2018 RHODE ISLAND
ENVIRONMENTAL, HEALTH, AND SAFETY TASK SUMMARY

Now is a good time to start planning your environmental, health, and safety (EHS) tasks for the upcoming year, and to get organized so you'll be sure not to miss any deadlines. Reminders of some key compliance tasks and reporting deadlines are provided below. In addition to these, be sure to review your facility's site-specific EHS plans and permits (such as sewer discharge permits, air permits, surface water discharge permits, etc.) and comply with any permit renewal requirements, monitoring, reporting, inspections, training, etc. Check your EHS plans to ensure they are current.

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA) REPORTING

- *Hazardous Chemical Inventory Report (Typically Tier II):* **Due March 1** LEPC, SERC, and local fire department if chemical reporting thresholds are met (see 40 C.F.R. Part 370). The Tier II software for calendar year 2017 reporting is available from EPA on their website at http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting/tier2-submit-software. Federal changes to the Tier II report were made effective with the report due on March 1, 2018; these changes require physical and health hazard information to be reported on the Tier II in a manner that is consistent with the revised Occupational Safety and Health Administration (OSHA) Hazard Communication standard. To comply with these requirements, it will be important to review current safety data sheets (SDSs) for all reportable chemicals. Start early to give yourself time to contact suppliers if you don't have SDSs that provide this information. The Rhode Island Department of Environmental Management (RIDEM) is responsible for collection of Tier II Reports on behalf of the SERC. Details regarding Rhode Island Tier II submittal requirements can be found at: http://www.dem.ri.gov/programs/emergencyresponse/epcraintro.php.

  If additional chemicals trigger reporting during the year, submit SDSs or a list of these chemicals to the LEPC, SERC, and local fire department within three months of becoming subject.

- *Toxic Release Inventory Report (Form R or Form A):* **Due July 1** to EPA online and SERC for subject facilities if toxic chemicals are manufactured, processed, or otherwise used in quantities exceeding reporting thresholds (see 40 C.F.R. Part 372). Details on this reporting requirement are available at http://www2.epa.gov/toxics-release-inventory-tri-program. You should log into CDX (https://cdx.epa.gov/) now, update your password (required every 90 days), and review the list of certifiers to determine if this role needs to be assigned to someone new. Be sure your certifiers can access CDX, and submit Electronic Signature Agreements for new certifiers.

- *Rhode Island Right-to-Know Report:* **Due dates vary**. Submit an annual list of hazardous substances and proof of employee training to the RI Department of Labor and Training and local fire department. Information is available at http://www.dlt.ri.gov/occusafe/rightToKnow.htm.

AIR REGULATIONS

- *RI Air Inventory:* **Due April 15 (unless otherwise specified by RIDEM)** to RIDEM Office of Air Resources. Previous submitters will receive a submission packet from RIDEM early in the year. Inventory forms are also available on the RIDEM website (http://www.dem.ri.gov/programs/air/emissions.php).
- *RI Annual Compliance Report for batch vapor or in-line solvent cleaning machines:* **Due February 1** to RIDEM Office of Air Resources.

- *Title V Operating Permit Annual Compliance Certification:* **Typically due March 1st (unless otherwise specified in permit)**. Submit to RIDEM Office of Air Resources and EPA.
- *Title V Operating Permit Semi-Annual Monitoring Report:* **Typically due February 14th and August 14th (unless otherwise specified in permit)**. Submit to RIDEM Office of Air Resources and EPA.

- *NSPS, NESHAPS, or MACT reporting requirements, if applicable:* **Due dates vary**, depending on standard. Standards have been developed for a number of sources (e.g., boiler MACT); refer to the EPA website for information on regulated sources and activities https://www.epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-neshap-9.
- *Risk Management Plan (RMP) update:* Chemical Accident Prevention regulations require that covered facilities update and resubmit their Risk Management Plans at least once **every 5 years**; refer to the EPA website for information: https://www.epa.gov/rmp. EPA recently finalized changes to the RMP Rule with compliance deadlines ranging from within one to five years of the effective date of the new rule.
- *Greenhouse Gas (GHG) Reporting:* **Due March 31** representing the previous calendar year. Report GHGs to EPA annually in accordance with 40 C.F.R. Part 98. Applicable to certain facilities that directly emit GHGs as well as certain fossil fuel suppliers and industrial GHG suppliers. Additional information is available on the EPA website at https://www.epa.gov/ghgreporting.
- *EPA Refrigerant Regulations:* EPA recently revised the Section 608 refrigerant regulations, effective January 1, 2017, to update existing requirements for ozone-depleting refrigerants and extend them, as appropriate, to non-ozone depleting substitute refrigerants. Updates include strengthened leak repair requirements, recordkeeping requirements for the disposal of appliances containing more than five and less than 50 pounds of refrigerant, and revisions to the technician certification program. Refer to https://www.epa.gov/section608/revised-section-608-refrigerant-management-regulations for information on compliance details and deadlines.

STORMWATER REGULATIONS FOR INDUSTRIAL ACTIVITIES

Most industrial facilities subject to stormwater discharge permitting are covered under the 2013 *RIDEM Industrial Activity Stormwater Multi-Sector General Permit (MSGP)*. The following outlines some of the key requirements under the 2013 MSGP. **Please note that the RIDEM MSGP is due to expire on August 14, 2018.** The compliance tasks and due dates listed below are based on the current 2013 MSGP. When the MSGP is reissued, compliance tasks for the later part of 2018 may change. In addition, when the MSGP is reissued, subject facilities will likely be required to prepare and submit a new Notice of Intent (NOI) and update site-specific Stormwater Management Plans in order to continue permit coverage under the reissued MSGP.

- *Comprehensive Site Evaluation:* Required **annually** pursuant to MSGP; should be conducted anytime during the calendar year. Report results to RIDEM with Annual Report described below.
- *Annual Report:* Due **February 15** annually; include results of annual Comprehensive Site Evaluation performed during the previous calendar year, and any corrective actions taken during the previous calendar year.
- *Stormwater sampling:* **Due dates and sampling requirements vary** by permit, industrial sector, and receiving water impairment status. Quarterly stormwater sample collection and visual inspection are required for all sectors covered under the MSGP. Additional benchmark, effluent limit, and/or impaired waters monitoring may be required for certain facilities. If applicable, benchmark monitoring is required semi-annually, effluent limit monitoring is required annually, and impaired waters monitoring is required annually. Stormwater analytical results must be submitted to RIDEM Office of Water Resources within 31 days of the end of each monitoring period (i.e., **due July 31st and January 31st for semi-annual monitoring, and January 31st for annual monitoring**). Check your permit and stormwater management plan (SWMP) for details.

- *Periodic inspections:* Perform visual self-inspections of facility and BMPs; frequency varies, but typically required **monthly or quarterly** (refer to applicable permit and SWMP). Retain records onsite, including documentation of corrective actions.
- *Annual stormwater training:* Provide training to subject employees **annually**. Retain records onsite.

If your facility filed a No Exposure Certification for Exclusion from Stormwater Permitting, the facility must maintain a condition of no exposure and resubmit the No Exposure Certification form at least **once every five years**.

HAZARDOUS MATERIALS TRANSPORTATION

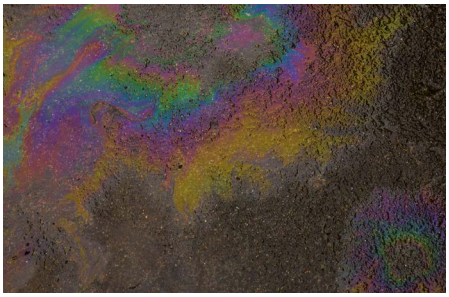
- *Hazardous Material Registration:* **Due June 30** to the U.S. Department of Transportation (DOT) online at https://hazmatonline.phmsa.dot.gov/services/haz_reg_1.aspx if you ship regulated quantities.
- *Triennial Hazardous Material Employee Training and Testing:* **Due every three years**. Retain records onsite.
- :DOT made miscellaneous changes to the Hazardous Materials Table in 49 C.F.R. §172.101. You should review the Hazardous Materials Table for the materials you ship to determine if any of these apply to your shipments.

HAZARDOUS AND SOLID WASTE

- *Hazardous waste biennial report:* The biennial report is due during even-numbered years and will be due next on **March 1, 2018** to the RIDEM Office of Waste Management for hazardous wastes shipped offsite by large quantity generators during 2017. RIDEM anticipates using an online electronic reporting system for this year's biennial report and plans to offer training sessions in January 2018. Watch for more information from RIDEM related to this on their website at: http://www.dem.ri.gov/programs/wastemanagement/.
- *Hazardous waste generator training:* Small and large quantity generators are required to perform and document training; for large quantity generators the training must be reviewed **annually**. Conditionally exempt small quantity generators are not subject to training requirements.
- *Visual inspection for hazardous waste tanks subject to 40 C.F.R. 265 Subpart CC (tanks containing volatile organics):* Required **annually** for large quantity generators only, if applicable. Additional inspection requirements apply to equipment contacting certain hazardous waste containing volatile organics subject to 40 C.F.R. 265 Subpart BB. Retain records onsite.
- *Routine hazardous waste inspections:* Self-inspection of hazardous waste container storage at least **weekly** and of hazardous waste tanks **daily**. Retain records onsite.
- *RI Annual Solid Waste Recycling Report:* No longer required pursuant to RIDEM notification in 2016 as posted on their website at: https://www.ri.gov/DEM/recycling.
- *Generator Improvements Rule:* EPA finalized the hazardous waste generator improvements rule in November 2016. Changes included reorganization of the regulations, new provisions for episodic generation and generator notification requirements, and changes to requirements for satellite accumulation, container labeling, training, contingency planning, generator closure requirements, and many other standards. The rule became effective on May 30, 2017 only in un-authorized states (i.e., IA, AK, the territories, and tribal lands). Since Rhode Island is an authorized state, and RIDEM has not yet adopted the rule, it is **not yet in effect in Rhode Island**. RIDEM is required to adopt the more stringent provisions of the rule within approximately one to two years after the EPA effective date; RIDEM does not anticipate making these changes until sometime in 2019. Additional information is available at: https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements.
- *e-Manifest:* EPA is establishing an "e-Manifest" system for tracking hazardous waste shipments electronically. EPA anticipates launching the e-manifest system in **June 2018**. Additional information is available at: https://www.epa.gov/e-manifest/learn-about-hazardous-waste-electronic-manifest-system-e-manifest-0.

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE AND RELATED STATE REGULATIONS

- *SPCC plan review/update:* Retain up-to-date plan onsite. Ensure SPCC plans are updated **within 6 months** of any facility change that affects the potential for a discharge (commissioning or decommissioning tanks, replacement or installation of piping systems, and/or changes in construction that may alter secondary containment structures). In addition to this ongoing requirement, plans should be reviewed and amended (if necessary) **every 5 years**.
- *SPCC inspections:* Inspect oil tanks, containers, and equipment **monthly** (and/or other frequency established by SPCC plan; additional required inspections may include annual inspections by facility owners and formal inspections/tests by certified inspectors every 10 years, every 20 years, or other frequency indicated in site-specific SPCC plan). Retain inspection records onsite.



- *RI Annual Oil Tank Inspection Report:* **Due December 31**. Prepare a report summarizing tank inspections pursuant to the RI Oil Pollution Control Regulations and submit to RIDEM.
- *SPCC discharge prevention briefings/training:* Perform **annual** training and retain records onsite.

UNDERGROUND STORAGE TANKS (USTs)

- *UST Notification/Registration:* Due prior to installation, with **annual** renewal; submit to RIDEM Office of Waste Management.
- *UST Compliance Certification:* Certify compliance with applicable regulations by completing and submitting a Compliance Certification Checklist and Forms Booklet (the "ERP Certification Booklet"); certain tanks are exempt. Due **every three years**; submit to RIDEM Office of Waste Management.
- *UST Operator Training:* UST operators should have been trained and certified initially by 2012 and, for Class A and B Operators, the RIDEM certified operators form should have been submitted to RIDEM Office of Waste Management in accordance with Section 8.22 of the UST Regulations. Recertification is required **every 5 years**. Any new Class A or B operators must be trained and certified within 30 days of assuming responsibility for a UST facility (Class C operators must also be trained but do not require certification). Information on operator certification is available on the RIDEM website: http://www.dem.ri.gov/programs/wastemanagement/ust/ust-operator-certification.php.

- *UST inspection, monitoring, and testing:* Requirements and **frequencies vary** depending on material stored, type and size of tank; refer to RIDEM UST regulations and national codes of practice.
- *Removal of single-walled USTs:* Single-walled USTs installed prior to May 8, 1985 without secondary containment are required to be permanently closed by December 22, 2017; tanks installed between May 8, 1985 and July 20, 1992 must be permanently closed within 32 years of date of installation (some exceptions) pursuant to RIDEM UST regulations and in accordance with UST closure requirements.

TOXIC SUBSTANCES CONTROL ACT (TSCA) FORM U REPORTING

- *Notice of Activity (NOA) Form:* EPA published the TSCA Inventory Notification (Active/Inactive) rule on August 11, 2017. In accordance with this new rule, manufacturers (including importers) who manufactured or imported existing non-exempt chemicals during the 10-year time period ending on June 21, 2016 ("lookback" period) must submit a Notice of Activity Form A to EPA no later than **February 7, 2018** to designate these chemicals as "active" in U.S. commerce. Notices must be submitted electronically via CDX. Chemical processors may also submit an NOA Form A prior to October 5, 2018; however, processors are not required to submit the NOA Form A. If an existing chemical was manufactured, imported, or processed on or after June 22, 2016 and is ultimately desig-

nated by EPA as "inactive," the "forward-looking reporting" requirements will apply, requiring submittal of a Notice of Activity Form prior to the effective date of the chemical's "inactive" designation by EPA (or not more than 90 days prior to the anticipated date of manufacturing or processing for persons who intend to manufacture or process a chemical that has been designated as inactive).

- *Chemical Data Report (CDR) ("Form U"):* This report is due every four years, and was last required in 2016. This reporting requirement applies to facilities that manufactured or imported, during the calendar year, 25,000 pounds or more of a chemical substance listed on the TSCA Inventory (some exceptions), or 2,500 pounds or more of a chemical substance listed on the TSCA Inventory that is the subject of certain TSCA rules/actions. The next report will be due **between June and September 2020** and will cover calendar years 2016 through 2019. Reports must be submitted electronically to EPA using e-CDRweb. Since this report requires reporting of data for all four years since the previous reporting year, be sure to continue to track the chemicals manufactured or imported at your facility each year. Refer to http://www.epa.gov/chemical-data-reporting for additional information.

OSHA REGULATIONS

For facilities covered under the OSHA regulations, these annual and periodic recurring requirements may apply:

- *Review of Permit-Required Confined Space Entries:* Required **annually**; retain records onsite.
- *Review of Lockout/Tagout Energy Control Procedures and Employee's Responsibilities Under the Procedures:* Required **annually**; retain records onsite. Remember that each energy control procedure must be inspected (energy control procedures used less frequently than annually are required to be inspected only when used).
- *Review of Bloodborne Pathogens Exposure Control Plan (including new technology and safer medical devices to eliminate or minimize occupational exposure):* Required **annually**; retain records onsite.
- *Review of Chemical Hygiene Plan:* Required **annually**; retain records onsite.
- *Fit-testing for Employees Required to Use Tight-Fitting Respirators:* Required **annually**; retain records onsite.
- *Training:* Where applicable, certain OSHA regulations require **annual** training including: respiratory protection, hearing conservation and protection, emergency response, hazardous waste operations, fire extinguishers, bloodborne pathogens, and certain substance-specific standards (e.g., formaldehyde, ethylene oxide, lead, vinyl chloride, asbestos). Retain records onsite.

- *Medical Monitoring:* Where applicable, certain OSHA regulations require **initial and annual** medical monitoring for employees enrolled in a respiratory protection program and for employees exposed above certain occupational exposure limits for various contaminants (e.g., asbestos, benzene, ethylene oxide, and various suspect carcinogens). Initial and annual audiometric testing is also required for employees enrolled in a hearing conservation program.
- *Triennial Evaluation of Powered Industrial Truck Operator Performance:* **Due every three years**; retain records onsite.
- *Fire Extinguisher Maintenance Check:* Required **annually**; retain records onsite.
- *Fire Extinguisher Visual Inspections:* Required **monthly**; retain records onsite.
- *Inform Employees of Right to Access Occupational Medical and Exposure Records:* Required **annually**, where applicable (29 C.F.R. §1910.1020).
- The final rule for the occupational exposure to respirable crystalline silica became effective in June 2016. This rule could apply if you or your employees perform manufacturing operations involving silica-containing materials such as brick, ceramic, concrete, or

pottery; operations using sand products such as foundry work or sandblasting; or work in the construction industry (cutting, grinding, crushing, or drilling silica-containing materials such as concrete, masonry, tile, and rock). A new respirable crystalline silica action level of 25 micrograms of silica per cubic meter of air (µg/m3) and new PEL of 50 µg/m3 averaged over an 8-hour day were specified in the new ruling. OSHA also included other provisions in the final rule for employee protection such as preferred methods for controlling silica exposure, respiratory protection, medical surveillance, hazard communication, and recordkeeping. The construction industry was required to comply with most of the requirements of the new rule by **September 23, 2017** and general industry and maritime sectors are required to comply by **June 23, 2018**.

- The final rule for improving the tracking of workplace injuries and illnesses became effective on **January 1, 2017**. Establishments with 250 or more employees in industries covered by the recordkeeping regulation were required to submit information from their 2016 Form 300A by **December 15, 2017**. The same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by **July 1, 2018**. Establishments with 20-249 employees in certain high-risk industries were required to submit information from their 2016 Form 300A by **December 15, 2017**, and will be required to submit their 2017 Form 300A by **July 1, 2018**. Beginning in 2019 and every year thereafter, the information must be submitted by **March 2**.
- The final rule for general industry walking and working surfaces and personal fall protection systems became effective on **January 17, 2017**. This rule addresses workplace slip, trip, and fall hazards and updates regulatory requirements for personal fall protection systems to reflect current technology and procedures. The rule also includes a new section under the general industry Personal Protective Equipment standards that establishes employer requirements for using personal fall protection systems. A section on training was added requiring that employers train each employee exposed to a fall hazard and who uses personal fall protection systems or who is required to be trained as specified elsewhere in the new regulations; this training was required by **May 17, 2017**. The training must be conducted by a qualified person and cover the following: (i) The nature of the fall hazards in the work area and how to recognize them; (ii) The procedures to be followed to minimize those hazards; (iii) The correct procedures for installing, inspecting, operating, maintaining, and disassembling the personal fall protection systems that the employee uses; and (iv) The correct use of personal fall protection systems and equipment, including, but not limited to, proper hook-up, anchoring, and tie-off techniques, and methods of equipment inspection and storage, as specified by the manufacturer. Retraining is required when there is a change in workplace operations or equipment, or the employer believes that a worker would benefit from additional training based on a lack of knowledge or skill.
- The final rule for the occupational exposure to beryllium became effective on **May 20, 2017**. This rule could apply if you or your employees perform operations involving beryllium metal or ceramic production; non-ferrous foundries; fabrication of beryllium alloy products; or abrasive blasting operations using slags that contain trace amounts of beryllium such as in the construction and shipyard industries. The final rule reduces the eight-hour permissible exposure limit to 0.2 µg/m3 and establishes a short-term exposure limit of 2.0 µg/m3 over a 15-minute sampling period. OSHA also includes other provisions in the final rule for employee protection such as engineering controls, personal protective equipment, training, and medical surveillance requirements. The construction, general industry and shipyard sectors are required to comply with most of the requirements of the new rule by **March 12, 2018**. However, employers have until March 11, 2019 to provide required change rooms and showers, and until March 10, 2020 to implement engineering controls.

Note: This list will vary based on site-specific requirements and is not intended to be inclusive of all the periodic environmental and safety inspections and tests that may be required depending on the organization and its operations (e.g., hazardous waste containers and tanks, emergency eyewashes and safety showers, electrical protective devices, cranes, hoists, powered industrial trucks, aerial lifts, alarm systems, fire detection and extinguishing systems, etc.).

Please call us if you have any questions or need any assistance in complying with these requirements.