

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
**Sent:** Wed 5/24/2017 12:14:21 PM  
**Subject:** [SPAM] May 24 -- EHS State Regulatory Alert



## **EHS State Regulatory Alert**

May 24, 2017 - Number 99

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

### California

*GENERAL ENVIRONMENT AND SAFETY*  
Pollution Control Financing Authority  
California GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Financing Authority adopts regulations under 4 CCR 8078.8 through 8078.14 to establish the California Americans with Disabilities Act Small Business Capital Access Financing Program. The program provides loans to assist small businesses in financing the costs of projects that alter or retrofit existing facilities to comply with the federal Americans with Disabilities Act. The rule is effective May 8, 2017. Contact: Bianca Smith; PCFA; 916-653-5408; bianca.smith@treasurer.ca.gov

—California Regulatory Notice Register (05/19/2017)

Regulatory Update

### California Regions

*AIR*  
Air Toxics Fees  
California Regions AIR

Notice of the San Joaquin Valley Air Pollution Control District announces a workshop on a proposal to amend Rule 3110 to reduce air toxics fees charged to facilities. The workshop is scheduled for May 31, 2017, in Fresno and via teleconference and webcast. Comments are due June 14, 2017. Contact: David Garner; San Joaquin Valley APCD; 559-230-5938; david.garner@valleyair.org

—California RegionsRegulations (05/22/2017)

## Regulatory Update

### **AIR**

#### Architectural Coatings California Regions AIR

Notice of the El Dorado County Air Quality Management District announces a hearing on a proposed rule to amend regulations under Rules 101 and 215 regarding architectural coatings and the volatile organic compound (VOC) exempt compound list. The rule reduces the allowable VOC content in architectural coatings to align with the California Air Resources Board's 2007 suggested control measure. The rule also aligns the VOC exempt compound list with those of the U.S. EPA and other state air districts and clarifies definitions. If adopted, the rule will be submitted to CARB and the U.S. EPA as a revision to the state implementation plan. The hearing is scheduled for June 20, 2017, in Placerville. Comments are requested, but a due date is not specified. Contact: Adam Baughman; El Dorado County AQMD; 530-621-7501; [aqmd@edcgov.us](mailto:aqmd@edcgov.us)

—California Regions Regulations (05/22/2017)

## Regulatory Update

### **WATER**

#### Climate Change Work Plan California Regions WATER

Notice of the Central Valley Regional Water Quality Control Board announces the availability of a draft climate change work plan. The plan specifies current and proposed efforts that board programs are undertaking in response to climate change and prioritizes major efforts that promote climate change resiliency. The plan addresses efforts concerning water supply and quality of surface water and groundwater. A workshop is scheduled for June 1, 2017, in Rancho Cordova. Comments are requested, but a due date is not specified. Contact: Andrew Altevogt; Central Valley RWQCB; 916-464-4656; [RB5S-Climate-ChangeComments@waterboards.ca.gov](mailto:RB5S-Climate-ChangeComments@waterboards.ca.gov)

—California Regions Regulations (05/18/2017)

## Regulatory Update

## **Kentucky**

### **SOLID WASTE**

#### Area Solid Waste Management Plans Kentucky SOLID WASTE

Proposed rule of the Department for Environmental Protection, Division of Waste Management, amends regulations under 401 KAR 49:011 regarding area solid waste management plans. The rule incorporates by reference the March 2017 versions of the solid waste management area annual report form and the guidance for preparing a solid waste management area plan five-year update. A hearing is scheduled for June 27, 2017, in Frankfort. Comments are due June 30, 2017. Contact: Michelle Mitchell; DEP, Division of Waste Management; 502-782-6713;

---

---

MichelleM.Mitchell@ky.gov

—Administrative Register of Kentucky (05/21/2017)

Regulatory Update

**SOLID WASTE**

Solid Waste Planning/Grant Programs and Registration  
**Kentucky SOLID WASTE**

Proposed rule of the Department for Environmental Protection, Division of Waste Management, amends regulations under 401 KAR 49:080 regarding solid waste grant funds and solid waste collector and recycler registration. The rule removes quarterly status reporting requirements and the supplemental application process for the Illegal Open Dump Program. The rule also requires counties to report on the amount of recyclables collected by weight, establishes criteria for grant extensions, and adds a definition of “Litter Abatement Program.” In addition, the rule clarifies that approval of supplemental grant requests for the household hazardous waste program is dependent on remaining funds and clarifies grant deadline extension procedures. A hearing is scheduled for June 27, 2017, in Frankfort. Comments are due June 30, 2017. Contact: Michelle Mitchell; DEP, Division of Waste Management; 502-782-6713; MichelleM.Mitchell@ky.gov

—Administrative Register of Kentucky (05/21/2017)

Regulatory Update

**SOLID WASTE**

Solid Waste Programs  
**Kentucky SOLID WASTE**

Proposed rule of the Department for Environmental Protection, Division of Waste Management, adopts regulations under 401 KAR 49:091 to repeal regulations under 401 KAR 49:040, :090 and :210 to delete obsolete provisions concerning the Solid Waste Planning Assistance Program, the Waste Tire Trust Fund Loan Program and the Solid Waste Revolving Fund. A hearing is scheduled for June 27, 2017, in Frankfort. Comments are due June 30, 2017. Contact: Michelle Mitchell; DEP, Division of Waste Management; 502-782-6713; MichelleM.Mitchell@ky.gov

—Administrative Register of Kentucky (05/21/2017)

Regulatory Update

**Montana**

**PESTICIDES**

Pesticides  
**Montana PESTICIDES**

Notice of the Department of Agriculture announces changes to and an extension of the comment period for a Dec. 9, 2016, proposed rule to amend regulations under ARM 4.10.201 through .1806

---

(nonconsecutive); adopt regulations under Rules I and II; and repeal regulations under ARM 4.10.702, .709 and .1801 regarding pesticides. The rule sets forth requirements and procedures for the Pesticide Container Recycling Program and exchangeable pesticides to reflect current practice and adds related recordkeeping requirements. The rule also updates provisions regarding applicator certification and competency, recordkeeping, licensure applications, dealers, classification and registration, storage, penalties, waste disposal and fees. In addition, the rule removes obsolete provisions regarding registration and the use of pesticides on pest infestations in alfalfa seed crops. The changes remove provisions concerning an obsolete credit for participation in the recycling program. Comments now are due July 15, 2017. Contact: Cort Jensen; Department of Agriculture; 406-444-3144; agr@mt.gov

—Montana Administrative Register (05/26/2017)

#### Regulatory Update

#### **SOLID WASTE**

#### Solid Waste Management/Landfarm Facilities and Organic Waste Compost Standards

#### **Montana SOLID WASTE**

Notice of the Department of Environmental Quality announces corrections to a March 10, 2017, final rule that amended regulations under ARM 17.50.403 and .502 and adopted regulations under ARMN 17.50.1601 through .1719 regarding solid waste management standards, landfarm facilities and compost standards. The rule updated and clarified definitions relating to the licensure and management of composting facilities for animal carcasses and butcher waste. The rule also updated standards for facilities that treat contaminated soils from underground storage tanks and other small-volume cleanup activities, reduced the amount of compost feedstock that facilities may accept annually and clarified the definition of “floodplains.” In addition, the rule set forth standards for landfarm facility contaminated soil cleanup. Finally, the rule established standards for organic waste compost facilities, including application requirements, siting standards, design criteria, operation and maintenance plans, recordkeeping and reporting, remediation, sampling, and closure/post-closure plans. The corrections revise several typographical errors. The corrections are effective May 27, 2017. Contact: Denise Hartman; DEQ; 406-444-2630; dhartman2@mt.gov

—Montana Administrative Register (05/26/2017)

#### Regulatory Update

## **Ohio**

#### **HAZARDOUS WASTE MANAGEMENT**

#### Underground Storage Tanks

#### **Ohio HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Department of Commerce, Division of State Fire Marshal, amends regulations under OAC 1301:7-9-01 through -19 (nonconsecutive); rescinds and readopts regulations under OAC 1301:7-9-05, -06 and -07; and rescinds regulations under OAC 1301:7-9-09 and -14 to clarify underground storage tanks (UST) standards and conform to a July 15, 2015, EPA final rule. The rule updates provisions concerning requirements for reporting hazardous substances, the list of hazardous substances, UST registration and permitting, and definitions.

The rule also updates provisions concerning financial responsibility for petroleum USTs; design, construction, installation, operation and maintenance requirements; release detection methods and requirements; and installer certification and training. In addition, the rule updates out-of-service, closure-in-place, permanent removal, change-in-service and closure assessment requirements; delegations of authority for inspection; contaminated soil, sampling and analysis of soil; delivery prohibitions; and operator training requirements. Finally, the rule deletes provisions concerning sensitive areas and voluntary corrective actions. A hearing is scheduled for June 20, 2017, in Reynoldsburg. Comments are due June 20, 2017. Contact: David Sauer; Division of State Fire Marshal, Bureau of Underground Storage Tank Regulations; 614-752-7096; David.Sauer@com.state.oh.us

—Ohio Regulations (05/22/2017)

#### Regulatory Update

### Texas

#### *AIR*

#### Asbestos Health Protection/General Provisions

#### Texas AIR

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.1 through .5 regarding general provisions for asbestos health protection. The rule would have adopted by reference national emission standards for hazardous air pollutants regarding the national emission standard for asbestos and demolition and renovation activities, Asbestos Hazard Emergency Response Act (AHERA) standards for asbestos-containing materials in schools, and memorandums of understanding concerning inspection of solid waste facilities that receive asbestos waste. The rule also would have addressed compliance with AHERA standards and excluded single private residences or single apartment buildings with no more than four dwelling units from this rule. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.31 and .33. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

#### Regulatory Update

#### **OCCUPATIONAL SAFETY AND HEALTH**

#### Asbestos Abatement Supervisors

#### Texas OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.71, .72, .73 and .74 to set forth license and registration fees for asbestos abatement supervisors. The rule would have reduced the licensure fee to \$400, increased the fee to process refunds to \$50, and added a fee of \$30 for each returned check. The rule also would have specified circumstances that result in late fees and established provisions concerning payment devices that are not honored by the issuing financial institution. In addition, the rule would have clarified what constitutes good cause for denying a request for fee reimbursement. A concurrently withdrawn proposed rule would have

repealed existing provisions under 25 TAC 295.46. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Accreditation

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.151 to set forth accreditation requirements for asbestos abatement workers, contractors/supervisors, project designers and inspectors performing asbestos abatement in commercial buildings. The rule also would have added a requirement that such persons have a photo identification card onsite. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.57. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Definitions

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.21 regarding asbestos health protection definitions. The rule would have defined new terms, clarified existing terms, and removed obsolete terms. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.32. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Enforcement

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.251 through .260 to set forth enforcement provisions for requirements related to asbestos abatement and other asbestos-related activities in public buildings, facilities and commercial buildings. The rule would have addressed denial, suspension and revocation of licenses; probation; denial, withdrawal or suspension of approval for training courses; penalties; and notice and hearing requirements. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Exemptions

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.171, .172, .173, .174 and .175 to set forth exemptions from licensure requirements related to asbestos health protection. The rule would have established exemptions for removal of resilient floor covering, emergency abatement, and small projects and repetitive tasks in public buildings. The rule also would have exempted state-registered architects and licensed professional engineers providing a written certification used as an asbestos survey from department licensure requirements and established a regulatory threshold for nonfriable material in a public building. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.36. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Inspections and Investigations

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.231 regarding inspections and investigations related to asbestos health protection. The rule would have established that the department has the right to inspect or investigate the practices of any person involved with asbestos abatement or related activity in a public building, commercial building or facility. The rule also would have specified that advance notice of inspections is not required, that a person may not interfere with an inspection, and that attempting to bribe or threaten a department representative is a violation. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.68. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/License and Registration

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.41 through .59 regarding licensing and registration for asbestos workers, consultant agencies, transporters and laboratories. The rule would have established requirements for license and registration, initial and renewal licenses, acceptable academic credit, qualifying work experience, out-of-state

applicants and insurance. The rule also would have specified license or registration requirements, scope of practice and responsibilities for various asbestos workers entities. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.35 through .56. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Military Service Member Licensure and Registration

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.131 to set forth requirements for military service members, military veterans and military spouses to perform asbestos-related activities. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Notifications

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.211 to set forth requirements for notifying the department of any asbestos abatement or demolition. The rule would have required notification to be provided on the department's website or on a specified form and clarified the responsible party for notification purposes. The rule also would have described requirements for consolidated notifications and notifications of emergency renovation operations, demolitions, demolitions for structurally unsound buildings, abatement with demolition, and phased asbestos abatement and/or demolition projects. In addition, the rule would have set forth a tiered notification fee schedule and described requirements for payment and reimbursement of fees. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.61. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Asbestos Health Protection/Operations

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.191 through .200 to set

forth requirements related to asbestos abatement in public and commercial buildings and facilities. The rule would have set forth asbestos survey, abatement and air clearance requirements. The rule also would have specified inspection requirements for asbestos consultants and designated project managers, requirements for respiratory protection programs and work practices specific to operations and maintenance activities in public buildings. In addition, the rule would have established exemptions from notification, licensing and registration requirements; abatement practices and procedures for low-risk materials, small projects and repetitive tasks; and recordkeeping requirements. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.58 through .62. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**  
**Asbestos Health Protection/Standards of Conduct**  
**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.31 and .32 regarding standards of conduct for asbestos workers. The rule would have established a code of ethics for licensees. The rule also would have prohibited specified conflicts of interest and exempted municipalities from such requirements. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.37. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**  
**Asbestos Health Protection/State Licensing Examination**  
**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.111 through .118 regarding licensing examinations for asbestos workers. The rule would have established general examination provisions and required approved applicants to take the examination within six months of applying and to submit all necessary documents and fees within three years of passing the examination. The rule also would have set forth provisions concerning the examination schedule, qualifications, registration and confirmation, admittance and conduct, grading and reporting of scores, re-examinations and analyzing examination performance. In addition, the rule would have required a request for examination performance analysis to be made within one year of the examination date. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.41. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

**Asbestos Health Protection/Training Providers, Instructors and Courses**

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have adopted regulations under 25 TAC 296.91, .92 and .93 to set forth license requirements, scope of practice and responsibilities for asbestos training providers. The rule also would have added a license category of asbestos training instructor and specified general, initial and refresher course training requirements for asbestos abatement workers, contractors/supervisors, air monitoring technicians, inspectors, management planners and project designers. A concurrently withdrawn proposed rule would have repealed existing provisions under 25 TAC 295.55, .64 and .65. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

**Regulatory Update**

**OCCUPATIONAL SAFETY AND HEALTH**

**Occupational Health/Asbestos Health Protection**

**Texas OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Department of State Health Services announces the withdrawal of a Nov. 11, 2016, proposed rule that would have repealed regulations under 25 TAC 295.31 through .73 regarding asbestos abatement and other asbestos-related activities in public buildings, facilities and commercial buildings. The rules were being updated under new 25 TAC 296 in a series of concurrently withdrawn proposed rules. The withdrawal is effective May 9, 2017. Contact: Lisa Hernandez; DSHS; 512-776-6972

—Texas Register (05/26/2017)

**Regulatory Update**

**RADIATION**

**Radioactive Substance Rules**

**Texas RADIATION**

Final rule of the Texas Commission on Environmental Quality amends regulations under 30 TAC 336.103 regarding the schedule of fees for low-level radioactive waste disposal site licenses. The rule removes the word “quarterly” to allow flexibility for the Radioactive Materials Division and the Financial Administration Division to invoice cost-recoverable activities by TCEQ on an as-needed basis. The rule is effective June 1, 2017. Contact: Hans Weger; TCEQ, Radioactive Materials Section; 512-239-6465

—Texas Register (05/26/2017)

**Regulatory Update**

[Privacy Policy](#) | [Terms of Service](#) | [Manage Your Email](#) | [Contact Us](#)

1801 South Bell Street, Arlington, VA 22202  
Copyright © 2017 The Bureau of National Affairs, Inc.  
EHS State Regulatory Alert