



Environmental Auditing: Integrated California and Federal Compliance Guide

RELEASE 156 – MAY 2022

new & noteworthy

- **Bay Area Air Quality Management District – General Permitting Requirements:** On December 15, 2021, BAAQMD amended Regulation 2, Rule 1, Permits – General Requirements, to make this rule more health protective. The changes include a new definition to identify areas that experience relatively high levels of environmental and health burdens. The final rule also expands the public notice requirement to require notification of nearby addresses if a project will require a health risk assessment because of toxic air contaminant (TAC) emissions and the project will be located within an Overburdened Community. In addition, the changes extend the permit application action times. The completeness review period is increased from 15 working days (21 calendar days) to 30 calendar days. This rule is effective July 1, 2022.

This change impacts **Air Quality Management Introduction**, Reference Table 19.

- **Bay Area Air Quality Management District – New Source Review of Toxic Air Contaminants:** On December 15, 2021, BAAQMD amended Regulation 2, Rule 5, Permits – New Source Review of Toxic Air Contaminants. The cancer risk limit in Rule 2-5 will now be more stringent in Overburdened Communities (reduced from ten in one million to six in one million). Also, the Air District's Health Risk Assessment Guidelines have been revised to incorporate updates to the health risk assessment procedures for gasoline dispensing facilities, to be consistent with existing procedures used to evaluate health risk from other sources of toxic air contaminants. In addition, Table 2-5-1, the Toxic Air Contaminant Trigger Levels table, is updated by adding and revising trigger levels based on new and revised health effects values developed and approved by the Office of Environmental Health Hazard Assessment (OEHHA). This rule is effective July 1, 2022.

This change impacts **Air Quality Management Introduction**, Reference Table 15.

- **Air Quality – Sulfur Hexafluoride and GHG Emissions:** On January 14, 2022, the California Air Resources Board (CARB) adopted a final rule (California Notice Register 2021 No. 2-Z) that modifies the regulation aimed at reducing sulfur hexafluoride (SF6) emissions from gas insulated equipment (GIE) used in electric power systems. The rule has been expanded to include GHGs and to clarify that it applies to not only switchgear but other devices. The rule also updates maximum annual SF6 emission rates for owners of GIE equipment; implements a revised phase-out schedule for SF6 and a corresponding phase-out exemption process; updates annual emission limits and methods for calculating emissions; amends reporting, recordkeeping, and inventory requirements; and adopts a nameplate capacity adjustment procedure. This rule was effective January 1, 2022.

This change impacts **Air Quality Management, Rulebook A, Requirements Applicable to all Air Districts (Introduction and Rulebook)**.

release notes

please review

- **Air Quality – Prohibitions on Certain Hydrofluorocarbons:** On January 7, 2022, the California Air Resources Board (CARB) adopted a final rule (California Notice Register 2021 No. 1-Z) that modifies the state regulation that establishes prohibitions on certain hydrofluorocarbons (HFCs). This action imposes new limits on HFCs used in non-residential stationary refrigeration equipment and new air-conditioning equipment used for residential and non-residential purposes. This rule was effective January 1, 2022.

This change impacts **Air Quality Management, Rulebook A, Requirements Applicable to all Air Districts (Introduction and Rulebook)**.

- **South Coast Air Quality Management District – Gasoline Transfer and Dispensing:** On January 7, 2022, the South Coast Air Quality Management District (SCAQMD) adopted amendments to Rule 461 – Gasoline Transfer and Dispensing, which applies to the transfer of gasoline from any tank truck, trailer, or railroad tank car into a stationary storage tank or mobile fueler, and from any stationary storage tank or mobile fueler into any motor vehicle fuel tank. These amendments to Rule 461 remove the provisions pertaining to mobile fuelers that are being included in new Rule 461.1 (Gasoline Transfer and Dispensing for Mobile Fueling Operations). This rule was effective January 7, 2022.

This change impacts **Air Quality Management in SCAQMD, Rulebook D, Organic Fuels**.

- **South Coast Air Quality Management District – Gasoline Transfer and Dispensing for Mobile Fueling Operations:** On January 7, 2022, the South Coast Air Quality Management District (SCAQMD) adopted new Rule 461.1 - Gasoline Transfer and Dispensing for Mobile Fueling Operations, to reduce emissions from mobile fueling operations due to the transfer and dispensing of gasoline. The final rule incorporates requirements similar to those found in existing Rule 461 – Gasoline Transfer and Dispensing, specifically the use of CARB certified Phase I and Phase II vapor recovery systems for mobile fuelers, in order to regulate mobile fueling operations in a separate rule that addresses both retail and non-retail mobile fueling operations. The rule establishes requirements for retail mobile fuelers and non-retail mobile fuelers with a cumulative capacity greater than 10 gallons and 120 gallons, respectively, to ensure VOC and toxic emissions are controlled. This rule was effective January 7, 2022.

This change impacts **Air Quality Management in SCAQMD, Rulebook D, Organic Fuels**.

- **South Coast Air Quality Management District – Emissions of Oxides of Nitrogen from Stationary Gas Turbines:** On February 4, 2022 - SCAQMD amended Rule 1134, Emissions of Oxides of Nitrogen from Stationary Gas Turbines, to remove the ammonia emission limits for gas turbines and the provisions for startup, shutdown, and tuning to be consistent with recent policy changes. Additionally, the rule clarifies that recuperative gas turbines are included in a category referred to as “other” and adds new provisions for liquid fuel usage for health facilities to ensure Rule 1134 is consistent with state law provisions for use of liquid fuel in certain situations at health facilities. The rule also establishes an interim NOx limit of 68 ppm for compressor gas turbines which is consistent with current permit limits for this equipment. This rule was effective February 4, 2022.

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

- **South Coast Air Quality Management District – Equipment Not Requiring a Written Permit:**

On January 7, 2022, the South Coast Air Quality Management District (SCAQMD) amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II, to address previously exempt equipment in order to be consistent with new Rule 461.1 (Gasoline Transfer and Dispensing for Mobile Fueling Operations) and amendments to Rule 461 (Gasoline Transfer and Dispensing) and Rule 222 (Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II). This action modifies exemptions under the Storage and Transfer Equipment category. This rule was effective January 7, 2022.

This change impacts **Air Quality Management Introduction**, Reference Table 16.

- **Air Quality – Hazardous Air Pollutants:** The U.S. Environmental Protection Agency (EPA) issued a final rule on January 5, 2022 (87 FR 393) that amended the initial list of hazardous air pollutants (HAP) under Clean Air Act (CAA) to include 1-bromopropane (1-BP; CASRN 106-94-5). This substance was added in response to public petitions previously granted by the EPA. This final rule was effective on February 4, 2022.

These changes impact the **Air Quality Management Introduction**, Reference Table 1.

- **TSCA - Regulation of Persistent, Bioaccumulative, and Toxic Chemicals:** On March 8, 2022, EPA amended the regulations (87 FR 12875) 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 prohibition on processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, until October 31, 2024, along with the compliance date for the associated recordkeeping requirements for manufacturers, processors, and distributors of PIP (3:1)-containing articles. This final rule follows issuance of a proposed rule for public comment on October 28, 2021; comments on the proposed rule are responded to in this action. This final rule was effective on March 8, 2022.

These changes impact the **Special Pollutants, Rulebook D, TSCA Section 6 Chemicals**.

- **Hazardous Waste – Treated Wood Waste:** On August 31, 2021, Governor Newsom signed Assembly Bill (AB) 332, which adopts new Alternative Management Standards (AMS) for treated wood waste. The AMS are codified in Health and Safety Code section 25230 and became effective immediately. As a result, variances are no longer needed for disposal facilities, handlers, and generators of treated wood waste and all treated wood waste variances issued by DTSC since March 2021 are now inoperative and have no further effect. The new AMS are similar to the rules that applied under the variance program, except that no variance is required.

These changes impact the **Hazardous Waste, Rulebook C, Special Types of Waste**.

- **Hazardous Materials – Safer Consumer Products:** On March 11, 2022, the Department of Toxic Substances Control (DTSC) adopted a final rule (California Notice Register 2022, No. 10-Z) that updates the Priority Products List under the Safer Consumer Products regulations. In this rulemaking, DTSC is adding treatments containing any perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers as a Priority Product on the Priority Products List. This rule was effective on April 1, 2022.

These changes impact **Hazardous Materials Introduction** (Regulatory Summary) and **Rulebook**.

release notes

please review

highlights of this release

- **Air Quality Management in California, Introduction** (General Applicability Checklist, Reference Tables, Acronyms, and Regulatory Summary), has been updated as follows:
 - The General Applicability Checklist has been revised to reflect changes related to gasoline transfer and dispensing in the SCAQMD and to state-wide rules on HFC prohibitions and emissions of GHGs from gas-insulated equipment.
 - The Regulatory Summary and Acronyms were updated due to regulatory changes to state-wide rules on HFC prohibitions and emissions of GHGs from gas-insulated equipment.
 - Reference Tables 1, 15, 16, and 19 were amended due to regulatory changes.
- **Air Quality Management in California, Rulebook A, Requirements Applicable to all Air Districts**, was revised to incorporate regulatory changes to state-wide rules on HFC prohibitions and emissions of GHGs from gas-insulated equipment.
- **Air Quality Management in SCAQMD Rulebook B, Visible Emissions, Fugitive Dust, and NOx, SOx, and CO Emissions**, has been updated to include modifications to the requirements for stationary gas turbines.
- **Air Quality Management in SCAQMD Rulebook D, Organic Fuels**, has been updated to incorporate requirements for mobile fueling operations.
- **Special Pollutants Rulebook D, TSCA Section 6 Chemicals**, was revised to incorporate changes to the regulations applicable to phenol, isopropylated phosphate (3:1) (PIP (3:1)).
- **Hazardous Waste Introduction and Rulebook C, Special Types of Waste**, were revised to add new alternative management standards for treated wood waste.
- **Hazardous Materials, Introduction and Rulebook**, were updated to include an addition to the Priority Products List under the Safer Consumer Products regulations.

did you know?

- **Emergency Water Conservation Regulations:** In response to Governor Gavin Newsom's March 28 Executive Order N-7-22, the State Water Resources Control Board adopted an emergency water conservation regulation on May 24, 2022, to push more aggressive conservation measures by local water agencies across the state. The new regulation bans irrigating turf at commercial, industrial, and institutional properties, such as, grass in front of, or next to, large industrial or commercial buildings, and requires urban water suppliers to ramp up conservation actions. The regulation also requires all urban water suppliers to implement conservation actions under Level 2 of their Water Shortage Contingency Plans. Level 2 plans are meant to address up to a 20% shortage of water supplies. The approved regulation will be submitted to the Office of Administrative Law (OAL) for approval, which typically occurs within 10 calendar days. The ban on non-functional turf becomes effective upon OAL approval and the Level 2 requirements for urban water suppliers are proposed to take effect on June 10, 2022.

- **Proposed Ban of Ongoing Uses of Asbestos:** On April 12, 2022, the Environmental Protection Agency (EPA) issued a proposed rule (87 FR 21706) that will, if finalized, prohibit the manufacture (including import), processing, distribution in commerce, and commercial use of chrysotile asbestos for all ongoing uses of chrysotile asbestos. EPA is proposing this risk management rule under section 6(a) of the Toxic Substances Control Act (TSCA) to address the unreasonable risk of injury to health it has identified for conditions of use of chrysotile asbestos. TSCA requires that EPA address the unreasonable risks of injury to health and environment by rule and to apply requirements to the extent necessary so that chrysotile asbestos no longer presents such risks. EPA is proposing to prohibit manufacture (including import), processing, distribution in commerce and commercial use of chrysotile asbestos for chrysotile asbestos diaphragms for use in the chlor-alkali industry, chrysotile asbestos-containing sheet gaskets used in chemical production, chrysotile asbestos-containing brake blocks used in the oil industry, aftermarket automotive chrysotile asbestos-containing brakes/linings, other chrysotile asbestos-containing vehicle friction products, and other chrysotile asbestos-containing gaskets. EPA is also proposing disposal and recordkeeping requirements for these conditions of use.
- **SCAQMD – Commercial Electric Lawn and Garden Equipment Incentive & Exchange Program:** The South Coast Air Quality Management District (SCAQMD) has established a program designed to help clean the air through the replacement of gasoline-powered commercial lawn and garden equipment. The Commercial Electric Lawn and Garden Equipment Incentive & Exchange Program is available for commercial landscapers and gardeners operating within the SCAQMD's region and provides up to 75% off commercial lawn and garden equipment. This program is also open to local governments, school districts, colleges and non-profits. Commercial lawn and garden equipment will be made available at a discounted price through pre-authorized dealerships. The program targets the replacement of the most polluting gasoline- or diesel-powered commercial lawn and garden equipment, including handheld trimmers, chainsaws, pruners, backpack and handheld leaf blowers and ride-on, stand-on, and walk-behind lawn mowers. In order to qualify for the incentive, an equivalent operable gasoline or diesel-powered piece of lawn or garden equipment must be scrapped.
- **BAAQMD – Mapping of Air Pollutants:** The Bay Area Air Quality Management District (BAAQMD) and Aclima have established a partnership to map air pollutants and greenhouse gas emissions in all nine counties of the Bay Area, covering more than 5,000 square miles, 101 cities, and nearly eight million people. The goal is to bring an increased access to information about air quality at the neighborhood level. Complementing BAAQMD's existing monitoring network, Aclima deployed a specialized fleet of sensor-equipped low-emission vehicles to map air quality on every public street and is using its professional analytics software to translate billions of measurements from its sensors into results that can support BAAQMD. Residents of the Bay Area can search their address and look up the pollutants that are typically present on their block at <https://air.health/bayarea?contract=san-francisco&pollutant=no2>. The results are presented in online maps that show estimates of air pollutants at the neighborhood block level.