



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

RELEASE 161 – MAY 2022

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 Massachusetts, New Mexico, New York, and Washington.
- **Hazardous Wastes:** The Texas and Vermont Hazardous Wastes sections were reviewed to incorporate updates related to state adoption of the federal Hazardous Waste Generator Improvement Rule.
- **Wastewater:** In January, EPA renewed and released the 2022 General Permit for Stormwater Discharges from Construction Activities (2022 EPA CGP), which replaces the 2017 EPA CGP. The 2022 EPA CGP became effective on February 17, 2022, and provides coverage in states and regions where EPA is the NPDES permitting authority. The requirements of this general permit have been added to the Wastewater module of the ***Environmental Auditing: Federal Compliance Guide***. States with permitting authority over construction storm water discharges have issued their own state general permits. For this update, the existing state construction storm water permit details have been cross-referenced to the new 2022 EPA CGP. During future updates and as the state authorities renew/revise their construction storm water general permits, a more intensive review of differences between the state and EPA general permits will be conducted.



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).

release notes

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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.

Connecticut

- **Hazardous Materials—Hazardous Substance Release Reporting:** The state's reporting regulations for releases of oil, petroleum, chemical liquids, and harmful hazardous wastes, took effect March 4, 2022. These state reporting requirements include state-specific release reporting thresholds as well as verbal and written follow-up reporting requirements (RCSA 22a-450).

Delaware

- **Hazardous Wastes—Hazardous Waste Generators:** The requirements for hazardous waste large quantity generator to maintain records documenting arrangements made with emergency responders have been clarified. These records must be kept for at least 3 years since last being applicable (7 Admin Code 1302(262.256(b))).
- **Underground Storage Tanks—Release Detection:** Delaware modified the requirements for UST systems used solely for the storage of a regulated substance for emergency power generation equipment by replacing the term "line-leak detection" with "piping release detection" (7 Admin Code 1351(B.1.30.5 and B.2.31.5)).

Georgia

- **Solid Wastes—Solid Waste Landfills:** Georgia updated its regulations for managing coal combustion residuals (CCRs) in landfills and surface impoundments (391-3-4).

Hawaii

- **Underground Storage Tanks—Design, Construction, Installation, and Registration:** Hawaii revised the requirements for under-dispenser containment (UDC) to allow for either visual inspection or monitoring for leaks from the dispenser system with a sensing device that signals the presence of regulated substances, rather than requiring both visual access and a sensor. This change makes the state regulations the same as the federal requirements for UDCs (HAR 11-280.1-25(c)).
- **Underground Storage Tanks—Closure and Out-of-Service USTs:** Hawaii now requires submission of a closure report in addition to the requirement for notification within 30 days of completing a permanent closure or change-in-service (HAR 11-280.1-71(e)).

Iowa

- **Underground Storage Tanks—All Subsections:** Iowa amended its UST regulations to incorporate the July 15, 2015, federal regulations (567 IAC 135).

- **Underground Storage Tanks—Applicability and Scope:** Iowa updated its underground storage tank (UST) regulations to remove certain state exemptions (567 IAC 135.3).
- **Underground Storage Tanks—Design, Construction, Installation, and Registration:** Iowa's UST regulations relating to design, construction, and installation now incorporate the 2015 changes to the federal regulations (567 IAC 135.3).
- **Underground Storage Tanks—General Operating Requirements:** Iowa updated the UST compliance inspection requirements to remove dates that are no longer relevant (567 IAC 135.3).
- **Underground Storage Tanks—Release Detection:** Beginning October 13, 2021, facilities must operate, maintain, and test release detection equipment in accordance with manufacturer's specifications, nationally recognized codes of practice, or IDNR requirements (567 IAC 135.5).
- **Underground Storage Tanks—Closure and Out-of-Service USTs:** Iowa updated the UST temporary closure requirements (567 IAC 135.15).
- **Underground Storage Tanks—Financial Responsibility:** The owner or operator of a UST must notify IDNR of any loss of financial responsibility (567 IAC 135.4).
- **Underground Storage Tanks—Certification and Training:** A copy of the certificate of training must be submitted to IDNR within 30 days of when the operator assumes duties. State rules also specify that a Class A or Class B operator should be immediately available for telephone consultation with the Class C operator when a facility is in operation, and Class A or Class B operators should be able to be on site at the storage tank facility within 4 hours (567 IAC 135.4).

Massachusetts

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting was added. Massachusetts' additional state-specific release reporting requirements include specific reportable quantities for hazardous materials and oil, as well as timelines for reporting of releases (310 CMR 40.0000).
- **Hazardous Wastes—Waste Classification:** Additional details were added on the state's conditional exclusion for used, broken cathode ray tubes (CRTs) and on the classification of waste that is generated from the treatment, storage, disposal, or use of a hazardous waste (310 CMR 30.104 and 310 CMR 30.102).

Missouri

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** Jefferson County and Jackson County were redesignated to attainment for the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) effective February 28, 2022, and March 2, 2022, respectively (40 CFR 81.326).

release notes

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Nebraska

- **Underground Storage Tanks—All Subsections:** Nebraska amended its UST regulations to incorporate the July 15, 2015, federal regulations (159 NAC 1 – 15).
- **Underground Storage Tanks—Applicability and Scope:** Nebraska incorporated by reference the federal regulations governing applicability, scope, and definitions (159 NAC 1).
- **Underground Storage Tanks—Design, Construction, Installation, and Registration:** Nebraska has additional requirements for secondary containment, double-walled tanks, external liners, piping, and tank installation (159 NAC 4).
- **Underground Storage Tanks—General Operating Requirements:** Nebraska has stricter standards for testing of cathodic protection and for testing of repaired tanks, piping, and overflow and spill prevention equipment. The state also established a delivery prohibition for tanks determined to be out of compliance (159 NAC 6 and 159 NAC 11).
- **Underground Storage Tanks—Release Detection:** Nebraska requires UST owners and operators to conduct and record product inventory control on a daily basis for new and existing UST systems (159 NAC 7-004).
- **Underground Storage Tanks—Suspected and Confirmed Release Reporting:** Nebraska requires notification within 24 hours of any confirmed or suspected release of regulated substances from any UST. In addition, release response and corrective action must be addressed in accordance with 118 NAC Appendix B, “Remedial Action Protocol for Petroleum Releases,” and 126 NAC, “Rules and Regulations Pertaining to the Management of Waste” (159 NAC 8-005).
- **Underground Storage Tanks—Closure and Out-of-Service USTs:** Nebraska requires certification of compliance for every closure or change in service. UST owners or operators must complete a closure assessment report. If contamination is discovered during closure or change in service, notification must be made within 24 hours to NDEE and the State Fire Marshal (159 NAC 10).
- **Underground Storage Tanks—Financial Responsibility:** All UST owners and operators whose financial responsibility requirements are not met by the state’s Petroleum Release Remedial Action Cash Fund must comply with the federal regulations in 40 CFR 280.90 – 280.115 (159 NAC 9-001).
- **Underground Storage Tanks—Certification and Training:** Class A and B operators must complete a State Fire Marshal–approved training course and take an exam, and they must undergo retraining at specific intervals. In addition, persons who install, close, or supervise the installation or closure of a UST must be certified by the State Fire Marshal. Every UST installation and/or closure contractor must employ at least one person who is certified by the State Fire Marshal and must maintain general liability insurance (159 NAC 3 and 159 NAC 13).

New Mexico

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting was added. New Mexico's release reporting regulations require written follow-up notification and corrective action reporting (NMAC 20.6.2.1203).

New York

- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting was added. New York's release reporting requirements apply to a specific listing of hazardous substances, which include the federal lists. Releases must be reported within a specific timeframe unless they meet reporting exceptions (6 NYCRR 597).
- **Solid Wastes—Electronic Wastes:** New York adopted regulations that implement the provisions of the state's Electronic Equipment Recycling and Reuse Act by establishing requirements for the collection, storage, and disposal of electronic waste (6 NYCRR 368-3).

Ohio

- **Agency Contact Information:** The Ohio EPA website was updated in this topic and throughout the guide as necessary (<https://epa.ohio.gov/>).

Oklahoma

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.deq.ok.gov/water-quality-division/wastewater-stormwater/>).

Oregon

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.oregon.gov/deq/wq/wqpermits/Pages/All-Permits-Applications.aspx>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://www.oregon.gov/deq/wq/wqpermits/Pages/All-Permits-Applications.aspx>).

Pennsylvania

- **Air Quality—Hazardous Air Pollutants:** EPA no longer requires notification of asbestos projects—notification must only be made to the Department of Environmental Protection (DEP) and the Department of Labor and Industry (DLI) (<https://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Business%20Topics/Asbestos/Asbestos%20Notifications.pdf>).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Pages/NPDESWQM.aspx>).
- **Wastewater—Storm Water Discharges:** The new general permit for Small Construction Activities PA Permit No. PAG-01, effective March 1, 2022 – February 28, 2027, was added (25 Pa. Code 92.81(a)).

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Puerto Rico

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.epa.gov/npdes/pesticide-permitting-2021-pgp>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://www.epa.gov/npdes-permits/puerto-rico-npdes-permits>).

South Carolina

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.scdhec.gov/permits-regulations/permit-central/npdes-general-permits>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://danr.sd.gov/OfficeofWater/SurfaceWaterQuality/stormwater/default.aspx>).

South Dakota

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://danr.sd.gov/OfficeofWater/SurfaceWaterQuality/swdpermitting/default.aspx>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://danr.sd.gov/OfficeofWater/SurfaceWaterQuality/stormwater/default.aspx>).

Tennessee

- **Hazardous Wastes—Hazardous Waste Generators:** Tennessee adopted the federal rules that establish management standards for hazardous waste pharmaceuticals for health-care facilities and reverse distributors in 40 CFR 266 Subpart P (Rule 0400-12-01-.09).
- **Underground Storage Tanks—Design, Construction, Installation, and Registration:** Tennessee temporarily suspended the requirement to pay annual petroleum UST fees from July 1, 2021 through June 30, 2026 (Rule 0400-18-01-10(2) → 0400-18-01-10(3)).
- **Underground Storage Tanks— Closure and Out-of-Service USTs:** Tennessee's requirements for temporary closure of USTs were revised to update the state's definition of empty (Rule 0400-18-01-.07(1)(a)).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://www.tn.gov/environment/permit-permits/water-permits1/npdes-permits.html>).
- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://www.tn.gov/environment/permit-permits/water-permits1/npdes-permits1/npdes-stormwater-permitting-program.html>).

Texas

- **Hazardous Wastes—Waste Classification:** Texas added a conditional exclusion from the definition of solid waste for foundry sand from the iron and steel casting industry (30 TAC 335.1(146)(N)).
- **Hazardous Wastes—Hazardous Waste Generators:** Texas has updated its rules to incorporate the provisions of the federal Hazardous Waste Generator Improvement Rule. The state has also adopted federal rules that establish management standards for hazardous waste pharmaceuticals for health-care facilities and reverse distributors in 40 CFR 266 Subpart P (30 TAC 335 Subchapter C and Subchapter W).

Utah

- **Solid Wastes—Other Treatment Technologies:** Utah clarified that land treatment, land farming, or land spreading to dispose of solid wastes may only be used to dispose of waste if they provide an agronomic benefit (R315-307).
- **Underground Storage Tanks—Design, Construction, Installation, and Registration:** Utah revised the criteria used to assess a higher registration fee for USTs to specify that the higher fee applies if the UST is out of compliance with the EPA Technical Compliance Rate (R311-203-4).
- **Underground Storage Tanks—General Operating Requirements:** Facilities that are open to dispense fuel at times when no employee or trained operator is on site must post the same signage as facilities that are normally unstaffed (R311-203-8).
- **Underground Storage Tanks—Closure and Out-of-Service USTs:** Utah made a minor clarification to the labeling requirement for USTs closed by removal (R311-204-3).
- **Underground Storage Tanks—Certification and Training:** Utah updated terminology in its certification requirements to refer to “environmental media samplers” rather than “soil and groundwater samplers” (R311-201-2).

Vermont

- **Hazardous Wastes—Waste Classification:** Vermont adopted the federal exclusion for reusable wipes (but not for disposable wipes) and adds petroleum-contaminated wipes to this exclusion. In addition, the state adopted the federal conditional exclusion for airbag waste in 40 CFR 261.4(j) and clarified the pesticides that are included under Vermont’s list of hazardous wastes (DEC Rules, Ch. 7, Sec. 7-103, 7-203, and 7-211).
- **Hazardous Wastes—Hazardous Waste Generators:** Vermont updated its rules effective January 1, 2022, to incorporate the provisions of the federal Hazardous Waste Generator Improvement Rule. The state also adopted federal rules that establish management standards for hazardous waste pharmaceuticals for health-care facilities and reverse distributors in 40 CFR 266 Subpart P (DEC Rules, Ch. 7, Subchapter 3).
- **Hazardous Wastes—Universal Wastes:** Vermont updated its regulations to include aerosol cans and postconsumer paint as universal wastes (DEC Rules, Ch. 7, Subchapter 9).

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- **Wastewater—Storm Water Discharges:** The effective dates for general storm water permits were updated (<https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/operationalpermits>).

Virginia

- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (9 VAC 25-110, 9 VAC 25-115, and 9 VAC 25-820).

Washington

- **Drinking Water—Water Quality Standards:** Washington adopted state action levels (SALs) for drinking water contaminants without federal maximum contaminant levels (MCLs). SALs have been created for six per- and polyfluoroalkyl substances (PFAS) chemicals (WAC 246-290-315).
- **Hazardous Materials—Hazardous Substance Release Reporting:** A new subsection on Hazardous Substance Release Reporting was added. Washington's release reporting regulations apply to specific hazardous substances and releases of these substances that meet the state's criteria for initial and follow-up reporting. The Coast Guard must be notified whenever there is a release to waters of the state (RCW 90.56.280).
- **Underground Storage Tanks—Certification and Training:** Class B UST operators must meet the same training requirements as Class A operators (WAC 173-360A-0530).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-general-permits>).

West Virginia

- **Solid Wastes—Other Solid Wastes:** West Virginia adopted the federal regulations for units used to manage coal combustion residuals (CCR) units, with some minor differences (33 CSR 1B-1).
- **Wastewater—Storm Water Discharges:** The effective dates for general permits were updated (https://dep.wv.gov/WWE/Programs/stormwater/Pages/sw_home.aspx).

Wisconsin

- **Air Quality—Air Quality Permitting and Management: Nonattainment Areas and Requirements:** The Rhinelander area (part of Oneida County) was redesignated as attainment for the 2010 sulfur dioxide NAAQS effective January 12, 2022. In addition, Manitowoc County (part) was redesignated as attainment for the 2015 8-hour ozone standard effective March 31, 2022 (40 CFR 81.350).
- **Wastewater—Process Wastewater Discharges:** The effective dates for general permits were updated (<https://dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html>), and the Municipal Water System permit (Permit No. WQ-B057681-05-0) was added.
- **Wastewater—Storm Water Discharges:** The effective dates for the Construction General Permit was updated (<https://dnr.wisconsin.gov/topic/stormwater/construction/overview.html>).