HAZARD EVALUATIONS

Practical Solutions

Hazard Evaluations, Inc.
Quarterly Newsletter

Spring 2019

Important Compliance Dates & Deadlines for 2019:

Air Title V Emission Statement
April 15th

TP550 Quarter 1 2019
April 20th

Quarter 1 Stormwater DMR
April 28th

BUD Re-petitioning
May 3rd

EPCRA Section 313 (Form R)
July 1st

Hazardous Waste Reduction Plan
July 1st

VISIT US ONLINE AT:

hazardevaluations.com

OR CALL:

(716) 667-3130

Dust Hazard Analysis Requirement Enforced by OSHA

OSHA Occupational Safety and Health Administration

The hazards of combustible dusts have been present in industry for many years and OSHA has addressed these hazards since the early 1990s. Although OSHA does not have a standard for combustible dust, the agency does enforce combustible dust standards published by the National Fire Protection Association (NFPA) under OSHA's General Duty Clause. Recently, NFPA modified their combustible dust standards to require that facilities determine whether the dusts that are being handled are combustible or explosible. If any dusts are determined to be combustible or explosible and the dusts are present in an enclosure, a Dust Hazard Analysis (DHA) is required. A DHA is a systematic review to identify, evaluate, and recommend safeguards for potential fire, flash fire, or explosion hazards associated with the presence of combustible dusts. According to the latest NFPA Standards for combustible dust, a DHA is required to be completed by September 2020. If you are not sure whether the dusts that your facility handles are combustible, or whether a DHA is required, contact HEI for assistance.

Key Revisions to Refrigerant Management Requirements

Revisions to the federal refrigerant management regulations originally took effect in 2016; however, additional requirements took effect on January 1, 2019. The rule applies to owners and operators of appliances with a full charge capacity of 50 pounds or greater of any class I/II refrigerant (ozone-depleting substances), and was expanded to include all non-exempt substitute refrigerants. The new rule defines a "substitute" as any chemical or product (existing or new) that is used as a refrigerant in place of a class I/II ozone depleting refrigerant. The following compliance requirements went into effect January 1, 2019:

- Lower allowable leak repair (or repair "trigger") rates;
- New leak inspection, repair, reporting, and recordkeeping requirements for leaks that exceed their allowable leak rate; more stringent provisions for conducting verification tests, including a shortened window for running a follow-up verification test;
- New reporting requirements for chronic leaks of 125% or greater of the appliance's full charge within one calendar year;
- Revised extensions for leak repair deadlines; and
- New requirements for retrofit and retirement plans, including revisions to the plans' relief and extension requirements.

Common non-exempt substitute refrigerants include hydrofluorocarbons (HFCs), hydrofluoroolefins (HFOs), and perfluorinated chemicals (PFCs). Exempt substitute refrigerants include ammonia in commercial or industrial refrigeration process or in absorption units; carbon dioxide, nitrogen, and water in any application; chlorine in industrial refrigeration process; ethane in very low temperature refrigeration equipment; and propane (R-209), isobutane (R-600a), and R-441A in certain units. All other substitutes are non-exempt and are subject to leak repair provisions.

Preparing your facility for the new requirements should include conducting an inventory of equipment and refrigerants and preparing for the new leak requirements if your facility has appliance units with a full charge capacity of 50 pounds or greater of any class I/II refrigerant or non-exempt substitutes.

TSCA Inventory Notification (Active-Inactive) Rule

The USEPA finalized a rule which required industries to report chemicals that were manufactured, imported, or processed in the US to help identify which chemical substances listed on the TSCA Inventory are active in US commerce today. The reporting period covered 10 years and updates were completed in 2018. This is the first major update to the Chemical Substance Inventory in 40 years. Manufacturers and processors are required to notify the USEPA before a chemical substance currently identified as an "inactive" substance on the TSCA Inventory can be reintroduced into US commerce. Manufacturers and processors can notify the USEPA via a "Notice of Activity Form B" which can be found on the USEPA's Central Data Exchange (CDX). Once the USEPA receives such notification, the designation of that substance will be updated to an "active" substance.

Petroleum Bulk Storage & Farms

One prominent NYS environmental regulation that pertains to farms and may often go overlooked are the Petroleum Bulk Storage (PBS) regulations. Under the PBS regulations, "farm" is defined as "a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. Farm includes fish hatcheries, rangeland, and nurseries with growing operations." Common materials including hydraulic, lubricating or engine oils, waste oils, and motor fuels like diesel and gasoline, are all regulated under PBS. Many of these materials are found stored in bulk storage tanks on farms.

In NYS, tanks with storage capacities of 1,100 gallons or less storing motor fuel for non-commercial purposes at a farm (or residence) are exempt from the PBS regulations. However, if there are other tanks and tank systems present at the farm that otherwise make the farm subject to PBS requirements, those tanks would also be subject. For example, if a farm has (3) 500-gallon diesel fuel aboveground storage tanks (ASTs), that farm would not have to register its tanks. In another instance, if a farm has (3) 500-gallon diesel fuel ASTs as well as a 2,000-gallon gasoline AST, that farm would be subject to PBS requirements, because the gasoline tank is not exempt and all tanks present would need to be registered and comply with all PBS requirements.

Agricultural operations / farms may also be subject to a myriad of other environmental compliance regulations. For more information and assistance complying with regulations, contact HEI.

Hazardous Waste Generator Improvements Rule in Effect

Revised hazardous waste generator rules were finalized by the US Environmental Protection Agency (USEPA) on October 28, 2016 and became effective on May 30, 2017. In states that lack an authorized hazardous waste program, the new regulations became effective immediately. However, in states where an authorized hazardous waste program exists, but a change to state law is required, such as New York, the state must adopt the more stringent requirements of the new rule on or before **July 1, 2019**:

Some of the major changes resulting from the Generator Improvements Rule include:

- Conditionally Exempt Small Quantity Generators (CESQGs) will be "Very Small Quantity Generators" or VSQGs;
- VSQGs will be able to send hazardous wastes to Large Quantity Generators (LQGs) under the same control (another inter-company facility);
- SQGs must re-notify the agency of their generator status; and
- A Quick Reference Guide must be generated and included in new or updated contingency plans submitted to local emergency responders.

Stay tuned for an announcement regarding changes to New York State Department of Environmental Conservation (NYSDEC) hazardous waste regulations, in response to the federal rule.

Hazardous Materials Registration with USDOT

The USDOT regulations located at 49 CFR Part 107, Subpart G apply to those that transport or offer transport in foreign, interstate or intrastate commerce. These regulations require subject facilities to submit a completed registration to USDOT no later than June 30th each registration year. Registration years begin on July 1st and end on June 30th of the following year. Each registration statement also requires submittal of an annual registration fee and $25 processing fee. Annual registration fees vary based on the type of entity offering hazardous materials and submitting the statement.

These requirements apply to the following items:

- A highway route-controlled quantity of a Class 7 (radioactive) material;
- More than 55 lbs. of a Division 1.1, 1.2, 1.3 (explosive) material in a motor vehicle, rail car or freight container;
- More than one liter per package of a material extremely toxic by inhalation having a capacity equal to or greater than 3,500 gallons for liquids or gases or more than 468 ft^3 for solids;
- A shipment of 5,000 lbs. gross weight or more of one class of hazardous materials; and
- A quantity of hazardous material that requires placarding under USDOT provisions, except when pertaining to activities of a farmer that are in direct support of the farmer's farming operations.

As with other environmental regulations, failure to register and comply may result in enforcement actions and monetary penalties.

For more information, visit the PHMSA website: https://www.phmsa.dot.gov/registration/registration-information

Reminder!

Protection Against Legionella

Seasonal start-up is around the corner! NYS Department of Health Regulations require all cooling towers must be inspected (by an environmental conservation water treatment professional, etc.) prior to seasonal start-up.

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