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From: Bloomberg BNA
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EHS State Regulatory Alert

June 19, 2017 - Number 116

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Alabama

OCCUPATIONAL SAFETY AND HEALTH
Boiler and Pressure Vessel Safety/Fees
Alabama OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor amends regulations under AAC 480-7-2-.02 concerning fees for boiler and pressure vessel safety lockout fees. The rule establishes fees for equipment that has been locked out by the department, including a \$100 unlock fee and \$500 unauthorized tampering relock fee. Comments are due July 10, 2017. Contact: Stephen McCormick; DOL; 334-242-8274

—Alabama Administrative Monthly (05/31/2017)

[Regulatory Update](#)

OCCUPATIONAL SAFETY AND HEALTH
Elevator Safety
Alabama OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor adopts regulations under AAC 480-8-5 to establish requirements for elevator safety repair. The rule provides that preexisting escalator emergency stop switches meet specified industry standards. The rule also extends the time for repair/upgrade to two years from the time of the first inspection and specifies that violations will be noted in the inspection report, but will not be certificate-blocking until the two year grace period has elapsed. Comments are due July 10, 2017. Contact: Stephen McCormick; DOL; 334-242-8274

—Alabama Administrative Monthly (05/31/2017)

[Regulatory Update](#)

OCCUPATIONAL SAFETY AND HEALTH

Elevator Safety/Fees

Alabama OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor amends regulations under AAC 480-8-3-.04 to update the elevator safety fee schedule. The rule adds an internal escalator per unit fee of \$250. The rule also adds a lock out fee of \$100 for unlocking and a fee of \$500 for unauthorized tampering. Comments are due July 10, 2017. Contact: Stephen McCormick; DOL; 334-242-8274

—Alabama Administrative Monthly (05/31/2017)

Regulatory Update

Alaska

AIR

Air Quality/FNSB PM2.5 Nonattainment Area

Alaska AIR

Notice of the Department of Environmental Conservation announces Aug. 15, 2017, as the date by which commercial wood sellers in the Fairbanks North Star Borough (FNSB) fine particulate matter (PM-2.5) nonattainment area must register with the department, as required under 18 AAC 50.076. The notice specifies that portions of the FNSB do not meet the federal health-based standards for PM-2.5 found in wood smoke and other combustion source exhausts and that the EPA reclassified the area to serious, effective June 9, 2017. Contact: Steve Hoke; DEC; 907-451-5172

—Alaska Regulations (06/15/2017)

Regulatory Update

Colorado

WATER

Basic Standards and Methodologies for Surface Water

Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-31, Section 31.17, regarding surface water nutrient management. The rule delays the effective dates of the phosphorus numeric values for certain downstream waters and nitrogen numeric values to Dec. 31, 2027. The rule also delays the effective date of the chlorophyll a values for certain downstream waters to Dec. 31, 2022. A concurrent proposed rule adds a voluntary incentive program for early nutrient reduction. A hearing is scheduled for Oct. 10, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Sept. 27, 2017. Contact: Nicole Rowan; DPHE, Water Quality Control Commission; 303-692-3692; nicole.rowan@state.co.us

—Colorado Register (06/13/2017)

Regulatory Update

WATER

Nutrients Management Control
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-85 regarding nutrients management control. The rule establishes a voluntary early nutrient reduction incentive program for permittees that reduce nitrogen or phosphorus loadings below specified levels before Dec. 31, 2026. The rule also requires program participants to submit a nutrient reduction plan and annual reports to the division. In addition, the rule specifies that participants that make early nutrient discharge reductions will be given additional time to comply with effluent limits based on waste load allocations, numeric nutrient values, or alternate effluent limitations expected to be adopted in 2027 unless their discharged nutrients caused or contributed to harmful algal blooms producing algal toxins or disinfection byproducts that posed an imminent threat to human health. A concurrent proposed rule delays the effective dates of certain phosphorus, nitrogen, and chlorophyll a numeric values. A hearing is scheduled for Oct. 10, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Sept. 27, 2017. Contact: Nicole Rowan; DPHE, Water Quality Control Commission; 303-692-3692; nicole.rowan@state.co.us

—Colorado Register (06/13/2017)

Regulatory Update

Kansas

OCCUPATIONAL SAFETY AND HEALTH

Fire Codes

Kansas OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the State Fire Marshal amends regulations under KAR 22-1-2 through -24-15 (nonconsecutive); adopts regulations under KAR 22-1-8 through -12; and revokes regulations under KAR 22-6-12, -6-16, -11-8, -18-3, and -24-2 through -24-18 regarding fire codes. The rule reorganizes and updates the state fire prevention code and provisions concerning the regional hazardous material response team program. The rule also removes the fees for liquefied petroleum gas licenses and adds a reporting requirement for certified fire investigators when investigating fires that have caused a death. A hearing is scheduled for Aug. 15, 2017, in Topeka. Comments are due Aug. 15, 2017. Contact: Carolyn Lowry; State Fire Marshal; 785-296-8984; carolyn.lowry@ks.gov

—Kansas Register (06/15/2017)

Regulatory Update

Michigan

OCCUPATIONAL SAFETY AND HEALTH

Construction Code/Energy

Michigan OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, amends regulations under MAC 408.31087, .31087a, .31088, and .31090; adopts regulations under MAC 408.31087b through .31098c (nonconsecutive); and rescinds regulations under MAC 408.31089 to update the construction energy code (Part 10a). The rule updates the incorporation by reference of the International Energy Conservation Code (2015 Ed.). The rule also updates provisions concerning commercial compliance to reflect current available materials and technology. The rule is effective Sept. 20, 2017. Contact: LARA, Bureau of Construction Codes; 517-241-6312; matsumotos@michigan.gov

—Michigan Register (06/15/2017)

Regulatory Update

Rhode Island

WATER

Priority Determination System/Financial Assistance for Construction of Water Pollution Abatement Projects

Rhode Island WATER

Proposed rule of the Department of Environmental Management, Office of Water Resources, amends regulations under 250-RICR-150-20-2 regarding the priority determination system for federal and state assistance for construction of water pollution abatement projects. The rule updates provisions to align with changes to the Clean Water State Revolving Fund program, addresses administration of the project priority list, and updates the project rating criteria. A hearing is scheduled for July 13, 2017, in Providence. Comments are due July 17, 2017. Contact: Angelo Liberti; DEM, Office of Water Resources; 401-222-3961

—Rhode Island Regulations (06/15/2017)

Regulatory Update

Wyoming

OIL AND GAS INDUSTRY

Petroleum and Antifreeze Products Standards

Wyoming OIL AND GAS INDUSTRY

Proposed rule of the Department of Agriculture amends regulations under Chapter 52 regarding petroleum and antifreeze product standards. The rule updates applicable fuel types and requirements, adds an exemption to allow the sale of 85 octane fuel, and incorporates federal fuel labeling requirements. The rule also updates antifreeze registration standards to conform with current practice, updates definitions, and removes duplicative provisions. Comments and hearing requests are due July 28, 2017. Contact: Scott McDonald; Department of Agriculture; 307-777-3502; scott.mcdonald@wyo.gov

—Wyoming Regulations (06/12/2017)

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