovery Facilities – Formerly known as “C&D Debris Processing Facilities,” C&D Debris Handling & Recovery Facilities are facilities that receive waste materials from construction and demolition of structures, buildings and roads. Materials may include fill material, asphalt pavement / millings, and concrete. Some major changes for these facilities include:

- A threshold has been established to determine if a facility requires a registration or a permit (i.e., facilities receiving less than 500 tons of subject material per day based on a weekly average are only required to register, rather than apply for a permit);
- Registrations are only valid for five (5) years; previously registrations had no expiration date. Previously-registered or permitted facilities will need to review their status and re-register as appropriate;
- Time limits for storage of processed and unprocessed materials at C&D Debris Handling & Recovery facilities have been established; and
- Certain C&D items have been added or changed under the Beneficial Use Determination (BUD) regulations under Part 360.

Metal Recycling / Auto Dismantlers – Requirements for Metal Recycling / Auto Dismantling facilities are now more clearly arranged in their own subpart, 6 NYCRR Subpart 361-7. Certain dismantling and recycling facilities are now required to register with the NYSDEC and report annually on dismantling/recycling activities annually by March 1.

Beneficial Use Determinations – Beneficial Use Determinations (BUD) were previously presented in Part 360-1.15; requirements have now been relocated to Part 360.12. Primary changes include:

- Expanded pre-determined BUD definitions.
- Storage time limits for BUD materials prior to the actual beneficial use of the material (365 days).
- Persons distributing 10,000 tons or more per year of pre-determined BUD material must report annually to the NYSDEC by March 1. This report must include the type and quantity of material used during the previous calendar year. Case-specific BUD petitioners must also submit an annual report regardless of quantity of material beneficially used.
- Case-specific BUD approvals are now valid only for a period of five (5) years.

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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 (29 CFR 1910 Subpart D) and adds requirements for personal fall protection systems (29 CFR 1910 Subpart I). Some of these revisions have aligned the general industry requirements with those of the construction industry, thereby 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 of roof openings and skylights. Additionally, this rule 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 some provisions having delayed effective dates ranging from November 19, 2018 (installing personal fall arrest or ladder safety systems on new fixed ladders over 24 feet) to November 18, 2036 (replacing cages and wells used as fall protection with ladder safety or personal fall arrest systems on all fixed ladders over 24 feet). Facilities should assess compliance with the new regulations immediately. Talk to HEI about how this updated standard affects your facility.

Updates to Environmental Review Regulations Proposed in 2017

On February 8, 2017, the NYSDEC proposed amendments to the regulations that implement the State Environmental Quality Review ("SEQR", 6 NYCRR Part 617). SEQR requires state and local government agencies to consider the environmental, economic, and social impacts of all actions that may be approved, funded or undertaken in the State. SEQR benefits the public in many ways and provides opportunities for the public to meaningfully participate in the State or local government decision-making process.

The proposed changes streamline the environmental quality review process to make it more efficient without sacrificing environmental protection and community involvement. Proposed changes include:

- Mandatory scoping of Draft Environmental Impact Statements (DEIS);
- All Environmental Impact Statements (EIS) required to include discussions of measures to avoid or reduce the environmental impacts that may contribute to climate change effects (e.g., flooding);
- Expansion of the number of actions that will require an EIS; and
- Addition of certain types of projects to the list of actions that will not require an environmental assessment or EIS.

Final comments on the proposed changes were accepted until May 19, 2017. A final determination has not been issued.

Join us for the AWMA 2018 Annual Enrichment Seminar

HEI is proud to be a sponsor of the Niagara Frontier Section Air & Waste Management Association (AWMA) 2018 Annual Enrichment Seminar taking place **January 24, 2018** at Templeton Landing in Buffalo, New York. Several speakers and panels will cover a variety of leading edge topics in the environmental industry, including changes to 6 NYCRR Part 360, EHS facility best practices, and beneficial use of dredged materials. Additionally, HEI's Director of Site Services, Michele Wittman, along with NYSDEC Region 9 representatives will present information and a case study on the New York State Brownfields Cleanup Program (BCP). All proceeds from the seminar will go toward environmental scholarships. For more information or a seminar brochure, contact HEI today or visit www.awmanfs.wildapricot.org. Advance Registration ends soon!

*Air & Waste Management
Association*

2018 Annual Enrichment Seminar

January 24, 2018

7:30 - 4:00 pm
+ Social Hour
at

**Templeton Landing
Buffalo, NY**

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ORCHARD PARK,
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