



Emerging Environmental Regulations Update

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Introduction



Mark Hawes, P.E.

Managing Consultant – North Carolina

- ▶ *26+ years experience in PST industry*
- ▶ *Compliance program development*
- ▶ *EHS risk, permitting & compliance strategies*



John Goetze

Senior Consultant – Idaho

- ▶ *PFAS identification at industrial facilities*
- ▶ *Environmental reporting*
- ▶ *Facility-specific PFAS strategies*

Agenda

1. **New EPA Admin. Changes**
2. **New Federal Programs Persisting**
3. **PFAS Compliance**
4. **Sustainability at Global and State Levels**

Slide content is current as of April 15, 2025

Regulations are changing quickly

New EPA Administration

Changes we can expect

New Administration Changes

► Who is Zeldin?

- Military background
- New York State Senate, 3rd District, and US House of Representatives
- Has a record of backing conservation issues in his district
- Critics point to low level of experience in environmental administrative leadership.
- EPA press release: *“He also led the fight for Sea Grant, combated per- and polyfluoroalkyl substances (PFAS) in drinking water, voted for the Lautenberg Chemical Safety Act, and supported clean energy projects on Long Island.”*

► **David Fotouhi** has been nominated to be EPA’s deputy administrator

New Administration & Quick Changes

- ▶ **David Fotouhi** nominated for EPA's deputy administrator.
 - Under Trump 1 - Fotouhi served as deputy general counsel, principal deputy general counsel, and then finally acting general counsel of EPA. Fotouhi currently is a partner at Gibson Dunn in Washington, D.C.
- ▶ **Jessica Kramer** - nominated assist. administrator of EPA's Office of Water
 - Under Trump 1 - she served in the Office of Water as senior policy counsel to the assistant administrator
- ▶ **Aaron Szabo** - nominated assist. administrator for EPA's Office of Air and Radiation (Air). – Previous Experience in OMB

Air Emissions Reporting Rule (AERR)

- ▶ AERR was withdrawn¹ January 21, 2025
- ▶ This rule was a significant shift in reporting for Industrial Sources
 - Required reporting ANNUALLY – regardless of source size
 - Required Non-Major Sources to report HAPS greater than threshold emission quantities
 - Report Lat/Long of all Emission points
 - Report emissions from Mobile sources

Watch for this to resurface in the future under another administration

- Reference - <https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr>

¹ <https://www.reginfo.gov/public/do/eoDetails?rrid=474211>

March 12 Announcement: PST Impacts

“Administrator Zeldin Announces 31 Historic Actions to Power the Great American Comeback”

- ▶ Reconsideration of multiple NESHAPs
 - Considering a 2-year compliance exemption via Section 112(i)(4) of the Clean Air Act for affected facilities while EPA goes through the rulemaking process

March 12 Announcement: PST Impacts

- ▶ Reconsideration of multiple NESHAPs
 - EPA is initially reconsidering NESHAPs for:
 - ◆ **integrated iron and steel manufacturing,**
 - ◆ **rubber tire manufacturing,**
 - ◆ **synthetic organic chemical manufacturing industry,**
 - ◆ **commercial sterilizers for medical devices and spices,**
 - ◆ **lime manufacturing,**
 - ◆ **coke ovens,**
 - ◆ **copper smelting, and**
 - ◆ **taconite ore processing.**
 - ◆ *<https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information>*
- ▶ Redirecting enforcement resources to EPA's core mission

March 12 Announcement: PST Impacts

- ▶ Termination of EJ and DEI
 - EJSCREEN has been removed from EPA website
 - States may still pursue EJ, but have efforts hampered without EJSCREEN
- ▶ Restructuring the Regional Haze Program
- ▶ Overhauling “Social Cost of Carbon”
- ▶ Resolve backlog of SIPs/TIPs
- ▶ Reconsideration of exceptional events rules to exclude prescribed fires

March 12 Announcement: PST Impacts

- ▶ Reconstituting Science Advisory Board and Clean Air Scientific Advisory Committee (SAB/CASAC) – structural changes
- ▶ Reconsideration of mandatory Greenhouse Gas Reporting
- ▶ Ending “Good Neighbor Plan” for Ozone
- ▶ Calling for elimination of the Office of Research and Development (announced after March 12)

Regulatory Inertia in States

- ▶ States taking matters into their own hands without EPA tail winds
 - Many states will continue regulation and enforcement using delegated authorities and state programs
 - Some states that defer to federal regulations will likely see move to deregulation
- ▶ Watch for slowing of enforcement and regulatory development of federal-only programs
 - TSCA
 - NSPS, MACT/NESHAP

Federal Air Quality Compliance

2024 and earlier changes that aren't going anywhere

EPA's "Once in Always In" is back!!

- ▶ As of September 2024 EPA codified a category of sources known as "Always In" regardless of any future technology changes that may reduce the sites HAP emissions.
- ▶ See 40 CFR 63.1(c)(6)(iii) for a complete listing of the sources that will ALWAYS be subject to a MACT.
 - KK – Printing and Publishing MACT
 - JJJ – Group IV Polymers and Resins
 - FFFF – Misc. Organix Chemical Manufacturing
 - JJJJ – Paper and Other Web Coating
- ▶ Several Coating Categories were not listed like OOOO and SSSS

CEDRI Templates

- New reporting templates: <https://www.epa.gov/electronic-reporting-air-emissions/cedri-list-rules>

Part 63 National Emission Standards for Hazardous Air Pollutants

Show entries

Subpart ▲	Rule Name (Rule Webpage Linked)	Reports Required to be Submitted in CEDRI	Electronic Format (ERT: Electronic Reporting Tool Upload)	Initial Report Availability Date	Last Update Date of Report Template -- CEDRI Update Log (pdf) (621 KB)	Report Template Version Accepted in CEDRI	Available Spreadsheets
JJJJ	Paper and Other Web Coatings	63.3400(h) Initial Notification	PDF	3/27/2020	Not Applicable	Not Applicable	Not Applicable
JJJJ	Paper and Other Web Coatings	63.3400(h) Notification of Compliance Status	PDF	3/27/2020	Not Applicable	Not Applicable	Not Applicable
JJJJ	Paper and Other Web Coatings	63.3400(f)(1) Results of the Performance Test Report	ERT	3/27/2020	Not Applicable	Not Applicable	Not Applicable
JJJJ	Paper and Other Web Coatings	63.3400(g)(1) Performance Evaluations of CMS Report	ERT	3/27/2020	Not Applicable	Not Applicable	Not Applicable
JJJJ	Paper and Other Web Coatings	63.3400(c) Semiannual Compliance Report (Spreadsheet template)	Excel	5/15/2024	None	1.XX	 63.3400(c) Semiannual Compliance Report
JJJJ	Paper and Other Web Coatings	63.9(b) Initial notifications for an area source reclassifying to major source who had previously been subject to major source rule (a major to area back	PDF	10/9/2020	Not Applicable	Not Applicable	Not Applicable

CEDRI Templates

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CEDRI Templates

CDX Central Data Exchange

MyCDX | Inbox | My Profile | Submission History | Payment History

Services			Manage
Status	Program Service Name	Role	
	CAER: Combined Air Emissions Reporting	Preparer	
	CEDRI: Compliance and Emissions Data Reporting Interface	Preparer	
	e-GGRT: Electronic Greenhouse Gas Reporting Tool		
	RCRAInfo: Resource Conservation and Recovery Act Information	Industry Application	
	TRIMEweb: Toxics Release Inventory Made Easy Web	TRI-MEweb (Preparer)	

CEDRI Templates

MyCEDRI My Reports CEDRI History

What would you like to do?

Create a Report

Create a new report.

Complete Reports Under Development

View and edit reports in progress.

View Submitted Reports

View, Revise, or Withdraw previously submitted reports.

Manage Facilities

Add, edit, or delete your facilities.

CEDRI Templates

Select Report Type

×

What type of report would you like to create?

Show Report Type Explanations

>

Notification Report

Periodic Report

Non-ERT Performance Test/Evaluation Report

ERT Performance Test/Evaluation Report

State/Local/Tribe Rule/Permit or Other Report

Information Collection Request (ICR)

Need help finding your report?

CEDRI Templates

Search Criteria

Sectors

Select options

Source Categories

Select options

Report Type

× Notification and Periodic Report ×

× Periodic Report

Parts

Select options

Subparts

JJJJ

Subpart JJJJ - Paper and Other Web Coating

Subpart JJJJ - Stationary Spark Ignition Internal Combustion Engines

Subpart JJJJJ - Brick and Structural Clay Products Manufacturing

Report Names

Select options

253 Results (10 Required) 

CEDRI Templates

Search Criteria

Report Type

- Periodic Report
- Notification and Periodic Report

Subpart

- Subpart JJJJ - Paper and Other Web Coating

New Search

Search Results

Select the report(s) you want to create.

Sector	Source Category	Report Type	Part	Subpart	Available Reports	Action
Consumer and Commercial Products Manufacturing	Paper Products Manufacturing	Periodic Report	Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories	Subpart JJJJ - Paper and Other Web Coating	63.3400(c) Semiannual Compliance Report (Spreadsheet Template)	Add

CEDRI Templates

[← Return to Select Report Type](#)[Save and Return to My Reports](#)[Next: Upload Documents >](#)

Sector	Source Category	Report Type	Part	Subpart	Available Reports	Action
Consumer and Commercial Products Manufacturing	Paper Products Manufacturing	Periodic Report	Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories	Subpart JJJJ - Paper and Other Web Coating	63.3400(c) Semiannual Compliance Report (Spreadsheet Template)	Add

Selected Report(s)

Selected Report(s)

Below you will find the selected reports you have created.

Sector	Source Category	Report Type	Part	Subpart	Report Name	Action
Consumer and Commercial Products Manufacturing	Paper Products Manufacturing	Periodic Report	Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories	Subpart JJJJ - Paper and Other Web Coating	63.3400(c) Semiannual Compliance Report (Spreadsheet Template)	Delete

CEDRI Templates

Step 3: Upload Documents

Upload your document(s) based on the acceptable file format noted in the Upload table below. If you are uploading an Excel template, save the report as a ZIP file, and then upload the ZIP file.

Note: When uploading a Periodic Report, or certain Notification Reports that requires an Excel template upload, you CANNOT upload a reporting template that is a different major version number than the one provided at the "Report Template" link below. (e.g. If the version number in the template provided by CEDRI is 2.00, you CANNOT upload previous template versions 1.00, 1.01, or 1.02).

63.3400(c) Semiannual Compliance Report (Spreadsheet Template)

Information	
Report	63.3400(c) Semiannual Compliance Report (Spreadsheet Template) - Part 63 Subpart JJJJ - Paper and Other Web Coating Edit Report Name
Report Type	Periodic Report
Date Updated	Apr 14 2025 12:37:51 PM
Status	Under Development
Paperwork Reduction Act (PRA)	PRA Information - Rules, OMB Numbers, and Burden Estimates
Report Template	Click Here to Download Report Template

CEDRI Templates

- New reporting templates: <https://www.epa.gov/electronic-reporting-air-emissions/cedri-list-rules>

Total Organic HAP Emissions per Kilogram of Coating Solid Applied (kg/kg) (§63.3400(c)(2)(v)(C) or (vi)(K)) (§63.3320(b)(1) and (3)) ▾	Total Organic HAP emissions (ppmv) (Oxidizer-control systems only) (§63.3400(c)(2)(v)(C) and (vi)(K)) (§63.3320(b)(4)) ▾	Total Control Device Destruction Efficiency (%) ▾	Quantity of Pollutant Emitted Over Emission Limit (kg HAP) (§63.3400(c)(2)(v)(C) and (vi)(K)) ▾	Description of the Method Used to Estimate Emissions (§63.3400(c)(2)(v)(C) and (vi)(K)) ▾
HAPkgCoatingSolid_EE	TotalHAPppm_EE	DestructionEfficiency_EE	Quantity_EE	Method_EE
e.g.:	e.g.:	e.g.:	e.g.: 0.02	e.g.: Mass balance equation
e.g.: 0.9 (limit is 0.2)	e.g.:	e.g.:	e.g.: 0.7	e.g.: Mass balance equation
e.g.:	e.g. 24 (limit is 20)	e.g.: 98.34%	e.g.: 4	e.g.: RTO outlet monitoring

CEDRI Templates

40 CFR Part 63, Subpart JJJJ National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating -

§63.3400 Semiannual Compliance Report Spreadsheet Template

Company Record No. (Select from Dropdown)	Affected Source (§63.3400(c)(2)(v) and (vi))	Operating Scenario (§63.3400(c)(2)(v) and (vi)) (Select from Dropdown)	Total Source Operating Time (hours) (§63.3400(c)(2)(v)(A) and (vi)(A))	Associated Control Device Identification, if applicable (§63.3400(c)(2)(v) and (vi))
RecordId	WebcoatID	OperateScenario	OpScenarioOpTime	ControlID
e.g.: 1	e.g.: Line 1	e.g.: Control -RTO	e.g.: 4300	e.g.: RTO1
e.g.: 1	e.g.: Line 1	e.g.: Compliant Coating	e.g.: 4300	e.g.: SRS2

CEDRI Templates – List of Templates

- ▶ Company Information
- ▶ Process Identification
- ▶ CMS Identification
- ▶ CMS Downtime
- ▶ CMS Downtime Summary
- ▶ Deviations
- ▶ Emissions Estimate
- ▶ Semi-Annual Certification

Kc Applicability

Definition	Appl Date	Size & TVP	Carveouts
Definition of 'storage vessel' No "process tanks" No subsurface caverns or porous rock reservoirs	Constructed / reconstructed or modified after October 4, 2023. Proposed rule asserts that service changes to higher-volatility liquids are modification. Details are unclear. EPA departs starkly from 40 years of past findings. Outcome TBD.	$\geq 20,000$ gal Proposed subpart Kc has no range of TVP below which a vessel of size $\geq 20,000$ gal is not an affected facility.	Vessels at coke oven byproduct plants; Pressure vessels > 204.9 kPa (29.7 psia) and no vents to atmos.; Attached to mobile vehicles; Bulk gasoline plants; Gasoline service stations; Veg. oil tanks under Part 63 Subpart GGGG; Beverage alcohol.
Capacity: Must control emissions $\geq$ Must use fixed roof & control device $\geq$	<u>$(\geq 75.7, < 151 \text{ m}^3)$</u> 20,000 to 40,000 gal (10.3 kPa) 1.5 psia (76.6 kPa) 11.1 psia (TCEQ – 11 psia)	<u>$\geq (151 \text{ m}^3)$</u> 40,000 gal (3.4 kPa) 0.5 psia (76.6 kPa) 11.1 psia (TCEQ – 11 psia)	

Kb Applicability

Definition	Appl Date	Size & TVP	Carveouts
Definition of 'storage vessel' No "process tanks" No subsurface caverns or porous rock reservoirs	Constructed / reconstructed or modified after July 23, 1984. A service change, in itself, is not a modification, if the tank construction specifications are not altered to accommodate the new liquid.	$\geq 75 \text{ m}^3$ (~ 19,800 gal) and $\geq 15.0 \text{ kPa}$ (2.18 psia) OR $\geq 151 \text{ m}^3$ (39,900 gal) and $\geq 3.5 \text{ kPa}$ (0.51 psia)	Vessels at coke oven byproduct plants; Pressure vessels $> 204.9 \text{ kPa}$ (29.7 psia) and no vents to atmos.; Attached to mobile vehicles; Bulk gasoline plants; Gasoline service stations; Veg. oil tanks under Part 63 Subpart GGGG;
Capacity: Must control emissions $\geq$ Must use fixed roof & control device $\geq$	$\geq 75, < 151 \text{ m}^3$ (~ 19,800 to 39,900 gal) 27.6 kPa (4.0 psia) 76.6 kPa (11.1 psia) (TCEQ – 11 psia)	$\geq 151 \text{ m}^3$ (39,900 gal) 5.2 kPa (0.75 psia) 76.6 kPa (11.1 psia) (TCEQ – 11 psia)	Beverage alcohol.

PFAS – Regulatory Inertia

Per- and Polyfluoroalkyl Substances

PFAS Usage

► Everywhere

- Paints, coatings, adhesives, sealants
- Rubber and plastic parts
- Materials with non-stick, water resistance, chemical resistance properties
- Fire suppression systems
 - ◆ Fluorine-free foams are available

► **Pressure sensitive tape**

- **Processing aids in plastics**
- **Surface coatings that may require unique release or repellency characteristics**
- **Legacy fire fighting foams**
- **Coatings on paper used in flex-packaging**
- **Hydraulic fluids to reduce corrosion**
- **Maintenance chemicals**

Highest priority industry categories known or suspected to discharge PFAS by EPA include:

- **organic chemicals;**
- **plastics & synthetic fibers (OCPSF);**
- metal finishing;
- electroplating;
- electric and electronic components;
- landfills;
- pulp, paper & paperboard;
- leather tanning & finishing;
- plastics molding & forming;
- textile mills;
- paint formulating, and
- airports.

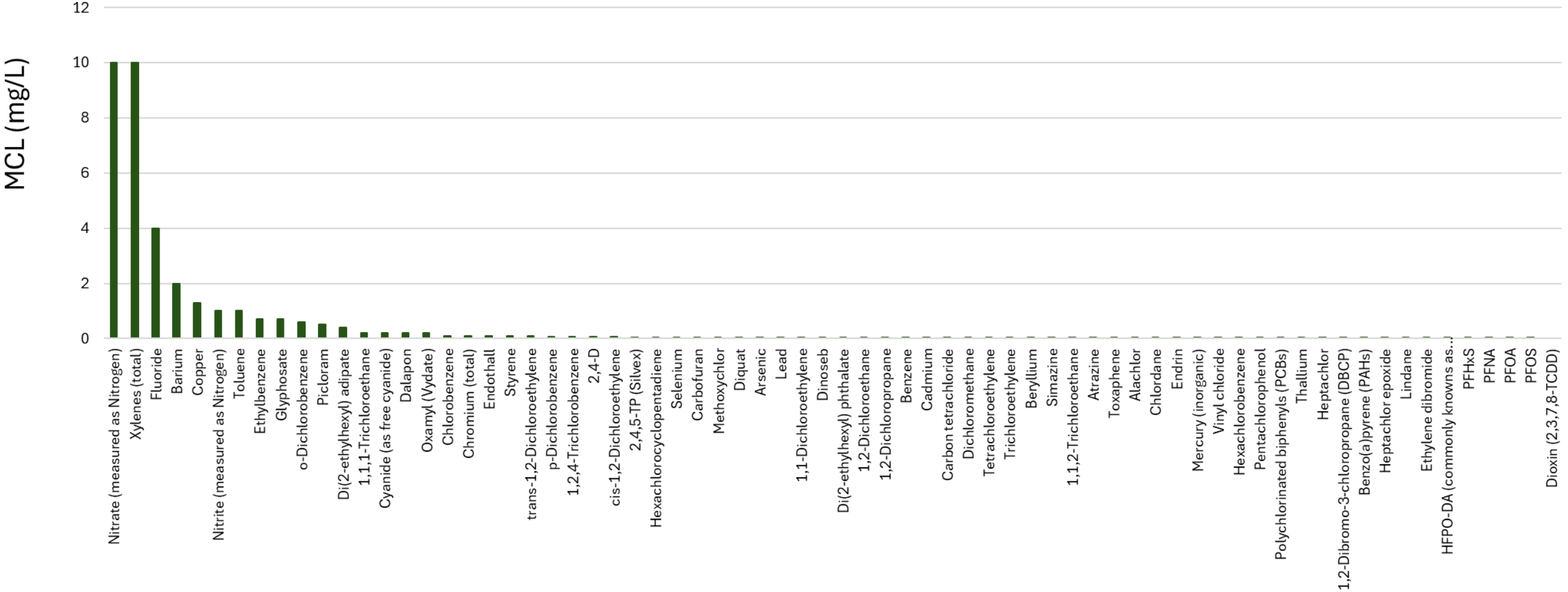
Halting of Federal Rule on PFAS in Water Discharge

- ▶ Biden-era draft Clean Water Act rules on **PFAS discharges from chemical manufacturers**
- ▶ Office of Management and Budget (OMB) withdrew the proposal on January 21, 2025, citing President Donald Trump's executive order freezing new regulations
 - **Unclear if withdrawal is only due to freeze on prior administration or a deliberate focus on PFAS**
- ▶ PFAS not mentioned in March 12 Zeldin announcement
 - Historical context: first Trump administration did advance PFAS rules with addition of PFAS to Toxic Release Inventory Reporting

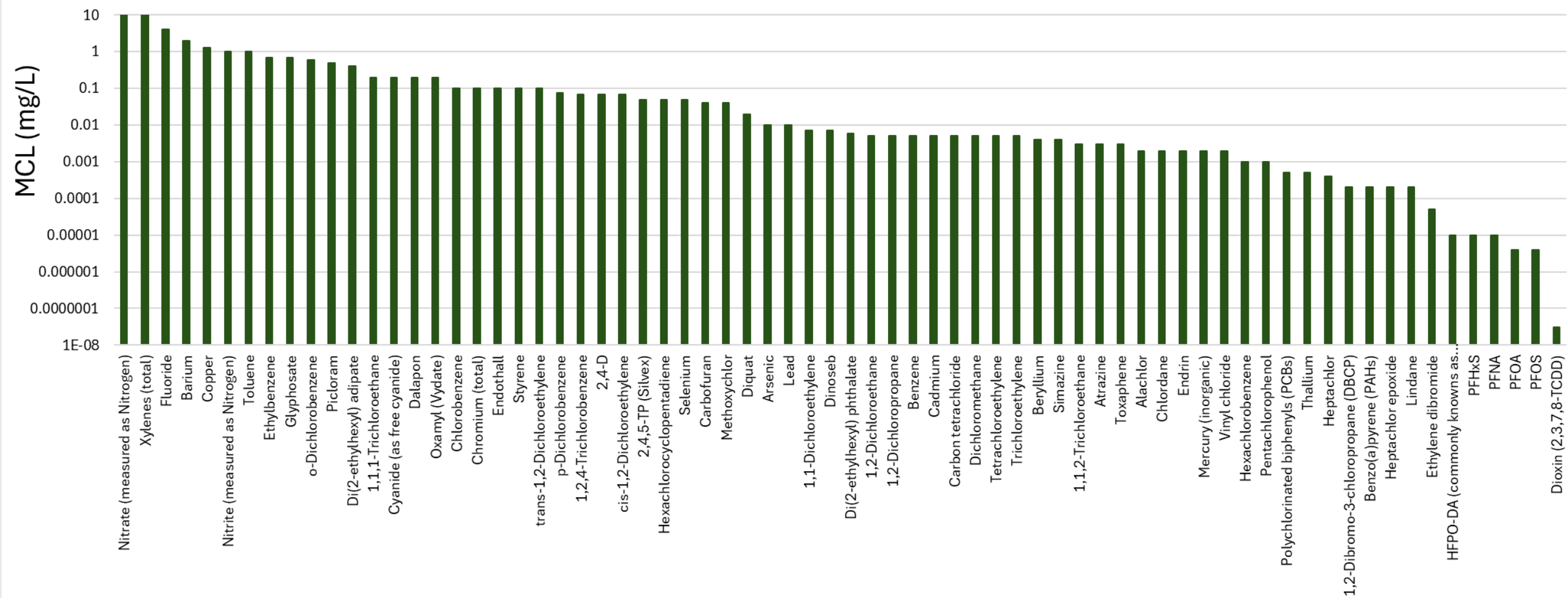
EPA Drinking Water MCLs

- ▶ EPA final drinking water Maximum Contaminant Levels (MCLs): six compounds
 - Municipalities required to complete initial monitoring of these PFAS by 2027
 - Ongoing compliance monitoring and publication of drinking water PFAS levels
 - By 2029 implement solutions to reduce PFAS below MCLs and notify public
- ▶ **States and municipalities pursuing potential PFAS discharges** for impacts to drinking water sources
- ▶ U.S. District Courts litigation
 - Settlements from cases involving Tyco, BASF, Chemguard, 3M, Dupont
 - Funds available to public water system providers for PFAS testing and remedial action

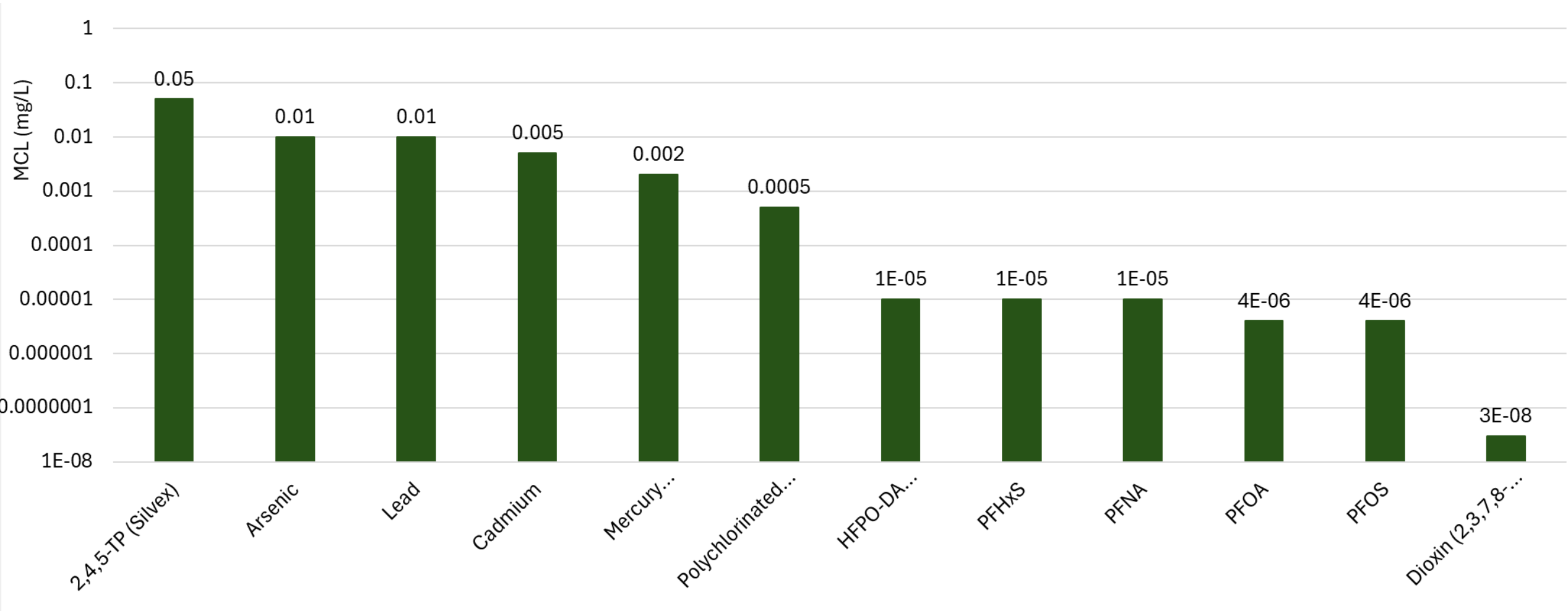
MCLs in Perspective



MCLs in Perspective



MCLs in Perspective



Toxic Release Inventory (TRI) Reporting

- ▶ Covers 205 individual PFAS compounds
- ▶ Reports due July 1 each year
- ▶ Manufacturing, processing, otherwise use threshold of 100 lbs for each individual PFAS
- ▶ **Enhanced PFAS reporting under TRI for activities in calendar year 2024 and beyond**
 - **Removal of de minimis exemption for PFAS**
 - **PFAS supplier notifications**
 - Article exemption still applies

Toxic Substances Control Act (TSCA) PFAS One-Time Reporting Rule

- ▶ Manufacture or import of PFAS in 2011 – 2022
 - Includes byproducts, impurities, intermediates
 - Includes articles
 - No small concentration or low activity exemptions
- ▶ Reporting is due ~~May 2025~~ **January 2026** for most
- ▶ Use of “reasonably ascertainable” information
 - Documentation of due diligence
- ▶ Hardest hit by rule:
 - Importers of PFAS in articles
 - Importers of small concentrations of PFAS
 - PFAS manufactured as a byproduct

CERCLA

- ▶ Effective July 2024: **hazardous substance designation PFOA and PFOS** and their salts and structural isomers
 - Many other PFAS can degrade to PFOA or PFOS
- ▶ Requires release reporting if > RQ (1 lb per 24-hrs)
- ▶ PFAS must be considered in Phase I Environmental Site Assessments



CERLA Example: AFFF Discharge

- ▶ Common product: 3% AFFF → Contains ~2% PFAS → 1.02 SG
- ▶ **1 lb CERCLA RQ = 5.9 gallons of foam discharge**

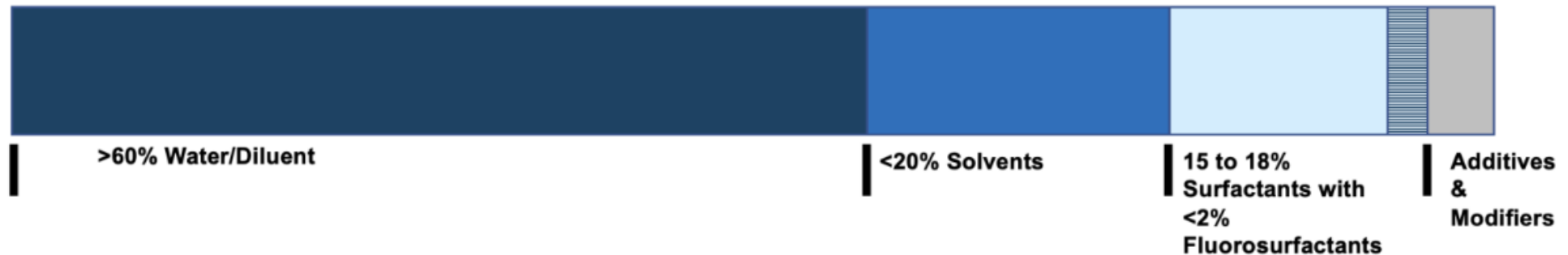


Figure 3-3. Typical composition of 3% AFFF concentrate.

Source: S. Thomas, Battelle. Adapted from Kempisty, Xing, and Racz 2018.

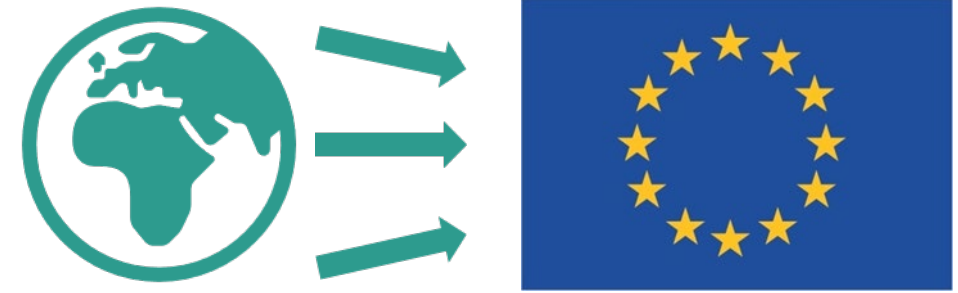
Figure 3-3 obtained from: Interstate Technology & Regulatory Council (ITRC). 2023. PFAS Technical and Regulatory Guidance Document and Fact Sheets PFAS-1. Washington, D.C.: Interstate Technology & Regulatory Council, PFAS Team. <https://pfas-1.itrcweb.org/>.

EPA Multi-Sector General Permit (MSGP)

- ▶ The Clean Water Act requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from certain industrial activities.
- ▶ Most states have delegated authority and their own permitting.
- ▶ EPA's MSGP can **provide a basis for states to use in their permitting**
- ▶ Draft 2026 MSGP includes **PFAS monitoring**.
 - “Report-only” indicator analytical monitoring
 - Quarterly monitoring using EPA Method 1633 (40 analytes)
 - Applies to 29 industrial categories

CBAM and Sustainability

CBAM: Upcoming Requirements



The **transitional period** (10/1/23-12/31/25) requires importers of “CBAM goods” into the EU to report **direct and indirect embedded emissions** for each imported “CBAM good” based on information provided by the goods manufacturer.

The **definitive period** (1/1/26 onward), additionally requires importers to purchase and surrender **CBAM certificates** based on the embedded emissions and other carbon pricing associated with imported “CBAM Goods”.

Key Priorities:

- Quarterly reporting
- Establish CBAM data reporting expectations with your supply chain partners
- Prepare for the definitive period through development of a Monitoring Methodology Document, internal and/or independent review of calculations, identification of third-party verification partners

CBAM Implementation Periods

Transitional Period

- 10/1/2023-12/31/2025
- Quarterly reporting
- No verification required
 - No carbon pricing effective

Definitive Period

- 1/1/2026 onwards
- Annual reporting
- Verification required
- Carbon pricing system effective

Initial CBAM requirements and PST: metalized tape

CN 7607 – Aluminium foil (whether or not printed or backed with paper, paper-board, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0,2 mm

Sustainability in US States

California, New Jersey, Colorado, New York, Illinois have proposed or finalized climate disclosure

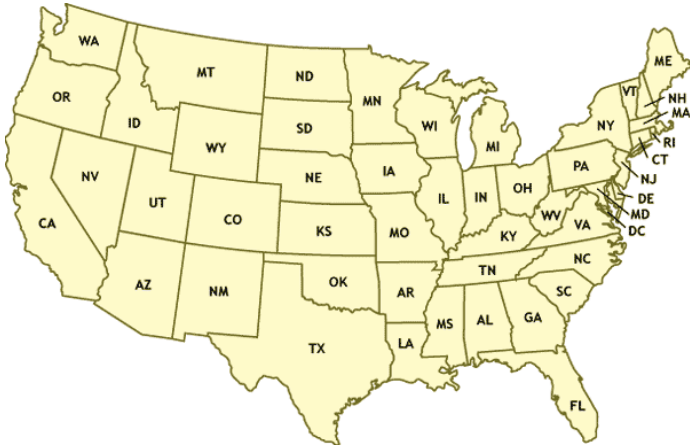
California's Climate Corporate Data Accountability Act forms model for other states

Require large companies which do business in the state to disclose Scope 1, Scope 2, and Scope 3 emissions data on an annual basis

Companies will also be subject to third-party assurance requirements for Scope 1 and Scope 2, and pending requirements for Scope 3

The Administration seeks to identify mechanisms to prevent State Overreach with respect to Sustainability and ESG regarding low-carbon intensity energy solutions.

<https://www.whitehouse.gov/presidential-actions/2025/04/protecting-american-energy-from-state-overreach/>





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