

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/14/2017 11:51:02 AM
Subject: Sep. 14 -- EHS State Regulatory Alert



EHS State Regulatory Alert

September 14, 2017 - Number 177

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Illinois

HAZARDOUS MATERIALS TRANSPORTATION Hazardous Materials Transportation Procedures Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces the recodification of regulations under 92 IAC 107.1 through 107.601 and Appendix A as 92 IAC 107.1000 through 107.1020 and Appendix A concerning procedures for hazardous material transportation. The rule reorganizes general provisions and enforcement standards and deletes previously repealed provisions concerning exemptions. Contact: IDOT; 217-782-7820

—Illinois Register (09/08/2017)

[Regulatory Update](#)

WATER Combined Sewer Overflow Exception Criteria and First Flush Determination Illinois WATER

Proposed rule of the Illinois EPA repeals regulations under 35 IAC 375.101 through .404 and Appendix A to eliminate obsolete provisions concerning the combined sewer overflow exemption criteria and first flush determination. Comments are due Oct. 23, 2017. Contact: Sara Terranova; IEPA, Division of Legal Counsel; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (09/08/2017)

[Regulatory Update](#)

WATER Public Water Supply Loan Program Illinois WATER

Proposed rule of the Illinois EPA repeals regulations under 35 IAC 664.110 through .110 and Appendices A and B regarding the Public Water Supply Loan program. The rule deletes provisions concerning federal capitalization grants to reflect that the agency has discontinued distributing loans under the American Recovery and Reinvestment Act. Comments are due Oct. 23, 2017. Contact: Sara Terranova; IEPA; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (09/08/2017)

Regulatory Update

WATER

Time Limited Water Quality Standards

Illinois WATER

Proposed rule of the Pollution Control Board adopts regulations under 35 IAC 104.500 through .590 regarding time limited water quality standards (TLWQS), a regulatory relief mechanism for adoption of federally approvable water quality standard variances. The rule establishes the applicability and uses of a TLWQS, the different parties to a TLWQS proceeding, and the types of notice and service required for such proceedings. The rule also provides that a TLWQS may be sought for multiple uses and multiple parameters and allows for stay from the effectiveness of a standard from which relief is sought. In addition, the rule establishes provisions concerning petition criteria, agency response, board-established classes and deadlines, substantial compliance assessments, and recommendations and response. Finally, the rule addresses hearings, burden of proof, opinion and order, federal EPA review, coverage, reevaluation, appeal rights, and extensions. Comments are due Oct. 23, 2017. Contact: PCB; 312-814-3620

—Illinois Register (09/08/2017)

Regulatory Update

WATER

Water Pollution Control Loan Program

Illinois WATER

Proposed rule of the Illinois EPA repeals regulations under 35 IAC 369.110 through .1120 and Appendices A and B regarding the Water Pollution Control Loan program. The rule deletes provisions concerning federal capitalization grants to reflect that the agency has discontinued distributing loans under the American Recovery and Reinvestment Act. Comments are due Oct. 23, 2017. Contact: Sara Terranova; IEPA, Division of Legal Counsel; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (09/08/2017)

Regulatory Update

Montana

WATER

Water Right Permitting
Montana WATER

Proposed rule of the Department of Natural Resources and Conservation amends regulations under ARM 36.12.101 through .1801 (nonconsecutive) and repeals regulations under ARM 37.12.106 to update water rights permitting standards and procedures. The rule adds notice requirements for temporary appropriations of water for emergency fire training and clarifies that no filing fee refunds will be authorized after the department has issued a deficiency letter to applicants. The rule also adds requirements for objections concerning adverse effects to instream flow rights for fish, wildlife, and recreation; clarifies aquifer testing requirements; and adds permit application requirements for projects in sage grouse habitats. In addition, the rule clarifies deficiency letter timelines and outcomes and acceptable surface water measurement data and removes duplicative provisions concerning testing and monitoring. Finally, the rule updates the definition of “combined appropriation” and removes the definition of “municipal use” to conform with judicial decisions. A hearing is scheduled for Oct. 6, 2017, in Helena. Comments are due Oct. 6, 2017. Contact: Millie Heffner; DNRC; 406-444-0581; mheffner@mt.gov

—Montana Administrative Register (09/08/2017)

Regulatory Update

North Carolina

WATER

Waste Not Discharged to Surface Waters/Reclaimed Water
North Carolina WATER

Proposed rule of the Department of Environmental Quality, Environmental Management Commission, amends regulations under 15A NCAC 02T.0101 through 02U.1401 (nonconsecutive); adopts regulations under 15A NCAC 02T.0608, 02T.0807, 02T.0808, 02T.1310, 02U.0118, and 02U.0404; and readopts regulations under 15A NCAC 02T.0109 through 02U.0601 (nonconsecutive) concerning reclaimed water and permitting for certain waste systems that do not discharge to surface waters. The rule establishes requirements for operation and maintenance of single-family residence wastewater irrigation systems and residual management requirements for other nondischarge wastewater systems. The rule also establishes requirements for animal waste residuals management, design criteria for closed-loop water recycling systems, and standards for demonstration of future wastewater treatment capacities. Hearings are scheduled for Oct. 10, 17, and 24, 2017, in Wilmington, Hickory, and Raleigh, respectively. Comments are due Nov. 22, 2017. Contact: DEQ, Division of Water Resources; 919-431-3000

—North Carolina Register (09/15/2017)

Regulatory Update

Virginia

GENERAL ENVIRONMENT AND SAFETY

Department of Environmental Quality/Public Participation Procedures
Virginia GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Environmental Quality amends regulations under 9 VAC 15-11-50 regarding public participation procedures. The rule allows interested persons submitting data, views, and arguments on a regulatory action to be accompanied by and represented by counsel or other representatives. The rule, which is proposed for fast-track processing, is proposed to be effective Nov. 2, 2017. Comments are due Oct. 18, 2017. Contact: Melissa Porterfield; DEQ; 804-698-4238; melissa.porterfield@deq.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Water Control Board/Public Participation Procedures
Virginia GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Environmental Quality, Water Control Board, amends regulations under 9 VAC 25-11-50 regarding public participation procedures. The rule allows interested persons submitting data, views, and arguments on a regulatory action to be accompanied by and represented by counsel or other representatives. The rule, which is proposed for fast-track processing, is proposed to be effective Nov. 2, 2017. Comments are due Oct. 18, 2017. Contact: Melissa Porterfield; DEQ; 804-698-4238; melissa.porterfield@deq.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Virginia Occupational Safety and Health Program
Virginia OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Labor and Industry announces a hearing on a Sept. 4, 2017, proposed rule to amend regulations under 16 VAC 25-60-10, -20, -30, -260, -270, and -280 regarding administrative regulations for the Occupational Safety and Health Program. The rule establishes procedures for the application of penalties to state and local government employers for willful, repeat, and failure-to-abate violations as well as serious violations that cause a fatal accident or are classified as “high gravity.” The hearing is scheduled for Oct. 26, 2017, in Richmond. Contact: Regina Cobb; DLI; 804-786-0610; regina.cobb@doli.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

RADIATION

Radiation Protection Regulations
Virginia RADIATION

Final rule of the Department of Health, State Board of Health, amends regulations under 12 VAC 5-481-10 through -3770 (nonconsecutive) regarding radiation protection standards. The rule implements amendments to federal standards under 10 CFR from 2015, including reporting requirements for safety events involving special nuclear material. The rule also removes the safeguards information-modified handling designation of the security-related information for large irradiators, manufacturers and distributors, and transport of category 1 quantities of radioactive material. In addition, the rule updates requirements for packaging and transportation of radioactive material based on the International Atomic Energy Agency's 2009 standards for the international transportation of radioactive material. The rule is effective Oct. 18, 2017. Contact: Steve Harrison; Department of Health, Office of Radiological Health; 804-864-8151; steve.harrison@vdh.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

TOXIC SUBSTANCES

Asbestos Licensing Regulations

Virginia TOXIC SUBSTANCES

Notice of the Department of Professional and Occupational Regulation, Board for Asbestos, Lead, and Home Inspectors, announces a correction to a Sept. 4, 2017, proposed rule to amend regulations under 18 VAC 15-20-10 through -459.4 (nonconsecutive) and adopt regulations under 18 VAC 15-20-33.1, -33.2, and -456.1 regarding asbestos licensing. The rule revises the definition of “person” to clarify requirements for entities required to obtain a license for asbestos-related work, revises licensure requirements for asbestos analytical laboratories with multiple locations, updates the asbestos firm entry requirements for consistency with similar standards applicable to firms, and revises the information required for licensure of applicants. The rule also specifies the transferability and validity of certain firm licenses and expands the responsibilities of asbestos project monitors to include changes to air sample reporting requirements. In addition, the rule adds provisions concerning specific entry requirements for asbestos contractors and asbestos analytical laboratories and conduct during onsite analysis. The correction revises a reference to the renewal fee for asbestos analytical laboratory branch offices. Contact: Trisha Henshaw; DPOR, Board for Asbestos, Lead, and Home Inspectors; 804-367-8595; alhi@dpor.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

WATER

Water Quality Standards

Virginia WATER

Proposed rule of the Department of Environmental Quality, Water Control Board, amends regulations under 9 VAC 25-260-140, -155, and -170 regarding water quality standards. The rule updates the ammonia criteria for the protection of freshwater aquatic life, including implementation and impacts to regulated dischargers, and revises the bacteria criteria for human health protection in recreation waters. The rule also updates the cadmium criteria for the protection of freshwater and saltwater aquatic life and updates 94 human health criteria parameters. Comments are due Nov. 17, 2017. Contact: David Whitehurst; DEQ; 804-698-4121; david.whitehurst@deq.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

Wisconsin

OIL AND GAS INDUSTRY

Gas Safety

Wisconsin OIL AND GAS INDUSTRY

Final rule of the Public Service Commission amends regulations under WAC PSC 135.019 to incorporate by reference updated federal pipeline safety standards under 49 CFR 192, 193, and 199 as of Oct. 1, 2017, regarding transportation of natural gas by pipeline, liquefied petroleum gas facilities, and drug and alcohol testing. The rule is scheduled to be effective Oct. 1, 2017. Contact: Thomas Stemrich; PSC; 608-266-2800; Tom.Stemrich@wisconsin.gov

—Wisconsin Administrative Register (09/11/2017)

Regulatory Update

WATER

Runoff Management/Animal Feeding Operations

Wisconsin WATER

Notice of the Department of Natural Resources announces an extension of the comment period for a Sept. 5, 2017, proposed rule to amend regulations under WAC NR 151.015 and adopt regulations under WAC NR 151.075 and 243.143 to establish performance standards for mechanical application of manure by crop and livestock producers to Silurian bedrock cropland and pasture areas. The rule specifies Silurian bedrock maximum liquid manure application rates based on soil depth and texture; requires manure to be applied in conformance with a nutrient management plan; and prohibits application of manure for soils with less than two feet to Silurian bedrock, where application will cause fecal contamination of water in a well, and within certain distances of water systems and groundwater conduits. The rule also requires concentrated animal feeding operations in Silurian bedrock areas to comply with performance standards through their Wisconsin Pollutant Discharge Elimination System permit regardless of any local ordinance and absent cost sharing. In addition, the rule requires nonpermitted farms in Silurian bedrock areas to comply with performance standards in specified circumstances. Comments now are due Oct. 4, 2017. Contact: Mike Gilbertson; DNR; 608-267-7628; mike.gilbertson@wisconsin.gov

—Wisconsin Administrative Register (09/11/2017)

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