

**Important  
Compliance  
Dates &  
Deadlines for  
2025:**

Q4 TP-550 HW  
Assessment &  
Fees  
**January 20**

Annual  
Stormwater  
Compliance  
Report  
**January 28**

Annual & Semi-  
Annual Air  
Compliance  
Report  
**January 30**

EPCRA 312  
(Tier II)  
**March 1**

Annual Hazardous  
Waste Report  
**March 1**

Annual Part 360 /  
BUD Reports  
**March 1**

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## Changes to DER 12: PBS and CBS Registration Applications

The New York State Department of Conservation (NYSDEC) has proposed revisions to DER-12: Application Review Policy for PBS and CBS Registration Applications. DER-12 was originally issued in 2005 and establishes uniform procedures for the Department's processing of Petroleum Bulk Storage (PBS) and Chemical Bulk Storage (CBS) registration applications. The procedures within DER-12 are part of a broader effort by the NYSDEC to improve compliance through outreach efforts, field inspections, and enforcement, as well as expedite the registration process. Proposed revisions to DER-12 include:

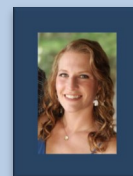
- Statewide streamlining of the application review process which places emphasis on application completeness and accuracy;
- Clarification on the requirement to pay back fees and late fees for overdue registrations;
- Addition of unique processes for online applications (PBS only);
- Addition of a turnaround objective for NYSDEC's application review and processing;
- Addition of a statewide uniform return letter which will accompany paper applications returned to applicants; and
- Updates to citations to match the most recent 2023 promulgations of the PBS and CBS regulations.

It should be noted that the fee structure for registration of both chemical and petroleum bulk storage tanks has not changed. The public comment period for the proposed policy revisions ends February 3, 2025.

### Final Rule for Hazardous Waste Generators:

#### e-Manifest Role Updates

The United States Environmental Protection Agency (USEPA) finalized the "Third Rule," which integrates e-Manifests with exports and other manifest-related reports. This rule will affect entities (exporter, importer, disposal facility, or recovery facility) which are involved in the transport of hazardous waste who are subject to manifest regulations. If your facility generates hazardous waste and you also have an account in RCRAInfo/e-Manifest through USEPA's Central Data Exchange (CDX) system, you may have received an email recently from USEPA regarding changing your e-Manifest role. The e-Manifest system allows easier access to manifests, reduces the burden on the regulated community, allows for more precise reporting, and allows for corrections on manifest. The USEPA will be able to reach out to facilities to correct errors in manifest data. As of January 22, 2025, receiving facilities will not be required to return paper manifests to generators for hazardous waste shipments. Therefore, in order to receive copies of completed manifests, generators must have a RCRAInfo Account with access to e-Manifest as well as someone set up as a Site Manager and/or certifier in e-Manifest. As a Site Manager, you will have the ability to review and approve other's access to the site in RCRAInfo. For assistance with creating or updating your existing account roles, contact EA today.



#### Congratulations!

Please join us in celebrating Kim Hahn's remarkable 10-year anniversary with Environmental Advantage, originally starting with Hazard Evaluations, Inc. Kim is a Project Manager and currently serves as EA's Environmental Compliance Team Lead. Her dedication and contributions over the last decade have been invaluable to our team, consistently exceeding expectations. EA is incredibly grateful for her hard work and commitment to success.

## Preparing for SARA Tier II and Form R Reporting

Many facilities are required to report their chemical storage and use under EPCRA (Emergency Planning and Community Right-to-Know Act – SARA Title III) to the State and United States Environmental Protection Agency (USEPA) annually in the first half of the calendar year. This reporting includes the full previous calendar year's chemical storage (Tier II) as well as use, management, and release (Form R) information. Although the actual filings take place through July, preparation for SARA is ongoing. EA works throughout the year to remain updated on changing regulations and new requirements. Annually, the USEPA may add or remove chemicals that require reporting and make updates to their reporting system. Currently, there are a total of 196 PFAS chemicals that must be considered when completing the Form R report due July 1, 2025, with more becoming reportable for the 2025 reporting year.

Working closely with EA throughout the year helps to prevent many of the shortfalls and errors that potentially occur in the SARA reporting season and in other compliance work, as well as ensures a complete and accurate filing. Below, we list some suggestions that can lead to a smooth SARA reporting season.

1. **Keep Good Records** - Record material purchases, where and how they were used at the facility, waste management activities, manifests and bills-of-lading, and locations of stored materials. Accurate records can mean the difference between having to report a chemical or revise an entire form. Many times, records are incomplete or have discrepancies between departments or personnel on rates and manner of material use.
2. **Return Completed Inventories** - Inventories require less follow-up time when complete information is received regarding on-site chemicals and products. **Completed inventory lists should be returned as soon as possible**, to provide adequate time for clarification, calculation and on-time filing. Any chemical on site (whether stored or used) that requires a Safety Data Sheet (SDS) and meets the reporting criteria must be considered, including bulk storage containers. Maximum amounts, annual usage, and appropriate units should be clearly reported. Exemption applicability is determined once a completed inventory has been received. It is best to include everything on an inventory, even if it is believed to be exempt, so your consultant can make a determination and is aware of the materials that exist on-site.
3. **Maintain Up-to-Date SDS** - It is important that SARA databases are updated with new information as it becomes available. Therefore, having the most up-to-date, complete SDS from your supplier(s) is crucial. Too often, the SDS kept on file by facilities are significantly outdated or unavailable.



In order to avoid penalties for late filing inventories should be returned to EA as soon as possible but no later than **February 1st**. EA will complete all calculations to determine which chemical constituents require reporting, and to ensure the accurate submittal to ePlan and other state-specific reporting systems.

### Tier II Reporting Notice: Lithium-Ion Batteries

The annual Tier II report (SARA 312) March 1<sup>st</sup> due date will be here before you can blink. As a reminder, the reporting of hazardous chemicals under SARA 312 or Tier II reporting includes those hazardous chemicals, and extremely hazardous substances (EHS), which may be a part of a facility's batteries. These batteries are often used in forklifts, pallet jackets, and other industrial-type equipment. These batteries do not fall under the article or consumer-product exemption and due to many of them requiring a safety data sheet (SDS) under OSHA's Hazard Communication requirements, they are considered hazardous chemicals for purposes of this reporting and therefore, must be included or analyzed for reporting. Facilities must also be aware of the potential need to consider and possibly report the presence of lithium-ion industrial-type batteries and/or their hazardous components as well. As these battery types become more prevalent, emergency responders are learning of their potential risks including starting on fire and thermal runaway as well as reignition. However, waste batteries which are regulated under the Resource Conservation and Recovery Act (RCRA) and associated Universal Waste Regulations are not required to be reported. Much like other typical chemical wastes which are hazardous under RCRA, a facility is not required to maintain a SDS for its hazardous wastes and therefore, they are not required to be reported. **Remember to include all industrial-use batteries on your inventory sheets** and include related information including any **updated SDSs** received from suppliers, weights, and battery specifications. Call EA today if more information is required on the requirement to report hazardous batteries and/or their components.