



Environmental Auditing: Integrated California and Federal Compliance Guide

RELEASE 150 – NOVEMBER 2020

new & noteworthy

- **Expansion of hazardous waste consolidated manifesting procedure:** California has approved statutory changes (AB 2920) that will revise the hazardous waste transportation law effective January 1, 2021, to expand consolidated manifesting to additional wastes. This change authorizes the use of the consolidated manifesting procedure for retail hazardous waste collected from a retailer engaged in business in the state. The law requires that when using the consolidated manifesting procedure for retail hazardous waste, incompatible materials that are transported in the same transport vehicle must be managed according to specified provisions that govern the transportation of hazardous waste.

This change impacts **Hazardous Waste Rulebook A**, *Generator Requirements*.

- **Electronic waste recycling amendments:** On July 17, 2020, the California Department of Resources Recycling and Recovery (CalRecycle) issued a final rule (CRNR 2020 No. 29-Z) that makes permanent, with revisions, regulatory changes originally made as an emergency action. These changes include amending existing regulations for electronic waste recycling and adopting new regulations relating to designated approved collectors of covered electronic waste. This final rule was effective October 1, 2020.

This change impacts the **Solid Waste Rulebook**.

- **Addition of photovoltaic modules to universal waste management:** On October 9, 2020, the Department of Toxic Substances Control (DTSC) issued a final rule that adds photovoltaic modules (PV Modules) as a universal waste in California, effective January 1, 2021 (CRNR 2020 No. 41-Z). The rule establishes waste management standards applicable to PV Modules, including requirements for transportation, treatment, and handling of PV Modules.

This change impacts the **Hazardous Waste Introduction** and **Hazardous Waste Rulebook C**, *Special Types of Waste*.

- **Underground storage tanks clarification of inspection requirements:** The State Water Resources Control Board (SWRCB) amended regulations (CRNR 2020 No. 37-Z) on September 11, 2020, concerning underground storage tank (UST) inspection and reporting requirements for local agencies and for UST owners and operators. This final rule clarifies designated UST operator visual inspection responsibilities and requires the UST owner or operator to sign the designated operator visual inspection report within 72 hours of receipt, acknowledging the inspection results on the "Designated Underground Storage Tank Operator Visual Inspection Report." This action also substantially modifies several of the forms in the regulation. This rule was effective October 1, 2020.

release notes

please review

This change impacts the **Underground Storage Tanks Rulebook**.

- **USCG non-substantial technical, organizational and conforming amendments:** On September 18, 2020, the United States Coast Guard (USCG) published a final rule (85 FR 58268) making non-substantive technical and editorial amendments to existing USCG regulations to: update authority citations, correct errors, update contact information, and make other non-substantive amendments that improve the clarity of the Code of Federal Regulations. In addition, this rule updates the statutory authority citations for many Coast Guard regulations since the Frank LoBiondo Coast Guard Authorization Act of 2018 redesignated existing United States Code (USC) provisions into new titles and sections. This rule does not create or change any substantive requirements and was effective September 18, 2020.

This change impacts **Oil and Petroleum Rulebook C**.

- **Lead-free plumbing materials in drinking water systems:** On September 1, 2020, EPA issued a final rule (85 FR 54235) that requires new or replacement pipes, pipe or plumbing fittings, or fixtures, solder and flux used in providing water for potable uses to be lead free, with certain exemptions. The rule applies to any person who introduces these products into commerce, such as manufacturers, importers, wholesalers, distributors, re-sellers, and retailers. It also applies to any person who uses these products in the installation or repair of a public water system or a residential or nonresidential facility providing water for potable uses. The product certification requirements for lead free pipes, fittings, and fixtures in this final rule apply to manufacturers and importers. This rule took effect October 1, 2020. The compliance date for the product certification requirements is September 1, 2023.

This change impacts the **Drinking Water** module and will be addressed in a future update.

highlights of this release

- **Hazardous Waste, Introduction**, (Applicability Table, Regulatory Summary, Definitions, Preaudit List, and Acronyms) was revised to reflect the addition of photovoltaic modules (PV Modules) as a universal waste. *Rulebook A, Generator Requirements* was amended to incorporate an expansion of the consolidating manifesting procedure to retail wastes. *Rulebook C, Special Types of Waste*, was revised to add requirements for managing PV Modules as universal waste.
- **Oil and Petroleum, Rulebook C, OPA 90—Vessel Response Plans**, was revised to update the USC citation for what is a “vessel deemed public vessel.”
- **Federal Air Quality Management, Rulebook C-1: General Requirements for Hazardous Air Pollutants (HAPs)**, was revised to update the summary table showing the subparts of 40 CFR 63 that are covered by the guide.
- **Underground Storage Tanks in California, Rulebook**, was updated to incorporate revisions concerning underground storage tank (UST) inspection and reporting requirements.

did you know?

- **Further implementation of the e-manifest system:** As of June 30, 2021, EPA will no longer accept mailed paper manifests for processing in the e-manifest system. After this date, the requirement to submit paper manifests to the e-manifest system for purposes of data entry and processing must be met by electronically transmitting an image file or both an image file and data. EPA does not plan to completely phase out the use of paper manifests until June 30, 2023.
- **CalRecycle lowers threshold for mandatory organics recycling:** California's mandatory organics recycling law required businesses to recycle their organic waste starting on April 1, 2016. The requirements were phased in over time, based on the amount of waste a business generated per week. Full implementation of the law occurred in 2019, when the applicability threshold was businesses that generate 4 cubic yards or more of commercial solid waste per week. Additionally, the law contained a 2020 trigger that would increase the scope of affected businesses if waste reduction targets were not met. As a result, CalRecycle announced in September of 2020 that it was reducing the applicability threshold to 2 cubic yards of solid waste (solid waste is the total of trash, recycling, and organics) generated by covered businesses.
- **SWRCB issues guidance for stormwater dischargers in areas impacted by wildfires:** On October 20, 2020, the State Water Resources Control Board (SWRCB) issued a letter aimed at providing guidance for compliance with the Statewide Construction Stormwater General Permit for construction projects damaged or negatively impacted by wildfires within counties identified in a state of emergency proclamation. Negative wildfire impacts on construction sites may include higher levels of pollutants in a site's stormwater discharges unrelated to construction activities. This letter addresses both new planned construction activity and the continuation of existing construction activity. In addition, an entity with a public emergency project requiring immediate construction must provide a brief description of the emergency construction activity within 5 days of initiation and must submit permit application documents within 30 days. The letter may be viewed at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/construction/cgp_wildfire.pdf.



industry insight

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