



Environmental Auditing: Integrated California and Federal Compliance Guide

RELEASE 154 – NOVEMBER 2021

new & noteworthy

- **Air Quality – Ozone Depleting Substances:** The U.S. Environmental Protection Agency (EPA) issued a final rule (86 FR 46992) on August 23, 2021, that revises regulations governing the production and import of Class I ozone-depleting substances in the United States to indefinitely extend the global essential laboratory and analytical use exemption. This exemption was set to expire on December 31, 2021, and this final action allows for continued production and import of Class I substances in the United States solely for laboratory and analytical uses that have not been identified by the EPA as nonessential. This final action is consistent with a decision by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer to extend the global laboratory and analytical use exemption indefinitely beyond 2021. This final rule was effective on September 22, 2021.

This change impacts the **Air Quality Rulebook D, Ozone-Depleting Substances (ODSs)**.

- **Toxic Substances Control Act (TSCA):** The U.S. Environmental Protection Agency (EPA) issued a final rule (86 FR 51823) on September 17, 2021, that amends the regulations applicable to phenol, isopropylated phosphate (3:1) (PIP (3:1)) promulgated under the Toxic Substances Control Act (TSCA). Specifically, EPA is extending the compliance date applicable to the processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles from March 8, 2021, to March 8, 2022. EPA is also extending the compliance date for the recordkeeping requirements applicable to those articles March 8, 2021, to March 8, 2022. The types of articles covered by this amendment include a wide range of key consumer and commercial goods such as cellular telephones, laptop computers, and other electronic and electrical devices and industrial and commercial equipment used in various sectors including transportation, life sciences, and semiconductor production. This final rule was effective on September 27, 2021.

This change impacts the **Special Pollutants Rulebook D, TSCA Section 6 Chemicals**.

- **U.S. Coast Guard - Operations Manuals and Emergency Manuals:** The U.S. Coast Guard issued a final rule (86 FR 43915) on August 11, 2021, that enables regulated facilities to electronically submit Operations Manuals and Emergency Manuals and electronically communicate with the Coast Guard. This rule also allows facility operators to submit one electronic or printed copy of the manuals and one electronic or printed copy of the amendments to the manuals. Finally, this rule requires regulated facilities to maintain either an electronic or a printed copy of each required manual in the marine transfer area of the facility during transfer operations. This final rule was effective on September 10, 2021.

release notes

please review

This change impacts **Oil and Petroleum, Rulebook D, OPA 90 - MTR Facility Response Plans and Operations Manuals.**

- **South Coast Air Quality Management District – Public Safety Provisions for Emergency Standby Engines:** On October 1, 2021, the South Coast Air Quality Management District (SCAQMD) adopted new Rule 118.1, Public Safety Provisions for Stationary Emergency Standby Engines, to address the use of standby engines at critical service facilities during emergencies. The rule allows the exclusion of emergency standby engine operating hours during Public Safety Power Shutoff (PSPS) events from counting toward permit limits. The rule applies to an owner or operator of a critical service facility emergency standby engine that has a permit limit of 200 hours per year and includes a notification process and recordkeeping requirements for facilities that seek to exclude emergency standby engine operation hours.

This new rule was added to **Air Quality Management in SCAQMD, Rulebook A, General Requirements.**

- **South Coast Air Quality Management District – NOx Reductions from Aggregate Dryers:** On August 6, 2021, SCAQMD adopted new Rule 1147.1, NOx Reductions from Aggregate Dryers, which updates NOx emission limits for aggregate dryers currently regulated under Rule 1147 (NOx Reductions from Miscellaneous Sources), as well as establish an implementation schedule and requirements for monitoring and recordkeeping. The revised NOx emission limits represent Best Available Retrofit Control Technology (BARCT) and apply to both RECLAIM and non-RECLAIM facilities. New Rule 1147.1 applies to gaseous fuel-fired aggregate dryers previously subject to the asphalt manufacturing category of Rule 1147 and will maintain the compliance schedule structure like that of Rule 1147, with updated compliance dates and new limits for NOx and CO emissions for RECLAIM, non-RECLAIM, and former RECLAIM facilities.

This new rule was added to **Air Quality Management in South Coast Air Quality Management District, Rulebook B, Visible Emissions, Fugitive Dust, and NOx, SOx, and CO Emissions.**

- **Solid Waste – Short-Lived Climate Pollutants:** On November 13, 2020 (California Notice Register 2020 No. 47-Z), CalRecycle adopted regulations that implement programs to divert organic waste from landfill disposal to recovery activities. These regulations, which become effective on January 1, 2022, establish regulatory requirements for generators, waste haulers and solid waste facilities to reduce landfill disposal of organic waste and meet state-wide organic waste disposal reduction targets. The regulations also address the recovery of edible food that is currently disposed of.

These amendments affect the **Solid Waste Introduction** (Regulatory Summary, Key Compliance Definitions, Acronyms, and Pre-audit Checklist) and **Rulebook.**

highlights of this release

- **Federal Air Quality Management, Rulebook D, Ozone-Depleting Substances (ODSs)**, has been updated to reflect the extension of the global essential laboratory and analytical use exemption. In addition, information regarding the applicability of the maintenance and leak repair requirements were revised to more clearly specify that the requirements do not apply to appliances containing solely substitute refrigerants.
- **Air Quality Management in California, Introduction** (*General Applicability Checklist*), has been revised to update the ozone-depleting substances section to include additional details to clarify the applicability of the maintenance and leak repair requirements. Also, applicability questions for new SCAQMD Rules 118.1 (Public Safety Provisions for Stationary Emergency Standby Engines) and 1147.1 (NOx Reductions from Aggregate Dryers) were added.
- **Air Quality Management in California, Introduction**, (*Reference Tables*), has been updated to revise and clarify the list of Class II Controlled Substances in Reference Table 10.
- **Air Quality Management in California, Part A: Requirements Applicable to all Air Districts**, was revised to update requirements for in-use off-road diesel-fueled vehicle fleets to reflect current regulations.
- **Air Quality Management in SCAQMD** has been updated as follows:
 - **Rulebook A, General Requirements**, was expanded to include new Rule 118.1, Public Safety Provisions for Stationary Emergency Standby Engines.
 - **Rulebook B, Visible Emissions, Fugitive Dust, and NOx, SOx, and CO Emissions**, was expanded to include new Rule 1147.1, NOx Reductions from Aggregate Dryers.
- **Solid Waste, Introduction** (*Regulatory Summary, Key Compliance Definitions, Acronyms, and Pre-audit Checklist*) and **Rulebook**, were revised to incorporate provisions of the Short-Lived Climate Pollutants regulations aimed at reducing landfill disposal of organic waste.
- **Oil and Petroleum, Rulebook D, OPA 90 - MTR Facility Response Plans and Operations Manuals**, has been updated to reflect changes to the requirements relating to Operations Manuals.
- **Special Pollutants Rulebook D, TSCA Section 6 Chemicals**, has been updated to indicate that the compliance date for facilities that process and distribute in commerce certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, has been extended to March 8, 2022.

release notes

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did you know?

- **TSCA Health and Safety Reporting:** On June 29, 2021 (86 FR 34147), EPA amended the health and safety data reporting requirements specified in 40 CFR Part 716 to include 20 additional chemical substances designated by the agency as High-Priority Substances and the 30 organohalogen flame retardants being evaluated for risks by the Consumer Product Safety Commission (CPSC) under the Federal Hazardous Substances Act (FHSA). The substances subject to these reporting requirements are listed in 40 CFR 716.120. For more information, see <https://www.govinfo.gov/content/pkg/FR-2021-06-29/pdf/2021-13212.pdf>.
- **Significant New Use Rules:** During this update period, EPA has issued a number of significant new use rules (SNURs), or modifications to SNURs, including reporting and recordkeeping requirements. Substance specific SNUR requirements are cited in 40 CFR Part 721. The following is a listing of the Federal Register notices for the SNURs finalized during this period:
 - June 7, 2021 (86 FR 30184, 86 FR 30196, 86 FR 30210, and 86 FR 30290);
 - June 10, 2021 (86 FR 31002);
 - August 16, 2021 (86 FR 45651);
 - August 18, 2021 (86 FR 46123 and 86 FR 46133); and
 - September 16, 2021 (86 FR 51616 and 86 FR 51620).

For a listing of these and other recent final SNUR notices, including references to the agency's proposed rulemaking, see <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/recent-activities-new-chemicals>.

- **Permanent Closure of Underground Storage Tanks (USTs) with Single-Walled Components:** On or before December 31, 2025, regulated underground storage tanks (UST) that do not meet the requirements for secondary containment and a continuous leak detection system must be permanently closed. UST systems that do not have secondary containment and a continuous leak detection system and that have not been permanently closed by this date, are out of compliance, cannot be operated, and could be red tagged by the Unified Program Agency or the State Water Resources Control Board, preventing fuel deliveries and dispensing.
- **NPDES Construction Stormwater General Permit:** The State Water Resources Control Board (SWRCB) is in the process of revising and reissuing the statewide National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit. The existing statewide NPDES Construction Stormwater General Permit, which was issued in 2009, expired on September 2, 2014, and was administratively extended until the effective date of a reissued permit. SWRCB has conducted public hearings and accepted comments on the draft permit during 2021. The draft permit incorporates new requirements to implement existing Total Maximum Daily Loads adopted by Regional Water Boards into applicable Basin Plans; new regulation of passive treatment technology uses and discharges from dewatering activities; new criteria for Notices of Non-Applicability; and updated monitoring and reporting requirements. For updates, or to see the draft permit, go to https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html.

- **SCAQMD – Air Quality Index:** SCAQMD posts its current Air Quality Index (AQI) Map on its website, showing current air quality throughout the district. The current AQI is calculated from measured and modeled concentrations of five pollutants: particle pollution (PM2.5 and PM10), ozone, nitrogen dioxide, and carbon monoxide. The current AQI as posted on the district’s website uses measurements of these pollutants at regulatory monitors that are operated by the SCAQMD, along with regulatory monitors operated by other agencies within or near the SCAQMD’s jurisdiction. Detailed information on the AQI is available at: <http://www.aqmd.gov/home/air-quality/current-air-quality-data/aqi-information-and-faqs>.
- **BAAQMD Flex Your Commute Program:** BAAQMD’s Flex Your Commute program encourages a Bay Area wide transportation shift from driving alone to sustainable commuting. Flex Your Commute strives to create a culture of commuting innovation in the Bay Area that includes transit, bicycling, carpooling, walking, and telework to eliminate drive-alone commutes. The program provides commute program resources for employers, including information on creating an employee commute survey, transportation planning tools, and information on air district programs. Information is available at <https://www.baaqmd.gov/plans-and-climate/climate-protection/flex-your-commute>.



industry insight

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