



Environmental Auditing: Integrated California and Federal Compliance Guide

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new & noteworthy

- **Toxic Substances Control Act – Persistent, Bioaccumulative and Toxic Substances (PBTs):**

EPA issued final regulations (86 FR 880, 86 FR 866, 86 FR 894, 86 FR 911, and 86 FR 992) on January 6, 2021, pursuant to Section 6(h) of the Toxic Substances Control Act (TSCA) prohibiting or restricting the manufacture, processing and/or distribution in commerce of five chemical substances known to be persistent, bioaccumulative and toxic substances (PBTs). The regulations also prohibit and/or restrict the manufacture, processing and/or distribution in commerce of products or articles containing these substances. Regulations were promulgated under 40 CFR Part 751, Subpart E for the following:

- Decabromodiphenyl ether (decaBDE) (CASRN 1163–19–5)
- 2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP) (CASRN 732–26–3)
- Phenol, isopropylated phosphate (3:1) (PIP (3:1)) (CASRN 68937–41–7)
- Pentachlorothiophenol (PCTP) (CASRN 133–49–3)
- Hexachlorobutadiene (HCBD) (CASRN 87–68–3)

A new rulebook, **Rulebook D, TSCA Section 6 Chemicals**, was added to the **Special Pollutants** module. In addition to these regulations, the regulations prohibiting the manufacture and distribution in commerce of methylene chloride for use in consumer paint and coating removal activities (40 CFR Part 751, Subpart B) were added to this rulebook.

- **National Emissions Standards for Hazardous Air Pollutants – General Provisions:** EPA amended 40 CFR Part 63 Subpart A on March 11, 2021, (86 FR 13819) to reflect a court order regarding the General Provisions for National Emissions Standards for Hazardous Air Pollutants (NESHAP) issued on December 19, 2008, by the United States Court of Appeals for the District of Columbia Circuit (the court). The court vacated two provisions previously included in the regulations that exempted sources from compliance with hazardous air pollutant (HAP) nonopacity and opacity emission standards during periods of startup, shutdown, and malfunction (SSM). The court held that under the Clean Air Act (CAA), emissions standards or limitations must be continuous in nature and that the SSM exemptions in these two provisions violate this requirement.

release notes

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

- **Drinking Water – Revised Total Coliform Rule:** The State Water Resources Control Board (SWRCB) amended California’s drinking water rules on June 11, 2021, (California Notice Register 2021 No. 24-Z), to conform to the federal Revised Total Coliform Rule. This action also established related state-only requirements for the monitoring, assessment, handling, and correction of microbial contamination of drinking water distribution systems and also added specific seasonal system start-up procedures to ensure steps are taken to mitigate the risk associated with dewatering and depressurizing the water system.

This change impacts the **Drinking Water Introduction** and **Drinking Water Rulebook**.

- **Drinking Water – Perchlorate Detection Limit for Purposes of Reporting:** SWRCB amended the state’s drinking water rules on July 2, 2021 (California Notice Register 2021 No. 27-Z), by reducing the detection limit for purposes of reporting for perchlorate. The action also adopted definitions for the terms “Possible Contaminating Activity” and “Source Water Assessment.”

These changes impact the **Drinking Water Rulebook**.

- **Hazardous Materials – Safer Consumer Products:** The Department of Toxic Substances Control (DTSC) issued a final rule (California Notice Register 2021 No. 27-Z) on July 2, 2021, that amends the Safer Consumer Products regulations by adding carpets and rugs containing perfluoroalkyl or polyfluoroalkyl substances (PFASs) to the Priority Products List. A “Priority Product” is a consumer product identified by DTSC that contains one or more chemicals that have a hazard trait that can harm people or the environment.

This change impacts the **Hazardous Materials Rulebook**.

- **Bay Area Air Quality Management District – Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units:** The Bay Area Air Quality Management District (BAAQMD) finalized amendments to *Regulation 6, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units* on July 21, 2021. The changes include new and modified limits on ammonia and sulfur dioxide, and also include a direct limit on total particulate matter less than 10 microns in diameter (total PM10), which includes both filterable and condensable particulate matter. In addition, the final rule includes modifications to existing rule language to clarify existing provisions and improve monitoring requirements.

These changes impact Air Quality Management in **BAAQMD, Rulebook A, General Requirements**.

- **South Coast Air Quality Management District – Existing Continuous Emission Monitoring Systems Rules:** The South Coast Air Quality Management District (SCAQMD) finalized amendments to Rule 218, Continuous Emission Monitoring, on March 5, 2021, to incorporate a phase out provision that requires the owner or operator of any continuous emissions monitoring system (CEMS) subject to existing Rules 218 and 218.1 (Continuous Emissions Monitoring Performance Specifications) to transition to comply with new Rules 218.2 (CEMS General Provisions) and 218.3 (CEMS Performance Specifications) according to a specified implementation schedule.

This change impacts **Air Quality Management in SCAQMD, Rulebook A, General Requirements**.

- **South Coast Air Quality Management District – New Continuous Emission Monitoring Systems Rules:** SCAQMD adopted new Rule 218.2, *Continuous Emission Monitoring System: General Provisions*, and new Rule 218.3, *Continuous Emission Monitoring System: Performance Specifications*, on March 5, 2021, to update CEMS requirements and to prepare for the transition of facilities currently in the district’s Regional Clean Air Incentives Market (RECLAIM) program to a command-and-control regulatory program. Upon the effective date of the new rules, both non-RECLAIM and RECLAIM facilities will be covered under new Rules 218.2 and 218.3 to ensure consistency for all facilities required to meet emission limits under command-and-control rules.

This change impacts **Air Quality Management in SCAQMD, Rulebook A, General Requirements.**

- **South Coast Air Quality Management District – Emissions from Metal Finishing Operations:** SCAQMD amended Rule 1426, *Emissions from Metal Finishing Operations*, on April 2, 2021, to establish requirements aimed at reducing fugitive emissions of hexavalent chromium, nickel, cadmium, and lead from facilities that conduct metal finishing using tank solutions containing these metals. The amended rule establishes requirements for building enclosures that are designed to prevent the migration of fugitive emissions from the facility due to cross drafts. The rule also sets forth housekeeping and best management practices.

These changes impact **Air Quality Management in SCAQMD, Rulebook E, Dry Cleaning, Chromium Electroplating, and Miscellaneous Operations.**

- **South Coast Air Quality Management District – Spraying Operations Using Coatings Containing Chromium:** SCAQMD amended Rule 1469.1, *Spraying Operations Using Coatings Containing Chromium*, on June 4, 2021, to further reduce hexavalent chromium emissions from chromate spray coating operations. The rule includes requirements for other related activities, such as dried coating removal and demasking, and adopts updated point provisions and amended parameter monitoring requirements. Other changes include updated housekeeping requirements and the addition of best management practices and building enclosure requirements. In addition, provisions for visual inspections and recordkeeping have been amended, new requirements have been established for exhaust duct cleaning, prohibitions on new open faced spray booths have been added, and rule exemptions have been revised.

These changes impact **Air Quality Management in SCAQMD, Rulebook E, Dry Cleaning, Chromium Electroplating, and Miscellaneous Operations.**

- **South Coast Air Quality Management District – Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid:** SCAQMD revised Rule 1469, which specifies requirements to reduce hexavalent chromium emissions from certain metal finishing tanks, on April 2, 2021. Because facilities subject to this rule would also be subject to additional requirements for hexavalent chromium tanks under amended Rule 1426 (*Emissions from Metal Finishing Operations*), this action consolidates provisions pertaining to hexavalent chromium into Rule 1469 to avoid duplicate requirements and to streamline implementation for those metal finishing facilities. Additional amendments to Rule 1469 have been made to remove references to a chemical that is no longer used for testing HEPA filters and to clarify a reference for recordkeeping.

These amendments impact **Air Quality Management in SCAQMD, Rulebook E, Dry Cleaning, Chromium Electroplating, and Miscellaneous Operations.**

release notes

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- **South Coast Air Quality Management District – Warehouse Actions and Investments to Reduce Emissions Program:** On May 7, 2021, SCAQMD adopted new Rule 2305, *Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions* program, which applies to owners and operators of warehouses with greater than or equal to 100,000 square feet of indoor floor space in a single building. This rule requires warehouses subject to the rule to annually take actions that either reduce emissions regionally and locally or that facilitate emission reductions. More specifically, the rule requires warehouse operators to earn a certain number of points each year from emission-reducing activities or payment of a mitigation fee. In addition, SCAQMD adopted Rule 316, Fees for Rule 2305 - Warehouse Indirect Source Rule, as a companion rule to Rule 2305. Rule 316 establishes the administrative fees that warehouse operators and owners who are subject to Rule 2305 must pay in order to recover SCAQMD administrative costs.

These new rules have been added to **Air Quality Management in South Coast Air Quality Management District, Rulebook B, Visible Emissions, Fugitive Dust, and NO_x, SO_x, and CO Emissions**.

- **South Coast Air Quality Management District – Control of Particulate Emissions from Soils with Toxic Air Contaminants:** SCAQMD amended Rule 1466, *Control of Particulate Emissions from Soils with Toxic Air Contaminants*, which applies to an owner or operator conducting earth-moving activities of soil with specified toxic air contaminants that have been identified as contaminants of concern at contaminated sites, on June 4, 2021. These amendments clarify existing rule provisions and update requirements for pre-approved monitors and PM10 monitoring and calculation, and also enhance dust control measures for vehicles, stockpiling, periods of inactivity, and for sites adjoining a school, joint use agreement property, or athletic area. Alternative provisions for dust control measures and ambient dust concentration limits have been removed. In addition, the revisions streamline provisions for existing fencing and signage and add additional requirements for notifications and recordkeeping.

These changes impact **Air Quality Management in South Coast Air Quality Management District, Rulebook B, Visible Emissions, Fugitive Dust, and NO_x, SO_x, and CO Emissions**.

- **Wastewater – Amendments to the San Jose Sewer Use Regulations:** On June 3, 2021, amendments to the Sewer Use Regulations under the San Jose Municipal Code were approved. The amendments clarify requirements for permitted industrial users and incorporate findings from a 2019 Pretreatment Compliance Audit. The amendments also make various technical and conforming changes to the sewer use regulations.

These amendments affect **Wastewater in California, Rulebook A, Discharges to Surface Waters, Groundwaters, and POTWs**.

highlights of this release

- **Federal Air Quality Management, Rulebook C-1, General Requirements for Hazardous Air Pollutants**, has been reviewed and amended to include additional details and clarification related to the startup, shutdown and malfunction plans.
- **Air Quality Management in California, Introduction**, has been revised to include applicability criteria for new Rule 2305, *Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions*, that was added to the SCAQMD portion of the module.
- **Air Quality Management in BAAQMD, Rulebook A, General Requirements**, has been updated to include changes to Regulation 6, Rule 5, *Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units*.
- **Air Quality Management in SCAQMD** has been updated as follows:
 - **Rulebook A, General Requirements**, was updated to include amendments to Rule 218, *Continuous Emission Monitoring* to add provisions of new Rule 218.2, *Continuous Emission Monitoring System: General Provisions*.
 - **Rulebook B, Visible Emissions, Fugitive Dust, and NOx, SOx, and CO Emissions**, was expanded to include new Rule 2305, *Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program* and new Rule 316, *Fees for Rule 2305 - Warehouse Indirect Source Rule*. In addition, provisions related to Rule 1466, *Control of Particulate Emissions from Soils with Toxic Air Contaminants* have been updated.
 - **Rulebook E, Dry Cleaning, Chromium Electroplating, and Miscellaneous Operations**, was amended to incorporate revisions to Rules 1426, *Emissions from Metal Finishing Operations*, Rule 1469, *Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid*, and Rule 1469.1, *Spraying Operations Using Coatings Containing Chromium*.
- **Hazardous Materials, Rulebook**, has been updated to add carpets and rugs containing perfluoroalkyl or polyfluoroalkyl substances (PFASs) as Priority Products under the Safer Consumer Products rules.
- **Wastewater in California, Rulebook A, Discharges to Surface Waters, Groundwaters, and POTWs**, was updated to include revisions to the San Jose Sewer Use Regulations.
- **Drinking Water in California** has been updated as follows:
 - The **Introduction** (Regulatory Summary and Key Compliance Definitions) has been revised to reflect the adoption of the Revised Total Coliform Rule.
 - The **Rulebook** has been updated to incorporate revisions relating to the Revised Total Coliform Rule and a change to the detection limit for purposes of reporting for perchlorate.
- **Special Pollutants Rulebook D, TSCA Section 6 Chemicals**, has been added to this module. This Rulebook includes EPA regulations prohibiting or restricting the manufacture, processing, and distribution in commerce of methylene chloride and five PBTs. The General Applicability Checklist, Regulatory Summary, Key Compliance Definitions, Pre-audit Preparation and Acronyms files were also amended.

release notes

please review

did you know?

- **Unified Program Surcharge:** The California Environmental Protection Agency (CalEPA) has issued a notice that it will be adjusting the Unified Program state surcharge. The Unified Program state surcharge is an assessment on each entity regulated under the Unified Program and funds the necessary and reasonable costs of all state agencies responsible for program implementation, ongoing maintenance, and oversight of the Unified Program. The revised state surcharge is considered effective immediately upon final publication in the California Regulatory Notice Register.
- **Scrap Metal Definition:** The Department of Toxic Substances Control (DTSC) is proposing to adopt emergency regulations to amend the state's hazardous waste regulations in order to clarify the definition of scrap metal and to clarify the conditions under which scrap metal may be exempted as a "recyclable material" from the regulatory requirements for hazardous waste. This action would align the state's definition of scrap metal with the federal definition while also removing duplicative language in the current state definition of scrap metal. By aligning itself with U.S. EPA's rule, DTSC hopes to resolve potential misinterpretations of the applicability of the hazardous waste rules among the regulated community and provide a pathway for better protection of public safety and the environment.
- **Santa Barbara Air Pollution Control District (SBAPCD) Fees:** Effective July 1, 2021, SBAPCD has amended the fee schedules in Rule 210, which sets fees relating to permits and other programs, and Rule 213, which sets district fees for registration programs. This action incorporates annual fee adjustments based on the California Consumer Price Index (CPI) changes. For Fiscal Year 2021-2022, the adjustments resulted in a total CPI increase of 2.65%. All fees invoiced on and after July 1, 2021 are subject to the CPI adjustments and the updated values are reflected in Rule 210 and Rule 213.
- **PFASs in Drinking Water:** The Biden Administration is increasing the scrutiny of per- and polyfluoroalkyl substances (PFAS) chemicals in drinking water. A proposed rule, (86 FR 37948- April 11, 2021), would require public drinking water systems to collect occurrence data for 29 PFAS chemicals. At this time, PFAS chemicals are not subject to national primary drinking water standards, but EPA is proposing the collection of this information to inform future decision making on its regulation of drinking water. In the near term, EPA plans to move forward with the development of Maximum Contaminant Levels (MCLs) for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) two of the most prevalent PFAS chemicals.
- **PFASs Added to 40 CFR Part 372 List of Toxic Chemicals:** On June 3, 2021 (86 FR 29698), EPA added - three per- and polyfluoroalkyl substances (PFAS) to the list of chemicals subject to toxic chemical release reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). This action implements the statutory mandate in the National Defense Authorization Act for Fiscal Year 2020 (FY2020 NDAA) enacted on December 20, 2019. The three substances - perfluorooctyl iodide (CASRN 507-63-1), potassium perfluorooctanoates (CASRN 2395-00-8), and silver(I) perfluorooctanoate (CASRN 335-93-3) were added to Tables 4 and 5 of 40 CFR 372.65, effective January 1, 2021. Beginning with reporting year 2021, a covered facility must report these PFAS on the annual Toxic Chemical Release Report whenever the quantity manufactured (including imported), processed, or otherwise used exceeds the 100 lb threshold quantity.

- **Santa Diego County Air Toxics Hot Spots Report:** The California Air Toxics “Hot Spots” Information and Assessment Act requires local air pollution control districts to evaluate toxic air contaminant emissions from various stationary sources and determine which sources generate emissions that may present public health concerns. It also requires facilities to notify communities and develop and implement strategies to reduce their potential health risks when those health risks are above specified levels. The San Diego County Air Pollution Control District, which is responsible for implementing the Air Toxics “Hot Spots” Program in San Diego County, has recently authorized the public distribution of the 2019 and 2020 Air Toxics Hot Spots Report for San Diego County which details program activities. The report is available at <https://bit.ly/3qnaKdM>.
- **Yolo Solano – Breakdowns and Variances:** YSAQMD has a dedicated page on its web site that provides information about notification requirements related to breakdowns and explains the variance process. YSAQMD may forgo enforcement actions in the case of a breakdown depending on certain criteria and provided that sources that notify the district verbally within one hour of detection of the breakdown, followed by a written notification within four hours of detection. YSAQMD may also issue a variance when malfunctioning or failed equipment cannot be brought back into compliance before the start of the next production run or within 24 hours. Information is available at <https://www.ysaqmd.org/rules-compliance/breakdown-variance/>.
- **SCAQMD Certified Products:** SCAQMD provides a resource that lists certified products at: <http://www.aqmd.gov/home/programs/business/business-detail?title=certified-products>. This resource includes list of:
 - Certified Clean Air Solvents, which are cleaning products that have been certified to comply with the VOC requirements of Rule 1122 and/or Rule 1171.
 - Certified Equipment, including water heaters, boilers, emergency Generators, spray booth make-up air units, charbroilers, street sweepers.
 - Certified Chemical Fume Suppressants for facilities performing chromium electroplating and chromic acid anodizing operations.
 - Clean Air Choices Cleaners, which specify very low-polluting cleaning products for use at commercial office buildings, schools, retail stores and hotels, as well as vehicle fleets.
- **BAAQMD Fees:** Effective July 1, 2021, BAAQMD has adopted amendments to Regulation 3 (fees). The amendments include revisions to the Air District’s fee schedules and increases to specific Regulation 3 fees that will be effective for the Air District’s FYE 2022, which begins on July 1, 2021. The rule also includes a new fee for funding the implementation of the California Air Resources Board’s new regulation for criteria pollutant and toxics emissions reporting, “Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants.”



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