



## Environmental Auditing: Federal Compliance Guide

RELEASE 204 – MARCH 2022

### new & noteworthy

- **New addition to list of HAPs:** On January 5, 2022, EPA amended the initial list (87 FR 393) of hazardous air pollutants (HAP) under the 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 is effective on February 4, 2022.

The list of HAPs is included as an appendix in the **Air Quality** module.

- **2022 Construction General Permit available:** On January 24, 2022, EPA announced (87 FR 3522) the availability of the National Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities, also referred to as the 2022 Construction General Permit or the 2022 EPA CGP. This permit replaces the 2017 EPA CGP and became effective on February 17, 2022, in all 10 EPA Regions. It is valid for 5 years and covers eligible operators in areas of the country where EPA is the NPDES permitting authority. A list of eligible areas is included in Appendix B of the 2022 EPA CGP. The 2022 EPA CGA includes the following clarifications or new requirements: additional stormwater control and pollution prevention requirements; formation of a stormwater pollution; training for qualified persons designated to conduct inspections and recordkeeping requirements for dewatering discharges; and turbidity benchmark monitoring for dewatering discharges to sensitive waters.

The requirements of this permit have been added to **Rulebook E (Storm Water Discharges)** in the **Wastewater** module.

- **EPA Amended Compliance Date:** EPA issued a final rule (87 FR 12875) on March 8, 2022, amending regulations applicable to phenol, isopropylated phosphate (3:1) (PIP (3:1)) promulgated under the Toxic Substances Control Act (TSCA; 40 CFR Part 751). Specifically, EPA extended the compliance date prohibiting the processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, as well as the compliance date for the associated recordkeeping requirements for manufacturers, processors, and distributors of PIP (3:1)-containing articles. The compliance date has been extended until October 31, 2024. This extension allows for additional time for comments to the proposed rule issued by EPA for public comment on October 28, 2021. This final rule became effective on March 8, 2022.

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

# release notes

*please review*

## highlights of this release

### Air Quality

- The **Introduction, Reference Tables**, (Table 1, Hazardous Air Pollutants (HAPs)) was amended to include 1-bromopropane (1-BP; CASRN 106-94-5).

### Wastewater

- **Rulebook E, Storm Water Discharges**, has been substantially revised to reflect the 2022 EPA CGP. The existing content has been updated to reference the requirements and citations of the 2022 permit obligations. Several paragraphs have been added to incorporate the new storm water pollution prevention, inspection, monitoring and qualified inspector training requirements. References to the 2017 EPA CGP have been removed.

### Special Pollutants

- **Rulebook D, TSCA Section 6 Chemicals**, has been amended to include the October 31, 2024 compliance date extension related to prohibiting the processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, as well as the compliance date for the associated recordkeeping requirements for manufacturers, processors, and distributors of PIP (3:1)-containing articles.

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## did you know?

- **Hazardous Substance Discharge Response Planning Proposed Regulations:** On March 28, 2022, EPA published rules (87 FR 17890) to require planning for worst case discharges of Clean Water Act (CWA) hazardous substances for onshore non-transportation-related facilities that could reasonably be expected to cause substantial harm to the environment by discharging CWA hazardous substances into or on the navigable waters, adjoining shorelines, or exclusive economic zone. These include industrial facilities with a maximum onsite capacity of a CWA hazardous substance that meets or exceeds threshold quantities, located within a 0.5-mile radius of navigable water or conveyance to navigable water, and that meets one or more substantial harm criteria. Comments on the proposed rules must be submitted not later than July 26, 2022. Additional information and a copy of the proposed rules can be found at <https://www.epa.gov/hazardous-substance-spills-planning-regulations>.
- **EPA Quality Review of SPCC and Facility Response Plans:** In 2021, conducted an internal quality and consistency review of a sample of Spill Prevention, Control, and Countermeasure (SPCC) Plans and Facility Response Plans (FRPs) required under 40 CFR Part 112. The results of the review were used by the agency to provide continued regulatory clarity and improve SPCC and FRP compliance. The results of this review can be found at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/quality-and-consistency-review-spcc-and-frp>.