

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
**Sent:** Fri 7/7/2017 12:10:08 PM  
**Subject:** July 07 -- EHS Federal Regulatory Alert



## **EHS Federal Regulatory Alert**

July 07, 2017 - Number 129

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.

### Summaries

*AIR*

California SIP/Antelope Valley AQMD

**AIR**

Final rule of the EPA approves a revision to the Antelope Valley Air Quality Management District (AQMD) portion of the California SIP regarding volatile organic compounds and nitrogen oxide emissions from passenger vehicles. The revision addresses a mechanism for obtaining documentation of emission reductions resulting from trip reduction programs that encourage ridesharing and educate employees and the public on health impacts of motor vehicle pollution. The rule is effective Aug. 7, 2017. Contact: Jeffrey Buss; EPA Region 9; 415-947-4152; buss.jeffrey@epa.gov. Citations: 40 CFR 52.220

82 FR 31457 (07/07/2017)

### Regulatory Update

*AIR*

Pennsylvania SIP/Volatile Organic Compound Reasonably Available Control Technology

**AIR**

Direct final rule of the EPA approves revisions to the Pennsylvania SIP to certify that the state's 2006 reasonably available control technology (RACT) controls that were approved by the EPA under the one-hour ozone NAAQS are based on currently available controls and that they continue to represent RACT for the 1997 ozone NAAQS for applicable control technique guideline (CTG) source categories and for three non-CTG volatile organic compound (VOC) categories. Pennsylvania makes a negative declaration that there are no sources in the commonwealth for five CTG source categories. The revisions do not address Pennsylvania's May 2016 VOC and nitrogen oxides RACT rule, which will be addressed in a separate action. The rule is effective Oct. 5, 2017, unless adverse comments are received by Aug. 7, 2017. Contact: Maria Pino; EPA Region 3; 215-814-2181; pino.maria@epa.gov. Citations: 40 CFR 52.2020

82 FR 31464 (07/07/2017)

## Regulatory Update

### **AIR**

#### **Pennsylvania SIP/Volatile Organic Compound Reasonably Available Control Technology** **AIR**

Proposed rule of the EPA would approve revisions to the Pennsylvania SIP to certify that the state's 2006 reasonably available control technology (RACT) controls that were approved by the EPA under the one-hour ozone NAAQS are based on currently available controls and that they continue to represent RACT for the 1997 ozone NAAQS for applicable control technique guideline (CTG) source categories and for three non-CTG volatile organic compound (VOC) categories. Pennsylvania makes a negative declaration that there are no sources in the commonwealth for five CTG source categories. The revisions do not address Pennsylvania's May 2016 VOC and nitrogen oxides RACT rule, which will be addressed in a separate action. A concurrent direct final rule adopts the revisions, effective Oct. 5, 2017. Comments are due Aug. 7, 2017. Contact: Maria Pino; EPA Region 3; 215-814-2181; pino.maria@epa.gov. Citations: 40 CFR 52.2020

82 FR 31547 (07/07/2017)

## Regulatory Update

### **AIR**

#### **Tennessee/Reid Vapor Pressure Requirements** **AIR**

Final rule of the EPA approves Tennessee's noninterference demonstration regarding revisions to gasoline Reid vapor pressure (RVP) requirements in Shelby County. The revisions modify the RVP standard to 9.0 pounds per square inch for gasoline sold from June 1 to Sept. 15 each year. The noninterference demonstration supports the conclusion that the revision will not interfere with the attainment or maintenance of any NAAQS or with any other applicable requirement of the Clean Air Act. The rule is effective July 7, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.2220

82 FR 31462 (07/07/2017)

## Regulatory Update

### **AIR**

#### **Wisconsin SIP/Site-Specific SO<sub>2</sub> Requirements for USG-Walworth** **AIR**

Direct final rule of the EPA approves revisions to the Wisconsin SIP regarding site-specific sulfur dioxide (SO<sub>2</sub>) requirements for the USG Interiors LLC facility in Walworth (USG-Walworth). The revisions include an increase in the height of the cupola exhaust stack to 175 feet and an SO<sub>2</sub> emission limit of 301.3 lbs/hour in conjunction with a minimum cupola stack flue gas flow rate. The revisions also address sampling requirements for sulfur, moisture, and heat content of each of the materials input to the cupola and sulfur content of the mineral wool product or waste material output from the cupola. The revisions will enable the area near USG-Walworth to qualify for designation as attainment of the 2010 primary SO<sub>2</sub> national ambient air quality standards,

which will be addressed in a future rulemaking. The rule is effective Sept. 5, 2017, unless adverse comments are received by Aug. 7, 2017. Contact: Jenny Liljegren; EPA Region 5; 312-886-6832; Liljegren.Jennifer@epa.gov. Citations: 40 CFR 52.2570

82 FR 31458 (07/07/2017)

Regulatory Update

**AIR**

Wisconsin SIP/Site-Specific SO<sub>2</sub> Requirements for USG-Walworth

**AIR**

Proposed rule of the EPA would approve revisions to the Wisconsin SIP regarding site-specific sulfur dioxide (SO<sub>2</sub>) requirements for the USG Interiors LLC facility in Walworth (USG-Walworth). The revisions include an increase in the height of the cupola exhaust stack to 175 feet and an SO<sub>2</sub> emission limit of 301.3 lbs/hour in conjunction with a minimum cupola stack flue gas flow rate. The revisions also address sampling requirements for sulfur, moisture, and heat content of each of the materials input to the cupola and sulfur content of the mineral wool product or waste material output from the cupola. The revisions will enable the area near USG-Walworth to qualify for designation as attainment of the 2010 primary SO<sub>2</sub> national ambient air quality standards, which will be addressed in a future rulemaking. A concurrent direct final rule adopts the provisions, effective Sept. 5, 2017. Comments are due Aug. 7, 2017. Contact: Jenny Liljegren; EPA Region 5; 312-886-6832; Liljegren.Jennifer@epa.gov. Citations: 40 CFR 52.2570

82 FR 31546 (07/07/2017)

Regulatory Update

**ENDANGERED SPECIES**

New Jersey/Marine Mammals Incidental Take

**ENDANGERED SPECIES**

Notice of the National Marine Fisheries Service announces the issuance of an incidental harassment authorization to Ocean Wind LLC to take marine mammals incidental to 2017 geophysical survey investigations off the coast of New Jersey in the area of the commercial lease of submerged lands for renewable energy development on the Outer Continental Shelf. The authorization allows take in the form of Level B harassment of the blue whale, fin whale, right whale, sei whale, and sperm whale for 42 days for geophysical survey activities and 12 days for geotechnical survey activities to support development of an offshore wind project. The authorization is effective June 8, 2017, and expires June 7, 2018. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401

82 FR 31562 (07/07/2017)

Regulatory Update

**ENDANGERED SPECIES**

New Mexico, Texas/Texas Hornshell

**ENDANGERED SPECIES**

Notice of the U.S. Fish and Wildlife Service announces the receipt of applications from the Center

of Excellence in Hazardous Material Management and the New Mexico State Land Office for two separate enhancement of survival permits and draft programmatic candidate conservation agreements with assurances for the endangered Texas hornshell and sensitive species that inhabit the same habitat, including the Rio Grande River cooter, gray redbreast, blue sucker, and Pecos springsnail. The first permit application addresses activities in west Texas and southeast New Mexico and the second permit application addresses activities on New Mexico state trust lands. The permits and agreements would authorize incidental take resulting from voluntary activities to restore, maintain, enhance, or create habitat for the species for a 30-year term. The notice also announces the receipt of a draft candidate conservation agreement for the species from the Bureau of Land Management that addresses activities on federal land in southeastern New Mexico and that would provide participants with a high degree of certainty that additional conservation measures or limitations will not be imposed upon them should one or more of the species become listed in the future. In addition, the notice announces the availability of a draft environmental assessment. Comments are due Aug. 7, 2017. Contact: Debra Hill; USFWS, New Mexico Ecological Services Field Office; 505-346-2525

82 FR 31625 (07/07/2017)

Regulatory Update

***ENDANGERED SPECIES***

Washington State/Marine Mammals Incidental Take

**ENDANGERED SPECIES**

Notice of the National Marine Fisheries Service, announces the issuance of an incidental harassment authorization to the Washington State Department of Transportation to take seven species of marine mammals incidental to the Seattle Multimodal Construction Project. The project involves preservation and reconfiguration of the Seattle Ferry Terminal at Colman Dock. The authorization allows take in the form of Level A and Level B harassment. The authorization is effective Aug. 1, 2017, through July 31, 2018. Contact: Shane Guan; NMFS, Office of Protected Resources; 301-427-8401

82 FR 31579 (07/07/2017)

Regulatory Update

***FOOD SAFETY***

Meat, Poultry, and Egg Product Importation Guidance

**FOOD SAFETY**

Notice of the Food Safety and Inspection Service announces availability of guidance concerning importation of meat, poultry, and egg products. The document, which is intended for U.S. importers, customs brokers, official import inspection establishments, egg products plants, and other interested parties, summarizes existing requirements and best practices for complying with inspection requirements. Comments are due Sept. 5, 2017. Contact: Roberta Wagner; FSIS; 202-205-0495

82 FR 31549 (07/07/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
Environmental Impact Statements  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the EPA announces the availability of environmental impact statements filed June 26-30, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 31597 (07/07/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
National Marine Fisheries Service, National Ocean Service/Regulatory Reform  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the National Marine Fisheries Service and the National Ocean Service requests comments concerning the efficiency and effectiveness of current regulatory processes and whether such processes may be revised or expedited. The agency seeks to identify regulations that eliminate jobs or inhibit job growth; are outdated, ineffective, or inconsistent with regulatory reform initiatives or policies; impose costs that exceed benefits; or are inconsistent with legislative requirements, executive orders, or other presidential directives. The request is in response to recent executive orders 13766, 13771, 13777, 13783, and 13795. The agency also seeks comments regarding the application of federal regulations to marine aquaculture. Comments are due Aug. 21, 2017. Contact: Kelly Denit; NMFS, Office of Sustainable Fisheries; 301-427-8500

82 FR 31576 (07/07/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
New York/Genetically Engineered Diamondback Moths  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Animal and Plant Health Inspection Service announces the availability of a final environmental assessment and finding of no significant impact for the proposed field release of diamondback moths that have been genetically engineered for repressible female lethality. The assessment is in response to a permit application from Cornell University in Ithaca, N.Y., for open and caged field releases at the New York State Agricultural Experiment Station in Geneva, N.Y. The agency is issuing a permit for the field release of the genetically engineered diamondback moths concurrent to this notice. Contact: Chessa Huff-Woodard; APHIS, Biotechnology Regulatory Services; 301-851-3943; chessa.d.huff-woodward@aphis.usda.gov. Citations: 7 CFR 340

82 FR 31548 (07/07/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
Ohio/Surface Transportation Project Delivery Program Audit Report

## **GENERAL ENVIRONMENT AND SAFETY**

Notice of the Federal Highway Administration announces the finalization of the first annual Ohio Department of Transportation (ODOT) Surface Transportation Project Delivery Program audit report. The audit report addresses state compliance with the program under a Dec. 11, 2015, memorandum of understanding between the FHWA and ODOT under which ODOT assumed environmental review responsibilities for federally funded highway projects in the state. The program requires one audit each year during the first four years of program participation. The audit report, which finalizes a March 16, 2017, draft report (82 FR 14096), finds ODOT to be in substantial compliance with the MOU. Contact: Kreig Larson; FHWA, Office of Project Development and Environmental Review; 202-366-2056; Kreig.Larson@dot.gov

82 FR 31673 (07/07/2017)

Regulatory Update

## **GENERAL ENVIRONMENT AND SAFETY**

U.S. Coast Guard/Regulations, Guidance Documents, Interpretative Documents

## **GENERAL ENVIRONMENT AND SAFETY**

Notice of the U.S. Coast Guard announces an extension of the comment period for a June 8, 2017, notice (82 FR 26632) concerning a request for comments on guidance documents; interpretative documents; information collections; and provisions regarding navigation and navigable waters, shipping, and transportation. The information collected will be used to support efforts within the Department of Homeland Security's Regulatory Reform Task Force to identify regulations that eliminate jobs, are outdated or ineffective, or impose costs that exceed benefits. The initial request is in response to executive orders 13771, 13777, and 13783. Comments now are due Sept. 11, 2017. Contact: Adam Sydnor; USCG; 202-372-1490; HQSSMB-REGreforminput@uscg.mil. Citations: 33 CFR 1 through 199, 46 CFR 1 through 499 (nonconsecutive), and 49 CFR 400 through 499

82 FR 31545 (07/07/2017)

Regulatory Update

## **GENERAL ENVIRONMENT AND SAFETY**

Wyoming/Normally Pressured Lance Natural Gas Development Project

## **GENERAL ENVIRONMENT AND SAFETY**

Notice of the Bureau of Land Management announces the availability of a draft environmental impact statement for the proposed Normally Pressured Lance (NPL) natural gas development project within the bureau's Pinedale and Rock Springs Field Offices, in Sublette County, Wyoming. The project would consist of the co-location of wells to a single pad, with no more than four well pads per 640 acres in areas outside of the greater sage grouse priority habitat management area. The project also would include associated access roads, pipelines, and other ancillary facilities. Comments are due Aug. 21, 2017. Contact: Susan Dailey; BLM, Pinedale Field Office; 307-367-5310; sdailey@blm.gov

82 FR 31628 (07/07/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

**Motor Carrier Safety/Accident Recordkeeping Requirements**

**HAZARDOUS MATERIALS TRANSPORTATION**

Notice of the Federal Motor Carrier Safety Administration announces the submission of a continuing information collection request to the OMB regarding commercial motor vehicle (CMV) accident recordkeeping requirements. The collection addresses the requirement for motor carriers to maintain a registry that includes information including the date, location, driver name, number of injuries and fatalities, and whether certain hazardous materials were released for each CMV accident. The collection also addresses the requirement for motor carriers to maintain copies of all accident reports required by insurers and government entities. Comments are due Aug. 7, 2017. Contact: Robert Schultz; FMCSA, Driver and Carrier Operations Division; 202-366-4325; MCPSD@dot.gov. Citations: 49 CFR 390.15

82 FR 31682 (07/07/2017)

**Regulatory Update**

**HAZARDOUS WASTE CLEANUP**

**New Jersey/Alfred Heller Heat Treating Superfund Site**

**HAZARDOUS WASTE CLEANUP**

Notice of the EPA announces a proposed settlement under CERCLA Sections 104, 106, 107, and 122 with 356 Getty Avenue LLC regarding the Alfred Heller Heat Treating Superfund Site in Clifton, N.J. The settlement requires 356 Getty to pay \$25,000 for the EPA's future oversight costs at the site and to perform a CERCLA removal action. The settlement also includes a covenant not to sue by the agency regarding existing contamination. Comments are due Aug. 7, 2017. Contact: Deborah Schwenk; EPA Region 2, Office of Regional Counsel; 212-637-3149; schwenk.deborah@epa.gov

82 FR 31593 (07/07/2017)

**Regulatory Update**

**OIL AND GAS INDUSTRY**

**OCS Oil and Gas Drilling Operations**

**OIL AND GAS INDUSTRY**

Notice announces the intention of the Bureau of Safety and Environmental Enforcement to seek OMB approval for a continuing information collection request regarding oil and gas drilling operations on the Outer Continental Shelf (OCS). The collection addresses the safety of drilling crews, proper use of equipment, environmental protection, and compliance with safety standards. The collection also addresses end-of-operation reporting (BSEE-0125) and well and status drilling operations (BSEE-0133/0133S). Comments are due Sept. 5, 2017. Contact: Nicole Mason; BSEE, Regulations and Standards Branch; 703-787-1607. Citations: 30 CFR 250, Subpart D

82 FR 31629 (07/07/2017)

**Regulatory Update**

**PESTICIDES**

**Pesticide Tolerances/Flonicamid**

**PESTICIDES**

Final rule of the EPA establishes tolerances for residues of the fungicide flonicamid in or on succulent shelled peas and beans at 7.0 parts per million (ppm); dried shelled peas and beans, except for soybeans, at 3.0 ppm; and legumes with an edible pod at 4.0 ppm. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The rule is effective July 7, 2017. Objections and hearing requests are due Sept. 5, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDRNotices@epa.gov. Citations: 40 CFR 180.613

82 FR 31468 (07/07/2017)

**Regulatory Update**

**PESTICIDES**

**Pesticide Tolerances/Prosulfuron**

**PESTICIDES**

Final rule of the EPA establishes tolerances for residues of the herbicide prosulfuron in or on multiple commodities. The rule is issued in response to a petition filed by Syngenta Crop Protection LLC, of Greensboro, N.C. The rule is effective July 7, 2017. Objections and hearing requests are due Sept. 5, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDRNotices@epa.gov. Citations: 40 CFR 180.481

82 FR 31471 (07/07/2017)

**Regulatory Update**

**RADIATION**

**List of Approved Spent Fuel Storage Casks**

**RADIATION**

Direct final rule of the NRC revises the EnergySolutions™ Corp. VSC-24 Ventilated Storage Cask System listing in the list of approved spent fuel storage casks to renew the initial certificate (No. 1007) and Amendment Nos. 1-6 for an additional 40 years. The renewal requires cask users to establish, implement, and maintain written procedures for aging management program elements, including a lead cask inspection program, for VSC-24 Storage Cask structures, systems, and components important to safety. The rule also requires users to conduct periodic tollgate assessments of new information on structure, system, and component aging effects and mechanisms. The rule is effective Sept. 20, 2017, unless adverse comments are received by Aug. 7, 2017. Contact: Robert MacDougall; NRC; 301-415-5175; Robert.MacDougall@nrc.gov. Citations: 10 CFR 72.214

82 FR 31433 (07/07/2017)

**Regulatory Update**

**RADIATION**

List of Approved Spent Fuel Storage Casks  
**RADIATION**

Proposed rule of the NRC revises the EnergySolutions™ Corp. VSC-24 Ventilated Storage Cask System listing in the list of approved spent fuel storage casks to renew the initial certificate (No. 1007) and Amendment Nos. 1-6 for an additional 40 years. The renewal requires cask users to establish, implement, and maintain written procedures for aging management program elements, including a lead cask inspection program, for VSC-24 Storage Cask structures, systems, and components important to safety. The rule also requires users to conduct periodic tollgate assessments of new information on structure, system, and component aging effects and mechanisms. A concurrent direct final rule adopts the provisions, effective Sept. 20, 2017. Comments are due Aug. 7, 2017. Contact: Robert MacDougall; NRC; 301-415-5175; Robert.MacDougall@nrc.gov. Citations: 10 CFR 72.214

82 FR 31512 (07/07/2017)

Regulatory Update

***TOXIC SUBSTANCES***

Chemical Substance Risk Evaluations/Scoping Documents  
**TOXIC SUBSTANCES**

Notice of the EPA announces the availability of scoping documents for the 10 chemical substances designated for initial risk evaluations under the June 2016 amendments to TSCA (81 FR 91927; 12/19/2016). The scoping documents address the hazards, exposures, conditions of use, and potentially exposed or susceptible subpopulations the EPA expects to consider in conducting the risk evaluations. The listed chemicals are 1,4-dioxane; 1-bromopropane; asbestos; carbon tetrachloride and cyclic aliphatic bromide cluster; methylene chloride; N-methylpyrrolidone; Pigment Violet 29; trichloroethylene; and tetrachloroethylene. Because the first 10 chemicals were not subject to the prioritization process, the EPA will issue problem formulation documents intended to refine the current scope prior to publishing draft risk evaluations. The problem formulation documents are expected to be available by January 2018. The notice also announces the reopening of the existing dockets for the chemicals to receive additional information for problem formulation. Contact: Christina Motilall; EPA, Office of Pollution Prevention and Toxics; 202-564-1287; motilall.christina@epa.gov

82 FR 31592 (07/07/2017)

Regulatory Update

***TOXIC SUBSTANCES***

Confidential Business Information Under TSCA  
**TOXIC SUBSTANCES**

Notice of the EPA announces the authorization of its contractor and subcontractors, Syracuse Research Corp., of North Syracuse, N.Y.; BeakerTree Corp., of Arlington, Va.; Essential Software Inc., of Potomac, Md.; and Versar Inc., of Springfield, Va., to access confidential business information submitted under TSCA. The access will occur no sooner than July 14, 2017. Contact: Scott Sherlock; EPA, Office of Pollution Prevention and Toxics; 202-564-8257; sherlock.scott@epa.gov

82 FR 31596 (07/07/2017)

Regulatory Update

**TOXIC SUBSTANCES**

TSCA Premanufacture and Notice of Commencement

**TOXIC SUBSTANCES**

Notice of the EPA announces the availability of receipt and status information regarding 47 premanufacture notices and 13 applications for test marketing exemptions received by the agency from April 3-28, 2017. Comments are due Aug. 7, 2017. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 31598 (07/07/2017)

Regulatory Update

**TOXIC SUBSTANCES**

TSCA Section 4 Chemical Testing/Propanoic Acid

**TOXIC SUBSTANCES**

Notice of the EPA announces the receipt of information regarding propanoic acid, 2-methyl-3-(benzoyloxy)-2,2,4-trimethylpentylester (CASRN 22527-63-5), pursuant to TSCA Section 4 and the chemical testing requirements for the third group of high production volume chemicals manufacturing (40 CFR 799.5089). The chemical substance is a plasticizer in rubber and plastic products. Contact: John Schaeffer; EPA, Office of Pollution Prevention and Toxics; 202-564-8173; schaeffer.john@epa.gov

82 FR 31596 (07/07/2017)

Regulatory Update

**WATER**

West Virginia/Drinking Water Program Electronic Reporting

**WATER**

Notice of the EPA announces the approval of West Virginia's request to revise its EPA-authorized national primary drinking water program to allow electronic reporting. Interested persons may request a public hearing on the approved change. The approval is effective Aug. 7, 2017, if no hearing requests are received by that date. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citations: 40 CFR 142

82 FR 31595 (07/07/2017)

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 Federal Regulatory Alert