

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
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EHS State Regulatory Alert

May 25, 2017 - Number 100

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Colorado

AIR

Motor Vehicle Emissions Inspection Program **Colorado AIR**

Proposed 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. A hearing is scheduled for Aug. 17, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due July 31, 2017. Contact: Doug Decker; DPHE; Air Quality Control Commission; 303-692-3126; doug.decker@state.co.us

—Colorado Register (05/22/2017)

Regulatory Update

Illinois

OCCUPATIONAL SAFETY AND HEALTH
Industrial Hygienists
Illinois OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Illinois EPA repeals regulations under 35 IAC 184.100 through .600 regarding licensing of industrial hygienists. The rule deletes provisions concerning applicability, the Industrial Hygiene Examining Board, application requirements, licensure, fees and reciprocity. Comments are due June 3, 2017. Contact: Sara Terranova; IEPA; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (05/19/2017)

Regulatory Update

SOLID WASTE

Medication Takeback Program

Illinois SOLID WASTE

Proposed rule of the Illinois EPA adopts regulations under 35 IAC 889.100 through .220 to establish the medication takeback program. The rule sets forth the application process for individuals that seek disposal of pharmaceutical products at takeback locations and specifies that the agency may provide for the disposal of pharmaceutical products accepted at one or more medication takeback locations and that the agency will review applications. The rule also specifies operating requirements for takeback locations, recordkeeping and operator termination. Comments are due June 3, 2017. Contact: Sara Terranova; IEPA; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (05/19/2017)

Regulatory Update

Minnesota

OCCUPATIONAL SAFETY AND HEALTH

Occupational Safety and Health Standards/Fall Protection Systems

Minnesota OCCUPATIONAL SAFETY AND HEALTH

Proposed exempt rule of the Department of Labor and Industry, Occupational Safety and Health Division, adopts regulations under MNR 5205.0010 to incorporate by reference Nov. 18, 2016, federal standards under 29 CFR 1910 concerning general industry standards on walking-working surfaces and personal protective equipment. The rule addresses fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems. The rule also adds requirements concerning design, performance and use of personal fall protection systems. Comments are due June 21, 2017. Contact: Ken Peterson; DLI, Occupational Safety and Health Division; 651-284-5235

—Minnesota State Register (05/22/2017)

Regulatory Update

Virginia

AIR

Permits for Stationary Sources

Virginia AIR

Proposed rule of the Department of Environmental Quality, Air Pollution Control Board, amends regulations under 9 VAC 5-80-320 through -2340 (nonconsecutive) and adopts regulations under 9 VAC 5-80-342, -2282 and -2342 to increase Title V stationary source permit fees. The rule revises the permit program emissions fee calculation methodology by specifying increases of 18.6 and 15 percent for 2018 and 2019 and a calculation based on consumer price index (CPI) adjustments for billing years after 2019. The rule also provides that base permit application fees for 2019 are 10 percent more than the previous calendar year and are otherwise calculated based on CPI adjustments. In addition, the rule provides that base permit maintenance fee adjustments are based on CPI adjustments, except as specified for certain sources for billing years 2019 and 2020, and adds a new minimum permit maintenance fee for synthetic minor sources. Finally, the rule excludes greenhouse gases from the calculation of permit program emissions fees and adds and revises definitions. A hearing is scheduled for July 6, 2017, in Richmond. Comments are due July 28, 2017. Contact: Gary Graham; DEQ; 804-698-4103; gary.graham@deq.virginia.gov

—Virginia Register (05/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Small Renewable Energy Projects Permit-by-Rule/Combustion

Virginia GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Quality amends regulations under 9 VAC 15-70-10 and -30 regarding permit-by-rule for small renewable combustion energy projects. The rule revises the definition of “small renewable energy project” and adds certification requirements. The rule also provides that any project beginning operation after July 1, 2017, is eligible for combustion permit-by-rule and exempt from commission environmental review if the project is proposed, developed, constructed or purchased by a public utility and costs are not recovered from state customers under base rates, a fuel factor charge or a rate adjustment clause or by a specified utility aggregation cooperative. The rule is effective July 1, 2017. Contact: Mary Major; DEQ; 804-698-4423; mary.major@deq.virginia.gov

—Virginia Register (05/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Small Renewable Energy Projects Permit-by-Rule/Solar

Virginia GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Quality amends regulations under 9 VAC 15-60-10, -20, -30 and -110 regarding permit-by-rule for small renewable solar energy projects. The rule increases the maximum size of a small renewable solar energy project from 100 to 150 megawatts and adds certification requirements. The rule also provides that any project beginning operation after July 1, 2017, is eligible for solar permit-by-rule and exempt from commission environmental review if the project is proposed, developed, constructed or purchased by a public utility and costs are not recovered from state customers under base rates or by a specified utility

aggregation cooperative. The rule is effective July 1, 2017. Contact: Mary Major; DEQ; 804-698-4423; mary.major@deq.virginia.gov

—Virginia Register (05/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Small Renewable Energy Projects Permit-by-Rule/Wind
Virginia GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Quality amends regulations under 9 VAC 15-40-10, -20 and -30 regarding permit-by-rule for small renewable wind energy projects. The rule increases the maximum size of a small renewable wind energy project from 100 to 150 megawatts and adds certification requirements. The rule also provides that any project beginning operation after July 1, 2017, is eligible for wind permit-by-rule and exempt from State Corporation Commission environmental review if the project is proposed, developed, constructed or purchased by a public utility and costs are not recovered from state customers under base rates or by a specified utility aggregation cooperative. The rule is effective July 1, 2017. Contact: Mary Major; DEQ; 804-698-4423; mary.major@deq.virginia.gov

—Virginia Register (05/29/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Master-Metered Natural Gas and Intrastate Hazardous Liquids Pipeline Systems
Virginia OCCUPATIONAL SAFETY AND HEALTH

Final rule of the State Corporation Commission amends regulations under 20 VAC 5-307-10 and -308-10 regarding the safety of master-metered natural gas and intrastate hazardous liquid pipeline systems. The rule corrects the telephone number for the commission's manager of gas pipeline safety. The rule is effective May 29, 2017. Contact: Angela Bowser; SCC, Division of Information Resources; 804-371-9142; angela.bowser@scc.virginia.gov

—Virginia Register (05/29/2017)

Regulatory Update

RADIATION

Radiation Protection Regulations/Fee Schedule
Virginia RADIATION

Notice announces the intention of the Department of Health, State Board of Health, to amend regulations under 12 VAC 5-490 regarding the fee schedule for the radiation protection standards. The rule increases fees for the X-Ray Program for device registrations and inspections and for the Radioactive Materials Program for initial licensure and annual license renewal. Comments are due June 28, 2017. Contact: Steve Harrison; DOH, Division of Radiological Health; 804-864-8151; steve.harrison@vdh.virginia.gov

—Virginia Register (05/29/2017)

Regulatory Update

WATER

Alternative On-Site Sewage Systems

Virginia WATER

Proposed rule of the Department of Health, State Board of Health, amends regulations under 12 VAC 5-613-10 and -90 regarding performance, operation and maintenance requirements for alternative on-site sewage systems. The rule revises the definition of “direct dispersal of effluent to ground water” to clarify that excavation excludes a pre-existing soil disturbance not designed to create a direct conduit or preferential path to groundwater. The rule also adds performance requirements for repairs or voluntarily upgrades to sewer systems that already disperse to groundwater and specifies that systems designed to meet the requirements constructed after Dec. 7, 2013, are not eligible for the new performance and sampling requirements. The rule, which is proposed for fast-track processing, is proposed to be effective July 17, 2017. Comments are due June 28, 2017. Contact: Allen Knapp; DOH, Office of Environmental Health Services; 804-864-7458; allen.knapp@vdh.virginia.gov

—Virginia Register (05/29/2017)

Regulatory Update

West Virginia

OCCUPATIONAL SAFETY AND HEALTH

Proximity Detection Systems and Haulage Safety

West Virginia OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Board of Coal Mine Health and Safety adopts regulations under 36 WVCSR 57 regarding proximity detection systems and haulage safety. The rule establishes requirements for proximity detection systems on newly purchased place-change continuous miners, rebuilt place-change miners, and existing place-change continuous miners and requires cameras or proximity detection systems on scoop cars and battery-powered section haulage equipment by Sept. 1, 2017. The rule also requires the agency to visit each mine and host regional workshops within six months to discuss new requirements and disseminate information on proximity devices and the use of cameras on underground equipment. In addition, the rule sets forth requirements for equipment operators; requires a minimum of 100 square inches of reflective or highly visible clothing be worn by underground employees; establishes a designated work site program; and requires mine operators to conduct briefings with mine personnel within 15 days of receipt of rules. Finally, the rule requires the agency director to seek approval of extended-cut mining plans with the Mine Safety and Health Administration to reduce occurrences of underground haulage safety concerns. The rule, which was adopted with changes, is effective May 22, 2017. Contact: BCMHS; 304-957-2306

—West Virginia Register (05/22/2017)

Regulatory Update

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