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**From:** Bloomberg BNA  
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**Subject:** Aug. 14 -- Environment & Safety Resource Center Update



## **Environment & Safety Resource Center Update**

August 14, 2017 - Number 33

**Analysis :** [Air Pollution Control Guide](#) | [Water Pollution Control Guide](#)

**Federal Statutes, Regulations and Agency Documents :** [Federal Register Final Rules](#) | [Federal Register Notices](#) | [Federal Register Proposed Rules](#) | [Military Documents](#)

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### Analysis

#### Air Pollution Control Guide

##### Federal

**Protection of the Ozone Layer (Significant New Alternatives Policy).** Updated to reflect a ruling by the U.S. Court of Appeals for the District of Columbia Circuit that vacated part of a final rule issued by the Environmental Protection Agency in 2015 (*Mexichem Fluor Inc. v. EPA*, D.C. Cir., No. 15-1328, 8/8/17). The rule forbade the use of hydrofluorocarbons (HFCs) under the EPA's Significant New Alternatives Policy (SNAP) program. The EPA uses the SNAP program to identify substitutes for Class I and II substances after the agency determines that alternative substances reduce the overall risk to humans or the environment. The EPA also may restrict the use of substitutes depending upon the risks involved. The court said the EPA overstepped its authority in forbidding the use of HFCs and vacated the parts of the 2015 rule that required manufacturers to replace HFCs with an acceptable substitute.

**Ozone (Current Standards).** Revised to provide a more in-depth discussion of the national ambient air quality standards for ozone. This update also reflects a revised deadline for the EPA to make final attainment determinations for the standards announced in October 2015. The EPA previously announced plans to postpone the Oct. 1 deadline for determining which regions of the country meet or violate the updated ozone standards, citing the lack of adequate data to make those determinations. But on Aug. 2, the EPA announced it would continue to work with states to meet the Oct. 1 deadline, saying the “gaps” in the data on air pollution necessary to make those decisions “may not be as expansive as we previously believed.”

##### State

**California (Fugitive Dust Standards).** Updated to reflect a final rulemaking by the South Coast Air Quality Management District. The rule establishes regulations to limit the amount of fugitive dust emissions resulting from earth-moving activities at cleanup sites. The rule took effect July 7.

**Ohio (Incinerators).** Updated to reflect a final rulemaking by the Ohio Environmental Protection

Agency regarding infectious waste incinerators and pathological waste incinerators. The rule rescinded requirements for both types of incinerators because there are very few facilities subject to those requirements in Ohio. Since the rules were rescinded, the remaining facilities affected by the rules instead are subject to the federal plan, which is set forth at 40 C.F.R. pt. 62, Subpart HHH. The rescission took effect Aug. 10.

## Water Pollution Control Guide

### Federal

Section 404 Dredge or Fill Permits (Nationwide Permits). Updated to reflect the reissuance by the U.S. Army Corps of Engineers of 50 nationwide permits for dredge or fill activity in U.S. waters, including wetlands. The chapter also is updated to reflect the issuance of new permits for low-head dam removal and the creation of living shorelines to prevent coastal erosion. The Corps also issued a general condition for NWPs barring dredge or fill activity that adversely affects federal works, such as locks and dams.

### State

Alaska (Operator Certification). Updated to reflect rule changes. Supervising operators of publicly owned treatment works must be certified at a level equal to or greater than the system's classification and must be on-site or able to be on-site within one hour. The Alaska Department of Environmental Conservation (DEC) won't renew certificates expired by more than one year. The operator-in-training certification no longer exists.

Alaska (Wetlands Protection). Updated to describe the Alaska wetlands program plan, approved by the federal EPA, which seeks to categorize wetlands and review the current water quality certification process under Section 401 of the Clean Water Act to identify possible ways to expedite the permitting process.

Alaska (Oil Spill Prevention and Contingency Plans). Updated to reflect rule changes that require the DEC to take public comment for 30 days on proposed Oil Discharge Prevention and Contingency Plans submitted by operators of oil barges, pipelines, tank vessels, and related operations, and direct the applicant to publish a notice announcing the public comment period.

Alaska (Oil Spill Responsibility Requirements). Updated with the requirement for nontank vessels to submit completed and signed application of proof of financial responsibility within 15 days of when operations are expected to begin. Other facilities must submit the application at least 30 days, but no more than 90 days, before operations begin.

More...

## **Federal Statutes, Regulations and Agency Documents**

### Federal Register Final Rules

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**10 CFR 72**

82 FR 37511, 8/11/17: List of Approved Spent Fuel Storage Casks: NAC International MAGNASTOR® Cask System; Certificate of Compliance No. 1031, Amendment No. 7

**10 CFR 429**

82 FR 36858, 8/7/17: Energy Conservation Program: Test Procedure for Dedicated–Purpose Pool Pumps

**10 CFR 431**

82 FR 36858, 8/7/17: Energy Conservation Program: Test Procedure for Dedicated–Purpose Pool Pumps

**10 CFR 835**

82 FR 37512, 8/11/17: Occupational Radiation Protection

**30 CFR 1202**

82 FR 36934, 8/7/17: Repeal of Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform

**30 CFR 1206**

82 FR 36934, 8/7/17: Repeal of Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform

**33 CFR 117**

82 FR 36687, 8/7/17: Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

82 FR 36687, 8/7/17: Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

82 FR 37011, 8/8/17: Drawbridge Operation Regulation; Mill

More...

**Federal Register Notices**

**82 FR 36728, 8/7/17: Submission for OMB Review; Comment Request**

**82 FR 36728, 8/7/17: Proposed Information Collection; Comment Request; Annual Business Survey (ABS)**

**82 FR 36730, 8/7/17: Monosodium Glutamate From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2015–2016**

**82 FR 36731, 8/7/17: Certain Steel Nails From the United Arab Emirates: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order**

**82 FR 36732, 8/7/17: Certain Stilbenic Optical Brightening Agents From the People's Republic of**

**China and Taiwan: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders**

**82 FR 36733, 8/7/17: Meeting of the President's Advisory Council on Doing Business in Africa (PAC-DBIA)**

**82 FR 36734, 8/7/17: Drawn Stainless Steel Sinks From the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review, 2016**

**82 FR 36735, 8/7/17: Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2015-2016**

**82 FR 36737, 8/7/17: Certain Pasta From Turkey: Preliminary Results of Antidumping Duty Administrative Review**

**82 FR 36738, 8/7/17: Certain Steel Nails From the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2014-2016**

**82 FR 36741, 8/7/17: Certain Steel Nails From Malaysia: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2014-2016**

**More...**

**Federal Register Proposed Rules**

**10 CFR 429**

**82 FR 37031, 8/8/17: Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, General Service Incandescent Lamps, Incandescent Reflector Lamps**

**10 CFR 430**

**82 FR 37031, 8/8/17: Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, General Service Incandescent Lamps, Incandescent Reflector Lamps**

**16 CFR 1101**

**82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments**

**16 CFR 1102**

**82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments**

**16 CFR 1107**

**82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments**

**16 CFR 1109**

82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

**16 CFR 1110**

82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

**16 CFR 1112**

More...

### Military Documents

4500.09E: Transportation and Traffic Management (Revised) (7/31/17)

6055.09E: Explosives Safety Management (ESM) (7/28/17)

## **States—Environment**

### Arkansas

#### **State Register Summaries**

ARR\rgPERR - Arkansas Register 08/09/2017 - Pesticide Enforcement Response/Dicamba Applications

### California

#### **State Register Summaries**

CAR\4\di11 - California Regulatory Notice Register 08/04/2017 - Pollution Control Financing Authority/Seismic Safety Capital Access Loan Program

CAR\4\di11 - California Regulatory Notice Register 08/09/2017 - California Capital Access Program/On-Road Heavy-Duty Vehicle Air Quality Loan Program

### Delaware

#### **State Register Summaries**

DER\7\di2000\rg2102 - Delaware Register of Regulations 08/01/2017 - Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

### Florida

#### **State Register Summaries**

FLR\ch40C-2 - Florida Administrative Weekly 08/08/2017 - St. Johns River WMD/Consumptive Water Use Permits

## Hawaii

### **State Register Summaries**

HIR\11\ch262, HIR\11\ch264, HIR\11\ch265, HIR\11\ch266, HIR\11\ch268, HIR\11\ch270, HIR\11\ch271, HIR\11\ch273, HIR\11\ch279, HIR\11\ch280, HIR\11\ch261, HIR\11\ch260, HIR\11\ch263 - Hawaii Regulations 08/07/2017 - Hazardous Waste Management

## New Hampshire

### **State Register Summaries**

NHR\chEnv-Wq1500 - New Hampshire Rulemaking Register 08/10/2017 - Alteration of Terrain

NHR\chEnv-Hw100 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Purpose, Applicability, and Definitions

NHR\chEnv-Hw200 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Procedural Rules

NHR\chEnv-Hw300 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Management Facility Permits

NHR\chEnv-Hw400 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Identification and Listing

NHR\chEnv-Hw500 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Generators

NHR\chEnv-Hw600 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Transportation

NHR\chEnv-Hw700 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Facilities

NHR\chEnv-Hw800 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Recycling

NHR\chEnv-Hw900 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Inspection and Enforcement

NHR\chEnv-Hw1000 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Cleanup Fund

NHR\chEnv-Hw1100 - New Hampshire Rulemaking Register 08/10/2017 - Universal Waste Management

NHR\chEnv-Hw1200 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Land Disposal

## Ohio

## **State Register Summaries**

[OHR\ch1301:7-9](#) - Ohio Regulations 08/07/2017 - Underground Storage Tanks

[OHR\ch3745-105](#), [OHR\ch3745-75](#) - Ohio Regulations 08/07/2017 - Infectious Waste Incinerators/Pathological Waste Incinerators

## **Oregon**

### **State Register Summaries**

[ORR\ch340\di100](#), [ORR\ch340\di101](#), [ORR\ch340\di102](#) - Oregon Bulletin 08/01/2017 - Hazardous Waste Management/Federal Standards

[ORR\ch340\di244](#), [ORR\ch340\di230](#), [ORR\ch340\di238](#) - Oregon Bulletin 08/01/2017 - Air Quality Rules/Federal Standards

[ORR\ch340\di200](#), [ORR\ch340\di222](#), [ORR\ch340\di202](#) - Oregon Bulletin 08/01/2017 - Ambient Air Quality Standards/Stationary Source Plant Site Emission Limits

## **Texas**

### **State Register Summaries**

[TXR\ti31\ch523](#) - Texas Register 08/11/2017 - Agricultural and Silvicultural Water Quality Management

## **Utah**

### **State Register Summaries**

[UTR\diR315](#) - Utah State Bulletin 08/01/2017 - Waste Management/Solid Waste Facility Location Standards

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Environment & Safety Resource Center Update