



Environmental Auditing: Federal Compliance Guide

RELEASE 200 – MARCH 2021

new & noteworthy

- **Technology-based effluent limitations:** EPA finalized a regulation (85 FR 64650) on October 10, 2020, 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 the Steam Electric Power Generating Effluent Guidelines 2015 rule (the 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 finalized 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** in **Rulebook D** of the **Wastewater** module.

- **Changes to lead and copper rule:** EPA issued a final rule (85 FR 54235) on September 1, 2020, that provides a stricter definition of “lead-free” as part of the Lead and Copper Rule. The final rule became effective on October 1, 2020. The lead-free definition lowers the amount of lead that is permitted for use in pipes, piping fixtures and equipment, as well as flux and solder used in the installation of this equipment. This prohibition applies to equipment used in public water systems and residential or nonresidential facilities that provide water for human consumption. In addition, the final rule changes the calculation to be used to determine lead composition in liners and coatings used in drinking water pipes throughout the entire drinking water system. Manufacturers must comply with the product certification requirements by September 1, 2023.

These changes impact the **Key Compliance Definitions** in the **Drinking Water Rulebook**.

release notes

please review

- **Amendments to hazardous air pollutant provisions:** EPA finalized amendments (85 FR 73854) on November 20, 2020, 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:** EPA finalized amendments (86 FR 5013) on January 19, 2021, 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, to 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.

- **Air conditioning rule updated:** EPA issued a final rule (86 FR 15587) on March 24, 2021, 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)**.

highlights of this release

Air Quality

- **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.
- **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.
- **Rulebook C-3(WW), 40 CFR 63 Subpart WW - MACT Standards for Storage Vessel Level 2 Controls**, has been added. 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. Various paragraphs in Section 9 of **Rulebook B, New Source Performance Standards (NSPS)** were also modified to include cross-references to this new rulebook and these alternate compliance standards.

Wastewater

- The Steam Electric Power Generating Point Source Category section (section 20) of **Rulebook D, National Pretreatment Standards** was updated to include the revised effluent limitations guidelines and standards (ELGs) applicable to indirect discharges from this industry sector.

Drinking Water

- The **Rulebook** was amended to incorporate the lead free requirements for piping systems used in public water systems and residential or nonresidential potable water distribution systems, promulgated as part of the Lead and Copper Rule. The **Key Compliance Definitions** found in the Introduction to this module were updated to reflect these regulatory changes.

did you know?

- **Small Quantity Generator Notifications:** The 2016 Hazardous Waste Generator Improvements Rule included a new requirement for all small quantity generators (SQGs) of hazardous waste to re-notify EPA or their state environmental agency as to their generator status every four years. The first re-notification is due by September 1, 2021 (and then every four years thereafter). The renotification may be met by completing and submitting the Notification of Resource Conservation and Recovery Act (RCRA) Subtitle C Activities (Site Identification Form), also known as EPA Form 8700-12, or state equivalent.

release notes

please review

In states that have opted into MyRCRAID, which is an electronic reporting system for submitting the EPA Site ID form, SQGs may use MyRCRAID to submit the re-notification online. SQGs should contact their state agency to ensure that this requirement is effective in their state as well as whether their state requires more frequent re-notification.

- **Changes to the revised Lead and Copper Rule:** The Biden Administration delayed the effective date of the rule change regarding the Lead and Copper Rule Revisions (LCRR) that were published in the Federal Register on January 15, 2021. The rules were scheduled to become effective on March 16, 2021. The Biden Administration modified the effective date to June 17, 2021, to allow additional public comment and to provide US EPA additional time to perform a more thorough review of the rule to determine if the LCRR meets the public health purposes of the Safe Drinking Water Act. The LCRR implemented extensive changes that included corrosion control treatment, awareness and communication, testing, and lead service line replacements. The final rule does not change the compliance date of January 16, 2024 (40 CFR 141).
- **Significant New Use Rules:** EPA issued significant new use rules (85 FR 15096) on March 26, 2021, 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:** EPA published final revised dust lead clearance levels (DLCL) (86 FR 983) on January 7, 2021, 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/ft²) to 10 mg/ft² for floors, and from 250 mg/ft² to 100 mg/ft² for windowsills. This rule is effective March 8, 2021 (40 CFR 745).



industry insight

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