

# PRACTICAL SOLUTIONS

HAZARD EVALUATIONS, INC.  
QUARTERLY NEWSLETTER

SPRING 2016

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

Annual  
Water  
Withdrawal  
Report  
**March 31**

Air Title V  
Emission  
Statement  
**April 15**

Quarter 1  
Stormwater  
DMR  
**April 28**

Compliance  
with  
Part 222  
Operating  
Require-  
ments  
**May 1**

EPCRA  
Section 313  
(Form R)  
**July 1**

Hazardous  
Waste  
Reduction  
Plan  
**July 1**

## ***New Regulation Part 222—Distributed Generation Sources Emission Limits to be set for Power Generators***



The NYSDEC is proposing to set various limits on emissions of nitrogen oxides (NOx) and Particulate Matter (PM) from “distributed generation sources” - certain diesel generators and natural gas-fired engines utilized to provide back-up power at larger buildings and institutions, such as multi-tenant office buildings. It does not include larger units qualifying as major sources or home-sized small units. This regulation applies to distributed generation sources with a maximum mechanical output rating of 400 horsepower or greater, unless such sources are used only in the event of an emergency (e.g. during power outages). It should be noted that New York City has different limits. The regulation presents re-

strictions on operating times during “peak ozone season” (May 1 - September 30), recordkeeping, and requirements for registration & permitting under the rule.

Some methods for compliance with the regulation include installing NOx control commitment, replacing older units, or limiting the operation of the unit so that it is only used during emergency situations.

The latest version of the Distributed Generation Sources rule, which is currently posted on the NYSDEC’s website, contains deadlines for notification, testing, and reporting. This includes an initial notification to the NYSDEC by April 1, 2016. However, in the most recent Environmental Notice Bulletin issued by the NYSDEC earlier in March, the Department acknowledged that meeting the initial compliance dates will likely not be possible as the regulation is not expected to be finalized for several weeks.

If your facility utilizes generators, this proposed rule may apply. Information on 6 NYCRR Part 222 and related fact sheets are available online from the NYSDEC. More information will be presented in a later HEI newsletter to communicate additional requirements and guide regulatory implementation.

## ***Attention! WNY Safety Conference set for April 6 & 7***

*An Announcement from Gerry Bogacz, WNY Safety Conference*

A leader in presenting best practice approaches in safety for 80 years and the oldest conference in the U.S., addressing personal growth models and enriching a safety culture by expanding its horizon - it’s all happening in WNY on April 6 & 7, 2016 with the WNY Safety Conference at Seneca Niagara Casino & Hotel.

Keynote addresses from Astronaut and Commander of the Space Shuttle Endeavor, Mark Kelly, and author, business leader, and representative of dozens of coaches and professional athletes, Joe Sweeney, will highlight redefining leadership, setting goals, focusing efforts, and acquiring the tools to “get clear, get free, and get going” in life and safety.

There will be over forty exhibitors offering products and services, and opportunities to enrich your professional career. This event is open to all those who perform a work task, managers, owners of companies, educators, and health-care providers. Take a step beyond your boundaries, open the doors to innovation, be bold & have no fear. “Build a Launchpad” that prepares you to be free. **Attend the WNY Safety Conference April 6 & 7, 2016. For more information and to register online, visit [wnysc.com](http://wnysc.com)**



VISIT US  
ONLINE AT  
[hazardevaluations.com](http://hazardevaluations.com)  
OR CALL  
(716) 667-3130

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

Quarter 2  
Stormwater  
DMR  
July 28

Semi-Annual  
Air  
Compliance  
Report  
July 30

PBS UST  
Operator  
Training,  
Registration,  
Due  
October 11

Quarter 3  
Stormwater  
DMR  
October 28

Cooling  
Tower  
Equipment  
Initial Annual  
Certification  
November 1

## Update: Water Cooling Tower Maintenance Program & Plan

Pursuant to NYS Emergency Legionella Regulations (10 NYCRR Part 4), effective summer 2015, establishment of a Maintenance Program & Plan for cooling tower and evaporative condensers was due on **March 1, 2016**. The program must be prepared and maintained in accordance with the ASHRAE Standard 188-2015: "Legionellosis: Risk Management for Building Water Systems," as well as the specific requirements identified within the regulation. An initial annual certification of each system must be completed by a qualified professional before **November 1, 2016** to document facility compliance and be electronically reported to the NYSDOH and local health departments through the online system.



## USEPA eDisclosure System has Launched

On December 9, 2015 the USEPA launched its eDisclosure portal available through CDX to assist facilities through the self-auditing process and provide steps toward violation & fine mitigation. Users who discover that they have a violation to disclose must register with the system and disclose violations within 21 days of discovery. The eDisclosure system provides a calendar from which the discloser can input their discovery date. "Prompt" disclosure dates are then automatically generated and displayed next to each violation. Because EPCRA violations (SARA 312, SARA 313 / TRI, etc.) are most common, these are considered "Category 1" violations while all other non-EPCRA violations are considered "Category 2". Violations can be submitted on behalf of multiple facilities and shared (when disclosers are working with other entities or consultants on their behalf). Any supporting documents, including any necessary reports or certification paperwork, may also be uploaded to the system. On the eDisclosure system, the compliance certification date is 60 days after the date of disclosure and this date is displayed next to each violation by which the facility must certify that they have come into compliance. Additionally, all correspondence letters from the USEPA regarding a specific violation can also be viewed within this system. Previously, both common and uncommon regulatory violations were resolved through a lengthy paper process. USEPA's intent for eDisclosure is to allow for more prompt violation resolution. For more information about self-auditing and the new eDisclosure system process, contact HEI.



## Focus on Universal Waste: Regulated & Commonly Overlooked

Universal Waste (UW) is commonly found at most commercial or manufacturing facility and includes what many people would think of as every-day items. However, these items are a type of regulated hazardous waste with specific regulatory management requirements. These materials are regulated by the NYSDEC Universal Waste Rule (6 NYCRR Part 374-3), which mirrors the federal regulations outlined in 40 CFR Part 273. These regulations were implemented as a management alternative rather than subjecting them to all of the requirements of the hazardous waste regulations UW includes:

- **Batteries:** Lead acid batteries, nickel-cadmium, silver, lithium, and mercury batteries. This also includes forklift batteries.
- **Certain Pesticides:** Stocks of recalled, suspended, or cancelled pesticides. Pesticides that are not technically hazardous wastes are not UW.
- **Thermostats & other Mercury-Containing Equipment:** Lamps and batteries that contain elemental mercury integral to its function.
- **Lamps:** The bulb or tube portion of an electric lighting device. Common UW lamps include but are not limited to fluorescent, neon, and metal halide lamps.

A facility is designated as a specific "handler" class (similar to hazardous waste generator categories depending on the volume of UW the facility stores at any one time. Common compliance violations associated with UW management include improper labeling practice, UW containers stored open, and accumulation periods in excess of the one-year limit.



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