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From: Bloomberg BNA
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EHS State Regulatory Alert

September 13, 2017 - Number 176

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California Regions

AIR

Particulate Emissions from Soils with Toxic Air Contaminants California Regions AIR

Notice announces the intention of the South Coast Air Quality Management District to amend regulations under Rule 1466 regarding control of particulate matter emissions from soils with toxic air contaminants resulting from earth-moving activities at cleanup sites. The rule expands the list of applicable toxic air contaminants to include pesticides, herbicides, other metals, persistent biocumulative toxics, and semivolatile organic compounds. The rule also expands applicability of the control requirements to other government-designated sites. A workshop is scheduled for Sept. 19, 2017, in Diamond Bar. Comments are due Oct. 3, 2017. Contact: Uyen-Uyen Vo; South Coast AQMD, Planning, Rule Development and Area Sources; 909-396-2238; uvo@aqmd.gov

—California RegionsRegulations (09/12/2017)

Regulatory Update

WATER

Mercury and PCBs Wastewater Discharges/San Francisco Bay California Regions WATER

Notice of the San Francisco Bay Regional Water Quality Control Board announces two tentative orders regarding wastewater discharges to San Francisco Bay and its tributaries. The first order establishes a draft National Pollutant Discharge Elimination System permit (No. CA0038849) for nearly all treated sewage and industrial wastewater dischargers to implement the mercury and polychlorinated biphenyls (PCBs) total maximum daily load wasteload allocations. The second order revises nearly all individual discharge permits to consolidate stormwater provisions and monitoring and reporting requirements into one attachment; to remove biosolids land application management, monitoring, and reporting requirements; and to add a new monitoring category for bypasses relating to essential maintenance. The second order also clarifies reporting of duplicate sample results, updates dioxin toxicity equivalent factors to those established by the World

Health Organization in 2005, and addresses existing modifications set forth in certain individual monitoring and reporting programs. A hearing is scheduled for Nov. 8, 2017, in Oakland. Comments are due Oct. 13, 2017. Contact: James Parrish; San Francisco Bay RWQCB; 510-622-2381; jparrish@waterboards.ca.gov

—California Regions Regulations (09/12/2017)

Regulatory Update

Colorado

AIR

Motor Vehicle Emissions Inspection Program

Colorado AIR

Final rule of the Department of Public Health and Environment, Air Quality Control Commission, amends regulations under 5 CCR 1001-13, Regulation 11, regarding the motor vehicle emissions inspection program. The rule removes the requirement that the IM 240 test be the sole data used to develop a clean screen low-emitting vehicle index and allows the on-board diagnostic (OBD) test data collected from newer vehicles also to be used to develop the low-emitting vehicle index. The rule also addresses readiness requirements for Envirotest public lanes and self-inspecting vehicle fleets and removes readiness language from OBD inspection passing criteria to clarify that readiness is a determinant of whether or not a vehicle will undergo an OBD inspection. In addition, the rule clarifies that the IM 240 test conducted on 5 percent of OBD-tested vehicles is the pass/fail determinant for those vehicles and addresses OBD test procedures where tampering is detected. The rule is effective Sept. 30, 2017. Contact: Doug Decker; DPHE; Air Quality Control Commission; 303-692-3126; doug.decker@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Liquefied Petroleum Gas

Colorado OIL AND GAS INDUSTRY

Final rule of the Department of Labor and Employment, Division of Oil and Public Safety, amends regulations under 7 CCR 1101-15 regarding liquefied petroleum gas. The rule provides division contact information for obtaining incorporated National Fire Protection Association and National Institute of Standards and Technology codes and standards for a charge. The rule is effective Sept. 30, 2017. Contact: Scott Simmons; DLE, Division of Oil and Public Safety; 303-378-1103; scott.simmons@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Gunnison and Dolores River Basins
Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-35 to revise water quality classifications, standards, and designations for multiple segments in the Gunnison and Dolores river basins. The rule revises water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revises molybdenum, cadmium, nickel, and lead standards; updates antidegradation designations and ambient quality-based standards; and revises temporary modifications. In addition, the rule addresses temperature standards, adds nutrient standards for chlorophyll and total phosphorus, adds a direct use water supply subclassification, addresses site-specific revisions, and corrects the duration of the nitrate standard from chronic to acute on all segments. The rule is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Upper Colorado River Basin and North Platte River
Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-33 regarding classifications and numeric standards for the Upper Colorado River Basin and North Platte River (Planning Region 12). The rule extends the molybdenum temporary modification on Blue River Segment 14 through Dec. 31, 2018, due to delays in the International Molybdenum Association's finalization of their study report on the health effects of molybdenum. The rule is effective Sept. 30, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Commission; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

WATER

Water Pollution Control Revolving Fund, Drinking Water Revolving Fund
Colorado WATER

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces a hearing on proposed fiscal year 2018 intended use plans for the water pollution control revolving fund and the drinking water revolving fund. The plans include an increase to the 2018 direct loan limit, the Green Project Reserve loan limit, and the design/engineering grant amount to \$3 million each. The plans also include a new proportionality statement, a modified priority scoring model, and updated application of additional subsidization ranges. In addition, the plans clarify that loan terms are for the lesser of 30 years or the projected useful life, or as limited by statute. A hearing is scheduled for Oct. 10, 2017, in Denver. Comments are due Sept. 27, 2017. Contact: Bradley Monson; DPHE; 303-692-2286; bradley.monson@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

Delaware

WATER

Nutrient Management Certification Regulations

Delaware WATER

Notice of the Department of Agriculture announces changes to and the reopening of the comment period for a July 1, 2017, proposed rule to amend regulations under 3 DEAC 1201 regarding nutrient management certification standards. The rule incorporates by reference state technical standards for nutrient applications, development, and implementation of nutrient management and animal waste management plans, concentrated animal feeding operations (CAFOs), and siting new CAFO facilities. The revisions increase the allowed number of days of temporary field staging from 90 to 120 days. Comments now are Oct. 2, 2017. Contact: Chris Brosch; DDA, Nutrient Management Program; 302-698-4555; chris.brosch@state.de.us

—Delaware Register of Regulations (09/01/2017)

Regulatory Update

Florida

PESTICIDES

Pesticide Active Ingredients

Florida PESTICIDES

Proposed rule of the Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, repeals regulations under FAC 5E-2.040 to remove the obsolete list of pesticide active ingredients subject to supplemental registration fees. Comments are due Oct. 2, 2017. Contact: Kelly Friend; DACS, Division of Agricultural Environmental Services; 850-617-7900; kelly.friend@freshfromflorida.com

—Florida Administrative Weekly (09/11/2017)

Regulatory Update

Kentucky

GENERAL ENVIRONMENT AND SAFETY

Department for Environmental Protection/Administrative Hearings

Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Department for Environmental Protection,

adopts regulations under 401 KAR 100:011 to repeal regulations under 401 KAR 100:010 regarding general administrative hearing practice provisions. The rule removes provisions concerning timber harvesting, water resources, water plan operators and well drillers, and general environmental protection that are consolidated under 400 KAR 1:090 in a concurrent rule. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy and Environment Cabinet Hearings/Definitions
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, amends regulations under 400 KAR 1:001 to add, revise, and remove definitions relating to administrative hearings. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy and Environment Cabinet/Administrative Hearings
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, adopts regulations under 400 KAR 1:100 to establish general administrative hearing practice provisions. The rule relocates provisions concerning timber harvesting, water resources, water plan operators and well drillers, and general environmental protection from 401 KAR 100:010 that are repealed concurrently. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy and Environment Cabinet/Administrative Hearings
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, amends regulations under 400 KAR 1:090 regarding administrative hearing practice provisions. The rule relocates provisions under 400 KAR 1:030, 401 KAR 100:010, and 405 KAR 7:091 that are repealed concurrently. The rule also allows pleadings to be filed by email and clarifies provisions. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Energy and Environment Cabinet/Service of Process
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, adopts regulations under 400 KAR 1:031 to repeal regulations under 400 KAR 1:030 regarding administrative service of process, computation of time, and filing documents. A concurrent final rule relocates the provisions under 400 KAR 1:090. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

MINING

Coal Mining and Reclamation Operations/Administrative Hearings
Kentucky MINING

Final rule of the Energy and Environment Cabinet, Department of Natural Resources, amends and recodifies regulations under 405 KAR 7:092 as 405 KAR 1:110 to update and relocate provisions concerning administrative hearings and assessment conferences relating to surface coal mining and reclamation and coal exploration operations. The rule revises and clarifies hearing procedures to prevent conflict with other hearing provisions of the cabinet. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

MINING

Noncoal Mining Operations/Administrative Hearings
Kentucky MINING

Final rule of the Energy and Environment Cabinet, Department of Natural Resources, amends and recodifies regulations under 405 KAR 5:095 as 400 KAR 1:120 to update and relocate provisions concerning administrative hearings, informal settlement conferences, and general practice provisions relating to noncoal mineral operations. The rule revises and clarifies hearing procedures to prevent conflict with other hearing provisions of the cabinet. The rule also updates definitions and clarifies procedures and reasons for the cabinet to initiate an administrative hearing. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

MINING

Surface Mining and Reclamation/General Practice Provisions **Kentucky MINING**

Final rule of the Department of Natural Resources, Division of Mine Reclamation and Enforcement, adopts regulations under 405 KAR 7:093 to repeal regulations under 405 KAR 7:091 regarding surface coal mining and reclamation general practice provisions. The rule removes hearing and notice procedures that are consolidated under 400 KAR 1:090 in a concurrent rule. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; DNR, Office of the Commissioner; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

Nevada

HAZARDOUS MATERIALS TRANSPORTATION

Motor Carrier Safety Standards

Nevada HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Public Safety, Division of Highway Patrol, amends regulations under NAC 706.247 and .297 regarding motor carrier safety standards. The rule establishes procedures for the review, approval, and disapproval of amendments to incorporated federal standards by the director. The rule also provides for the incorporation by reference of federal motor carrier safety and hazardous materials transportation standards. In addition, the rule updates the definition of “commercial motor vehicle.” A comment due date is not specified. Contact: DPS, Division of Highway Patrol; 775-687-5300

—Nevada Register (09/11/2017)

Regulatory Update

PESTICIDES

Control of Insects, Pests and Noxious Weeds

Nevada PESTICIDES

Proposed rule of the Department of Agriculture, Seed Division, adopts regulations under NAC 555 to establish requirements for pesticide use on crops grown for seed. The rule provides for designation of areas as nonfood or nonfeed sites for the purposes of registering, labeling, distributing, and using a pesticide on crops grown for seed production. The rule also provides that registration is not required if the pesticide has no established pesticide residue tolerance and is applied to a nonfood or nonfeed site. In addition, the rule prohibits application of a pesticide for which there is no established pesticide residue tolerance to food or feed site. Finally, the rule establishes a list of crops and addresses product registration, labeling, distribution, and use. A comment due date is not specified. Contact: Department of Agriculture; 775-353-3601

—Nevada Register (09/11/2017)

Regulatory Update

South Dakota

AIR

Air Emission Fees/Title V Air Quality Permitting Program

South Dakota AIR

Proposed rule of the Department of Environment and Natural Resources amends regulations under ARSD 74:37:01:03.01, :04, :05, :07, :07.01, :07.02, and :07.03 regarding air emission fees for the Title V air quality permitting program. The rule increases application and administrative fees; annual air emission fees; and annual flat fees for rock crushers, asphalt plants, and coal-fired power plants. The rule also provides for annual adjustments for the various fees based on the consumer price index. A hearing is scheduled for Oct. 18, 2017, in Pierre. Comments are due Oct. 30, 2017. Contact: Kyrik Rombough; DENR; 605-773-3151

—South Dakota Register (09/11/2017)

Regulatory Update

Wyoming

MINING

Uranium Recovery Program

Wyoming MINING

Final rule of the Department of Environmental Quality, Land Quality Division, adopts regulations under Chapters 1 through 9 regarding the Uranium Recovery Program. The rule establishes requirements and incorporates by reference federal standards for uranium and thorium milling activities and for the management and disposal of resulting byproduct materials. The rule addresses radiation protection standards, licensing requirements for source and byproduct material, inspection and enforcement procedures, fees, financial assurance mechanisms, and transportation requirements. The rule is effective Sept. 8, 2017. Contact: Ryan Schierman; DEQ, Land Quality Division; 307-777-7757; ryan.schierman@wyo.gov

—Wyoming Regulations (09/10/2017)

Regulatory Update

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