

**Important
Compliance
Dates &
Deadlines for
2023:**

Q3 TP-550 HW
Assessment &
Fees
October 20

Q3 Stormwater
DMR
October 28

Cooling Tower
Annual
Certification
November 1

Q4 / 2nd Period
Annual Storm-
water Sampling
December 31

Q4 Stormwater
Visual Monitoring
December 31

Annual
Stormwater
CSCIAR
December 31

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Mark and Nancy Hanna are announcing that effective September 30, 2023, their firm Hazard Evaluations, Inc. will cease operations. They would like to thank all former employees, clients, contractors, and other associates for their contributions in HEI's success over the past 36 years. Mrs. Hanna will retire this year. Mr. Hanna will continue his professional career on a part-time basis as President of Environmental Advantage, Inc., an Orchard Park-based environmental services firm.

**HAZARD
EVALUATIONS**

Petroleum Bulk Storage (PBS) Regulation Updates: October 17, 2023

The New York State Department of Environmental Conservation (NYSDEC) recently adopted revisions to its Petroleum Bulk Storage (PBS) regulations (6 NYCRR 613) in an effort to harmonize them with other State and federal bulk storage requirements. The revisions include multiple updated and expanded requirements for PBS storage for Underground Storage Tanks (USTs), Aboveground Storage Tanks (ASTs), and relevant ancillary equipment. As a result, some changes will affect facilities and their requirements for their registered storage tank systems, effective October 17, 2023. Key changes are summarized below:

UST operator training

Class A/B operators must pass the Department exam within two years after October 17, 2023, or five years after the date of the last valid Operator authorization certificate, whichever is later. Class A, Class B, and Class C operators are to be retested every five years.

Spill Obligations

Reporting responsibilities now include any contractor in a contractual relationship with the facility owner, tank system owner, or operator; and any other party and its contractors who have been retained as a part of a business transaction relating to the facility. This is an attempt to ensure that any spill, regardless of fault, is reported as necessary and contractors should be notified accordingly.

Spills must be reported to the Department's Spill Hotline unless certain provisions are met pursuant to Part 4.4(e) (2). An additional term has been added which requires **the repair or replacement of the component that leaked**.

Color Coding: API RP 1637 color codes were updated in April of 2020. The new provisions require fill ports for ASTs and USTs to be correctly color coded in accordance with the updated standards. Many of the color codes remain the same (i.e., diesel fuel remains yellow). Of note, the color code for Used Oil has changed from purple to gray and as such, all tank systems and associated fill ports will need updated color coding by October 17, 2023.

Monthly inspections are now being referred to as 30-day walkthrough inspections. EA recommends monthly inspection dates are scheduled to maintain the 30-day requirements as close as possible to ensure compliance. NYSDEC has indicated that enforcement discretion will be used if off by a few days.

Skid tanks and permanently installed drums could be considered registerable tanks unless they are moved around similarly to a mobile tank, and used around a property for a period of 180 consecutive days or less in a 12-month period.

See the next page for updates on Chemical Bulk Storage (CBS) regulations.

Environmental Advantage, Inc. (EA) is available to assist facilities in determining which, if any, updates are required for your facility to ensure compliance with the revised regulations.

(716) 667-3130

Part 360 Solid Waste Regulations Transition

The 6 NYCRR Part 360 Series solid waste regulations pertain partially to the management and reuse of construction and demolition debris (CDD) and the material excavated from construction or demolition sites. Updates to Part 360 and accompanying Subparts were made effective July 22, 2023. Facilities that are subject to section 360.13 and Subpart 361-5 and held registration prior to November 4, 2017, will have until **January 18, 2024** to submit a new registration to comply with the new regulations and any operational changes. If your facility needs guidance on these regulations, re-registrations, or any additional information regarding Part 360, call EA for assistance.

Chemical Bulk Storage (CBS) Regulation Updates: October 17, 2023

The New York State Department of Environmental Conservation (NYSDEC) proposed revisions to 6 NYCRR Parts 596-599 (Chemical Bulk Storage or "CBS") regulations, which will take effect on **October 17, 2023**. The intention of these revisions are to consolidate existing state requirements with existing federal requirements (40 CFR Part 280). These rulemakings include:

Repeal of existing parts:

6 NYCRR Part 596, Hazardous Substance Bulk Storage Facility Registration;
6 NYCRR Part 598, Handling and Storage of Hazardous Substances;
6 NYCRR Part 599, Standards for New Hazardous Substance Tank Systems

Addition of: 6 NYCRR Part 598, Hazardous Substance Bulk Storage (formerly Handling and Storage of Hazardous Substances)

Amendments to: 6 NYCRR Part 597, Hazardous Substances Identification, Release Prohibition, and Release Reporting

The NYSDEC made clarifications to the definitions of a "spill" and a "release" to make a distinction between the two terms. A leak of a hazardous substance into secondary containment that does not reach the environment is not considered a release, while any kind of escape of hazardous substances into the secondary containment equipment is defined as a spill. To harmonize PBS and CBS regulations, CBS regulations now include tank system categories. Any tank system component (e.g., tank, piping, ancillary equipment, fill port catch basins, secondary containment) installed before August 11, 1994 is classified as a Category 1 tank system, and any tank system component installed on or after August 11, 1994 is classified as a Category 2 tank system.

Some of the most important revisions to the CBS rules include incorporation of federal requirements for periodic testing and monitoring requirements for overfill protection equipment and leak detection equipment. The revised rules are in accordance with NYDEC's prior position that a failed monitoring result must be constituted as a suspected spill. The revised rules also provide updates to the spill reporting requirements, including reporting suspected spills to the NYDEC within two hours of discovery, which is the same timeframe as actual spills and releases.

EA is working with the NYSDEC to become familiar with the upcoming changes to the chemical bulk storage regulations to ensure continued compliance. We are prepared to assist and guide clients through the regulatory changes associated with this program.

2024 Chemical Data Reporting Deadline

The Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) **four-year cycle is coming up in 2024**. The CDR requires manufacturers and importers to report certain chemical data to the USEPA. Information on the manufacturing, processing, and use of chemicals must be reported unless otherwise exempt, including certain chemicals listed on the most current TSCA Inventory. Most often reported chemicals include various byproducts and imported chemicals. Similar to previous reporting cycles, the data will need to be entered electronically using the USEPA's Central Data Exchange (CDX) System. **EA strongly encourages your facility to contact us** so that we can begin preparing for this reporting period. The 2024 CDR submission period will be from **June 1, 2024 to September 30, 2024**. **Steps to prepare for this can be taken now including data collection and chemical review.** Contact the team at EA at (716) 667-3130 for more information, and so that we can begin preparing your facility for the CDR deadline.

REMINDER: Universal Wastes Updates



Effective **July 8, 2023**, New York State has added aerosol cans and certain paints to the hazardous items list that are able to be managed as Universal Waste (UW), under certain conditions. For more information, check out our June 2023 regulatory bulletin or contact us!

Notice: Nine additional PFAS have been added to the TRI reporting period for CY2023. EA is aware of and accounting for the updates.

Chemical Facility Anti-Terrorism Standards (CFATS) on Pause



On July 28, 2023, the statutory authority for the CFATS program expired (6 CRF Part 27). Therefore, Cybersecurity and Infrastructure Security Agency (CISA) **cannot enforce compliance with the CFATS regulations** and does not require reporting chemicals of interest, or any other information in the Chemical Security Assessment Tool (CSAT) at this time. Further, facilities are no longer required to implement their CFATS Site Security Plan or CFATS Alternative Security Plan. CISA is still offering voluntary services such as their ChemLock services and tools. EA recommends staying up to date with the status of the CFATS program as it may get reauthorized in the near future. Stay tuned to our Winter Newsletter for any updates regarding the CFATS program.

Changing Ownership or Moving Facilities

This is a reminder to notify Environmental Advantage, Inc. of any plans to change ownership or move facilities as this could impact your various regulatory obligations and registrations. For example, Petroleum Bulk Storage (PBS) applications must be updated when there are changes to the phone number, location, property owner information, and contact information. A change of ownership application is required within 30 days of the change. Additionally, USEPA ID numbers must be updated to reflect current ownership and facility contacts.

If your facility anticipates or has changed ownership or facilities, contact us so that we can assist you with updating your information accordingly.

