



Environmental Auditing: Federal Compliance Guide

RELEASE 198 – SEPTEMBER 2020

new & noteworthy

- **EPCRA Trade Secrecy Process:** On July 24, 2020, EPA issued a technical amendment to update regulations to include references to agency websites for trade secrecy claims (85 FR 44770). This update also removes references to an outdated substantiation form for trade secrecy claims from the Code of Federal Regulations. The most current substantiation form is posted on EPA program websites. Entities that may be affected by this action are those that file trade secrecy claims for chemical identity and/or report emergency release notifications under the Emergency Planning and Community Right-to-Know Act. This update became effective upon publication on July 24, 2020.

These changes impact the EPCRA **Rulebook** in the Hazardous Module.

- **Coal Combustion Residual Regulations:** EPA issued a final rule (85 FR 53516) on August 28, 2020, that amends the regulations for coal combustion residuals (CCR) landfills and surface impoundments. The final rule implements a decision by the U.S. Court of Appeals that vacated provisions of these rules that allowed unlined impoundments to continue receiving coal ash unless they leak, and classified “clay-lined” impoundments as lined, thereby allowing such units to operate indefinitely. In addition, EPA is establishing a revised date by which unlined surface impoundments must cease receiving waste and initiate closure. This rule also finalized proposed amendments to the requirements for the annual groundwater monitoring and corrective action reports and the requirements for sites to maintain publicly accessible CCR internet sites. This final rule was effective on September 28, 2020.

These changes impact the Solid Waste **Rulebook**.

- **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.

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

- **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 amendment 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. This final rule is effective September 18, 2020.

This change impacts **Rulebook C** in the Oil and Petroleum module.

highlights of this release

Solid Waste

- The **Rulebook** has been updated to incorporate changes to the regulations for coal combustion residuals (CCR) landfills and surface impoundments.

Oil and Petroleum

- **Rulebook C**, *OPA 90—Vessel Response Plans*, has been updated for the USC citation for a “vessel deemed public vessel.”

Hazardous Materials

- **Rulebook A**, *EPCRA*, has been updated to refer to the current trade secrecy claim form and EPA agency trade secret claim websites.

did you know?

- **EPA permit appeal procedures:** EPA issued a final rule (85 FR 51650) on August 21, 2020, revising a procedural rule to streamline and modernize the EPA’s permit appeal process. This procedural rule applies to the following permits issued by or on behalf of EPA: PSD permits, Outer Continental Shelf permits; Title V permits; Tribal major non-attainment NSR permits; Tribal minor NSR permits; NPDES; Underground Injection Control permits; and RCRA permits including Remedial Action Plans. This rule took effect September 21, 2020. For details see <https://www.govinfo.gov/content/pkg/FR-2020-08-21/pdf/2020-16257.pdf>.

- **Final action on perchlorate:** On July 21, 2020, EPA announced its withdrawal of the 2011 determination to regulate perchlorate under the Safe Drinking Water Act (85 FR 43990). On June 26, 2019, the EPA published a proposed national primary drinking water regulation (NPDWR) for perchlorate and requested public comments on multiple alternative actions, including the alternative of withdrawing the 2011 regulatory determination for perchlorate. The EPA has considered these public comments and, based on the best available information, is withdrawing the 2011 regulatory determination and is making a final determination not to regulate perchlorate.
- **Modernizing RCRA ignitable liquids determinations:** On July 7, 2020, EPA issued a rule to modernize the RCRA test methods that currently require the use of mercury thermometers (85 FR 40594). The July 7, 2020 final rule (85 FR 40594) updates the test methods required for measuring the flash point of a liquid waste when determining if that waste is an ignitable hazardous waste and codifies existing guidance to define “aqueous” as “50% water by weight.” The ignitability characteristic, which was finalized in 1980 and revised in 1981, incorporated Pensky-Martens and Setaflash as the required tests for ignitable hazardous waste determinations. Due to scientific and technological advances over the last few decades, certain test methods are now outdated. This final rule provides flexibility by allowing for the use of additional test procedures that use more readily available, modern laboratory equipment. The rule takes effect September 9, 2020. For details, see <https://www.govinfo.gov/content/pkg/FR-2020-07-07/pdf/2020-12695.pdf>.
- **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.
- **CWA Section 401 certification rule:** On July 13, 2020, EPA published a final rule updating the water quality certification regulations (85 FR 42210). The rule modernizes and clarifies the EPA’s regulations to help states, tribes, federal agencies, and project proponents know what is required and what to expect during a Section 401 certification process. This final rule is intended to make EPA’s regulations consistent with the current text of CWA Section 401, increase efficiencies, and clarify aspects that have been unclear or subject to differing legal interpretations in the past. EPA is replacing the entirety of the 1971 certification regulations with this final rule that takes effect September 11, 2020. For details, see <https://www.govinfo.gov/content/pkg/FR-2020-07-13/pdf/2020-12081.pdf>.

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- **Electronic reporting revisions for power plants:** On September 9, 2020, EPA issued a rule (85 FR 55744) finalizing amendments to the electronic reporting requirements for the NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units (also known as the Mercury and Air Toxics Standards (MATS)). This action revises and streamlines the electronic data reporting requirements of MATS, increases data transparency by requiring use of one electronic reporting system instead of two separate systems, and provides enhanced access to MATS data. This rule took effect September 9, 2020. This action imposes no new monitoring requirements and encourages wider use of CEMS for MATS compliance. In addition, this final action extends the current deadline for alternative electronic data submission via PDF files to December 31, 2023. See <https://www.govinfo.gov/content/pkg/FR-2020-09-09/pdf/2020-15950.pdf>.
- **EPA finalizes RTRs for NESHAP source categories:** EPA has finalized residual risk and technology reviews (RTRs) for NESHAP source categories. Details of amendments made as part of the RTR are found in the links to the final rules provided below:
 - Miscellaneous Viscose Processes and Cellulose Ether Production NESHAP (July 2, 2020; 85 FR 39980): <https://www.govinfo.gov/content/pkg/FR-2020-07-02/pdf/2020-05901.pdf>;
 - Ethylene Production NESHAP (July 6, 2020; 85 FR 40386): <https://www.govinfo.gov/content/pkg/FR-2020-07-06/pdf/2020-05898.pdf>;
 - Organic Liquids Distribution (Non-Gasoline) (July 7, 2020; 85 FR 40740): <https://www.govinfo.gov/content/pkg/FR-2020-07-07/pdf/2020-05900.pdf>;
 - Surface Coating of Automobiles and Light-Duty Trucks NESHAP (July 8, 2020; 85 FR 41100): <https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-05908.pdf>;
 - Surface Coating of Miscellaneous Metal Parts and Products NESHAP (July 8, 2020; 85 FR 41100): <https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-05908.pdf>;
 - Surface Coating of Plastic Parts and Products NESHAP (July 8, 2020; 85 FR 41100): <https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-05908.pdf>;
 - Paper and Other Web Coating NESHAP (July 9, 2020; 85 FR 41276): <https://www.govinfo.gov/content/pkg/FR-2020-07-09/pdf/2020-05854.pdf>;
 - Site Remediation NESHAP (July 10, 2020; 85 FR 41680): <https://www.govinfo.gov/content/pkg/FR-2020-07-10/pdf/2020-05896.pdf>;
 - Integrated Iron and Steel Manufacturing Facilities NESHAP (July 13, 2020; 85 FR 42074): <https://www.govinfo.gov/content/pkg/FR-2020-07-13/pdf/2020-09753.pdf>;
 - Rubber Tire Manufacturing NESHAP (July 24, 2020; 85 FR 44752): <https://www.govinfo.gov/content/pkg/FR-2020-07-24/pdf/2020-12541.pdf>;
 - Lime Manufacturing Plants NESHAP (July 24, 2020; 85 FR 44960): <https://www.govinfo.gov/content/pkg/FR-2020-07-24/pdf/2020-12588.pdf>;

- Taconite Iron Ore Processing NESHAP (July 28, 2020; 85 FR 45476): <https://www.govinfo.gov/content/pkg/FR-2020-07-28/pdf/2020-13397.pdf>;
- Miscellaneous Organic Chemical Manufacturing NESHAP (August 12, 2020; 85 FR 49084): <https://www.govinfo.gov/content/pkg/FR-2020-08-12/pdf/2020-12776.pdf>;
- Plywood and Composite Wood Products NESHAP (August 13, 2020; 85 FR 49434): <https://www.govinfo.gov/content/pkg/FR-2020-08-13/pdf/2020-12725.pdf>;
- Miscellaneous Coating Manufacturing NESHAP (August 14, 2020; 85 FR 49724): <https://www.govinfo.gov/content/pkg/FR-2020-08-14/pdf/2020-13439.pdf>;
- Iron and Steel Foundries Major and Area Source NESHAPs (September 10, 2020; 85 FR 56080): <https://www.govinfo.gov/content/pkg/FR-2020-09-10/pdf/2020-14143.pdf>
- **EPA issues technical corrections for three NESHAP source categories:** On July 8, 2020, EPA finalized technical corrections (85 FR 41100) to the following three NESHAPs after they were amended in a final rule published in the Federal Register on March 15, 2019 (<https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-05908.pdf>):
 - Surface Coating of Large Appliances;
 - Printing, Coating, and Dyeing of Fabrics and Other Textiles; and
 - Surface Coating of Metal Furniture.
- **Final action on petitions for reconsideration on accidental release prevention:** On September 4, 2020, EPA issued a Notice denying petitions for reconsideration of the final revisions to the Accidental Release Prevention Requirements rule published on December 19, 2019. The basis for EPA's action is set out fully in separate letters addressed to each petitioner, available in the rulemaking docket. For more information see <https://www.govinfo.gov/content/pkg/FR-2020-09-04/pdf/2020-19576.pdf>.
- **Final lists identifying manufacturers subject to TSCA fees:** On September 4, 2020, EPA announced the availability of the final lists identifying manufacturers (including importers) that are subject to fee obligations under 40 CFR 700.45 (85 FR 55283). These entities manufacture or import one or more of the 20 High-Priority Substances subject to EPA-initiated risk evaluations under TSCA section 6. See, <https://www.govinfo.gov/content/pkg/FR-2020-09-04/pdf/2020-19668.pdf>.
- **SNURS for chemical substances:** EPA published the following significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA). Persons who intend to manufacture, import, or process any of the chemical substances for an activity that is designated as a significant new use by any of these rules are required to notify EPA at least 90 days before commencing the manufacturing or processing activity. Manufacture or processing for the significant new use may not commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. The effective dates are specified in each SNUR notice. Details of chemical substances and the significant new use are found in the links to the final rules provided below:

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- July 28, 2020 (85 FR 45321): <https://www.govinfo.gov/content/pkg/FR-2020-07-28/pdf/2020-14513.pdf>;
- August 3, 2020 (85 FR 46550): <https://www.govinfo.gov/content/pkg/FR-2020-08-03/pdf/2020-15014.pdf>;
- August 21, 2020 (85 FR 51657): <https://www.govinfo.gov/content/pkg/FR-2020-08-21/pdf/2020-16382.pdf>;
- September 17, 2020 (85 FR 57968): <https://www.govinfo.gov/content/pkg/FR-2020-09-17/pdf/2020-18883.pdf>

On July 27, 2020 (85 FR 45109), EPA issued amendments to the significant new use rule for the following chemical substances (<https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-13738.pdf>):

- long-chain perfluoroalkyl carboxylate; and
- perfluoroalkyl sulfonate chemical substances.



related STP products

- **Onshore and Offshore Upstream Oil and Gas Operations: Federal Auditing Guide** is designed to be used to ensure effective regulatory compliance with the hundreds of complex Federal Department of Interior (DOI) environmental, health and safety (EHS) regulatory requirements facing businesses that explore for and extract oil and natural gas (referred to as “upstream oil and gas operations”). Available formats: online and via risk management systems.
- **Fire Code Management of Hazardous Materials: The Essential Guide** has extensive checklists to enable facilities to assess their compliance with the fire codes adopted by the majority of U.S. states. This guide covers hazardous materials requirements specified by the National Fire Protection Association (NFPA) standards (including NFPA 1 2000, NFPA 1-UFC 2003, NFPA 1-UFC 2006, NFPA 1-FC 2009, NFPA 1-FC 2012, NFPA 1-FC 2015, NFPA 1 2018), and International Fire Code (IFC 2003, 2006, 2009, 2012, 2015, 2018). Available formats: online and via risk management systems.

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