

Important Compliance Dates & Deadlines for 2024:

Q2 TP-550 Assessment & Fees
July 20

Q2 / Semi-Annual Stormwater DMR
July 28

Semi-Annual Air Compliance Report
July 30

TSCA CDR 2024
September 30

Q3 TP-550 HW Assessments & Fees
October 20

Q3 Stormwater DMR
October 28

Cooling Tower Equipment Annual Certification
November 1

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WEBSITE UNDER CONSTRUCTION!



EA is excited to announce that our new website is **COMING SOON!** Environmental Advantage, Inc. is revamping our website to provide new and more readily available information to our clients. **Stayed tuned for our final announcement.**

Clean Water Act Hazardous Substance Facility Response Plans



The United States Environmental Protection Agency (USEPA) released their final rule outlining Facility Response Plan (FRP) requirements for worst-case discharges of Clean Water Act (CWA) hazardous substances, listed under 40 CFR Parts 118 and 300 of the CWA. This ruling requires applicable facilities to develop a FRP that is consistent with National and Area Contingency Plans; identifies and describes the duties of a Qualified Individual to implement actions; and identifies the equipment necessary to remove, mitigate, and/or prevent a worst-case discharge. These plans must consider extreme weather conditions due to climate change, and calculate the risk based on the largest foreseeable discharge. It must include employee training, equipment testing, unannounced drills, and response actions of covered persons. There is a 36-month implementation period to allow facilities to perform appropriate calculations and prepare their plans, with the majority of the deadlines being **June 1, 2027**. A facility may have obligations under this new ruling if the following parameters are met:

- CWA Hazardous substances that meet or exceed 1,000 times the Reportable Quantity (RQ)**, which are defined in 40 CFR Part 117;
 - The 1,000x RQ threshold is based on the maximum quantity on site of the hazardous substances, similar to Tier II Reporting.
- Within a **0.5-mile of navigable water** or a **conveyance to navigable water**; and
- Meet one or more** of the following substantial harm criteria:
 - Ability to cause injury to fish, wildlife, and sensitive environments.
 - Ability to adversely impact a public water system.
 - Ability to cause injury to public receptors.
 - Has had a reportable discharge of CWA hazardous substances in the last five years.

EA recommends that facilities review this rule to determine if they meet the applicable standards and if so, begin developing an FRP. Environmental Advantage, Inc. is available for assistance if required.

Clean Water Act – Update Analysis of Effluent

The USEPA released a final rule in April 2024, to change the test procedure requirements for analyzing chemical, physical, and biological properties of wastewater and other samples. These analytical methods are often used for National Pollutant Discharge Elimination System (NPDES) permits, sampling requirements, effluent data requests, state CWA 401 Certificates, and certain USEPA sampling requirements. The new regulations are intended to include more technologies in existing methods, and will increase the flexibility in regulations for monitoring requirements. Specifics will be reviewed by EA and applied as necessary.

6 NYCRR Part 375 Soil Cleanup Objective Changes



In February 2024, the New York State Department of Conservation (NYSDEC) proposed an amendment to the 6 NYCRR Part 375 to update requirements for the State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program. These changes will affect the Soil Cleanup Objectives (SCOs) for Unrestricted, Residential, Restricted Residential, Commercial, and Industrial sites. Part 375-6.8 SCO Tables contaminant level requirements were updated for multiple metals, pesticides/PCBs, semi volatile organic compounds (SVOCs), and volatile organic compounds. The majority of the metals and pesticides/PCBs SCOs will become more restrictive while many of the SVOCs will become less restrictive. These changes are likely to affect Brownfield Cleanup Sites, Remedial Sites, and Superfund sites where samples are required for the contaminants. These SCOs are part of New York State's requirements for remediated sites and the contaminants found at the site must meet these objectives, depending on the function and restrictions of the site location and appropriate restrictions. The public comments on this rule closed May 15, 2024 and will undergo consideration prior to being published as a final rule. See the table below for examples of the more significant changes. Once this rule is finalized; EA will ensure that the sites we oversee are compliant with the new regulations.

Contaminant	Commercial		Industrial	
	Current	Proposed	Current	Proposed
Benzene	44	20	89	20
Trichloroethene	200	54	400	54
Tetrachloroethylene	150	81	300	81
1,2,4-Trimethylbenzene	190	2.2	380	2.2
Vinyl Chloride	13	7.1	27	7.1
Benzanthracene	5.6	37	11	37
Beno(b)fluoranthene	5.6	37	11	37

USEPA TSCA Final Rule: April 2024

This new rule prohibits most methylene chloride industrial and commercial uses.

Most prohibited uses will be required to be fully phased out within two years of the final rule.

LOGIN UPDATE FOR CDX

In August 2024, the USEPA is changing the CDX login process.

Click [HERE](#) for USEPA directions.

PFAS—RECENT UPDATES

Per- and Polyfluoroalkyl substances (PFAS) are a large and variable group of man-made chemicals that are resistant to heat, water, and oil, and persistent in the environment. The USEPA and NYSDEC have been updating regulations to increase monitoring and testing on these chemicals.

Drinking Water: In April 2024, the USEPA released the final version of the National Drinking Water Regulation, which establishes maximum contaminant levels (MCLs) for five individual PFAS and certain PFAS mixtures from Public Water Systems (PWS). Within three years of the effective date of this ruling, PWS are to complete initial monitoring. Monitoring is to be completed either twice or quarterly during a 12-month period, this is dependent on the system size and water source of the PWS. Within five years of the effective date of this ruling, PWS with exceedances of MCLs must take appropriate action to reduce the levels of PFAS in their drinking water.

Vapor Intrusion (VI): Historically, PFAS have not been considered volatile compounds, however, certain PFAS groups, FTOHs, have been shown to have an adequate vapor pressure to be considered vapor-forming chemicals. The USEPA's studies indicate that VI of volatile PFAS may pose a health risk and should be considered during VI assessments where high concentrations of volatile PFAS are present at certain facilities. Although the USEPA seems to be investigating the possibilities of PFAS vapor intrusion, it is unclear when, or if, there will be specific rules and requirements set in place.

Wastewater: NYSDEC Commissioner released a draft water quality guidance in February 2024, which advances the states regulation of PFOA, PFOS, and 1,4-Dioxane. The draft Division of Water Technical and Operational Guidance Series (TOGS) – 1.3.14 noted that whenever any Publicly Owned Treatment Works (POTW) SPDES permit is being renewed, the NYSDEC may seek additional information on the PFAS contaminants, including disclosure of Industrial Users of POTWs. This means that if an industrial discharge to the POTW releases a substantial amount of these pollutants, the industry may be required to provide a notice to the NYSDEC prior to release. If the NYSDEC identifies a specific POTW that requires additional investigation, the Department may require a modification to their SPDES permit, including additional monitoring. This may affect the industries associated with the POTW.

EPAs Final Rule designating PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) goes into effect **July 8th, 2024** which may affect Brownfields, due diligence, and site assessments. EA will review the updated regulations to ensure compliance is maintained.

