

PRACTICAL SOLUTIONS

HAZARD EVALUATIONS, INC.
QUARTERLY NEWSLETTER

WINTER 2017

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“Hazardous Waste Generator Improvements” Rule Signed in October

Revised hazardous waste generator rules were proposed by the USEPA in Fall 2015, finalized on October 28, 2016 and published in the Federal Register on November 28, 2016. The purpose of the revisions is to lessen the management burden of hazardous waste regulations on waste generators. In addition, the regulations are going to be reorganized so that they are easier for generators review, understand, and interpret.

**ATTENTION HAZARDOUS
WASTE GENERATORS:**
MAJOR CHANGES APPROVED!

Some of the major changes resulting from the Hazardous Waste 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) so that waste can be better managed and consolidated to make disposal more cost effective. For example, a company's distribution office (classified as a VSQG) will be able to transport hazardous wastes to the company's primary manufacturing facility (classified as a LQG).
- All regulation relating to CESQGs (VSQGs) is moved to 40 CFR Part 262.
- In-depth explanations and methods for making hazardous waste determinations will be provided.
- Clearer definitions of Generator Categories will be provided.
- Small Quantity Generators (SQGs) are allowed to remain in their generator category when an “episodic” waste generation event occurs; provided the waste is properly managed. For example, a SQG facility generating atypical hazardous waste due to equipment failure (e.g., solvent distillation system; not a regular waste generation stream) will not require a facility to comply with the LQG requirements.

Changes will officially take effect on May 30, 2017. As an authorized state, New York will have to adopt these regulations sometime in the near future in order to remain as stringent as and consistent with federal regulation. Stay tuned for an announcement regarding potential changes to New York State Department of Environmental Conservation (NYSDEC) regulations.

We're Moving!

Sometime this spring, the HEI office will be relocating just down the road to 3636 N. Buffalo Road, Orchard Park, NY. More information to follow.

Solution: Odor Nuisance Complaints

As development continues to increase in the Western New York area, a greater number of citizens come into contact with commercial and industrial operations and more specifically, the odors that these operations may produce. Whether a new odor arises from expanded or changed operations at a facility affecting existing neighbors, or new neighbors experience a “foul” smell emitting from your plant, odor complaints are a concern for many industries. The NYSDEC receives a number of odor complaints each day and evaluates each complaint for odor nuisance criteria including characteristic and duration. If these odors are deemed “injurious to human, plant or animal life or to the property, or which unreasonably interfere with the comfortable enjoyment of life or property,” they could potentially result in a violation of 6NYCRR 211 (General Prohibitions).

COMING SOON!

HEI is coming to Facebook:
Search for
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notes, and
relevant updates
concerning all of your
compliance needs!

Identifying odors as a nuisance is inherently subjective and nuisance complaints against your facility may be frustrating. **So, what can you do when a neighbor reports a foul smell emitting from your facility?** Cooperation with the NYSDEC is the first step to resolving an odor issue or complaint. Remember, it is the NYSDEC's duty to facilitate a resolution between both parties. Through cooperation, a majority of these resolutions happen during the pre-enforcement stage of investigation. The NYSDEC air pollution engineers typically suggest voluntary remedial solutions at that stage. Mitigation measures typically include raising an emission point stack or altering chemical or material use, where possible and as applicable. Operations, site layout, emission points, and receptor (resident) location will vary greatly between facilities and will impact the required actions to resolve nuisance odor complaints.

HEI has experience working with the NYSDEC and representing facilities in order to mitigate odor complaints in a cost-effective and timely fashion and can help direct your facility to the most feasible and practical solution.



Health and Safety Training Grants

Now is the time to complete a submission for a 2017-2018 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 2017 - July 2018 Program Year. The Hazard Abatement Board awards grants for employers to provide OSHA training programs, as well as hazardous waste management and other environmental training programs, to 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 13, 2017**.

IMPORTANT COMPLIANCE DATES & DEADLINES FOR 2017:

JANUARY 30:
Annual Air Compliance Report

FEBRUARY 28:
Annual Stormwater Compliance Report

MARCH 1:
EPCRA 312 (Tier II)

MARCH 1:
Annual Hazardous Waste Report

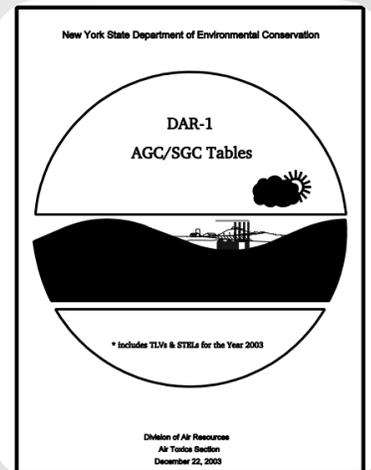
APRIL 15:
Air Title V Emission Statement

The Growing Role of Air Emissions Modeling in Permitting

In the recent past, NYSDEC has been relying more heavily on air dispersion modeling for air permit compliance and in odor complaint resolution. Whether a facility is applying for a new permit or modifying an existing one, it is likely NYSDEC will require simulations with AERSCREEN, the USEPA-developed emission dispersion computer model.

Air pollutant dispersion modeling looks at the various pollutants generated in the operations conducted at a facility. Using site-specific data, including building height and orientation, stack height and shape, and seasonal meteorological conditions at the facility, the model is used in conjunction with facility emission calculations to estimate contaminant concentrations at a given receptor. A receptor, for example, could be the location of a complainant's home. Results are compared to NYSDEC DAR-1: Annual and Short-Term Guideline Concentrations (AGC/SGC). The NYSDEC may use the results to determine if the facility will need to adjust chemical usages or physical stack characteristics in order to remain at a certain permit level and below the AGC/SGC concentrations. AERSCREEN is the initial screening version of AERMOD, a more comprehensive USEPA-developed modeling package, which is often required to be used when AERSCREEN simulations and the related computations result in exceedances of moderate or high toxicity compound AGCs or SGCs at a receptor.

Air dispersion modeling has become a critical tool in NYS air regulation compliance. Facilities should be aware that even air registrations and state facility permits (i.e., non-Title V permits) may require air modeling before an application can be reviewed, depending on the compounds being emitted. The process and applicable requirements are both highly site- and operation-specific. The evolving nature of these requirements highlights the importance of seeking guidance from an experienced environmental professional familiar with the aspects of facility operations and NYSDEC expectations and requirements.



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 (1910 Subpart D) and adds requirements for personal fall protection systems (1910 Subpart I). Some of these revisions have aligned the general industry requirements with those of the construction industry, therefore 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. 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 defines fall protection options when employees are working on low-slope roofs, and outlines the requirements for protection of roof openings and skylights. The final rule also replaces 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 will take effect on January 17, 2017 with some provisions having delayed effective dates ranging from 6 months (training) to 20 years (replacing cages and wells on fixed ladders). Contact HEI regarding how this updated standard affects your facility.

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