

Practical Solutions

Environmental Advantage, Inc. & Hazard Evaluations, Inc.

Summer 2020

Quarterly Newsletter

Important Compliance Dates & Deadlines for 2020:

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

TSCA CDR 2020
November 30

VISIT US
ONLINE AT:

envadvantage.com

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OR CALL:
(716) 667-3130

Updated TSCA Small Manufacturer Definition



Recently, the U.S. Environmental Protection Agency (USEPA) updated the definition of a Small Manufacturer under the Toxic Substances Control Act (TSCA). The updated definition primarily affects reporting under the Chemical Data Reporting (CDR) rule, although reporting under other TSCA requirements is affected as well.

The final updated version defines a Small Manufacturer as an entity that has sales, combined with those of its parent company (both foreign and domestic):

First standard: A manufacturer (including an importer) of a substance is small if its total annual sales, when combined with those of its parent company (if any), are less than \$120 million. However, if the annual production or import volume of a particular substance at any individual site owned or controlled by the manufacturer or importer is greater than 100,000 pounds, the manufacturer (including importer) will not qualify as small for purposes of reporting on the production or importation of that substance at that site, unless the manufacturer (including importer) qualifies as small under the second standard.

Second standard: A manufacturer (including an importer) of a substance is small if its total annual sales, when combined with those of its parent company (if any), are less than \$12 million, regardless of the quantity of substances produced or imported by that manufacturer (including importer).

Under the CDR rule, facilities that meet the second standard are generally exempt from reporting the full site, while those that fall under the first standard can skip reporting on substances manufactured or imported below the annual volume threshold.

According to the EPA's estimates, the updated definition will eliminate reporting entirely for 127 industries' sites and reduce it for another 173 sites, for a combined reduction of more than 1,200 individual chemical reports, relative to 2016 reporting. The 2020 TSCA CDR is due by November 30, 2020.

ANSI / IIAR 9-2020 Standard Release



ANSI/IIAR 9-2020 – Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems is now an approved standard (published March 3, 2020). The standard provides a method for existing stationary closed-circuit refrigeration systems using ammonia as the refrigerant to determine and document that existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in use is inspected, tested, maintained and operating in a safe manner.

The new standard requires an initial evaluation for IIAR 9 compliance within 5 years from the date of publication. It also requires that the facility re-evaluate its compliance every 5 years thereafter. If you have not already had internal discussions regarding complying with ANSI/IIAR-9 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 new 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!

Hazardous Materials Regulations Amendments

As part of the biennial review process, the Pipeline and Hazardous Materials Safety Administration (PHMSA) recently amended the Hazardous Materials Regulations (HMR) to more closely align with international regulations and standards. The amendments include changes to shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The new requirements went into effect on May 11, 2020. For more information on how this affects your facility, contact Environmental Advantage.

Important

Hot Topic!

Keep an eye out for the next issue of Practical Solutions

NYSDEC recently revised 6 NYCRR Part 226 Solvent Metal Cleaning Processes. The revision lowers Volatile Organic Compound (VOC) content of cold cleaning processes. The revision eliminates the distinction that the rule only applies to the cleaning of metal.

Compliance date- 12/2020

More detailed information in the Fall 2020 newsletter.

Waters of the United States and Navigable Waters Updates



On April 21, 2020, the U.S. Environmental Protection Agency (USEPA) and the Department of the Army (Army) published the Navigable Waters Protection Rule to define "Waters of the United States" (WOTUS) in the Federal Register. For the first time, the agencies are streamlining the definition so that it includes four simple categories of jurisdictional waters, provides clear exclusions for many water features that traditionally have not been regulated, and defines terms in the regulatory text. Congress, in the Clean Water Act, explicitly directed the Agencies to protect "navigable waters." The Navigable Waters Protection Rule regulates traditional navigable waters and the core tributary systems that provide perennial or intermittent flow into them.

In this final rule, the agencies interpret the term "Waters of the United States" to encompass:

- The territorial seas and traditional navigable waters;
- Perennial and intermittent tributaries that contribute surface water flow to such waters;
- Certain lakes, ponds, and impoundments of jurisdictional waters; and
- Wetlands adjacent to other jurisdictional waters.

The rule also clarifies those waters that are specifically exempt including groundwater, ephemeral features that flow only in direct response to precipitation, and ditches that are not traditional navigable waters, prior converted croplands, and waste treatment systems, among others. The WOTUS updates may affect permitting scenarios, and requirements for spill or emergency response plans. The recently finalized rule will have an impact on those affected by Clean Water Act permitting and requirements.

EPA Enforcement Discretion for COVID-19



On March 26, 2020, the U.S. Environmental Protection Agency (USEPA) released an Enforcement Discretion Letter for noncompliance in civil matters resulting from the COVID-19 pandemic, which will remain in effect until August 31, 2020. The letter states that, if due to the COVID-19 pandemic compliance is not reasonably practicable, facilities with environmental compliance obligations should:

1. Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance;
2. Identify the specific nature and dates of the noncompliance;
3. Identify how COVID-19 was the cause of the noncompliance, and the decisions and actions taken in response;
4. Return to compliance as soon as possible; and
5. Document the information, actions, or conditions specified in 1 through 4.

Heat-Related Illness Awareness

OSHA® 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.

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