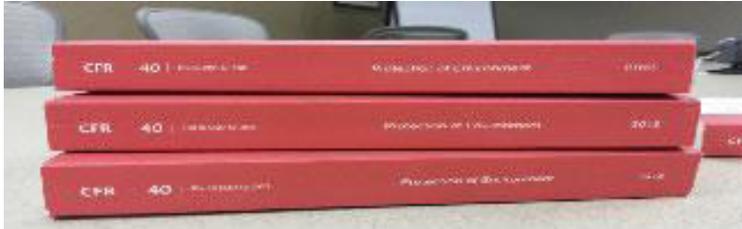


CHANGES TO HAZARDOUS WASTE GENERATOR REGULATIONS

In November of 2016, the Environmental Protection Agency (EPA) published its final rule on hazardous waste generator requirements. This rule provides guidance and best management practices (BMPs) for all levels of hazardous waste generators. This article will explore some of the changes in requirements for hazardous waste generators with the passage of the new rule.



Very Small Quantity Generators

One of the changes being made is the replacement of the Conditionally Exempt Small Quantity Generator (CESQG) category with Very Small Quantity Generator (VSQG). The monthly generation rates and accumulation limits previously applied to CESQG will now apply to VSQGs. The new rule, however, does allow VSQGs to ship hazardous waste to Large Quantity Generators (LQG) without a waste manifest if both facilities are under the “control” of the same “person” (i.e. owned or operated by the same entity).

While there is no limit placed on the amount of waste the LQG can receive from the VSQG, the following items are required by the LQG:

- Notify the EPA at least 30 days prior to receiving the first shipment from the VSQG
- Maintain records of waste shipments for at least 3 years
- Record the amount of waste accumulated, with the dates the hazardous waste was received
- Manage the waste under LQG requirements, including submitting biennial reports to the EPA

One thing to note is that these provisions for shipping hazardous waste without a manifest DO NOT eliminate one’s requirements to comply with Department of Transportation (DOT) regulations for the transportation of hazardous waste. In the case that the waste crosses state lines, the VSQG must ensure that all the states that the waste is transported through have adopted the updated provisions.

Exemptions

The primary conditions for exemptions of the rule include, but are not limited to, the regulations and requirements associated with satellite accumulation areas and waste storage areas for 90/180/270 – day accumulation that outline the storage and recordkeeping conditions to obtain a hazardous waste storage permit. Some of the storage conditions that must be met, even with the exemptions,

include the hazardous waste container labeling standards, emergency preparedness requirements, and the requirements for employee training.

Some parts of the rule will continue to be mandated, and therefore are still enforceable, despite a facility obtaining an exemption. These include the requirements to determine a facility’s generator category, utilizing manifests to ship waste offsite (except for what was described for VSQGs above), and a majority of the recordkeeping requirements.

A facility’s generator category is based on the quantity of hazardous waste that is generated each month. Some factors to keep in mind for a facility to keep its current generator category are that a VSQG can lose that category designation if too much waste is generated (over 100 kgs) for at least one month. However, a VSQG can remain in that category and maintain its exemptions from permitting requirements if the waste itself is being managed according to the conditions required by a larger generator category (e.g. SQG or LQG).

Biennial Reports for LQG & Recycling Facilities

A facility that is a LQG for at least one month (i.e. meets the storage or handling limits under the LQG requirements), during a reporting year, must submit a biennial report to the EPA and identify all the hazardous waste generated by the facility for that entire year, not just the month(s) that the facility was considered a LQG.

Along with the addition of new requirements in the updated rules, some practices that are becoming more stringent, include:

- SQG must submit renotification to the EPA every 4 years, and LQG facilities must notify the EPA using form 8700-12 by March 1st of each even-numbered year (biennially);
- LQG facilities must submit a Contingency Plan Summary to local emergency agencies;
- If a facility is conducting testing or analysis to make a hazardous waste determination, the waste must be considered hazardous, and handled accordingly, until the test results are received;
- For facilities that currently utilize labeled containers for waste storage, these containers can be grandfathered into the new rule.

For more information on this updated rule, or if you would like to discuss how CTI can help your facility maintain compliance with hazardous waste regulations, please contact us at www.conversiontechnology.com/contact.

Reference: <https://www.mccoysseminars.com/library/rcra/wp/Generator.pdf>
<https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>

COMBUSTIBLE DUST REGULATION UPDATES

Over the past several decades, the Occupational Safety and Health Administration (OSHA) as well as the National Fire Protection Association (NFPA) have been expanding and enforcing regulations and standards designed to lessen the potential for disasters in facilities that handle combustible dusts. Any facility that processes or handles combustible solids or dusts, such as food products, wood, plastics, and metals should take preventative measures in identifying and managing the potential fire and explosion hazards present during normal operations at an industrial facility. A catastrophic incident of a facility failing to properly identify and mitigate the hazards associated with handling combustible dust is the explosion at the Imperial Sugar factory in east Georgia back in 2008. This combustible dust explosion killed 13 people and injured 40 more. This accident was entirely avoidable.

In an effort to address the issues mentioned above with the handling of combustible solids and dusts and to join the standards already in place, the NFPA is in the process of updating its standard NFPA 652: Standard on the Fundamentals of Combustible Dust, especially the sections covering the mandates requiring facilities to evaluate combustible dust hazards.

NFPA 652 was established to outline the requirements for hazard analysis, promote employee and employer awareness, and to separate the analysis of combustible dusts from the process hazard analyses found throughout other areas of industry. This standard specifies that a Dust Hazard Analysis (DHA) is to be conducted by all facilities to determine if there are any potential combustible dust hazards if that facility has processes that generate dust or use powders. It's not just new facilities that are required to meet this updated standard. NFPA 652 requires all facilities that process, generate, or handle combustible dust, and use less complex dust collection systems to perform a DHA and risk assessment for each process line that handles or creates combustible dust, including the dust collection system. The DHA is required for both new facilities as well as for upgrades made to existing facilities by September 7, 2020.

Before NFPA 652 was established, companies were not required to conduct a hazard analysis on an existing process line that handles combustible dust unless more than that process was modified by more than 25% of its original installation cost. Now, along with the requirement to conduct a DHA and the September 7, 2020 deadline set to conducting the DHA, facility owners/operators must demonstrate reasonable progress towards the goals of reducing and mitigating combustible dust hazards every year until the DHA is performed. Also, once the initial DHA is performed, it must be reviewed and updated at least every 5 years. What this means is that although the deadline for conducting the DHA is not until 2020, all facilities need to maintain records of progress being made each year with regards to previously conducted DHAs or in preparation for

potential findings before the September 7th, 2020 deadline.

To help in moving forward with the above-mentioned requirements, some documentation that should be prepared is as follows:

- All results of material testing
- Operation, maintenance, and housekeeping procedures and audits
- Employee and contractor training

NFPA 652 has been constructed to be used as a starting point for facilities that handle combustible solids and dusts to determine how to safely handle these materials and how to determine the hazards present in dust handling equipment and process lines. With the recent updates, the NFPA has put the responsibility of compliance on the facility owner/operator. It does this by requiring a review of the overall process, including a comprehensive audit of the equipment that handles particulate solids, as compared to a simple consideration of equipment and hardware alternatives. Facility owners/operators, please be aware that OSHA is training more and more inspectors to recognize combustible dust hazards and better understand both OSHA and NFPA regulations that govern combustible dusts. It is imperative that you be proactive with assessing your dust handling processes and equipment, and, more importantly, with protecting your workers.

CTI is one of the top industry leaders on NFPA 652 and combustible dust. Please contact us if you have any questions about the updated NFPA standards or would like to discuss having us visit your facility to conduct a DHA.

News You Can Use

- **OSHA Online Recordkeeping Submission Deadline - 12/15/2017**
- **Tell us what you want to read about. Email us at cti@conversionstechnology.com and write "Newsletter" in the subject line.**
- **Did you submit your Notice of Intent (NOI) for industrial Storm Water to the Georgia EPD**

Look for more info for these stories on our news blog, conversionstechnology.com/blog

TO RECORD OR NOT RECORD: RESPONSIBILITIES ON A MULTI-EMPLOYER WORKSITE

Imagine you are installing a new process line at your facility, and a building addition to house that line. During the construction and installation, along with your employees, you may have a general contractor on site to oversee the project, subcontractors to do the wiring and other specialized work, additional subcontractors to assist the construction or demolition of the surrounding area, temporary workers to clear the land, vendors on site to tell you how great their equipment is, and maybe even some visitors from corporate. With these companies and workers walking and working on your property at any given time, how do you know who is responsible for preventing injuries and accidents? And, in case there is an injury or illness, who has failed to provide a safe workplace and is not compliant with OSHA requirements?

This is a very common situation for many facilities. Identifying all the jobs and tasks, contracts, team members, and responsibilities when an accident happens is like playing a game of tag while blindfolded; everybody is running around in circles, and nobody knows where they are going or what they are doing.

The Occupational Safety and Health Administration's (OSHA) Multi-Employer Policy (Directive CPL 2-0.124) identifies the types of employers present at a facility, determines the duties and responsibilities of each type of employer, and defines the level of "reasonable care" each employer is responsible for providing to their employees to ensure a safe and healthful workplace.

On these types of worksites, across all industry sectors, OSHA is able to cite more than one employer for a hazardous condition that is present if they feel that the incident could have been prevented by any number of employers or workers. In order to know which employers are citable on your worksite, you must first determine the types of employers present. Then, one must determine its obligations

and requirements to meet OSHA standards. The distinct types of employers that could be present on a worksite, as well as what each employer type can do to prevent an injury or illness under its obligations, are as follows **(in the table below)**.

The factors that relate to the "reasonable care" that Correcting and Controlling Employers should take include, but are not limited to, how frequently the worksite is inspected by the employers, the training of the employees to recognize such hazards, and the implementation of safety and health programs that are more stringent than those posed by the worksite owner/operator.

As one employer can sometimes meet the criteria under more than one employer type, as defined by the Multi-Employer Policy, there is no straightforward process or a one-size-fits-all method for designating hazard recognition and abatement roles and responsibilities on a multi-employer worksite. Therefore, it is important to ensure that all safety and health programs and policies are reviewed by all employees, contractors, subcontractors, temporary workers, and even visitors. Everybody that enters your facility or conducts work on your property should be properly trained (either by one of your own representatives or internally within the hired company). It is a recommended practice that regular inspections of the employees, equipment, and worksite be conducted either by a safety representative or by a third party to help with the recognition of hazards and provide recommendations for abatement before they become a problem.

Please contact CTI if you would like to discuss how we can help with the creation and/or implementation of programs & policies, conducting inspections and training, etc. to ensure proper hazard recognition and abatement at your worksite.

Employer Type	Definition of Employer Type	Methods of Injury/Illness Prevention
The Creating Employer	The employer that caused a hazardous condition that violates an OSHA standard.	This employer must not create hazardous conditions. This can be accomplished through Safety & Health Programs, training, and frequent inspections.
The Exposing Employer	The employer that caused a hazardous condition that violates an OSHA standard. An employer whose own employees are exposed to the hazard.	If a violation is created by another employer, the exposing employer can be cited if:
The Correcting Employer	An employer who is engaged in a common undertaking, on the same worksite, as the Exposing Employer and is responsible for correcting a hazard. This is usually the company hired to install or perform maintenance on particular safety or health equipment or devices.	This employer must exercise "reasonable care" in preventing and discovering violations as well as meet its obligations to correct the hazards.
The Controlling Employer	An employer who has general authority over the worksite, including the power to correct safety and health violations.	While this employer is not typically responsible for inspecting the worksite for hazards, it is, nevertheless, responsible for exercising "reasonable care" to prevent and detect violations on site.



IN THIS ISSUE:

- Changes to Hazardous Waste Generator Regulations
- Combustible Dust Regulation Updates
- To Record or Not to Record? Responsibilities on a Multi-Employer Worksite
- News You Can Use



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- Boiler MACT/Area Source
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- SARA Title III - Tier II/Form R
- Spill Prevention (SPCC)
- Stormwater Permitting
- Wastewater Permitting

PROCESS SAFETY

- Emergency Preparedness & Planning
- Employee Training
- Management of Change
- Process Hazard Analysis
- PSM and RMP Audit
- PSM Program Development
- RMP Development & Submission

COMBUSTIBLE DUST

- Combustible Dust Hazard Analysis
- Dust Sampling and Analysis
- Explosion Protection Design
- Hazardous Location Determination
- NFPA & OSHA Compliance Review

OCCUPATIONAL HEALTH & SAFETY

- Confined Space Entry Procedures
- Industrial Hygiene/Indoor Air Quality
- Job Hazard Analysis (JHA)
- Machine Guarding Risk Assessment And Evaluation
- Machine Specific Lockout/Tagout Procedures
- Noise Exposure Monitoring
- Occupational Air Exposure Monitoring
- OSHA Compliance Audits & Mock OSHA Inspections
- OSHA Required Safety Training
- Robot Risk Assessment
- Safety Policies, Procedures, and Programs