

Practical Solutions

Environmental Advantage, Inc. & Hazard Evaluations, Inc.
Quarterly Newsletter

Fall 2020

NYSDEC Adopted Part 226 Solvent Cleaning Processes & Industrial Cleaning Solvents



Department of Environmental Conservation

The New York State Department of Environmental Conservation (NYSDEC) recently revised its regulations pertaining to solvent cleaning and the use of industrial cleaning solvents. The revised regulations, which are listed in 6 NYCRR Part 226, apply to many different types of processes and equipment including small parts wash sinks that are commonly used by maintenance personnel. These devices, which have been typically exempt from other air regulations, now fall into a separate category known as remote reservoir cleaning machines. To comply with this regulation, your facility must meet the following requirements:

- Use only cleaning solutions with a VOCs content of 25 grams per liter or less at 20°C. Please Note: Cleaning solutions with a vapor pressure of 1.0 mm Hg, or less, at 20°C can be considered compliant at present and can be continued to be used until December 1, 2020;
- Clean parts shall be drained at least 15 seconds or until dripping ceases;
- Solvent must be stored in covered containers and waste solvent must be transferred or disposed of in such a manner that less than 20 percent of the waste solvent (by weight) can evaporate into the atmosphere;
- Maintain the regulated equipment to minimize leaks and fugitive emissions;
- Display at the equipment location a conspicuous summary of proper operating procedures consistent with minimizing emissions of VOCs;
- Keep the degreaser cover closed except when: 1) parts are being placed into or removed from the degreaser; 2) the cover needs to be open in order to add or remove solvent from the degreaser; 3) no solvent is in the degreaser; or 4) manually cleaning parts in the cold cleaning degreaser;
- Create and maintain a record of solvent consumption. This record must be retained for five years and made available to the department upon request;
- Do not clean sponges, fabric, wood, leather, paper products and other absorbent materials in a degreaser;
- Ensure that the device is equipped with a cover which can be operated easily and an internal drainage facility (under cover), if practical; and
- Retain a record of the following three items for five years and provide these records to the NYSDEC upon request: 1) the name and address of the solvent supplier; 2) the type of solvent used including the product or vendor identification number; and 3) the VOCs content of the cleaning solution in grams per liter (gm/l) or the vapor pressure of the solvent measured in mm Hg at 20°C (68°F) as appropriate to verify compliance.

If your facility currently operates a parts washer, contact EA and we'll help you determine what actions your facility needs to take to maintain compliance.

Dust Hazard Analysis (DHA) Now Required as of September 2020



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. In recent months, the 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 was 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, HEI can assist you.

Important Compliance Dates & Deadlines for 2020:

Quarter 3 TP-550 HW Assessment & Fees
October 20

Quarter 3 Stormwater DMR
October 28

Cooling Tower Annual Certification
November 1

TSCA CDR 2020
November 30

Stormwater Annual CSCIER
December 31

Quarter 4 Stormwater Annual Sampling
December 31

Quarter 4 Stormwater Visual Monitoring
December 31

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(716) 667-3130

Hazardous Waste Generators Compliance with USEPA and NYSDEC Regulations



Hazardous waste generators in New York State (NYS) are generally well aware of the fact that as an authorized state, NYS is required to have hazardous waste regulations at least as stringent as the United States Environmental Protection Agency (USEPA). However, what generators may not be aware of is that following the effective date of USEPA's Hazardous Waste Generator Improvements Rule (GIR) in May 2017, NYS has yet to fully accept the full GIR regulations, as the state continues to revise and update their own regulations.

Generators in NYS must not only ensure that they are complying with NYSDEC hazardous waste regulations, but also the more-stringent requirements of the USEPA's GIR which are in effect (USEPA can enforce these requirements in NYS). Most of these more-stringent requirements affect large quantity generators (LQGs), but some do affect other categories of generators as well. Generators in NYS often assume that if they comply with the NYSDEC hazardous waste regulations, they are automatically in compliance with USEPA requirements; however, this is currently not the case.

For instance, the GIR included a provision that LQGs must also develop and submit a Quick Reference Guide (QRG) when they update and submit their RCRA Contingency Plans to emergency responders and agencies. This requirement hasn't been adopted yet by NYSDEC (although it is in the process), but because it is in effect at the federal level, it may be enforced in NYS. There are also several other aspects to the GIR that are currently in effect at the federal level that can still be enforced in NYS prior to NYSDEC's adoption of the rule.

This also works in the opposite fashion. There are some hazardous waste provisions that are less stringent at the federal level than state, which *cannot yet* be utilized by NYS generators. These include managing aerosol cans as universal waste, episodic generation reliefs, LQGs consolidating Very Small Quantity Generator (VSQG) wastes, and the 50-foot setback waiver for ignitable and reactive wastes.

NYSDEC is adopting most of these provisions in some fashion in various phased packages of regulatory changes (see FedReg5 and FedReg6 packages on NYSDEC website). These changes also include reorganization and various clarifications as well, which are expected to aid in clarifying many generator requirements.

If you require assistance developing or updating your contingency plan, or complying with an aspect of RCRA / NYS hazardous waste regulations, contact EA today.

Ammonia PSM/RMP Mechanical Integrity ANSI/IIAR 6-2019 Standard



ANSI/IIAR 6-2019 was recently established to define the minimum requirements for inspection, testing, and maintenance (ITM) applicable to a safe closed-circuit ammonia refrigeration system. The standard identifies what components should be inspected, tested, and maintained and how frequently the tasks should be performed. The standard should be incorporated into a Mechanical Integrity Program as recognized and generally accepted good engineering practices and OSHA is now using the document for reference during inspections.

This document also provides several benefits for employers in eliminating certain grey areas surrounding the ITM that may be required, but also provides guidance on the Retention of Mechanical Integrity Records, as well as the acceptable frequencies for completing required tasks (i.e., annual inspection is occurring once per year in a time period of between 9 and 15 months with the maximum time period being 15 months for an annual task). These are important tools for operators of ammonia refrigeration systems to be aware of and how they may affect your PSM/RMP Program procedures and documentation.

If you have not already had internal discussions regarding complying with ANSI/IIAR-6 and determining how its requirements may affect your process and facility, **Now Is The Time!** HEI provides hands-on assistance to ensure that you understand how this standard may affect your process and PSM/RMP Program. Hazard Evaluations will work with your team to ensure that you take the appropriate steps in achieving compliance!

Toxic Substances Control Act Chemical Data Reporting Deadline

The USEPA has revised the Chemical Data Reporting (CDR) requirements and has extended the deadline for the 2020 reporting period to allow manufacturers and importers to review and incorporate the changes. The deadline is quickly approaching and reports must be submitted **by November 30, 2020**.



Reminder!

Have you filed your Annual 209-u report yet?

NY General Municipal Law §209-u requires any business within NYS using hazardous materials during the previous year to report the presence of these materials to the chief of the appropriate fire department, fire corporation, or fire company having responsibility for fire protection at the storage address.

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