



## Environmental Auditing: Integrated California and Federal Compliance Guide

RELEASE 152 – APRIL 2021

### new & noteworthy

- **Advanced Clean Trucks Regulation:** On March 26, 2020, the California Air Resources Board (CARB) adopted a rulemaking with two new regulatory components related to vehicle emissions (CRNR 2021, No. 13-z). First, it requires manufacturers to sell Zero Emission Vehicles (ZEVs) as an increasing percentage of annual truck sales in California. Second, it requires one-time reporting of information from large organizations including retailers, manufacturers, and government agencies about their medium- and heavy-duty vehicle fleet and requires that certain records be kept.

This change adds the fleet reporting and recordkeeping provisions to **Air Quality Management, Rulebook A, Requirements Applicable to all Air Districts; Air Quality Management in BAAQMD, Rulebook A, General Requirements;** and **Air Quality Management in SCAQMD, Rulebook A, General Requirements.**

- **Amendment to the P075 Hazardous Waste Listing for Nicotine:** On March 19, 2021, the Department of Toxic Substances Control (DTSC) issued a final rule (CRNR 2021, No. 12-z) that updates the hazardous waste identification rules to remove nicotine patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies, which were listed with the hazardous waste number P075, from the list of hazardous wastes when discarded. This action aligns state rules with recent changes to federal regulations.

This change impacts the **Hazardous Waste** Introduction, **Reference Table 4.**

- **Pharmaceutical and Sharps Waste Stewardship Program:** The Pharmaceutical and Sharps Waste Stewardship Act was approved in 2018, and new regulations (14 CCR 18972.1 – 18974) were adopted to implement provisions of this Act, effective January 7, 2021. The Act and regulations create a statewide Pharmaceutical and Sharps Waste Stewardship Program that requires manufacturers to create and operate a program that provides for the takeback of covered drugs and home-generated sharps waste from households. The regulations establish the specific requirements for stewardship programs, including development of stewardship plans and stewardship program budgets, annual reporting, and recordkeeping.

This change impacts the **Solid Waste Introduction** (General Applicability Checklist, Regulatory Summary, and Pre-audit Preparation) and the **Solid Waste Rulebook.**

# release notes

*please review*

- **Technology-Based Effluent Limitations:** On October 10, 2020, EPA finalized a regulation (85 FR 64650) to revise the technology-based effluent limitations guidelines and standards (ELGs) for the steam electric power generating point source category applicable to flue gas desulfurization (FGD) wastewater and bottom ash (BA) transport water that were initially promulgated as part of the Steam Electric Power Generating Effluent Guidelines 2015 rule. Since the promulgation of the 2015 rule, steam electric power plants have installed more affordable technologies that can remove similar amounts of pollution as those operating at the time of the rule. Therefore, this final rule takes into consideration these control technologies when revising discharge limitations. For indirect discharges (i.e., discharges to publicly owned treatment works (POTWs)), the final rule establishes pretreatment standards for existing sources that are the same as the Best Available Technology Economically Achievable (BAT) limitations. Where BAT limitations in this rule are more stringent than previously established Best Practicable Control Technology Currently Available (BPT) limitations applicable to the relevant wastestreams, the BAT limitations do not apply until the permitting authority determines a date that is as soon as possible, on or after October 13, 2021, but no later than December 31, 2025.

These changes impact the Steam Electric Power Generating Point Source Category section of **Rulebook B, National Pretreatment Standards** in the Wastewater Module.

- **Amendments to Hazardous Air Pollutant Provisions:** On November 20, 2020, EPA finalized amendments (85 FR 73854) to the general provisions found in 40 CFR 63 Subpart A that apply to National Emission Standards for Hazardous Air Pollutants (NESHAP) to provide that a major source can be reclassified to area source status at any time upon reducing its potential to emit (PTE) for hazardous air pollutants (HAP) to below the major source thresholds (MST) of 10 tons per year (tpy) of any single HAP and 25 tpy of any combination of HAP. This rule also finalized 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. These amendments came into effect on January 19, 2021.

These changes impact **Rulebook C-1, General Requirements for Hazardous Air Pollutants** in the Air Quality Module.

- **Amendments to Volatile Organic Liquid Storage Vessel Standards:** On January 19, 2021, EPA finalized amendments (86 FR 5013) to the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, 40 CFR 60 Subpart Kb. The amendments allow owners or operators of covered storage vessels that are equipped with either an external floating roof (EFR) or internal floating roof (IFR) to voluntarily elect to comply with the requirements specified in the National Emission Standards for Storage Vessels (Tanks)—Control Level 2, 40 CFR 63 Subpart WW, as alternative standards, subject to certain caveats and exceptions for monitoring, recordkeeping, and reporting. This final rule was effective on January 19, 2021.

Section 9, 40 CFR 60 Subpart Kb - Volatile Organic Liquids Storage (after July 23, 1984) of Rulebook B, New Source Performance Standards (NSPS) in the Air Quality module was revised to refer to the allowance to use these alternative compliance standards. Rulebook C-3(WW), 40 CFR 63 Subpart WW - MACT Standards for Storage Vessel Level 2 Controls was added to the Air Quality module to provide details of these alternative compliance standards.

- **Motor Vehicle Air Conditioning Rule Updated:** On March 24, 2021, EPA issued a final rule (86 FR 15587) that updates the Protection of the Stratospheric Ozone, Motor Vehicle Air Conditioning System Servicing regulations. The rule adopts three technical standards developed by SAE International (SAE) for equipment that recovers, recycles, and/or recharges the refrigerant 2,3,3,3 Tetrafluoroprop-1-ene (HFO-1234yf or R-1234yf) in motor vehicle air conditioners. The most current versions of SAE J2843, SAE J2851, and SAE J3030 have been incorporated by reference into the regulations. This action will provide additional flexibility for industry stakeholders that wish to select recovery and recycling equipment certified to these standards. This final rule was effective on April 23, 2021.

These changes impact the **Air Quality Rulebook D, Ozone-Depleting Substances (ODSs)**.

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## highlights of this release

- **Air Quality Management in California, Rulebook A, Requirements Applicable to all Air Districts**, was updated to add the new CARB fleet reporting and recordkeeping requirement.
- **Air Quality Management in California**, Introduction (Applicability Table, Regulatory Summary, and Definitions), has been revised to include applicability criteria for the National Emission Standards for Storage Vessels (Tanks)—Control Level 2, 40 CFR 63 Subpart WW. In addition, the list of SCAQMD rules that are not included in the Guide was updated and a definition of Potential to Emit (PTE) was added.
- **Air Quality Management in BAAQMD, Rulebook A, General Requirements**, was updated to add the new CARB fleet reporting and recordkeeping requirement.
- **Air Quality Management in SCAQMD Rulebook A, General Requirements**, was updated to add the new CARB fleet reporting and recordkeeping requirement.
- **Federal Air Quality Management, Rulebook C-1, General Requirements for Hazardous Air Pollutants**, has been updated to reflect eligibility and notification requirements for major sources that may reclassify as area sources.
- **Federal Air Quality Management, Rulebook C-3(WW)**, has been added to cover 40 CFR 63 Subpart WW - MACT Standards for Storage Vessel Level 2 Controls. This rulebook includes the compliance requirements applicable to storage vessels utilizing an external floating roof (EFR) or internal floating roof (IFR) as means to control volatile organic emissions.
- **Federal Air Quality Management, Rulebook B, New Source Performance Standards (NSPS)**, has been revised to modify several paragraphs in Section 9 to include cross-references to the compliance standards in new **Rulebook C-3(WW)**.
- **Federal Air Quality Management, Rulebook D, Ozone-Depleting Substances (ODSs)**, has been updated to reflect a revision to the Motor Vehicle Air Conditioning System Servicing regulations that incorporates by reference additional technical standards developed by SAE International (SAE) for equipment that recovers, recycles, and/or recharges refrigerant.

# release notes

*please review*

- **Hazardous Waste** has been updated as follows:
  - In the **Introduction**, the listing for hazardous waste number P075 (nicotine) was updated in Reference Table 4.
  - **Rulebook C, Special Types of Waste**, was revised to note that the alternative management standards for treated wood waste, which were previously noted as having expired, have now been officially repealed. Details on the requirements are being temporarily retained for auditing purposes.
- **Wastewater in California, Rulebook B, National Pretreatment Standards**, has been revised to update the Steam Electric Power Generating Point Source Category section (section 20) to include the revised effluent limitations guidelines and standards (ELGs) applicable to indirect discharges from this industry sector.
- **Solid Waste in California, Introduction** (Applicability Table, Regulatory Summary, and Preaudit Preparation) and **Rulebook**, were revised to add requirements under the new statewide Pharmaceutical and Sharps Waste Stewardship Program.

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## did you know?

- **Proposition 65 Chemical Listing:** The Office of Environmental Health Hazard Assessment (OEHHA) is adding molybdenum trioxide (CAS No. 1313–27–5) and indium tin oxide (CAS No. 50926–11–9) to the list of chemicals known to the State of California to cause cancer for purposes of Proposition 65, effective March 19, 2021.
- **Significant New Use Rules:** On March 26, 2021, EPA issued significant new use rules (85 FR 15096), including reporting and recordkeeping requirements, for the following chemical substances:
  - Butanoic acid, 4-(dimethylamino)-, ethyl ester (PMN P–18–59; CAS No. 22041–23–2): see 40 CFR 721.11463;
  - 1-Butanaminium, 4-amino-N-(2-hydroxy-3-sulfopropyl)-N,N-dimethyl-4-oxo-, N-coco alkyl derivs, inner salts. (PMN P–18–60, CAS No. 2041102–83–2): See 40 CFR 721.11464; and,
  - indium manganese yttrium oxide (PMN P–18–381; CAS No. 1239902–45–4): see 40 CFR 721.11465.

- **Review of Dust-Lead Post Abatement Clearance Levels:** On January 7, 2021, EPA published final revised dust lead clearance levels (DLCL) (86 FR 983) associated with lead-based paint abatement and remediation activities. These levels were evaluated as part of the efforts to reduce childhood lead exposure, and in coordination with the President’s Task Force on Environmental Health Risks and Safety Risks to Children, EPA reevaluated the 2001 dust-lead clearance levels (DLCL). Clearance levels indicate the amount of lead in dust on a surface following the completion of an abatement activity. Post-abatement dust-lead levels are evaluated against, and must be below, the applicable clearance levels. The DLCL had not been changed since they were issued in 2001. With this final rule, EPA has lowered the DLCL from 40 micrograms of per square foot (mg/ft<sup>2</sup>) to 10 mg/ft<sup>2</sup> for floors, and from 250 mg/ft<sup>2</sup> to 100 mg/ft<sup>2</sup> for windowsills. This rule is effective March 8, 2021 (40 CFR 745).
- **Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project:** California’s Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) is anticipated to open on June 8, 2021 for new voucher requests. Launched by the California Air Resources Board (CARB) in 2009, the HVIP program makes transitioning to zero-emission or near-zero emission technologies more affordable by offering vouchers that can be used for point-of-purchase price reductions with participating dealers. When using an HVIP voucher, industry-leading vehicles can be as affordable as their traditional fossil-fueled counterparts. Funding for FY 20/21 will provide base voucher amounts ranging from \$20,000 to \$150,000, depending on the vehicle. Individual owner-operators, small businesses, corporate leaders, school districts, and municipal fleets are all eligible. Additional information is available at <https://californiahvip.org/about/>.



## industry insight

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