



Environmental State Differences Summaries and Checklists: Audit Edition 50 States and Puerto Rico

RELEASE 157 – MAY 2021

new & noteworthy

- **Hazardous Wastes:** The Delaware Hazardous Wastes section was reviewed to incorporate updates related to state adoption of the federal Hazardous Waste Generator Improvement Rule. Since Release 156, Maryland and Tennessee have issued final rules (which are effective after this update and will be covered in the next update).
- **Air Quality:** EPA issued its fourth and final set of actions on March 26, 2021, to establish the initial air quality designations for the 2010 primary sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) (86 FR 16055). EPA is designating the areas as either “nonattainment,” “attainment/unclassifiable,” or “unclassifiable,” based on application of EPA’s nationwide analytical approach and technical analysis, including evaluation of monitoring data and air quality modeling. The Clean Air Act directs areas designated as “nonattainment” to undertake certain planning and pollution control activities to attain the SO₂ NAAQS as expeditiously as practicable. This update specifies the nonattainment designations issued for areas within Indiana, Kentucky, Missouri, New York, Texas, Virginia, Washington, and Wisconsin.



California audit checklists

The California state regulatory summary is included in this *Environmental State Differences* guide. Full audit checklists for California are provided in a separate publication, *Environmental Auditing: Integrated Federal and California Compliance Guide*, which integrates federal and California regulations in one comprehensive tool.

need a demo?

If you have any questions about the state differences summaries and checklists or would like a demonstration of their features, please contact Gail Ankiewicz (1-800-251-0381 ext. 717 or gaila@stpub.com).

release notes

please review

- **Drinking Water:** The “Water System Security” subsection is being renamed “Water System Security and Resiliency” to reflect state regulations related to the America’s Water Infrastructure Act (AWIA) of 2018. Risk assessment certifications were/are due by December 31, 2020 (for systems with more than 50,000 customers) and June 30, 2021 (for smaller systems). Details on AWIA’s requirements are discussed in the “Water System Security” subsection of the Drinking Water module of *Environmental Auditing: Federal Compliance Guide*. As described in the *Highlights* section below, this update includes additional requirements added by Georgia; revisions or additions from other states will be included when state regulations change.

highlights by state and topic

State-specific updates for all 51 jurisdictions covered in the *Environmental State Differences Summaries* and *Checklists* are summarized below. Only states for which we have provided updates are listed below—a state that is not listed did not receive updates this quarter. Your update only contains material for the jurisdiction(s) included in your subscription.

Arizona

- **Solid Wastes—Petroleum-Contaminated Soils:** Arizona revised the definitions of petroleum-contaminated soil (PCS), solid waste PCS, and non-regulated soil to align the regulation with the statutory definitions of PCS (R18-13-1601 – R18-13-1613).

California

- **Drinking Water—Water Quality Standards:** California added specific information on PWS requirements for sources that exceed one or more of the secondary MCLs. The requirements include additional monitoring, recordkeeping, and public notification (22 CCR 64449.4).
- **Drinking Water—Wellhead Protection:** California added specific requirements for pesticide usage and management in wellhead protection areas (3 CCR 6609).
- **Hazardous Wastes—Waste Classification:** The statute that allowed treated wood waste (TWW) to be handled in accordance with alternative management standards expired, and the TWW regulations have been repealed. Effective January 1, 2021, all TWW that exhibits the hazardous waste characteristic of toxicity is fully regulated as hazardous waste. Because DTSC expects to reinstate the alternative management standards (or similar requirements) in the near future, it has put in place a system to issue variances for the management of TWW in the interim (22 CCR 66261.9.5 and 22 CCR 67386.1 – 67386.12).
- **Solid Wastes—Biohazardous, Infectious, and Medical Wastes:** California adopted regulations under the Pharmaceutical and Sharps Waste Stewardship Act to establish safe and convenient disposal options for pharmaceutical drugs and home-generated sharps waste. Additional details on medical waste management have also been added to this section (PRC 42030 – 42036.4).

Colorado

- **Air Quality—New Source Performance Standards:** EPA provided automatic delegation of NSPS implementation and enforcement to the state (79 FR 60993).
- **Drinking Water—Operator Certification:** Colorado requires that all public water systems be under the supervision of a certified operator who holds a certificate in a class equal to or higher than the class of the facility (5 CCR 1003-2, Section 100.1.2).
- **Drinking Water—Cross Connection Control and Backflow Prevention:** Colorado added specific requirements for supplier surveys and recordkeeping (5 CCR 1002-11, Section 11.39).
- **Drinking Water—Plumbing Code:** Colorado adopted the 2017 International Plumbing Code with some specific Colorado modifications (3 CCR 720-1, Section 1.2).
- **Hazardous Wastes—Hazardous Waste Generators:** Colorado established standards for persons that store or use Class B firefighting foam containing intentionally added perfluoroalkyl and/or polyfluoroalkyl substances (PFAS) related to testing of firefighting foam fire systems (6 CCCR 1007-3, Part 267 Subpart Q).

Delaware

- **Hazardous Wastes—Waste Classification:** Delaware adopted the federal exclusion for airbag waste. The state also rescinded an exclusion for comparable fuel and syngas fuel, which was removed from the federal regulations (7 Admin Code 1302(261.4 and 261.38)).
- **Hazardous Wastes—Hazardous Waste Generators:** Delaware updated its rules effective January 1, 2021, to incorporate the provisions of the federal Hazardous Waste Generator Improvement Rule issued by EPA on November 28, 2016. The state also adopted federal rules that establish management standards for hazardous waste pharmaceuticals for health-care facilities and reverse distributors in 40 CFR 266 Subpart P (7 Admin Code 1302 Part 262 and Part 266).
- **Hazardous Wastes—Used Oil:** Delaware requires that used oil must have a minimum energy value of 5,000 BTU/pound to be legitimately recycled via an energy recovery process; otherwise, used oils sent for thermal treatment cannot be legitimately recycled and are subject to the requirements for disposal of used oil (7 Admin Code 1302(279.10(a))).
- **Hazardous Wastes—Universal Wastes:** Delaware updated its regulations to include the federal universal waste requirements for aerosol cans (7 Admin Code 1302 Part 273).
- **Wastewater—Discharges to Underground Injection Wells:** The reference citations provided for the state's program were reviewed and updated (7 Admin Code 7102).

Georgia

- **Drinking Water—Water System Security and Resilience Requirements:** To complement the risk assessment required under the Water Infrastructure Act (AWIA), Georgia added rules requiring public water system that serve at least 3,300 individuals to develop programs to improve water supply efficiency (391-3-33-.04 and 391-3-33-.05).

release notes

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Illinois

- **Drinking Water—Recordkeeping and Reporting Requirements:** Illinois modified its requirements for submission of drinking water test results (35 IAC 611.840).
- **Drinking Water—Cross-Connection Control and Backflow Prevention:** Illinois changed its rules for the cross-connection control program to include requirements for surveys, inspections, and devices (35 IAC 653.801 and 35 IAC 653.802).

Indiana

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Southwest Indiana (part of Daviess and Pike Counties) was redesignated as attainment for the 2010 sulfur dioxide (SO₂) NAAQS on May 30, 2021 (40 CFR 81.315).
- **Hazardous Wastes—Waste Classification:** Indiana adopted the federal conditional exclusion for airbag waste in 40 CFR 261.4(j) (329 IAC 3.1-6-1).
- **Hazardous Wastes—Hazardous Waste Generators:** Indiana adopted federal rules that establish management standards for hazardous waste pharmaceuticals for health-care facilities and reverse distributors in 40 CFR 266 Subpart P (329 IAC 3.1-11-1).
- **Hazardous Wastes—Universal Wastes:** Indiana updated its regulations to include the federal universal waste requirements for aerosol cans (329 IAC 3.1-16).
- **Solid Wastes—Solid Waste Transfer Facilities and Transporters:** Indiana amended the regulations concerning prohibited wastes, inspections of incoming wastes, and reporting requirements at solid waste transfer stations (329 IAC 11-13.5).

Kentucky

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Part of Henderson County and part of Webster County were designated as nonattainment for the 2010 sulfur dioxide (SO₂) NAAQS effective April 30, 2021 (40 CFR 81.318).

Maryland

- **Air Quality—Air Quality Permitting and Management: Overall Permitting and Air Quality Management Requirements:** Excess emissions reporting requirements for sources subject to a state permit were added (COMAR 26.11.01.07).

Massachusetts

- **Drinking Water—Water Quality Standards:** Beginning September 30, 2022, Massachusetts will require public water systems to sample, analyze, and report on a maximum contaminant level for per- and polyfluoroalkyl substances (PFAS). The MCL of 0.000020 milligram/liter is for the sum of perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA) (310 CMR 22.07G).

- **Hazardous Wastes—Hazardous Waste Generators:** Requirements for maintaining records of weekly container inspections areas have been clarified. In addition, information on land disposal restriction notices and recordkeeping that has been removed from the regulations has been deleted (310 CMR 30.342 and 310 CMR 30.756).
- **Hazardous Wastes—Hazardous Waste Treatment, Storage, and Disposal Facilities:** Information on land disposal restriction notices and recordkeeping that has been removed from the regulations has been deleted (310 CMR 30.756).

Michigan

- **Drinking Water—Water Quality Standards:** Beginning September 30, 2022, Michigan will require public water systems to sample, analyze, and report on maximum contaminant levels (MCLs) for seven per- and polyfluoroalkyl substances (PFAS): perfluorooctane sulfonic acid (PFOS); perfluorooctanoic acid (PFOA); perfluorohexane sulfonic acid (PFHxS); perfluorononanoic acid (PFNxA); perfluorohexanoic acid (PFHxA); perfluorobutane sulfonic acid (PFBS); and hexafluoropropylene oxide dimer acid (HFPO-DA) (R 325.10101 and R 325.12820).

Missouri

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Part of New Madrid County was designated as nonattainment for the 2010 sulfur dioxide (SO₂) NAAQS, effective April 30, 2021 (40 CFR 81.333)

Montana

- **Air Quality—New Source Performance Standards:** EPA provided automatic delegation of NSPS implementation and enforcement to the state (79 FR 60993).

Nebraska

- **Wastewater—Process Wastewater Discharges:** The effective numbers and dates for general permits for animal feeding operations (AFOs) were updated (130 NAC 5-001).

New Hampshire

- **Wastewater—Process Wastewater Discharges:** The Great Bay Total Nitrogen General Permit, Permit No. NHG58A000 (effective February 1, 2021 – January 31, 2026) was added (40 CFR 122.28(a)).
- **Wastewater—Storm Water Discharges:** Reference to the EPA 2021 Multi-Sector Group Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) and 2017 General Permit for Discharges from Construction Activities (CGP), which are in effect in New Hampshire, were added. In addition, the state's permit-by-rule requirements for shoreline and terrain-altering activities were briefly detailed (Env-Wq 1503 – 1507).

New Jersey

- **Air Quality—Air Quality Permitting and Management: Air Pollutant Emission Limits and Prohibitions:** General permits for minor source facilities were updated (NJAC 7:27-8.8).

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- **Air Quality—Air Quality Permitting and Management: Title V Permit Program:** General permits for Title V facilities were updated (NJAC 7:27-22.14).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (https://www.state.nj.us/dep/dwq/gp_surfacewater.htm and https://www.state.nj.us/dep/dwq/gp_residuals.htm).

New York

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Part of St. Lawrence County was designated as nonattainment for the 2010 sulfur dioxide (SO₂) NAAQS effective, April 30, 2021 (40 CFR 81.333).
- **Wastewater—Storm Water Discharges:** The SPDES Multi-Sector General Permit for Storm Water Discharges from Industrial Activity, Permit No. GP-0-17-004 (Industrial Multi-Sector General Permit) was reviewed, and differences compared to the EPA 2021 Multi-Sector Group Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) were added (6 NYCRR 750-1.21 and Industrial Multi-Sector General Permit).

North Carolina

- **Hazardous Wastes—Universal Wastes:** North Carolina has incorporated the federal universal waste requirements for aerosol cans (15A NCAC 13A.0119).
- **Drinking Water—Plumbing Code:** North Carolina's 2018 plumbing code is based on the International Plumbing Code (2015) (<https://www.ncosfm.gov/codes/codes-current-and-past>).
- **Solid Wastes—Overall Solid Waste Management Requirements:** North Carolina has added permit exemptions for certain collection centers and temporary debris sites. In addition, certain waste determination criteria were removed (15A NCAC 13B.0208 and 15A NCAC 13B.0106).
- **Solid Wastes—Solid Waste Landfills:** North Carolina added closure requirements for land clearing/inert debris landfills and also made minor revisions to the life-of-site permit standards (15A NCAC 13B.0567 and 15A NCAC 13B.0207).
- **Solid Wastes—Solid Waste Transfer Facilities and Transporters:** North Carolina adopted new requirements for transfer stations that include siting and design criteria, operating requirements, and closure standards (15A NCAC 13B.0403 – 13B.0406).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/npdes-wastewater/npdes-permitting-process-1>).
- **Wastewater—Storm Water Discharges:** The Construction Activities Not Subject to the North Carolina Sedimentation Pollution Control Act general permit, No. NCG250000 (effective October 1, 2020 – May 31, 2024), was added and effective dates for other general storm water permits were updated (<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-stormwater-gps>).

North Dakota

- **Air Quality—New Source Performance Standards:** EPA provided automatic delegation of NSPS implementation and enforcement to the state (79 FR 600993).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (https://deq.nd.gov/WQ/2_NDPDES_Permits/).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (https://deq.nd.gov/WQ/2_NDPDES_Permits/).

Ohio

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.epa.state.oh.us/dsw/permits/gpfact>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://www.epa.state.oh.us/dsw/permits/gpfact>).

Oklahoma

- **Agency Contact Information:** Both the Oklahoma Department of Agriculture, Food, and Forestry (<https://ag.ok.gov/>) and the Oklahoma Corporation Commission (<https://oklahoma.gov/occ.html>) have new web sites.
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://www.deq.ok.gov/water-quality-division/wastewater-stormwater/stormwater-permitting/>).

Oregon

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.oregon.gov/deq/wq/wqpermits/Pages/All-Permits-Applications.aspx>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://www.oregon.gov/deq/wq/wqpermits/Pages/All-Permits-Applications.aspx>).

Rhode Island

- **Agency Contact Information:** The State Board of Registration for Professional Engineers moved and has new phone and web site (<http://www.bdp.ri.gov/engineers/>).
- **Hazardous Wastes—Hazardous Waste Generators:** A hazardous waste spill reporting requirement was added to the requirements for small quantity generators (250-RICR-140-10-1.7.13(G)).
- **Wastewater—Storm Water Discharges:** The effective date for the construction general storm water permit was updated (<http://www.dem.ri.gov/programs/water/permits/ripdes/stormwater/construction.php>).

release notes

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South Carolina

- **PCBs:** South Carolina deleted the exclusion for comparable fuel and syngas fuel from the hazardous waste regulations; therefore, the requirement that synthetic gas fuel (i.e., syngas) that is generated from hazardous wastes must meet the non-detect level for PCBs has also been deleted (R.61-79.261.268).
- **Wastewater—Storm Water Discharges:** The effective date for the construction general storm water permit was updated (<https://scdhec.gov/bow/stormwater/stormwater-construction-activities>).

South Dakota

- **Agency Contact Information:** The South Dakota Department of Agriculture and Department of Environment and Natural Resources have merged (<https://danr.sd.gov/>). Some of the new web sites have not yet been fully completed. Other topics throughout the South Dakota Summary have also been updated as required.
- **Air Quality—New Source Performance Standards:** EPA provided automatic delegation of NSPS implementation and enforcement to the state (79 FR 600993).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (ARSD 74:52:02:46 and <https://denr.sd.gov/des/sw/swqformsandpermits.aspx>).
- **Wastewater—Storm Water Discharges:** The effective dates for general permits were updated and the Temporary Discharges, General Permit No. SDG070000 was added (ARSD 74:52:02:46(2) and <https://denr.sd.gov/des/sw/swqformsandpermits.aspx>).
- **Wastewater—Discharges to POTWs:** This section was revised to reflect the state's current pretreatment program (ARSD 74:52:10 and 74:52:11).
- **Wastewater—Underground Injection Control:** The state's underground injection control (UIC) program regulations were reviewed, and this section was amended to include current Class II well permitting, maintenance testing, notification, and reporting requirements (ARSD 74:55).

Texas

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Parts of Howard, Hutchinson, and Navarro Counties were designated as nonattainment areas for the 2010 sulfur dioxide (SO₂) effective April 30, 2021 (40 CFR 81.344).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated and the new Conventional Water Treatment Plant General Permit was added (<https://www.tceq.texas.gov/permitting/wastewater/general/index.html>).

Utah

- **Air Quality—New Source Performance Standards:** EPA provided automatic delegation of NSPS implementation and enforcement to the state (79 FR 600993).

- **Wastewater—Storm Water Discharges:** The effective dates for general permits were updated (<https://deq.utah.gov/water-quality/updes-permitting-program#general>).

Virginia

- **Air Quality—New Source Performance Standards:** Based on Virginia's recent changes to its adoption of federal NSPS by reference, EPA updated its delegation of NSPS implementation and enforcement to the state (86 FR 5188).
- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Part of Giles County was designated as nonattainment for the 2010 sulfur dioxide (SO₂) effective April 30, 2021 (40 CFR 81.347).
- **Wastewater—Process Wastewater Discharges:** The effective date for the poultry waste management general permit was updated (<https://www.deq.virginia.gov/water/land-application-beneficial-reuse/animal-agricultural-waste/poultry-waste-management-requirements>).

Washington

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Part of Whatcom County was designated as nonattainment for the 2010 sulfur dioxide (SO₂) effective April 30, 2021 (40 CFR 81.348).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-general-permits>).
- **Wastewater—Storm Water Wastewater Discharges:** The effective dates for general permits were updated (<https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-general-permits>).

West Virginia

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://dep.wv.gov/WWE/permit/general/Pages/default.aspx>).

Wisconsin

- **Agency Contact Information:** The Wisconsin Department of Natural Resources has a new web site (<https://dnr.wisconsin.gov/>). Other topics throughout the Wisconsin Summary have also been updated as required.
- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Part of Outagamie County was designated as nonattainment for the 2010 sulfur dioxide (SO₂) effective April 30, 2021 (40 CFR 81.350).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html>).
- **Wastewater—Storm Water Wastewater Discharges:** The effective dates for general permits were updated (<https://dnr.wisconsin.gov/topic/Stormwater/industrial>).

release notes

please review

Wyoming

- **Air Quality—New Source Performance Standards:** EPA provided automatic delegation of NSPS implementation and enforcement to the state (79 FR 600993).
- **Wastewater—Process Wastewater Discharges:** The effective dates for pesticide general permits were updated (<http://deq.wyoming.gov/wqd/pesticides-permitting/resources/general-permits/>).
- **Wastewater—Storm Water Wastewater Discharges:** The effective dates for construction general permits were updated (<http://deq.wyoming.gov/wqd/storm-water-permitting/>).



related STP product

- **Environmental Auditing: Federal Air Quality MACT Standards for Site Remediation** provides audit checklists for the air quality management rules in 40 CFR Part 63.7882 specific to each new, reconstructed, or existing “affected source” for site remediation. Affected sources include process vents, remediation material management units, and equipment leaks. Available format: online.

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