



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

RELEASE 159 – SEPTEMBER 2021

### new & noteworthy

- **Hazardous Materials:** A new section, *Release Reporting*, is being added to highlight state differences from CERCLA and EPCRA reporting requirements. Requirements related to reporting of releases of specific media (e.g., oil spills, discharges to surface waters) not specifically included within state hazardous materials release reporting requirements will be covered in other topic modules. For this update, information was added for Florida, Idaho, Kentucky, Maryland, New Hampshire, North Dakota, and Tennessee.

### 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.

#### Alabama

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<http://adem.alabama.gov/programs/water/permitting.cnt>).



#### 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](mailto:gaila@stpub.com)).

# release notes

*please review*

- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<http://adem.alabama.gov/programs/water/permitting.cnt>).

## Alaska

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx>).

## Arizona

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://azdeq.gov/node/529>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://azdeq.gov/node/529>).

## Arkansas

- **Hazardous Materials—Reporting of Chemical Inventories:** Exclusions for fees associated with Tier II reporting were updated (A.C.A. 12-84-106(a)(1)(A) and 12-84-106(a)(2)).
- **Hazardous Materials—Toxics Release Inventory Reporting:** Exclusions for fees associated with TRI reporting were updated (A.C.A. 12-84-106(a)(1)(B) and 12-84-106(a)(2)).
- **Solid Wastes—Electronic Wastes:** Arkansas adopted the “Electronic Waste Collection, Recycling, and Reuse Act” in 2021. This Act establishes a program for the collection, recovery, transport, recycling, refurbishing, and marketing and distribution for reuse of consumer electronic items. The program will be run by a public contract administrator selected by DEQ who will oversee a contractor providing collection and recovery services (A.C.A. 8-9-701 et seq.).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.adeq.state.ar.us/water/permits/npdes/nonstormwater/>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://www.adeq.state.ar.us/water/permits/npdes/nonstormwater/>).

## California

- **Drinking Water—Water Quality Standards:** California updated its drinking water rules to adopt the U.S. EPA Revised Total Coliform rule and adopted additional state-only requirements (22 CCR 64400.02).

- **Drinking Water—Monitoring Requirements:** California adopted additional state-only requirements for bacteriological monitoring (22 CCR 64421).

## Colorado

- **Air Quality—Hazardous Air Pollutants:** Colorado updated its adoption of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (5 CCR 1001-10, Part A and Part E).
- **Air Quality—New Source Performance Standards:** Colorado updated its adoption of federal New Source Performance Standards (NSPS) (5 CCR 1001-8).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://cdphe.colorado.gov/clean-water-permitting-sectors>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://cdphe.colorado.gov/clean-water-permitting-sectors>).

## Delaware

- **Audit Privilege:** DNREC revoked its Penalty Mitigation Policy (D-0401) which had allowed penalty waivers for voluntary disclosure of violations.

## Florida

- **Air Quality—Hazardous Air Pollutants:** Florida updated its adoption of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (FAC 62-204.800).
- **Air Quality—New Source Performance Standards:** Florida updated its adoption of federal New Source Performance Standards (NSPS) (FAC 62-204.800).
- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting has been added. Florida has several additional release reporting requirements (FAC 27P-14, FAC 62-150, FAC 62S-6, and FS 403.077).

## Georgia

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/wastewater-permitting/national-pollutant-1>).
- **Solid Wastes—Overall Solid Waste Management Requirements:** The definition of solid waste handling facility has been revised to note that it does not include recovered materials processing facilities or pyrolysis or gasification to fuels and chemicals facilities (391-3-4-.01).
- **Solid Wastes—Solid Waste Landfills:** Georgia added a requirement for Municipal Solid Waste Landfills and Commercial Industrial Landfills to incorporate a high moisture content waste management plan into the facility's design and operational plan (391-3-4-.07(6)).

# release notes

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- **Solid Wastes—Solid Waste Transfer Facilities and Transporters:** Georgia has repealed the prohibition on the transportation of municipal solid waste from a jurisdiction to a municipal solid waste disposal facility located in another county (391-3-4-.06(3)(a)(8)).
- **Solid Wastes—Solid Waste Recycling:** Georgia has revised the criteria that define when a recovered material is accumulated speculatively. The rules were also updated to specify that stockpiles of unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof, along with mulch are considered recovered materials if certain requirements are met. The state has also added criteria that must be met for mulching to be considered a recovered material operation (391-3-4-.04(7)).

## Idaho

- **Agency Contact Information:** The Idaho Board of Licensure of Professional Engineers & Professional Land Surveyors is now housed within the Idaho Division of Occupational and Professional Licenses (<https://ipels.idaho.gov/>).
- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting has been added. In addition to hazardous substance release reporting, Idaho requires reporting of any unauthorized release of a hazardous material that may enter the waters of the state (IDAPA 58.01.02.850).
- **Underground Storage Tanks—Certification and Training:** Petroleum UST owners/operators must notify DEQ in writing of designated Class A and Class B operators (IDAPA 58.01.07.300.02(c)).

## Iowa

- **Air Quality—Hazardous Air Pollutants:** Iowa updated its adoption of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (567 IAC 23.1(3) and 23.1(4)).
- **Air Quality—New Source Performance Standards:** Iowa updated its adoption of federal New Source Performance Standards (NSPS) (567 IAC 23.1(2)).
- **Hazardous Wastes—Universal Waste:** Iowa rescinded its regulations for the collection and recovery of mercury-added switches removed from scrap vehicles before they were crushed or shredded for recycling (567 IAC 215).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (567 IAC 64.15).

## Illinois

- **Solid Wastes—Other Solid Wastes:** Illinois adopted regulations for the disposal of coal combustion residuals (CCR) in new and existing surface impoundments, including any lateral expansions of such units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers (35 IAC 845).

## Kansas

- **Wastewater—Process Wastewater Discharges:** The effective date for the pesticide general permit was updated (<https://www.kdheks.gov/indust/npdes.htm>).
- **Wastewater—Storm Water Discharges:** The effective dates for the industrial general storm water permits were updated (<https://www.kdheks.gov/stormwater/index.html>).

## Kentucky

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting has been added. Kentucky requires reporting releases of any amount of certain nerve and blister agents (KRS 224.1-400).

## Louisiana

- **Air Quality—Hazardous Air Pollutants:** Louisiana updated its adoption of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (LAC 33:III Chapter 51).
- **Air Quality—New Source Performance Standards:** Louisiana updated its adoption of federal New Source Performance Standards (NSPS) (LAC 33:III.3003).

## Maryland

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting has been added. Maryland follows the federal rules (No Citation).

## Nevada

- **Air Quality—Hazardous Air Pollutants:** Nevada updated its adoption of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (NAC 445B.221(8)).
- **Air Quality—New Source Performance Standards:** Nevada updated its adoption of federal New Source Performance Standards (NSPS) (NAC 445B.221(6)).

## New Hampshire

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting has been added. New Hampshire follows the federal rules (No Citation).

## New York

- **Solid Wastes—Solid Waste Recycling:** New York established regulations to implement the state's Food Donation and Food Scraps Recycling law that becomes effective January 1, 2022. The regulations establish requirements for generators of two tons of food scraps per week or more and to related solid waste management operations and facilities, including waste transporters, transfer facilities, combustion facilities, and landfills (6 NYCRR 350).

# release notes

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## North Carolina

- **Air Quality—Hazardous Air Pollutants:** North Carolina DAQ and three local air agencies updated their Toxic Air Pollutant control programs (15A NCAC 02D.1104, Forsyth County Code Sec. 3D-1104, MCAPCO Reg. 2.1104, WNCRAQA Code Sec. 4.1104).
- **Air Quality—New Source Performance Standards:** North Carolina DAQ and three local air agencies updated their adoption of NSPS and added standards for incinerators and municipal solid waste landfills (15A NCAC 02D.0524(b), 15A NCAC 02D.1104, Forsyth County Code Sec. 3D-1104, MCAPCO Reg. 2.1104, WNCRAQA Code Sec. 4.1104).
- **Solid Wastes—Other Solid Wastes:** North Carolina adopted requirements applicable to coal combustion residual (CCR) surface impoundments owned by public utilities and also established detailed permitting and design requirements for sites that use coal combustion products as structural fill (G.S. 130A-290 and G.S. 130A-309).

## North Dakota

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting has been added. North Dakota requires reporting of any discharge of waste that is likely to pollute the waters of the state (33.1-16-02.1-11).
- **Hazardous Wastes—Waste Classification:** North Dakota updated the P075 acute hazardous waste listing for nicotine and salts to match the federal listing, which excludes U.S. Food and Drug Administration approved over-the counter nicotine replacement therapies from the P075 listing (33.1-24-02-18(5)).
- **Hazardous Wastes—Hazardous Waste Generators:** North Dakota adopted federal rules that establish management standards for hazardous waste pharmaceuticals for health-care facilities and reverse distributors in 40 CFR 266 Subpart P (33.1-24-05-310 – 33.1-24-05-320).
- **Hazardous Wastes—Universal Wastes:** North Dakota updated its regulations to include the federal universal waste requirements for aerosol cans (33.1-24-05).

## Ohio

- **Solid Wastes—Overall Solid Waste Management Requirements:** Ohio updated the solid waste facility regulations regarding permits to install (OAC 3745-27-02).
- **Solid Wastes—Solid Waste Landfills:** Ohio rescinded the industrial waste landfill rules in OAC 3745-29 and combined requirements for industrial landfills and residual landfills into a single set of regulations in OAC 3745-30. The state also updated the regulations for municipal solid waste landfills (OAC 3745-27, OAC 3745-29, and OAC 3745-30).
- **Solid Wastes—Solid Waste Recycling:** Ohio updated the State Solid Waste Management Plan to revise waste reduction and recycling goals for solid wastes generated by the residential and commercial sector (OAC 3745-27-90).

## Oklahoma

- **Drinking Water—Water Quality Standards:** Oklahoma updated the public water supply rules to incorporate by reference federal regulations from January 1, 2017, to July 1, 2020 (OAC 252:631-1-3).
- **Drinking Water—Plumbing Code:** Oklahoma has adopted the 2018 version of the International Plumbing Code (OAC 158:30).
- **Hazardous Wastes—Universal Wastes:** Oklahoma updated its regulations to include the federal universal waste requirements for aerosol cans (OAC 252:205-3-2).

## Rhode Island

- **Solid Wastes—Other Solid Wastes:** Rhode Island amended the solid waste regulations to add a definition of “street sweepings” and to update the acceptable and unacceptable uses for street sweepings (250-RICR-140-05-1.16).

## South Carolina

- **Solid Wastes—Other Treatment Technologies:** South Carolina amended the rules for facilities producing compost from yard trimmings, land-clearing debris, and other organic material by adding additional materials management requirements (R.61-107.4).

## Tennessee

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting has been added. Tennessee follows the federal rules (No Citation).

## Utah

- **Air Quality—Hazardous Air Pollutants:** Utah updated its adoption of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (R307-214).
- **Air Quality—New Source Performance Standards:** Utah updated its adoption of federal New Source Performance Standards (NSPS) (R307-210).

## Virginia

- **Drinking Water—All Subsections:** Virginia amended its water works regulations to reorganize provisions; add new sections to expand or clarify existing requirements or incorporate new ones; remove obsolete information and duplication; update citations; correct sentence structure, grammar, spelling, and typographical errors; and improve consistency throughout the rules (12 VAC 5-590).
- **Drinking Water—Permitting Requirements:** Virginia added additional information that is needed for the submission of construction permits (12 VAC 5-590-200).
- **Drinking Water—Monitoring Requirements:** Virginia updated and modified the monitoring requirements for public water systems. The state also changed its cross-connection control program to include requirements for surveys, inspections, and devices (12 VAC 5-590-330, 12 VAC 5-590-340, 12 VAC 5-590-390, and 12 VAC 5-590-410).

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- **Drinking Water—Recordkeeping and Reporting Requirements:** Virginia updated and added specific requirements for recordkeeping and reporting for violations of certain maximum contaminant levels. The updated rule now specifies the reporting time limits for some contaminants, including *E. coli* and radionuclides (12 VAC 5-590-530).
- **Drinking Water—Wellhead Protection:** Virginia reorganized and added requirements for the construction of wells (12 VAC 5-590-220, 12 VAC 5-590-830, and 12 VAC 5-590-840).
- **Drinking Water—Plumbing Code:** Virginia has adopted the 2018 International Plumbing Code (13 VAC 5-63-10(B)).

## West Virginia

- **Air Quality—Hazardous Air Pollutants:** West Virginia updated its adoption of federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations (45 CSR 34).
- **Air Quality—New Source Performance Standards:** West Virginia updated its adoption of federal New Source Performance Standards (NSPS) (45 CSR 16).

## Wisconsin

- **Audit Privilege:** 2021 Wisconsin Act 78 was enacted on August 6, 2021, to amend and update the guidelines for Wisconsin's environmental compliance audit program, sometimes referred to as "Enviro-Check" (Stats. 299.85). The amendments eliminate the requirement for 30-days advance notification of the audit, although regulated entities must still submit an advance statement. Act 78 provides different timelines for corrective actions, with more time allowed for small business stationary sources. Act 78 also eliminates the previous requirements for public notice and comment periods on compliance schedules and penalties (Stats. 299.85).

## Wyoming

- **Solid Wastes—Overall Solid Waste Management Requirements:** Wyoming revised the definition of commercial solid waste management facility to exclude sites using decommissioned wind turbine blades and towers to backfill surface coal mining sites as part of an approved reclamation plan. The state has also updated the financial assurance requirements for solid waste management facilities (DEQ SW, Ch. 1, Sec. 1(b)).



## industry insight

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