Tighe&Bond Engineers | Environmental Specialists

REGULATORY NEWS Important Updates INFORMATION, NEWS, AND SUPPORT

Changes to Tier II Reporting

Effective January 1, 2018 the U.S. Environmental Protection Agency (EPA) will replace its five existing hazard categories (see Table 1 below) with the hazard categories found within the revised OSHA Hazard Communication Standard (see Table 2 below).

Table 1: Current Physical and Health Hazards

Fire Sudden Release of Pressure Reactivity Immediate (Acute) Delayed (Chronic)

Table 2: Physical and Health Hazards (to be effective 1/1/18)

Physical Hazards	Health Hazard
Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Gas under pressure	Acute toxicity (any route of exposure)
Explosive	Reproductive toxicity
Self-heating	Skin corrosion or Irritation
Pyrophoric (liquid or solid)	Respiratory or Skin Sensitization
Pyrophoric Gas	Serious eye damage or eye irritation
Oxidizer (liquid, solid, or gas)	Specific target organ toxicity (single or repeated exposure)
Organic peroxide	Simple Asphyxiant Hazard Not Otherwise Classified (HNOC)
In contact with water emits flammable gas	
Combustible Dust	
HNOC	

Corrosive to metal

This change becomes effective on January 1, 2018, which means that all RY 2017 Tier II reports (which are due by March 1, 2018) will use these new hazard categories. **If you have any questions about new requirements, please contact Doug Stellato at 413-572-3215 or DAStellato@** TigheBond.com.



MassDEP - Source Registration eDEP Forms Update

MassDEP is continuing the process of converting the eDEP Source Registration (SR) forms from PDF to web forms and incorporating greenhouse gas (GHG) emissions reporting into the SR forms. In April, MassDEP estimated that the forms would be ready by October 13, 2017. MassDEP now anticipates that the SR forms (including GHG) will be available by **December 31, 2017**.

2016 Reports: Due to the delay for the 2016 reporting year, MassDEP is deferring 2016 reporting for triennial reporters to the 2017 reporting year instead. Annual reporters still must submit their 2016 SR. When the new SR web forms are available, MassDEP will notify annual filers of the deadline by which they must submit a 2016 SR.

2017 Reports: When the new web forms are available, MassDEP will notify facilities required to submit a 2017 SR, and will indicate deadlines for filing.

IMPORTANT NOTE: MassDEP cannot accept 2016 and 2017 SR reports at the same time. MassDEP must receive and process the 2016 SR reports before 2017 SR reporting can start. Annual reporters should file their 2016 reports when notified by MassDEP, and then should wait until MassDEP notifies facilities when 2017 SR forms can be started.

If you have any questions about source registration requirements, please contact Tim Kukab at 413-875-1607 or TKKucab@TigheBond.com.

MassDEP - Underground Storage Tank Enforcement Discretion Directive - Tightness Testing Takes Effect on January 1

In a letter dated September 8, 2017, MassDEP stated that it is exercising enforcement discretion on the tightness testing standard in the Underground Storage Tank (UST) regulation that is scheduled to take effect on January 1, 2018. The standard at 310 CMR 80.32(1) establishes the standard for tightness tests performed on USTs and piping and it states that:

Until January 1, 2018, tank and piping/line tightness testing must detect a release or leakage of **0.1 gallon per hour**, accounting for the effects of thermal expansion or contraction of regulated substance, vapor pockets, tank deformation, evaporation, condensation, and the location of the water table. The probability of detection must be no less than 95 percent and the probability of a false alarm shall be no more than five percent.

On and after January 1, 2018, tank and piping/line tightness testing must detect a release or leakage of **0.05 gallon per hour**, accounting for the effects of thermal expansion or contraction of regulated substance, vapor pockets, tank deformation, evaporation, condensation, and the location of the water table. The probability of detection must be no less than 95 percent and the probability of a false alarm shall be no more than five percent.

MassDEP is not aware of any tank tightness testing company in the United States that has equipment certified to meet a 0.05 gallon per hour leak rate with a 95% probability of detection. Therefore, MassDEP will not enforce the standard at 310 CMR 80.32(1)(b) that is scheduled to take effect on January 1, 2018. The standard at 310 CMR 80.32(1)(a) will stay in effect until further notice.

If you have questions about tank certifications, repairs, inspections, or testing, please contact Gary Roberts at GMRoberts@TigheBond.com or 413-875-1316.



Massachusetts Wastewater Treatment Plant Operators – 2017 is a Renewal Year!

All licensed Wastewater Treatment Plant Operators in Massachusetts are responsible for renewal by December 31, 2017. The renewal form, proof of 20 training contact hours (TCHs) and fee must be sent to NEIWPCC. According to NEIWPCC, if the materials submitted meet renewal requirements, the issuance of a renewed WWTPO license should take 3-5 weeks.

If you have any questions on your renewal, or you are in need of TCHs, please contact David Horowitz at <u>DPHorowitz@TigheBond.com</u> or 413-572-3211.





This month's Safety Focus provides an overview of key safety requirements for emergency eye washes and drench showers.

The ANSI Z358.1-2014 standard establishes universal minimum performance and use requirements for all flushing equipment (i.e., emergency eyewash and/or drench showers) used for the treatment of the eyes, face, and body of a person who has been exposed to hazardous materials and chemicals. In addition to performance and use requirements, the ANSI Z358.1 standard also provides uniform requirements for testing procedures, employee training, and maintenance of flushing equipment.

Accessibility: The ANSI standard states that all flushing equipment must be located in areas that are accessible within 10 seconds (roughly 55 feet). Keep in mind that an injured worker may need additional time to reach the flushing stations, as the severity of the injury could vary. Furthermore, flushing units must be located on the same level as the hazard and the path of travel shall be free from obstructions. If your facility contains a hazardous area that is located on a different level, floor, or platform than your current flushing stations, you must install equipment on every level that contains a hazard.

Lighting, Signage, and the Removal of Obstructions: Flushing equipment must be installed in a well-lit area and identified with a highly visible safety sign. Items such as trash cans, pallet jacks, boxes, raw materials, or any other stored items must not block access to the flushing stations. It should be noted that a door is considered an obstruction. However, if the hazard is non-corrosive, one door can be present, as long as it opens in the same direction of travel as the person requiring the use of the flushing station.

Flushing Time, Pressure, and Temperature: ANSI states that flushing stations shall be provided with tepid water

at a suitable temperature (i.e., between 16-38°C (60-100°F)) conducive to promoting a minimum 15-minute irrigation period at a pressure in the range of 30 to 90 PSI. It should be noted that flushing equipment that combines multiple

flushing units (e.g., a combined drench shower and eye wash) must be designed to provide tepid water to accommodate simultaneous use.



Awareness Training: All employees who may be exposed to hazardous, particulate, or corrosive materials must be made aware of the locations of flushing equipment and shall be instructed on its proper operation.

Maintenance: Proper maintenance and weekly testing is necessary to ensure that flushing equipment is functioning safely and properly. The ANSI standard states that plumbed flushing equipment "shall be activated weekly for a period long enough to verify operation and ensure that flushing fluid is available." Furthermore, the ANSI Z358.1-2009 standard also requires portable and self-contained equipment "be visually checked to determine if flushing fluid needs to be changed or supplemented."

If you have any questions about Emergency Drench Showers and Eyewash Stations, please contact Dan Williams at 413-875-1657 or DWilliams@ TigheBond.com, or Alan Stratton at 413-875-1604 or ADStratton@TigheBond.com.



How will CT-DEEP Withdrawing from the Asbestos NESHAP Impact You?

The Connecticut Department of **Energy and Environmental Protection** (DEEP) is proposing to withdraw from the approved delegation of authority from the U.S. Environmental Protection Agency (EPA) under the Asbestos NESHAP (40 CFR Part 61, Subpart M). The proposed withdrawal is currently out for public comment. CT-DEEP originally requested delegation of the Asbestos NESHAP from EPA in 1988. If and when the withdrawal becomes effective, sources subject to the Asbestos NESHAP will be subject to both the EPA's compliance activities for the NESHAP and also applicable portions of Connecticut Department of Public Health (DPH) Standards for Asbestos Abatement and Licensing of Asbestos Contractors and Consultants requirements.

Most notably, building owners will notice a change in abatement



notification requirements. No longer will DPH notification under the Standards for Asbestos Abatement suffice for the EPA NESHAP abatement notification. Building owners, typically through their abatement contractors, will now be required to submit two separate abatement notifications, one to the CT-DPH and one to the EPA.

Please note that sources subject to the Asbestos NESHAP that are also subject to DEEP's Title V Operating Permit program are not impacted by DEEP's withdrawal of delegation of the NESHAP. CT-DEEP will continue to ensure compliance with the applicable Clean Air Act Section 112 requirements under an issued Title V permit.

If you have any questions regarding this proposed regulatory change, please contact Kevin McCarthy at 860-704-4785 or KMcCarthy@ TigheBond.com.

Rhode Island DEM Announces Brownfields Grants – Applications Due December 1, 2017.

On October 2, 2017 the Rhode Island Department of Environmental Management announced over \$6M in funding opportunities to support the assessment and cleanup of publicly and privately owned Brownfield sites. A majority of the funding (\$5M) is being directed to the Brownfields Remediation and Economic Development Fund which is a matching grant fund available to owners and controllers of Brownfield sites. The grants are 80% state (grantor) with a 20% match by property owner (grantee). There are two types of grants available under this funding including 1) site preparation grants and 2) redevelopment grants. Site preparation grants are available for sites that do not have a Remedial Action Work Plan (RAWP) with a maximum grant amount of \$100,000 for qualifying expenses such as file reviews, additional investigation, and analysis

of remedial actions. Redevelopment Grants have a maximum value of \$500,000 and are available for the implementation of a RAWP as well as long term environmental monitoring. Applications can be found on-line at http://www.dem.ri.gov/programs/ benviron/waste/pdf/bbrfp17.pdf. For more information contact Marc Richards at 508-471-9642 or MJRichards@tighebond.com.

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