

Practical Solutions

Hazard Evaluations, Inc.
Quarterly Newsletter

Summer 2019

Important Compliance Dates & Deadlines for 2019:

Q2 TP - 550 HW
Assessment & Fees
July 20

Q2 / Period /
Semi-Annual
Stormwater DMR
July 28

Semi-Annual Air
Compliance
Report
July 30

Q3 TP - 550 HW
Assessment & Fees
October 20

Q3 Stormwater
DMR
October 28

Cooling Tower
Equipment Initial
Annual
Certification
November 1

VISIT US
ONLINE AT:

hazardevaluations.com

OR CALL:

(716) 667-3130

ENVIRONMENTAL ADVANTAGE, INC.



C. Mark Hanna, President and Principal of Hazard Evaluations, Inc. for the past 31 years, is pleased to announce a significant change in the firm's structure which is focused on developing a proper business succession. Effective June 27, 2019, Mr. Hanna formed a second firm, Environmental Advantage, Inc., for which he will serve in a similar capacity. Hazard Evaluations, Inc. (HEI) and Environmental Advantage, Inc. (EA) will operate as sister companies for the foreseeable future; however, services will begin to be segregated by the end of 2019.

Mark Hanna will continue to oversee HEI's due diligence and EPCRA-related services, and will also guide all environmental services to be provided by EA, including industrial, development and construction related regulatory compliance, permitting and training services, and site investigation, remediation and vapor intrusion projects. Project Manager Peter Bojczuk and Team Leader Kimberly Hahn will ultimately manage EA's various projects for their specific areas of expertise.

HEI will continue to provide its wide-ranging industrial health and safety services, including Process Safety and Risk Management related services and Combustible Dust Hazard Assessments. Erik Hanna will continue to serve as Director of H&S Services moving forward, ultimately taking over all firm operations. Our employees all look forward to continuing our strong relationships with our clients, and promise to continue to provide the high quality services for which HEI has come to be known.

HEAT-RELATED ILLNESS AWARENESS



Each year, dozens of workers in the United States die from heat illness, sometimes referred to as heat stress, due to working in extremely hot environments. In 2011, OSHA launched the Heat Illness Prevention Campaign to raise awareness and educate employers and workers on the dangers of working in hot environments. This campaign highlighted three key words to keep workers safe: **Water, Rest, and Shade.**

Workers can be exposed to hot or humid conditions from a variety of sources. Working outdoors may first come to mind, but working indoors around heat-producing machinery or processes such as foundries, ovens, boiler rooms, or steam applications can also produce heat illness. Types of heat illness include heat stroke, heat exhaustion, heat cramps, and heat rash. Common first aid practices include removing the affected worker from the hot or humid area, providing cool beverages (preferably water), and cooling the worker down by applying cool water or cold compresses to the body.

Under Section 5(a)(1) of OSHA's General Duty Clause, employers are required to provide employees with a place of employment that is "free from recognizable hazards that are causing or likely to cause death or serious harm to employees." This clause includes heat-related hazards. In addition to implementing engineering controls such as air conditioning, fans, and ventilation, major steps that employers can take to prevent heat-related illnesses include providing **water, rest, and shade.** Acclimation periods for new or returning employees who will be assigned to work in the heat or hot environments have also proven effective in reducing the amount of heat-related illnesses.

NYSDEC PART 360 UPDATE

The New York State Department of Environmental Conservation (NYSDEC) approved and published an Enforcement Discretion Letter on January 29, 2019, which addresses the provisions of the revised Part 360 regulations and extends certain items subject to enforcement discretion until May 3, 2020 or until the regulation is amended. The update expands the allowed storage of concrete and asphalt prior to reuse when the materials are under the control of their generator or person responsible for the generation and allows readily recyclable materials to be transported without the need for a Part 364 waste transporter registration or permit. It also allows facilities with a Part 360 registration issued prior to November 4, 2017 to accept mixed loads of asphalt, asphalt millings, concrete & concrete products, brick, rock, and soil as long as the registration allows for the processing of each material within the mixed load.

For more information, visit NYSDEC's website: <https://www.dec.ny.gov/regulations/81768.html>

KEEPING YOUR PBS PROGRAM UP-TO-DATE



Department of
Environmental
Conservation

Many facilities throughout New York State are subject to the requirements of the New York State Department of Environmental Conservation's (NYSDEC) Petroleum Bulk Storage (PBS) Program. This program, set forth by the regulations at 6 NYCRR Part 613, requires regulated facilities over a certain storage capacity threshold to register its bulk storage tanks containing regulated petroleum materials (i.e., petroleum oils, blends, and mixtures) and to manage them in strict accordance with the regulations.

Applying for a registration certificate is only the first step to being compliant with this regulation. Once a facility receives a registration certificate, they must keep it accurate and updated to reflect conditions at the facility. There are many steps to ensuring continued compliance with this program. For example, the PBS program requires that facilities conduct continued monthly and sometimes 10-year formal inspections of their subject tanks. The monthly inspection is required to be documented and continued, even if the tank is empty at the time of your inspection. The purpose of the periodic inspection is to note changes and identify any issues that could lead to a leak or spill. Additionally, adding tanks or changing materials stored in a particular tank can lead to a change in regulatory status of a tank or cause the tank to be regulated under a different set of regulations. It is critical that a facility review any material intended to be stored in tanks or containers that may be regulated. The PBS Program requires the certificate to remain updated, so if something changes the facility must review its certificate and submit an information update through the use of appropriate paperwork to the NYSDEC, if necessary. The PBS Program also requires a facility to notify the NYSDEC at least 30 days prior to installing or closing a PBS-regulated tank.

Containers such as drums and totes may have to be registered as tanks under the PBS program, depending on the way they are used by the facility and length of time in place. For example a 55-gallon drum installed at a facility in a stationary position (i.e., on a rack or fixed in place) containing petroleum as defined under the PBS program, would be considered a "tank," and would thus need to be registered and maintained like a PBS bulk storage tank.

Keeping an eye on how materials are stored and ensuring your PBS certificate is up to date and correct is crucial to facility compliance. Whether the facility completes these updates themselves or not, it is crucial to keep all involved, including your consultant, privy to any material storage changes happening at the facility.

PROPOSED CHANGES TO TSCA CHEMICAL DATA REPORTING

The next round of Chemical Data Reporting (CDR) under the Toxic Substances Control Act (TSCA) is happening during the summer of 2020. TSCA CDR requires an entity to report various imports and manufacturing activities for a multitude of regulated substances and byproducts (with some exceptions). On April 12, 2019, the United States Environmental Protection Agency (USEPA) published a proposed rule for revisions to TSCA CDR which includes several revised definitions and recordkeeping requirements in an effort to reduce reporting burden for some and make regulatory clarifications. These revisions are likely to affect a number of regulated entities that generally report under this regulation.

Some of the proposed changes of note include the following:

- Adjusting for inflation by revising the definition of a small business. The new definition would be a manufacturer that has sales combined with its parent company either 1) under \$110 million, unless that company has a site that produced more than 100,000 pounds of a particular substance; or 2) under \$11 million regardless of production volumes. These numbers were \$40 million and \$4 million, respectively;
- Revising the definition of parent company to include foreign parent companies;
- Adding certain exemptions for byproducts; and
- Allowing reporting in metal compound categories for a parent metal and its respective compound category to align more closely with TRI reporting requirements.

Other proposed changes include adjusting the regulatory language to consolidate exemptions as well as updating the current electronic reporting system and forms (Form U). The USEPA is expecting there to be a period for industry to test the updated electronic reporting system (eCDR) prior to the 2020 CDR submittal period.

PROPOSED NESHAP AMENDMENTS

The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP): Asphalt Processing and Asphalt Roofing Manufacturing. The amendments are to correct and clarify provisions related to emissions; add requirements for performance testing; add electronic reporting; revise monitoring requirements; and to improve consistency and clarity. The proposed amendments are not anticipated to result in reductions in emissions of hazardous air pollutants (HAP), but if finalized, they would improve compliance and implementation of the rule.

3636 N. BUFFALO
RD.
ORCHARD PARK,
NEW YORK 14127
hazardevaluations.com
(716) 667-3130

