

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
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**Subject:** July 25 -- EHS State Regulatory Alert



## **EHS State Regulatory Alert**

July 25, 2017 - Number 141

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### California

*OIL AND GAS INDUSTRY*  
Hazardous Liquid Pipelines  
**California OIL AND GAS INDUSTRY**

Final rule of the Office of the State Fire Marshal amends regulations under 19 CCR 2021 regarding hazardous liquid pipelines. The rule updates incorporated instructions for the intrastate pipeline operator annual report (Form PSD-101) to reflect an updated federal web address concerning earthquake faults. The rule is effective July 6, 2017. Contact: Diane Arend; OSFM; 916-324-9592; [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)

—California Regulatory Notice Register (07/21/2017)

Regulatory Update

**PESTICIDES**  
Copper-Based Antifouling Paint and Coating Products  
**California PESTICIDES**

Final rule of the Department of Pesticide Regulation adopts regulations under 3 CCR 6190 to require registrants of all new copper-based antifouling paint and coating products to submit estimated daily mean copper release rate (leach rate) data. The rule also establishes a maximum allowable copper leach rate for antifouling paint and coating products registered for use on recreational vessels of 9.5 micrograms per square centimeter per day. In addition, the rule specifies that currently registered products exceeding the leach rate will be subject to cancellation. Finally, the rule adds definitions of recreational vessel and commercial vessel. The rule is effective Jan. 1, 2018. Contact: Linda Irokawa-Otani; DPR; 916-445-3991

—California Regulatory Notice Register (07/21/2017)

Regulatory Update

## **SOLID WASTE**

### **Minimum Standards for Solid Waste Handling and Disposal/Glass Container Processing** **California SOLID WASTE**

Notice of the Department of Resources Recycling and Recovery announces the second readoption of an Oct. 14, 2016, emergency rule that amended regulations under 14 CCR 17402, 17403.0, and 17405.0 and adopted regulations under 14 CCR 17403.3.1 to set forth minimum standards for glass container processing operations. The rule also placed such operations within the enforcement agency notification tier rather than requiring a full solid waste facility permit. The readoption is effective July 18, 2017, and expires Oct. 17, 2017. Contact: Harllee Branch; DRRR, Waste Permitting, Compliance and Mitigation Division; 916-341-6056; Harllee.Branch@calrecycle.ca.gov

—California Regulatory Notice Register (07/21/2017)

#### **Regulatory Update**

## **TOXIC SUBSTANCES**

### **Safe Drinking Water and Toxic Enforcement Act/Arsenic Levels in Rice** **California TOXIC SUBSTANCES**

Proposed rule of the Office of Environmental Health Hazard Assessment adopts regulations under 27 CCR 25501.1 to establish safe harbor concentrations for natural background levels of inorganic arsenic in rice under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The rule specifies safe harbor arsenic concentrations of 80 parts per billion (ppb) for white rice and 170 ppb for brown rice. Hearing requests are due Aug. 23, 2017. Comments are due Sept. 7, 2017. Contact: Contact: Monet Vela; OEHHA; 916-323-2517; monet.vela@oehha.ca.gov

—California Regulatory Notice Register (07/21/2017)

#### **Regulatory Update**

## **TOXIC SUBSTANCES**

### **Safe Drinking Water and Toxic Enforcement Act/Clear and Reasonable Warnings** **California TOXIC SUBSTANCES**

Proposed rule of the Office of Environmental Health Hazard Assessment amends regulations under 27 CCR 25600.1 through 25607.17 (nonconsecutive) regarding clear and reasonable warnings under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The rule clarifies requirements established under a Sept. 9, 2016, final rule that expanded right-to-know provisions and provided specific guidance on the content of safe harbor warnings for a variety of exposure situations and corresponding methods for providing such warnings, effective Aug. 30, 2018. The current rule revises definitions; clarifies the required format and location of product labels; and clarifies specific exposure warning requirements for restaurant food and beverages, prescription drugs and emergency medical and dental care, furniture products, diesel engines, and vehicles. Hearing requests are due Aug. 23, 2017. Comments are due Sept. 7, 2017. Contact: Monet Vela; OEHHA; 916-323-2517; monet.vela@oehha.ca.gov

—California Regulatory Notice Register (07/21/2017)

#### **Regulatory Update**

## **TOXIC SUBSTANCES**

### **Safe Drinking Water and Toxic Enforcement Act/Hotel Exposure Warnings** **California TOXIC SUBSTANCES**

Proposed rule of the Office of Environmental Health Hazard Assessment adopts regulations under 27 CCR 25607.32 and 25607.33 to establish tailored warnings for exposures to chemicals listed under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65) that can occur at hotels and other transient lodging establishments. The rule sets forth content requirements for safe harbor warnings for such exposures and corresponding methods for providing the warnings. Hearing requests are due Aug. 23, 2017. Comments are due Sept. 7, 2017. Contact: Monet Vela; OEHHA; 916-323-2517; monet.vela@oehha.ca.gov

—California Regulatory Notice Register (07/21/2017)

#### **Regulatory Update**

## **WATER**

### **Surface Water Augmentation** **California WATER**

Proposed rule of the State Water Resources Control Board amends regulations under 22 CCR 60301.851 and adopts regulations under 22 CCR 60301.120 through 60320.330 (nonconsecutive) and 64668.05 through 64668.30 regarding water recycling criteria and surface water treatment requirements related to surface water augmentation. The rule establishes minimum uniform water recycling criteria for water recycling agencies for the planned placement of recycled water into a surface water reservoir used as a source of domestic drinking water supply. The rule also establishes requirements for public water systems that use a reservoir augmented with recycled water. A hearing is scheduled for Sept. 7, 2017, in Sacramento. Comments are due Sept. 12, 2017. Contact: Michael McKibben; SWRCB; 619-525-4023; michael.mckibben@waterboards.ca.gov

—California Regulatory Notice Register (07/21/2017)

#### **Regulatory Update**

## **Colorado**

## **AIR**

### **Control of Ozone, Ozone Precursors, and Hydrocarbons/Oil and Gas Emissions** **Colorado AIR**

Proposed rule of the Department of Public Health and Environment, Air Quality Control Commission, amends regulations under 5 CCR 1001-9, Regulation 7, regarding the control of emissions of ozone, ozone precursors, and hydrocarbons from oil and gas operations. The rule addresses reasonably available control technology requirements for categories of sources covered by the EPA's oil and gas control techniques guidelines, including requirements for pneumatic pumps, components at well production facilities and natural gas compressor stations, compressors, pneumatic controllers, condensate tank controls, equipment leaks at natural gas processing plants, and compressors and leak detection and repair for components at well production facilities and natural gas compressor stations. The rule also addresses state-only

requirements for continuous bleed pneumatic controllers and for the inspection and maintenance of natural gas-driven pneumatic controllers. The rule is issued in response to the EPA's reclassification of the Denver Metro North Front Range area as a moderate eight-hour ozone nonattainment area and if adopted, the provisions will be submitted to the EPA for inclusion in the ozone SIP. A hearing is scheduled for Oct. 19-20, 2017, in Denver. Comments are due Oct. 2, 2017. Contact: Leah Martland; DPHE; 303-692-6269; leah.martland@state.co.us

—Colorado Register (07/21/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

Radiation Control/Transportation of Radioactive Material

**Colorado HAZARDOUS MATERIALS TRANSPORTATION**

Proposed rule of the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, amends regulations under 6 CCR 1007-1, Parts 1 and 17, regarding the transportation of radioactive material. The rule expands exemptions for transportation of certain low-level radioactive materials, clarifies that the state is responsible for review of certain package-related quality assurance programs for use of Type B packages under a general license, and incorporates federal requirements for package quality assurance. The rule also expands recordkeeping requirements for irradiated fissile material shipments, adds package and conveyance equations used for calculating limits for mixtures or unknown quantities of radioactive materials, and revises and adds package limits for certain isotopes. In addition, the rule revises definitions and updates contact information for notifications for shipments of nuclear waste. A hearing is scheduled for Sept. 20, 2017, in Denver. Comments are due Sept. 14, 2017. Contact: James Jarvis; DPHE; 303-692-3454; james.jarvis@state.co.us

—Colorado Register (07/21/2017)

Regulatory Update

**Pennsylvania**

**WATER**

NPDES General Permit for Pesticide Discharges

**Pennsylvania WATER**

Notice of the Department of Environmental Protection announces the availability of draft revisions to the National Pollutant Discharge Elimination System (NPDES) general permit (PAG-15) for discharges from the application of pesticides. The permit, which is currently scheduled to expire Oct. 28, 2017, authorizes point source discharges to waters of the commonwealth from the application of pesticides. The revisions include the removal of a requirement to submit annual notices of intent for renewal, an increase of annual fees to \$500, and modifications to and the extension of annual reports to March 1. Comments and hearing requests are due Aug. 21, 2017. Contact: DEP; 717-783-2300; ecomment@pa.gov

—Pennsylvania Bulletin (07/22/2017)

Regulatory Update

## Virginia

### **WATER**

#### Chesapeake/State Water Control Law Enforcement Action

#### Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Scrap 58 Inc. for alleged State Water Control Law violations at its used auto parts and scrap metal facility in Chesapeake. The alleged violations include failure to clean up oil/petroleum spill stains and to provide a stormwater pollution prevention plan and additional documentation required under its Virginia Pollutant Discharge Elimination System permit. The order requires payment of a \$8,853 civil penalty and performance of actions specified in a schedule of compliance. Comments are due Aug. 23, 2017. Contact: Jennifer Coleman; DEQ, Tidewater Regional Office; 757-518-2000; jennifer.coleman@deq.virginia.gov

—Virginia Register (07/24/2017)

#### Regulatory Update

### **WATER**

#### Northumberland County/State Water Control Law Consent Order

#### Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Northumberland County for alleged violations of the State Water Control Law and conditions of its Virginia Pollutant Discharge Elimination System permit related to discharges of treated sewage and municipal wastes from the Callao wastewater treatment plant. The order requires the county to take specified corrective actions to address exceedances of the total recoverable zinc effluent limitations in its permit. Comments are due Aug. 23, 2017. Contact: Kathleen O'Connell; DEQ; 804-698-4378; kathleen.oconnell@deq.virginia.gov

—Virginia Register (07/24/2017)

#### Regulatory Update

### **WATER**

#### Petersburg/State Water Control Law Consent Order

#### Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Dinesh Patel for alleged violations of effluent limitations and other conditions of his Virginia Pollutant Discharge Elimination System permit for the Traveler's Inn wastewater treatment plant in Petersburg. The order requires the respondent to pay a civil penalty of \$14,000 and to take certain operating, monitoring, and reporting corrective measures to address discharges of treated sewage and domestic wastes from the plant. Comments are due Aug. 23, 2017. Contact: Kathleen O'Connell; DEQ; 804-698-4378; kathleen.oconnell@deq.virginia.gov

—Virginia Register (07/24/2017)

Regulatory Update

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EHS State Regulatory Alert