

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
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EHS Federal Regulatory Alert

August 17, 2017 - Number 158

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Summaries

AIR

Alabama SIP/Cross-State Air Pollution Rule

AIR

Proposed rule of the EPA would approve portions of revisions to the Alabama SIP that replace the Cross-State Air Pollution Rule (CSAPR) federal implementation plan with a state trading program for ozone season nitrogen oxides (NOx) emissions. The state program is integrated with the CSAPR federal trading programs and is substantively identical to the federal trading program except for provisions allocating emission allowances among state units. If approved, the SIP revisions would automatically eliminate state units' requirements to participate in the federal allowance trading program for ozone season NOx emissions. The revisions also would satisfy the state's good neighbor obligation to prohibit emissions that significantly contribute to nonattainment or interfere with maintenance of the 1997 eight-hour ozone NAAQS and partially satisfy the good neighbor obligation regarding the 2008 eight-hour ozone NAAQS. Comments are due Sept. 18, 2017. Contact: Ashten Bailey; EPA Region 4, Air Regulatory Management Section; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52

82 FR 39070 (08/17/2017)

Regulatory Update

AIR

Alabama SIP/Regional Haze Plan and Infrastructure Requirements

AIR

Proposed rule of the EPA would approve revisions to the Alabama SIP regarding visibility and regional haze. The rule allows the state to change from reliance on the Clean Air Interstate Rule to reliance on the Cross-State Air Pollution Rule; converts EPA's limited approval and limited disapproval of the 2008 regional haze SIP to a full approval; and approves the visibility prong of the state's infrastructure SIP submittals for the 2012 fine particulate matter, 2010 nitrogen dioxide, and 2010 sulfur dioxide NAAQS. The rule also converts EPA's disapproval of the visibility portion of the infrastructure SIP submittal for the 2008 ozone NAAQS to an approval.

Comments are due Sept. 18, 2017. Contact: Michele Notarianni; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52

82 FR 39090 (08/17/2017)

Regulatory Update

AIR

Alabama SIP/Transportation Conformity Standards

AIR

Direct final rule of the EPA approves portions of revisions to the Alabama SIP regarding transportation conformity standards. The revisions reflect updates to federal transportation conformity standards that address the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (73 FR 4420; 01/24/2008) and that reorganize and update standards so they apply to any new or revised NAAQS (77 FR 14979; 03/14/2012). The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Kelly Sheckler; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9222; sheckler.kelly@epa.gov. Citations: 40 CFR 52.50

82 FR 39035 (08/17/2017)

Regulatory Update

AIR

Alabama SIP/Transportation Conformity Standards

AIR

Proposed rule of the EPA would approve portions of revisions to the Alabama SIP regarding transportation conformity standards. The revisions reflect updates to federal transportation conformity standards that address the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (73 FR 4420; 01/24/2008) and that reorganize and update standards so they apply to any new or revised NAAQS (77 FR 14979; 03/14/2012). A concurrent direct final rule adopts the provisions, effective Oct. 16, 2017. Comments are due Sept. 18, 2017. Contact: Kelly Sheckler; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9222; sheckler.kelly@epa.gov. Citations: 40 CFR 52.50

82 FR 39078 (08/17/2017)

Regulatory Update

AIR

Colorado SIP/2010 SO2 NAAQS, 2012 PM-2.5 NAAQS

AIR

Final rule of the EPA approves portions of revisions to the Colorado SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO₂) and 2012 fine particulate matter (PM-2.5) NAAQS. The EPA is not taking action on the state's SIP submittal concerning interstate transport prongs 1 and 2 for the 2010 SO₂ and 2012 PM-2.5 NAAQS. The rule is effective Sept. 18, 2017. Contact: Abby Fulton; EPA Region 8, Air Programs Branch; 303-312-6563; fulton.abby@epa.gov. Citations: 40 CFR 52.353

82 FR 39030 (08/17/2017)

Regulatory Update

AIR

NESHAP for Plywood and Composite Wood Products

AIR

Notice of the EPA announces the submission of a new information collection request to the OMB regarding the plywood and composite wood products (PCWPs) NESHAP residual risk and technology review. The collection will include a survey (Phase I) of operators of major source and synthetic area source PCWP facilities regarding facility-level, emissions and control information; compliance data; and descriptions of technological innovations used to avoid major source status. The collection also will include a contingent testing phase (Phase II) if the information gathered during Phase I is inadequate, consisting of a survey of selected PCWP facilities across various industry segments regarding emissions and production information. Comments are due Sept. 18, 2017. Contact: John Bradfield; EPA, Sector Policies and Programs Division; 919-541-3062; bradfield.john@epa.gov. Citations: 40 CFR 63, Subpart DDDD

82 FR 39122 (08/17/2017)

Regulatory Update

AIR

North Carolina SIP/Air Curtain Burners

AIR

Direct final rule of the EPA approves portions of revisions to the North Carolina SIP regarding the state's strategy to meet and maintain the NAAQS. The revisions address air pollution control requirements for air curtain burners. The agency is not taking action on air pollution control requirements for incinerators. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.1770

82 FR 39027 (08/17/2017)

Regulatory Update

AIR

North Carolina SIP/Air Curtain Burners

AIR

Proposed rule of the EPA would approve portions of revisions to the North Carolina SIP regarding the state's strategy to meet and maintain the NAAQS. The revisions address air pollution control requirements for air curtain burners. The agency is not taking action on air pollution control requirements for incinerators. A concurrent direct final rule adopts the changes, effective Oct. 16, 2017. Comments are due Sept. 18, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.1770

82 FR 39097 (08/17/2017)

Regulatory Update

AIR

South Carolina SIP/Regional Haze

AIR

Proposed rule of the EPA would supplement a Jan. 17, 2014, (79 FR 3147) proposed approval of a revision to the South Carolina SIP for regional haze. The revision includes a progress report towards reasonable progress goals (RPGs) for the Cape Romain Class I Wilderness area and a determination of adequacy of the existing regional haze SIP. The progress report specifies that the state's regional haze plan is sufficient to enable the state and other states to achieve RPGs for the wilderness area. The supplement addresses the agency's proposed finding that the state adequately relied on the Clean Air Interstate Rule in its regional haze plan from 2007-2011 to meet requirements under the regional haze rule. The supplement is in response to a court decision to delay Phase 2 sulfur dioxide emissions and ozone-season nitrogen oxide budgets for the state under the Cross-State Air Pollution Rule. Comments are due Sept. 18, 2017. Contact: Michele Notarianni; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52

82 FR 39079 (08/17/2017)

Regulatory Update

AIR

South Carolina/Minor New Source Review

AIR

Proposed rule of the EPA would approve portions of revisions to the South Carolina SIP regarding minor new source review and the federally enforceable state operating permit requirements. The revisions clarify applicability, update the permitting process, and provide additional options for the minor source permitting program. The EPA is not acting on revisions concerning specified permit requirements and other minor administrative and technical changes. Comments are due June 9, 2017. Contact: Brad Akers; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52

82 FR 39083 (08/17/2017)

Regulatory Update

AIR

Tennessee/Reid Vapor Pressure Requirements

AIR

Proposed rule of the EPA would approve Tennessee's request to revise the summertime federal Reid vapor pressure (RVP) standards for gasoline in Shelby County. The rule would revise the RVP standard to 9.0 pounds per square inch for gasoline sold from June 1 to Sept. 15 each year. A July 7, 2017, final rule (82 FR 31462) approved the state's 2008 ozone NAAQS noninterference demonstration regarding the revisions to gasoline RVP requirements in Shelby County. Comments are due Sept. 18, 2017, unless a hearing request is received by Sept. 1, 2017. Contact:

David Dickinson; EPA, Office of Transportation and Air Quality; 202-343-9256; dickinson.david@epa.gov. Citations: 40 CFR 80.27(a)(2)

82 FR 39098 (08/17/2017)

Regulatory Update

AIR

Virginia SIP/Revocation of the 1997 Ozone NAAQS

AIR

Direct final rule of the EPA approves revisions to the Virginia SIP to implement the revocation of the 1997 ozone NAAQS. The revisions address the control and abatement of air pollution to be consistent with EPA's March 6, 2015, final rule (80 FR 12263) implementing the 2008 ozone NAAQS and revoking the 1997 ozone NAAQS. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 39031 (08/17/2017)

Regulatory Update

AIR

Virginia SIP/Revocation of the 1997 Ozone NAAQS

AIR

Proposed rule of the EPA would approve revisions to the Virginia SIP to implement the revocation of the 1997 ozone NAAQS. The revisions address the control and abatement of air pollution to be consistent with EPA's March 6, 2015, final rule (80 FR 12263) implementing the 2008 ozone NAAQS and revoking the 1997 ozone NAAQS. A concurrent direct final rule adopts the provisions, effective Oct. 16, 2017. Comments are due Sept. 18, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 39097 (08/17/2017)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW

Toxic Chemical Release Reporting/2017 NAICS Codes

COMMUNITY RIGHT-TO-KNOW

Direct final rule of the EPA updates the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the OMB 2017 NAICS code revision. The rule requires facilities to begin reporting to the TRI using 2017 NAICS codes beginning with TRI reporting forms that are due on July 1, 2018, covering releases and other waste management quantities for the 2017 calendar year. The rule also removes descriptive text for Standard Industrial Classification (SIC) codes from the list of exceptions and limitations associated with NAICS codes for TRI reporting purposes. Facilities with questions regarding the SIC code descriptions may instead refer to the SIC manual posted on OSHA's website. The rule is effective Nov. 15, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Stephanie Griffin; EPA, Toxics Releases Inventory Program Division; 202-564-

1463; griffin.stephanie@epa.gov. Citations: 40 CFR 372.22, 372.23

82 FR 39038 (08/17/2017)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW

Toxic Chemical Release Reporting/2017 NAICS Codes

COMMUNITY RIGHT-TO-KNOW

Proposed rule of the EPA would update the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the OMB 2017 NAICS code revision. The rule would require facilities to begin reporting to the TRI using 2017 NAICS codes beginning with TRI reporting forms that are due on July 1, 2018, covering releases and other waste management quantities for the 2017 calendar year. The rule also would remove descriptive text for Standard Industrial Classification (SIC) codes from the list of exceptions and limitations associated with NAICS codes for TRI reporting purposes. Facilities with questions regarding the SIC code descriptions may instead refer to the SIC manual posted on OSHA's website. A concurrent direct final rule adopts the revisions, effective Nov. 15, 2017. Comments are due Sept. 18, 2017. Contact: Stephanie Griffin; EPA, Toxics Releases Inventory Program Division; 202-564-1463; griffin.stephanie@epa.gov. Citations: 40 CFR 372.22, 372.23

82 FR 39101 (08/17/2017)

Regulatory Update

ENDANGERED SPECIES

Atlantic Sturgeon DPS Critical Habitat Designation

ENDANGERED SPECIES

Final rule of the National Marine Fisheries Service designates critical habitat for the endangered New York Bright, Chesapeake Bay, Carolina, and South Atlantic distinct population segments (DPSs) and the threatened Gulf of Maine DPS of Atlantic sturgeon. The rule designates 152 miles for the Gulf of Maine DPS in rivers in Maine, Massachusetts, and New York; 340 miles for the New York Bright DPS in rivers in Connecticut, Delaware, Massachusetts, New Jersey, New York, and Pennsylvania; 480 miles for the Chesapeake Bay DPS in rivers in the District of Columbia, Maryland, and Virginia; 1,205 miles for the Carolina DPS in rivers in North Carolina and South Carolina; and 1,791 miles for the South Atlantic DPS in rivers in Florida, Georgia, and South Carolina. The rule is effective Sept. 18, 2017. Contact: Lynn Lankshear; NMFS, Greater Atlantic Regional Fisheries Office, 978-282-8473. Citations: 50 CFR 226.225

82 FR 39160 (08/17/2017)

Regulatory Update

ENDANGERED SPECIES

Oregon, Washington State/Marine Mammal Incidental Takes

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a request from the Scripps Institution of Oceanography, of La Jolla, Calif., for an incidental harassment authorization to take marine

mammals incidental to a low-energy marine geophysical survey offshore Oregon and Washington state in the northeastern Pacific Ocean. Scripps requests authorization to take a small number of 27 species of marine mammals by Level A and B harassment for a five-day period in September 2017. The agency proposes to issue a one-year authorization, provided specified mitigation, monitoring, and reporting requirements are incorporated. The agency is preparing an environmental assessment for the requested authorization. Comments are due Sept. 18, 2017. Contact: Jordan Carduner; NMFS, Office of Protected Resources; 301-427-8401

82 FR 39276 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Florida/Rinker Facilities Abandonment Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Florida Gas Transmission Co., of Houston, to abandon approximately 6.7 miles of the eight-inch-diameter Rinker Lateral, an associated measurement and regulation station, and appurtenant facilities located in Miami-Dade County, Fla. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 9, 2017. Protests and motions to intervene are due Oct. 10, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 39118 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Louisiana/Texas Gas Transmission Pipeline Abandonment

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Texas Gas Transmission LLC, of Houston, to abandon in place approximately 14 miles of pipeline, the Bay Round Platform, and the Brammer Old Camp Pass Platform in Terrebonne Parish, La., and Louisiana state waters. The facilities have been idled since 2012. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Protests and motions to intervene are due Oct. 10, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 39121 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Ohio River System Interstate Transportation

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the receipt of an application from Ohio River System LLC, of Dallas, requesting a limited jurisdiction certificate to provide jurisdictional transportation service on its Ohio River System (ORS) natural gas gathering facilities. The applicant proposes to provide 150,000 million British thermal units per day of interstate transportation service, via

displacement, for Rover Pipeline LLC to allow Rover's shippers to deliver gas to Rockies Express Pipeline LLC's system that uses the ORS. The Rover system will interconnect with the ORS near Cadiz, Ohio, and no new facilities will be constructed. The applicant also seeks a determination that the proposed interstate service will not otherwise affect the status of the ORS as a gathering system not otherwise subject to FERC's jurisdiction or affect the nonjurisdictional status of any other ORS operation. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Comments and motions to intervene are due Aug. 31, 2017. Contact: FERC, Office of External Affairs; 886-208-3676; FERCOnlineSupport@ferc.gov

82 FR 39119 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Ohio/Columbia Gas Pipeline

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Columbia Gas Transmission LLC, of Houston, to abandon approximately six miles of pipeline and associated appurtenances and exposures in Hocking County, Ohio. The local distribution company, Columbia Gas of Ohio, will run a new line to the town of Carbon Hill to continue service, and the existing line will be abandoned upon completion of the new line. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Protests and motions to intervene are due Oct. 9, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 39120 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Ohio/Lucas Storage Field

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Columbia Gas Transmission LLC, of Houston, to abandon two injection/withdrawal wells and associated pipelines and appurtenances at its Lucas Storage Field in Ashland and Richland counties in Ohio. The applicant specifies that there will be no changes to the existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated capacity of the storage field. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Protests and motions to intervene are due Oct. 9, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 39118 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Vermont/Guption Road Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the receipt of a notice of intent from the Village of Waterbury to construct the Guptil Road project, a qualifying conduit hydropower facility in Washington County, Vt. The project will utilize an existing potable water pipeline; includes an intake pipe, a generating unit with an installed capacity of 4 kilowatts, and an outlet pipe; and has an estimated annual generation of 35.6 megawatt-hours. FERC has preliminarily determined that the project satisfies the requirements for a qualifying conduit hydropower facility and is not required to be licensed or exempted from licensing. Motions to intervene are due Sept. 11, 2017. Comments are due Sept. 25, 2017. Contact: Robert Bell; FERC; 202-502-6062; robert.bell@ferc.gov

82 FR 39117 (08/17/2017)

[Regulatory Update](#)

OIL AND GAS INDUSTRY

[Gas and Liquid Pipeline Advisory Committees Meetings](#)

OIL AND GAS INDUSTRY

Notice of PHMSA announces a meeting of the Gas Pipeline Advisory Committee (GPAC) and a joint meeting of the GPAC and the Liquid Pipeline Advisory Committee. The agenda for the GPAC meeting includes discussion of an April 8, 2016, proposed rule (81 FR 20722) regarding safety of gas transmission and gathering pipelines. The joint meeting agenda includes discussion on a variety of topics concerning the pipeline safety program and policy issues. The joint meeting is scheduled for Sept. 6, 2017, and the GPAC meeting is scheduled for Sept. 7-8, 2017, in the Washington, D.C., area at a location to be posted on the agency's website. Comments are requested, but a due date is not specified. Contact: Cheryl Whetsel; PHMSA; 202-366-4431; cheryl.whetsel@dot.gov

82 FR 39153 (08/17/2017)

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