



Environmental Auditing: Integrated California and Federal Compliance Guide

RELEASE 151 – JANUARY 2021

new & noteworthy

- **South Coast Air Quality Management District (SCAQMD) Revises NOx Emissions Rule:** On December 4, 2020, SCAQMD approved an amendment to Rule 1146, Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. The amendment removes the ammonia concentration limit of 5 ppm for new and modified pollution controls to prevent conflicts with implementing Regulation XIII - New Source Review.

This change impacts **Air Quality Management in South Coast Air Quality Management District, Rulebook B**, *Visible Emissions, Fugitive Dust, and NOx, SOx, and CO Emissions*.

- **South Coast Air Quality Management District (SCAQMD) Amends Rules for Storage Tanks at Petroleum Facilities:** On November 6, 2020, SCAQMD adopted amendments to Rule 1178 – Further Reductions of Fugitive VOC Emissions from Storage Tanks at Petroleum Facilities. This change allows the option for an operator to apply for and accept permit conditions to limit the total vapor pressure of the organic liquid stored in wastewater tanks where the installation of a domed roof may create a hazard due to the accumulation of pyrophoric material. This amendment reinstates an option that generally expired December 31, 2008, but with a narrower scope.

This change impacts **Air Quality Management in South Coast Air Quality Management District, Rulebook C**, *Volatile Organic Compound (VOC) Emissions*.

- **CalRecycle Lowers Threshold for Mandatory Organics Recycling:** CalRecycle announced in September 2020, that it was reducing the applicability threshold for the state's mandatory organics recycling law to 2 cubic yards per week of solid waste (solid waste is the total of trash, recycling, and organics) generated by covered businesses. The mandatory organics recycling law, which requires businesses to recycle their organic waste, was phased in starting on April 1, 2016. Full implementation occurred in 2019, when the applicability threshold applied to businesses that generate 4 cubic yards of more of commercial solid waste per week, but the law also contained a 2020 trigger that would lower the threshold and thus increase the scope of affected businesses, if waste reduction targets were not met.

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

release notes

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- **Expiration of Alternative Management Standards for Treated Wood Waste (TWW):** The Department of Toxic Substances Control (DTSC) announced that on December 31, 2020, the statute and regulations that authorized TWW to be handled in accordance with alternative management standards expired. Effective January 1, 2021, all TWW that exhibits the hazardous waste characteristic of toxicity is fully regulated as California-only hazardous waste and is no longer eligible for disposal in Class II or Class III landfills. It is expected that efforts will be made in the upcoming legislative session to either reinstate the alternative management standards or establish other requirements to govern the management of TWW. In the interim, DTSC has created a system to allow persons managing TWW to apply for a variance containing conditions similar to the previous alternative standards.

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

- **Implementation of Phase 2 of the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule:** On November 2, 2020, EPA published a final rule (85 FR 60189) to postpone the compliance deadlines for implementation of Phase 2 of the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (“NPDES eRule”). The date for implementation of electronic reporting systems by state permitting authorities has been extended to December 21, 2025. The final rule provides states with additional flexibility to request additional time as needed to complete and implement their electronic permitting and reporting systems. This final rule also promulgates clarifying changes to the NPDES eRule and eliminates some duplicative or outdated reporting requirements. Entities potentially affected by this action include all NPDES-permitted facilities, industrial users located in cities without approved local pretreatment programs, facilities subject to EPA’s biosolids regulations, and governmental entities that have received NPDES program authorization or are implementing portions of the NPDES program in a cooperative agreement with EPA. This rule takes effect January 4, 2021.

These changes impact the **National Pretreatment Standards Rulebook** in **Wastewater**.

- **National Emission Standards for Hazardous Air Pollutants (NESHAP) Definition of Major Source:** On November 19, 2020, EPA finalized amendments to the general provisions of many NESHAP (85 FR 73854) to implement the plain language reading of the “major source” and “area source” definitions of the Clean Air Act and provide that a major source can be reclassified to area source status at any time upon reducing its potential to emit hazardous air pollutants (HAP) to below the major source thresholds of 10 tons per year (tpy) of any single HAP and 25 tpy of any combination of HAP. This rule also finalizes amendments to clarify the compliance dates, notification, and recordkeeping requirements that apply to sources choosing to reclassify to area source status and to sources that revert back to major source status, including a requirement for electronic notification. The final amendments are applicable to sources that reclassify from major source to area source status under section 112 of the CAA and sources that revert from their reclassified area source status to their previous major source status. This rule was effective January 19, 2020.

These regulatory changes will be referenced in the *Guide Notes* within various rulebooks included in **Air Quality** as the content of these rulebooks is revised during future updates.

highlights of this release

- **Air Quality Management in SCAQMD** has been updated as follows:
 - Rulebook B, Visible Emissions, Fugitive Dust, and NOx, SOx, and CO Emissions**, has been updated to include changes to Rule 1146, Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.
 - Rulebook C, Volatile Organic Compound (VOC) Emissions**, has been updated to include changes to Rule 1178 – Further Reductions of Fugitive VOC Emissions from Storage Tanks at Petroleum Facilities.
- **Hazardous Waste in California, Rulebook C, Special Types of Waste**, has been revised to update requirements for the management of treated wood waste to reflect the expiration of the alternative management regulations and the creation of a new variance process.
- **Wastewater in California, Rulebook B, National Pretreatment Standards**, has been revised to modify *Guide Notes* to reflect the December 21, 2025 extension date for electronic submittal of permit approvals and compliance reporting requirements.
- **Solid Waste in California, Rulebook**, has been revised to update the applicability threshold for the state’s mandatory organics recycling law, which was recently lowered.

did you know?

- **Test methods and performance specifications for air emission sources:** On October 7, 2020, EPA promulgated corrections and updates to regulations for the source testing of emissions (85 FR 63394). Specifically, it corrected typographical and technical errors, updated testing procedures, and added alternative equipment and methods the EPA has deemed acceptable to use. The revisions promulgated in this final rule apply to industries that are subject to the current provisions of 40 CFR 51, 60, 61, and 63. These amendments will not impose any new substantive requirements on source owners or operators. This rule took effect December 7, 2020. For details see, <https://www.federalregister.gov/documents/2020/10/07/2020-18824/test-methods-and-performance-specifications-for-air-emission-sources>.
- **Modification of Significant New Use Rules:** On October 27, 2020, EPA issued amendments (85 FR 67996) to the significant new use rules for the following chemical substances:
 - 2-propen-1-one, 1-(4-morpholinyl)- (PMN P-95-169; SNUN S-08-7; SNUN S-14-1; and SNUN S-17-10; CAS No. 5117-12-4;
 - butanoic acid, 3- mercapto-,1,1 -[2-(hydroxymethyl)-2- (substituted-1-oxoalkoxy)methyl]-1,3-propanediyl] ester (PMN P-10-136 and S-18-5, Chemical A);

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- butanoic acid, 3- mercapto-,1,1'-[2,2-bis[(substituted-1- oxoalkoxy)methyl]-1,3-propanediyl] ester (PMN P-10-136 and SNUN S-18- 5, Chemical B);
 - functionalized multiwalled carbon nanotubes (PMN P-12- 44; SNUN S-18-4; and SNUN S-19-5); and
 - coke (coal), secondary pitch. Definition: A carbon-containing residue from the coking of air blown pitch coke oil and/or pitch distillate; composed primarily of isotropic carbon, it contains small amounts of sulfur and ash constituents (PMN P-12-292, PMN P- 17-217, and SNUN S-19-4; CAS No. 94113-91-4).
- **Pharmaceutical and Sharps Waste Stewardship Program:** California adopted new regulations (14 CCR 18972.1 – 18974) effective January 7, 2021, to create a statewide takeback program for pharmaceuticals and sharps. This program adds to the existing extended producer responsibility programs already operating in California for products ranging from paint to mattresses. The new Pharmaceutical and Sharps Waste Stewardship Program requires manufacturers to create and operate a stewardship program that provides for the takeback of covered drugs and home-generated sharps waste from households. The regulations establish the requirements for stewardship programs, including development of stewardship plans and stewardship program budgets, annual reporting, and recordkeeping.



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