

# Practical Solutions

Environmental Advantage, Inc.  
& Hazard Evaluations, Inc.

Fall 2022  
Quarterly Newsletter

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

Q3 TP-500 HW Assessment & Fees  
**October 20**

Q3 Stormwater DMR  
**October 28**

Annual Cooling Tower Certification  
**November 1**

Q4 / 2<sup>nd</sup> Period Annual Stormwater Sampling  
**December 31**

Q4 Stormwater Visual Monitoring  
**December 31**

Annual Stormwater CSCI  
**December 31**

## USEPA's General Duty Clause



Recently, the United States Environmental Protection Agency (USEPA) has focused their attention on enforcing the General Duty Clause (GDC), listed under Section 112(r)(1) of the Clean Air Act (CAA). Under the GDC, owners and operators of facilities that produce, process, handle, or store regulated substances or extremely hazardous substances (EHS), such as anhydrous ammonia, have a general duty to identify hazards and impacts associated with potential releases, design and maintain a safe facility to prevent accidental releases, and minimize the consequences of any accidental releases that may occur.

Unlike similar regulations that only require facilities to report certain chemicals when they are used or stored over a specific threshold, the GDC applies to several chemicals, regardless of the amount of chemical used or stored, such as nitric acid and sulfuric acid. To comply with the GDC, a facility should:

- 1) Adopt or follow any relevant industry codes, practices, or consensus standards for a specific process or the facility as a whole, as well as for particular chemicals or pieces of equipment;
- 2) Be aware of the unique circumstances at your facility which may require a tailored accident prevention program; and
- 3) Be aware of accidents or other incidents in your industry that indicate potential hazards.

If you are not sure if your facility has obligations under the General Duty Clause, Environmental Advantage can assist you.

## Multi-Sector General Permit Renewal



Department of Environmental Conservation

The NYS Department of Environmental Conservation (NYSDEC) released their draft renewal of the State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) GP-0-23-001. Industrial facilities that discharge stormwater to surface waters of the State must obtain permit coverage through either an individual industrial SPDES permit or SPDES Multi-Sector General Permit, or must submit a No Exposure Exclusion Certification that industrial activities are not exposed to stormwater. Highlighted changes under the general permit renewal include:

- 1) Technology and water quality-based treatment requirements;
- 2) Standard regulatory language pertaining to monitoring, record keeping, reporting, and compliance responsibilities;
- 3) All documents must be submitted electronically using nForm and NetDMR;
- 4) Implementation of enhanced stormwater control measures for facilities that have the potential to be impacted by future physical climate risks and demonstrate that these risks have been considered;
- 5) Clarifies an additional inspection is required when corrective actions are triggered; and
- 6) Clarifications and deletions to certain sectors, definitions, and appendices.

The final permit renewal is anticipated to be effective on March 1, 2023 with a five year permit term and will replace the current MSGP (GP-0-17-004). A public comment period on the draft renewal is available until close of business on **September 30, 2022**. For more information on the MSGP renewal, visit the NYSDEC's website or contact Environmental Advantage.

## Reduction of Air Pollution from Petroleum Bulk Storage Tanks

New regulatory changes under the Environmental Conservation Law (ECL), Control of the Bulk Storage of Petroleum, will require owners or operators of a facility containing a tank, regardless of whether the tank is in active use for storage, to have a tank shell color and roof color of either beige or cream. The changes are aimed at addressing air emission problems caused by dark exterior paint on Petroleum Bulk Storage (PBS) tanks. This change goes into effect on January 1, 2024.



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## Proposed Designation of PFOA and PFOS as Hazardous Substances



A recent USEPA proposal designates certain PFAS chemicals (perfluorooctanoic acid [PFOA] and perfluorooctanesulfonic acid [PFOS]), as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as “Superfund.” PFOS and PFOA are two of the most widely used PFAS chemicals which can accumulate and persist in the human body for long periods of time, also known as “forever chemicals.” Exposure to PFOA and PFOS may lead to reproductive, developmental, cardiovascular, liver, and immunological effects or cancer. If finalized, any releases of PFOA and PFOS chemicals that meet or exceed the reportable quantity must be reported.

In May 2022, the USEPA established Regional Screening and Removal Management Levels for five PFAS chemicals, for a total of six PFAS chemical levels, to protect human health and the environment. Although these values are not cleanup standards, these risk-based values were established to help determine if further investigation or action is warranted to protect public health and to support the Agency’s decision to undertake a removal action, if necessary, under CERCLA.

### Things to Note:

1. NYSDEC launches PBS online Registration. If you are a contact for a PBS Facility, you should receive a PIN.
2. Four PFAS chemicals were added to USEPA’s Toxic Release Inventory (TRI) List for the 2022 Reporting Year.
3. The public comment period has closed for the NYSDEC proposed changes to Chemical Bulk Storage (CBS) and PBS regulations.

## NYS Food Donation and Scraps Recycling Law



Department of  
Environmental  
Conservation

Beginning on January 1, 2022, designated businesses and institutions that generated an annual average of two or more tons of wasted food per week must donate their extra food to the maximum extent practicable. Following donation, any remaining food scraps must be recycled if the business or institution is located within 25 miles of an organics recycler, such as a composting facility or an anaerobic digester.

The NYSDEC has posted next year’s list of designated food scraps generators (DFSG) and their specific requirements for compliance with the NYS Food Donation & Food Scraps Recycling Law. In comparison with this year’s list, there are an additional 231 businesses or institutions that are required to follow this law. Additionally, businesses and institutions must reapply for a new one-year waiver, regardless if they received them the following year or not. The waivers must be submitted to NYSDEC by **November 16, 2022**. The 2023 DSFG list, waiver information, compliance requirements, and additional information can be found on the NYSDEC’s website.

## Advanced Notice of Proposed Rulemaking for Occupational Exposure to Lead



Department  
of Labor

The US Department of Labor announced that its Occupational Safety and Health Administration (OSHA) has published an Advanced Notice of Proposed Rulemaking (ANPR) to revise its standards for occupational exposure to lead. Recent medical research on workplace lead exposure shows adverse health effects can occur in adults at lower blood lead levels (BLLs), measured in micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ), than previously recognized in the medical removal levels specified in OSHA’s lead standards:

**Current Medical Removal Level**  $\geq 60 \mu\text{g}/\text{dL}$  in general industry  
 $\geq 50 \mu\text{g}/\text{dL}$  in construction

**Current Return to Job Status Level**  $\geq 40 \mu\text{g}/\text{dL}$



The four main industry sectors associated with occupational lead exposure include manufacturing, construction, services (excluding public safety), and mining (except oil and gas extraction). More information on BLL data can be found on the Center of Disease Control and Prevention’s (CDC’s) Adult Blood Lead Epidemiology and Surveillance (ABLES) database. Currently, OSHA’s updates are only proposed at this point, so changes may occur. Be sure to check future issues of Practical Solutions for any final updates to the standard.

## Proposed NYSDEC Part 360-366, 369, 371, 377 Revisions

The NYSDEC is proposing to revise the Part 360 series (Solid Waste), with minor revisions to Part 371 (Hazardous Waste) and Part 377 (Siting of Industrial Hazardous Waste Facilities), including technical amendments and clarifications to the comprehensive 2017 rulemaking, as well as updated criteria needed due to legal and policy developments. The adjustments are also proposed to reduce the regulatory burden in situations where protection of human health and environment would not be impacted including handling of C&D debris and excavated material, newly added facility types to ease the regulatory burden on waste paint collectors, removal of upper throughput limits on registered recyclables handling and recovery facilities, implementing seasonal waste collection events by municipalities, and revisions to waste transporter requirements.

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