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**From:** Bloomberg BNA  
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## **EHS Federal Regulatory Alert**

September 07, 2017 - Number 172

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### Summaries

*AIR*

#### Maine SIP/New Motor Vehicle Emission Standards

**AIR**

Final rule of the EPA approves revisions to the Maine SIP concerning new motor vehicle emission standards. The revisions incorporate the California low emission vehicle (LEV II) greenhouse gas (GHG) program beginning with model year 2009 and the California LEV III program beginning with model year 2015. The revisions also incorporate the California GHG emission standard beginning with model year 2017 and the California zero emission vehicle provision updated in 2012.

Updated heavy-duty diesel engine and diesel auxiliary unit emission standards are approved and all aftermarket catalytic converters are required to be certified by the California Air Resources Board as of June 1, 2018. The requirement for the state to implement the Ozone Transport Commission LEV program also has been removed because the state has satisfied the requirement, and the EPA has determined that it is obsolete. The rule is effective Oct. 10, 2017.

Contact: Eric Rackauskas; EPA Region 1, Air Quality Planning Unit; 617-918-1628; rackauskas.eric@epa.gov. Citations: 40 CFR 51.120, 52.1020

82 FR 42233 (09/07/2017)

#### Regulatory Update

#### ***ENDANGERED SPECIES***

#### California/Marine Mammal Incidental Takes

#### **ENDANGERED SPECIES**

Notice of the National Marine Fisheries Service announces the receipt of a request from Venoco LLC, of Denver, for an incidental harassment authorization to take marine mammals incidental to fender pile replacement at Casitas Pier in Carpinteria, Calif. The applicant requests authorization for take of harbor seal, California sea lions, and bottlenose dolphins by Level B harassment during the replacement of 13 fender piles in the 2017 fall season. Comments are due Oct. 10, 2017. Contact: Sara Young; NMFS, Office of Protected Resources; 301-427-8401; ITP.Young@noaa.gov.

82 FR 42306 (09/07/2017)

Regulatory Update

**ENDANGERED SPECIES**

California/San Lorenzo Valley Water District Incidental Take Permit  
**ENDANGERED SPECIES**

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from the San Lorenzo Valley Water District for a 20-year incidental take permit. The application addresses the take of the endangered Mount Hermon June beetle and Zayante band-winged grasshopper incidental to the replacement of a water storage tank and infrastructure at the existing site in Santa Cruz County, Calif. The application also includes a low-effect habitat conservation plan that addresses impacts to the endangered Ben Lomond spineflower and Ben Lomond wallflower and includes a proposal to dedicate a conservation easement on 6.7 acres of habitat for all affected species. Comments are due Oct. 10, 2017. Contact: Chad Mitcham; USFWS; 831-768-7794

82 FR 42358 (09/07/2017)

Regulatory Update

**ENDANGERED SPECIES**

Texas/Guadalupe Fescue Endangered Listing and Critical Habitat  
**ENDANGERED SPECIES**

Final rule of the U.S. Fish and Wildlife Service lists the Guadalupe fescue, a plant species from the Chihuahuan Desert of west Texas and Mexico, as an endangered species. The rule also designates approximately 7,815 acres of Big Bend National Park, in Brewster County, Texas, as critical habitat for the species. The rule is effective Oct. 10, 2017. Contact: Adam Zerrenner; USFWS, Austin Ecological Services Field Office; 512-490-0057. Citations: 50 CFR 17.12, 17.96

82 FR 42245 (09/07/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Atlantic Highly Migratory Species Fishery Management Plan  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the National Marine Fisheries Service announces the availability of the final environmental assessment for and the approval of Amendment 10 to the 2006 consolidated Atlantic highly migratory species fishery management plan (81 FR 62100; 09/08/2016). The amendment updates essential fish habitat and addresses new habitat areas of particular concern for Atlantic bluefin tuna and sandbar, lemon, and sand tiger sharks. The amendment also provides for the minimization to the extent practicable of adverse effects of fishing and nonfishing activities on essential fish habitat and identifies other actions to encourage the conservation and enhancement of essential fish habitat. The amendment is effective Aug. 30, 2017. Contact: Jennifer Cudney; NMFS; 727-824-5399

82 FR 42329 (09/07/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

**Deviation Reporting for Human Cells, Tissues, and Cellular and Tissue-Based Products**  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA announces the availability of a final guidance for industry regarding deviation reporting for human cells, tissues, and cellular and tissue-based products (HCT/Ps) regulated under Section 361 of the Public Health Service Act. The guidance provides establishments that manufacture nonreproductive HCT/Ps with recommendations and relevant examples for complying with the requirements to report HCT/P deviations. The guidance does not apply to reproductive HCT/Ps or to HCT/Ps recovered before May 25, 2005; to healthcare professionals who implant, transplant, infuse, or transfer HCT/Ps into recipients; to HCT/Ps that are regulated as drugs, devices, and/or biological products under Section 351 of the PHS Act or the Federal Food, Drug, and Cosmetic Act; or to investigational HCT/Ps subject to an investigational new drug application or an investigational device exemption. Comments may be submitted at any time. Contact: Tami Belouin; FDA, Center for Biologics Evaluation and Research; 240-402-7911. Citations: 21 CFR 1271

82 FR 42349 (09/07/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

**Ohio/Crawford Counterstorage Project**  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of FERC announces the filing of a prior notice request by Columbia Gas Transmission LLC, of Houston, to install facilities and appurtenances and to make other modifications at its Crawford Compressor Station in Fairfield County, Ohio. The applicant proposes to install one Cat 3520/Ariel high-speed reciprocating compressor unit and designate as standby two existing Waukesha reciprocating compressor units. The applicant also proposes to construct a new compressor building, dehydration system, gas cooler, separators, scrubbers, control room building, and station piping that will result in an increase in counterstorage compression of 980 horsepower. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 29, 2017. Protests and motions to intervene are due Oct. 30, 2017. Comments are due Oct. 31, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 42340 (09/07/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

**Hours of Service Exemption/National Asphalt Pavement Association**  
**HAZARDOUS MATERIALS TRANSPORTATION**

Notice of the Federal Motor Carrier Safety Administration announces the receipt of an application from the National Asphalt Pavement Association for exemptions from hours-of-service requirements for all drivers of member companies transporting asphalt and related materials and

equipment. The applicant requests an exemption from the 30-minute rest break provision to enable drivers engaged in the transportation of asphalt and related materials to use 30 minutes or more of on-duty “waiting time” to satisfy the requirement for the 30-minute rest break. The applicant also requests an exemption from the requirement that short-haul drivers utilizing the record of duty status exception return to their work-reporting location within 12 hours of coming on duty to instead permit drivers to return to their work-reporting location within 14 hours. The requested exemptions are for a period of five years. Comments are due Oct. 10, 2017. Contact: Tom Yager; FMCSA, Driver and Carrier Operations Division; 614-942-6477; MCPSD@dot.gov. Citations: 49 CFR 395.1, 395.3

82 FR 42415 (09/07/2017)

Regulatory Update

**PESTICIDES**

Pesticide Tolerance Exemption/Alkyl Alcohol Alkoxylates

**PESTICIDES**

Final rule of the EPA amends an exemption from the requirement of a tolerance for residues of specified alkyl alcohol alkoxylates to include poly(oxy-1,2-ethanediyl),  $\alpha$ -isooctyl- $\omega$ -hydroxy (CAS Reg. No. 61723-78-2) when used as an inert ingredient in pesticide formulations applied to growing crops, animals, or food contact surfaces. The rule is issued in response to a petition filed by Spring Trading Co., of Magnolia, Texas, on behalf of Sasol Chemicals, of Houston. The rule is effective Sept. 7, 2017. Objections and hearing requests are due Nov. 6, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.910, 180.930, 180.940, 180.960

82 FR 42235 (09/07/2017)

Regulatory Update

**TOXIC SUBSTANCES**

Chemical Safety and Hazard Investigation Board Meeting

**TOXIC SUBSTANCES**

Notice of the Chemical Safety and Hazard Investigation Board announces a meeting to discuss work completed in fiscal year 2017 and the board's report on the ExxonMobil Baton Rouge Refinery incident. The meeting is scheduled for Sept. 18, 2017, in Washington, D.C., and via conference call. Comments are requested, but a due date is not specified. Contact: Hillary Cohen; CSB; 202-446-8094; public@csb.gov

82 FR 42277 (09/07/2017)

Regulatory Update

**WATER**

Special Use Permits/Desalination Facilities

**WATER**

Notice of the Office of National Marine Sanctuaries announces the adoption of a new special use permit (SUP) category for the continued presence of a pipeline transporting seawater to or from a

desalination facility. On Jan. 12, 2017, the agency proposed to adopt two new SUP categories for the construction and operation of desalination facilities near marine sanctuaries (82 FR 3751). The proposed second category for the use of sediment to filter seawater for desalination has been removed. The notice also includes background information on the use of desalination in Monterey Bay National Marine Sanctuary (MBNMS) and ONMS regulations applicable to activities that disturb submerged lands or discharge into sanctuaries. The new SUP category only applies to MBNMS. The notice is effective Sept. 7, 2017. Contact: Bridget Hoover; ONMS, Monterey Bay National Marine Sanctuary; 831-647-4217, [bridget.hoover@noaa.gov](mailto:bridget.hoover@noaa.gov). Citations: 15 CFR 922

82 FR 42298 (09/07/2017)

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