

# Practical Solutions

Environmental Advantage, Inc.  
& Hazard Evaluations, Inc.

Winter 2022  
Quarterly Newsletter

**Important Compliance Dates & Deadlines for 2022:**

**Q4 TP-550 HW Assessment & Fees  
January 20**

**Annual Stormwater Compliance Report  
January 28**

**Annual & Semi-Annual Air Compliance Report  
January 30**

**EPCRA 312 (Tier II)  
March 1**

**Annual Hazardous Waste Report  
March 1**

**Annual Part 360 / BUD Reports  
March 1**

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## Notice from Mark Hanna, President of EA and HEI

Mark Hanna, President of Hazard Evaluations, Inc. and President/Principal of Environmental Advantage, Inc., will reduce his work schedule effective January 10, 2022. Mr. Hanna will generally be available during the work week on Monday, Wednesday and Thursday, 9:00 AM until 4:00 PM. Anyone trying to reach Mr. Hanna at other times is encouraged to request assistance from members of our staff to ensure all of your needs are being met. Thank you.

## NYSDEC Enforcement Discretion - Hazardous Waste Storage Time

In September, the New York State Department of Environmental Conservation (NYSDEC) released an enforcement discretion letter with respect to the hazardous waste storage time frame for Large Quantity Generators (LQG) and Small Quantity Generators (SQG). The enforcement discretion will be utilized until March 31, 2022, or until the letter is modified or rescinded.

The NYSDEC is able to grant a 30-day extension of time for the storage of hazardous waste due to unforeseen, temporary and uncontrollable circumstances in order to provide relief to generators without appropriate outlets for their hazardous waste. Generators must provide proof that their hazardous wastes do not have an appropriate outlet and submit a completed Hazardous Waste Storage Extension Request form via email. Generators may also apply for additional extensions, with documentation from the disposal company demonstrating that additional storage time is necessary, within three business days prior to the expiration of each 30-day extension. If your facility is a LQG or SQG and needs assistance filing for a storage extension, contact EA today.

## OSHA ETS - Mini Respiratory Protection Program

In 2021, the Occupational Safety and Health Administration (OSHA) issued an Emergency Temporary Standard (ETS) to address COVID-19 in the workplace. Through the ETS, OSHA created the Mini Respiratory Protection Program, which states that employers must allow employees to use a respirator in place of a face covering, whether required or not. Additionally, the employer may provide respirators to the employee, even if it is not normally required. When employees provide and use their own respirators, the employer must provide each employee with the following notice:

“Respirators can be an effective method of protection against COVID-19 hazards when properly selected and worn. Respirator use is encouraged to provide an additional level of comfort and protection for workers even in circumstances that do not require a respirator to be used. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker. If your employer allows you to provide and use your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard. You should do the following:

- Read and follow all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirator’s limitations;
- Keep track of your respirator so that you do not mistakenly use someone else’s respirator; and
- Do not wear your respirator where other workplace hazards (e.g., chemical exposures) require use of a respirator. In such cases, your employer must provide you with a respirator that is used in accordance with OSHA’s respiratory protection standard (29 CFR 1910.134).”

If employers choose to provide respirators, the employer must ensure each employee wearing a respirator receives proper training prior to the first use. The employer must also discontinue use of a respirator when an employee or supervisor reports medical signs or symptoms that are related to the ability to use a respirator.

## Preparing for SARA Tier II and Form R Reporting

**Important  
Compliance  
Dates &  
Deadlines for  
2022:**

**Annual Water  
Withdrawal  
Report  
March 31**

**Annual  
Greenhouse Gas  
Report  
March 31**

**Air Title V  
Emission  
Statement  
April 15**



Many facilities are required to report their chemical storage and use under EPCRA (Emergency Planning and Community Right-to-Know Act- SARA Title III) to the state and USEPA every year in the first half of the calendar year. This reporting includes the full previous calendar year's chemical storage (Tier II) as well as use, management, and release (Form R) information. Although the actual filings take place through July, preparation for SARA is ongoing. HEI and EA work throughout the year to remain updated on changing regulations and new requirements. Annually, USEPA may add or delete chemicals that require reporting and make updates to their reporting system. In 2021, the USEPA added an additional three PFAS to the list of reportable chemicals for reporting year 2021, which means that these chemicals must be considered when completing the Form R report due July 1, 2022. The additional PFAS include, perfluorooctyl iodide, potassium perfluorooctanoate, and silver(I) perfluorooctanoate.

Working closely with your consultant throughout the year helps to prevent many of the shortfalls and errors that potentially occur in the SARA season and in other compliance work, as well as ensures a complete and accurate filing that is less likely to have to be revised or changed. Below, we list some suggestions that can lead to a smooth SARA season.

1. **Keep Good Records** - Record material purchases, where and how they were used at the facility, waste management activities, manifests and bills-of-lading, and locations of stored materials. Accurate records can mean the difference between having to report a chemical or revise an entire form. Many times, records are incomplete or have discrepancies between departments or personnel on rates and manner of material use.
2. **Return Completed Inventories** - Inventories require less follow-up time when complete information is received regarding on-site chemicals and products. Completed inventory lists should be returned before February 1st to provide adequate time for clarification, calculation and on-time filing. Any chemical on site (whether stored or used) that requires a Safety Data Sheet (SDS) and meets the reporting criteria must be considered, including bulk storage containers. Maximum amounts, annual usage, and appropriate units should be clearly reported. Exemption applicability is determined once a completed inventory has been received. It is best to include everything on an inventory, even if it is believed to be exempt, so your consultant can make a determination and is aware of the materials that exist on-site.
3. **Maintain Up-to-Date SDS** - It is important that SARA databases are updated with new information as it becomes available. Therefore, having the most up-to-date, complete SDS is crucial. Too often, SDS kept on file by facilities are significantly outdated or unavailable.



### Note:

Proposed legislation was endorsed in November 2021 to extend the NYS Brownfield Clean-up Program (BCP), which is set to expire on December 31, 2022. The proposed bill would extend the deadline for sites to be accepted into the BCP until December 31, 2032. EA is tracking updates and will notify of changes in future issues.

## New ASTM Standard Practice for Phase I ESAs



American  
Society for  
Testing and  
Materials

The American Society for Testing and Materials (ASTM) committee approved a new standard (E1527-21) for conducting Phase I Environmental Site Assessments (ESAs) in November 2021. The previous standard has been used for the past eight years by environmental professionals. The goal of a Phase I ESA is to identify the confirmed presence, likely presence, or material threat of the presence of hazardous substances or petroleum products at a property, which is also known as a Recognized Environmental Condition (REC). The definition of a REC was revised in the new standard for clarification and an appendix with examples of what constitutes a REC was added. Additionally, the new standard requires the use of historical aerial photographs, city directories, topographic maps, historical fire insurance maps, inclusion of a map illustrating the boundaries of the subject property, and photographs that include major site features and locations on the subject property that are considered RECs and/or de minimis conditions. The ASTM has also updated the non-scope consideration of contaminants of concern to include per- and polyfluoroalkyl substances (PFAS), which means that PFAS can be addressed, if the user of the Phase I wishes. Lastly, the new standard indicates that a Phase I report will remain viable if it was completed no more than 180 days prior to the date of acquisition, or up to one year if, the interviews, record searches, review of cleanup and government records, site reconnaissance, and the Environmental Professional Declaration are all updated.

The ASTM has submitted the new E1527-21 Standard to the USEPA for review for compliance with federal regulations, which could take up to one year. In the meantime, environmental consultants have the option to continue using and citing the previous E1527-13 Standard or to use and cite the new E1527-21 Standard.

**VISIT US  
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**OR CALL:**

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