

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

October 04, 2017 - Number 191

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Arkansas

WATER

Water Quality Standards for Surface Waters

Arkansas WATER

Final rule of the Pollution Control and Ecology Commission amends Regulation 2 to revise the chloride, sulfate, and total dissolved solids water quality criteria for Chamberlain, Cove, Lucinda, Reyburn, Rusher, and Scull creeks and Clearwater Lake. The rule is issued in response to a third-party petition by Halliburton Energy Services Inc., of Houston, in order to facilitate a 12-year environmental improvement project. The rule is effective Sept. 16, 2017. Contact: Kelly Robinson, Department of Environmental Quality, Public Outreach and Assistance Division; 501-682-0916

—Arkansas Register (10/02/2017)

Regulatory Update

California Regions

AIR

NOx Emissions from Portland Cement Kilns

California Regions AIR

Proposed rule of the Eastern Kern Air Pollution Control District amends regulations under Rule 425.3 to reduce Portland cement kiln nitrogen oxide (NOx) emissions limits. The rule sets a 30-operating day rolling average NOx emission limit of 2.8 pounds per ton of clinker produced or 3.4 lb/ton of clinker produced if a low-NOx burner or low-NOx precalciner was installed and made operational by Jan. 1, 2007. The rule also requires Portland cement manufacturing facilities to provide, properly install, maintain, calibrate, and operate a continuous emission monitoring system for each emission point from the kiln. In addition, the rule establishes requirements for monitoring clinker production. A workshop is scheduled for Nov. 2, 2017, in Mojave. Comments

are due Dec. 4, 2017. Contact: Jeremiah Cravens; Eastern Kern APCD; 661-862-5250; cravensj@kerncounty.com

—California Regions Regulations (09/28/2017)

Regulatory Update

AIR

New and Modified Major Stationary Source Review
California Regions AIR

Proposed rule of the Eastern Kern Air Pollution Control District adopts regulations under Rule 210.1A to establish requirements for preconstruction review of all new major stationary sources and major modifications of existing major stationary sources. The rule applies to major stationary sources that emit or have the potential to emit 100 tons per year or more of any regulated new source review pollutant or precursor, unless a specified lower emission threshold is applicable. The rule also requires permit applicants to provide an analysis demonstrating best available control technology for each emission unit and to provide offsets for any significant net emissions increase of a nonattainment pollutant and its precursors. A workshop is scheduled for Nov. 2, 2017, in Mojave. Comments are due Dec. 4, 2017. Contact: Jeremiah Cravens; Eastern Kern APCD; 661-862-5250; cravensj@kerncounty.com

—California Regions Regulations (09/27/2017)

Regulatory Update

WATER

Climate Change Work Plan
California Regions WATER

Notice of the Central Valley Regional Water Quality Control Board announces a meeting regarding the draft climate change work plan. The agenda includes a review of the work plan structure and timelines and discussion of proposed work plan priorities. A draft list of work plan tasks is provided. The meeting is scheduled for Oct. 6, 2017, in Rancho Cordova. A comment due date is not specified. Contact: Andrew Altevogt; Central Valley RWQCB; 916-464-4726; RB5S-Climate-Change-Comments@waterboards.ca.gov

—California Regions Regulations (10/03/2017)

Regulatory Update

Michigan

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, amends

regulations under MAC 408.10001 through .10036; adopts regulations under MAC 408.10002; and rescinds regulations under MAC 408.10016, .10021, .10022, and .10098 concerning general industry safety standards (Part 1). The rule adds provisions concerning woodworking machinery and clarifies definitions and administrative provisions. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards/Beryllium

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, adopts regulations under MAC 325.34001, .34005, and .34010 regarding general industry safety standards for beryllium (Part 340). The rule aligns provisions with federal standards under 29 CFR 1910.1024 and addresses requirements concerning access to employee exposure and medical records, respiratory protection, personal protective equipment, hazard communication, and sanitation. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards/Overhead and Gantry Cranes

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.11801 through .11873 (nonconsecutive) regarding the general industry safety standard for overhead and gantry cranes (Part 18). The rule aligns provisions with federal standards under 29 CFR 1910, Subpart D. The rule also clarifies applicability of the standard and updates incorporated state standards. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards/Personal Protective Equipment

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.13301 through .13387 (nonconsecutive), adopts regulations under MAC 408.13395a through .13395g, and rescinds regulations under MAC 408.13390 regarding the general industry safety standard for personal protective equipment (Part 33) to align with federal standards under 29 CFR 1910, Subpart D, concerning personal fall protection systems. The rule also adds performance, care, and use criteria for all personal fall protection systems and updates incorporated state standards. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards/Portable Ladders

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, rescinds regulations under MAC 408.10401 through .10456 (nonconsecutive) to delete provisions concerning general industry safety standards for portable ladders (Part 4). A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards/Powered Industrial Trucks

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.12111 through .12190 (nonconsecutive) regarding the general industry safety standard for powered industrial trucks (Part 21). The rule aligns provisions with federal standards under 29 CFR 1910, Subpart D, regarding walking and working surfaces. The rule also updates incorporated state standards. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards/Telecommunications

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.15001, .15003, and .15004 regarding general industry safety and health standards for telecommunication (Part 50). The rule aligns provisions with Nov. 18, 2016, amendments to federal standards under 29 CFR 1910.268. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Standards/Walking Working Surfaces

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, amends regulations under MAC 408.10201 and .10205; adopts regulations under MAC 408.10202, .10203, and .10204; and rescinds regulations under MAC 408.10206 through .10241 (nonconsecutive) regarding general industry safety standards for walking-working surfaces (Part 2). The rule aligns provisions with federal standards under 29 CFR 1910, Subpart D, and adds requirements for scaffolds, aerial work platforms, fall protection, accident prevention signs and tags, and training. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

New Jersey

ENDANGERED SPECIES

Division of Fish and Wildlife/2018-2019 Fish Code

New Jersey ENDANGERED SPECIES

Proposed rule of the Department of Environmental Protection, Division of Fish and Wildlife, amends regulations under NJAC 7:25-6.1 through -6.20 (nonconsecutive) and repeals and readopts regulations under NJAC 7:25-6.6 and -6.7 to update standards for the 2018 and 2019 fishing seasons relating to which fish may be pursued, caught, killed, or possessed. A hearing is scheduled for Nov. 14, 2017, in Robbinsville. Comments are due Dec. 1, 2017. Contact: Larry Herrightly; DEP, Division of Fish and Wildlife; 609-292-6686

—New Jersey Register (10/02/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Vehicle Inspection Standards, Heavy-Duty Diesel Trucks

New Jersey HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Transportation, Motor Vehicle Commission, amends regulations under 13:20-26.6 through -50C.9 (nonconsecutive); adopts regulations under NJAC 13:20-50D; repeals and readopts regulations under NJAC 13:20-26.3, -26.4, and -26.9; and repeals regulations under NJAC 13:20-10, -14, -27, and -49 through -49E.4 (nonconsecutive) concerning diesel emission standards, equipment, and inspections. The rule replaces detailed inspection standards with references to federal standards under 49 CFR 396 and adds references to federal self-inspection requirements for inspection every 90 days of bus pushout windows, emergency doors, and emergency door-marking lights. The rule also addresses continued operation of an unsafe motor vehicle for repair, out-of-service requirements, and the parts and accessories that must be addressed in a driver's daily report. In addition, the rule consolidates provisions concerning inspection of new heavy-duty diesel trucks. Comments are due Dec. 1, 2017. Contact: Kate Tasch; MVC; 609-777-1407; rulecomments@mvc.nj.gov

—New Jersey Register (10/02/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Proposed Consent Order/Country Towing 634/638 Route 46 Site
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces a proposed consent order with Ward Kenvil Enterprises Inc. and three other defendants for recovery of cleanup and removal costs associated with the Country Towing 634/638 Route 46 Site in Morris County. The consent order requires the defendants to pay \$38,000 to settle alleged liability for past and future cleanup and removal costs at the site. The agreement also includes a covenant not to sue. Comments are due Dec. 1, 2017. Contact: Kevin Kratina; DEP; 609-292-8761

—New Jersey Register (10/02/2017)

Regulatory Update

Ohio

COMMUNITY RIGHT-TO-KNOW

Identification of Hazardous Chemicals

Ohio COMMUNITY RIGHT-TO-KNOW

Proposed rule of the Ohio EPA rescinds and readopts regulations under OAC 3750-30-25 concerning hazardous chemical identification. The rule reduces the chemical hazard categories from five to two and adds four specific hazards—simple asphyxiant, combustible dust, pyrophoric gas, and hazard not otherwise classified—to reflect current federal EPA hazardous chemical reporting requirements and OSHA hazard communication standards. A hearing is scheduled for Nov. 2, 2017, in Columbus. Comments are due Nov. 2, 2017. Contact: Paul Braun; OEPA, Emergency Response Commission; 614-644-2270; Paul.Braun@epa.state.oh.us

—Ohio Regulations (10/02/2017)

Regulatory Update

Oklahoma

MINING

Surface Mining Permit Applications/Electronic Blasting Detonation

Oklahoma MINING

Emergency rule of the Department of Mines amends regulations under OAC 460:20-27-6 to revise requirements for explosives in surface mining operations. The rule establishes requirements and definitions concerning electronic blasting detonation. The rule also specifies conditions for the use of loaded holes in such operations, including that loaded holes must be detonated within 60

days from the date of loading. The rule is effective July 28, 2017, and expires Sept. 14, 2018. Contact: Cathy Frank; Department of Mines, Wagoner Field Office; 918-485-3999; cathy.frank@mines.ok.gov

—Oklahoma Register (10/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Sight and Sound Requirements for Apprentice Miners

Oklahoma OCCUPATIONAL SAFETY AND HEALTH

Emergency rule of the Department of Mines amends regulations under OAC 460:15-1-10 regarding sight and sound requirements for apprentice miners. The rule provides for the continued implementation and monitoring of modern technology infused sight and sound systems or methods in trial to determine if safety requirements are met, including two communication systems and rapid response plans that allow for above ground persons. The rule is issued in response to requests from underground mining companies to conform the companies' methods with national standards. The rule is effective July 28, 2017, and expires Sept. 14, 2018. Contact: Cathy Frank; Department of Mines, Wagoner Field Office; 918-485-3999; cathy.frank@mines.ok.gov

—Oklahoma Register (10/02/2017)

Regulatory Update

Rhode Island

HAZARDOUS WASTE CLEANUP

Brownfields Remediation and Economic Development Fund

Rhode Island HAZARDOUS WASTE CLEANUP

Final rule of the Department of Environmental Management amends regulations under 250-RICR-140-30-2 regarding the Brownfields Remediation and Economic Development Fund. The rule establishes provisions concerning the project priority list for the new Brownfields Revolving Loan Fund administered by the state infrastructure bank. The rule also revises the definition of “release” to update the incorporation by reference the federal definition under 40 CFR 300.5. The rule is effective Oct. 19, 2017. Contact: Matthew DeStefano; DEM, Office of Waste Management; 401-222-2797; matthew.destefeano@dem.ri.gov

—Rhode Island Regulations (10/01/2017)

Regulatory Update

Utah

AIR

Air Quality Exceedances/Fireworks Exceptional Events
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces a public review and comment period regarding air quality exceedances at monitoring stations in Lindon, Ogden, and Rose Park on July 4, 2017, due to firework display emissions. The notice specifies that federal regulations allow states to exclude air quality data that exceed or violate a national ambient air quality standard if they can demonstrate that an “exceptional event” has caused the exceedance or violation. Comments are due Nov. 1, 2017. Contact: Joel Karmazyn; DEQ, Division of Air Quality; 801-536-4423; jkarmazyn@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

AIR

Air Quality Exceedances/Wildfire Exceptional Events
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces a public review and comment period regarding air quality exceedances at a monitoring station in Smithfield on Aug. 6-7, 2017, due to a wildfire exceptional event. The notice specifies that federal regulations allow states to exclude air quality data that exceed or violate a national ambient air quality standard if they can demonstrate that an “exceptional event” has caused the exceedance or violation. Comments are due Nov. 1, 2017. Contact: Joel Karmazyn; DEQ, Division of Air Quality; 801-536-4423; jkarmazyn@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

Washington

AIR

Olympic Region Clean Air Agency/Federal Standards
Washington AIR

Final rule of the Olympic Region Clean Air Agency amends regulations under Rule 1.11 to update the incorporation by reference of federal standards to July 1, 2017. The rule is effective Oct. 21, 2017. Contact: Mark Goodwin; ORCAA; 360-539-7610; mark.goodin@orca.org

—Washington State Register (10/04/2017)

Regulatory Update

AIR

Puget Sound Clean Air Agency/Public Records
Washington AIR

Proposed rule of the Puget Sound Clean Air Agency amends Regulation 1, Section 14.03, regarding the availability of public records. The rule allows the agency to request customized service charges in the amount of actual cost of service used. The rule also clarifies that members of the public may request records orally or through the agency's website. In addition, the rule provides that the agency may request members of the public to prioritize multiple requests and adds requirements concerning response burden estimates. Finally, the rule updates exempt records and fees. A hearing is scheduled for Oct. 26, 2017, in Seattle. Comments are due Oct. 25, 2017. Contact: Kyle Ponton-Welty; PSCA; 206-689-4040

—Washington State Register (10/04/2017)

Regulatory Update

COASTAL ZONE
Shoreline Management Act
Washington COASTAL ZONE

Notice of the Department of Ecology announces the withdrawal of a portion of a March 15, 2017, proposed rule to amend regulations under WAC 173-18-040 through -27-170 (nonconsecutive); adopt regulations under WAC 173-26-104, -27-044, -27-085, -27-125, and -27-215; and repeal regulations under WAC 173-22-060 through -0678 regarding implementation of the Shoreline Management Act. The withdrawn portion affects provisions under WAC 173-27-060 regarding the applicability of the act to federal lands and agencies. The remaining portions of the proposed rule were finalized Sept. 6, 2017. The affected portion is withdrawn because it was not adopted within the 180-day period allowed by statute. Contact: Tim Gates; Department of Ecology; 360-407-6522

—Washington State Register (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Department of Ecology/Public Records
Washington GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Ecology amends regulations under WAC 173-03-010 through -100 (nonconsecutive), adopts regulations under WAC 173-03-065 and -075, and repeals regulations under WAC 173-03-040 to update the agency's public records procedures to reflect current practice and technology. The rule also updates information relating to agency programs and staff. A hearing is scheduled for Oct. 24, 2017, in Lacey, and via webinar. Comments are due Oct. 31, 2017. Contact: Linda Anderson; Department of Ecology; 360-407-6040, linda.anderson@ecy.wa.gov

—Washington State Register (10/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Confined Spaces in the Construction Industry

Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries amends regulations under WAC 296-809-099 through -60004 (nonconsecutive) and repeals regulations under WAC 296-809-700, 70002, and 70004 to update standards to comply with OSHA requirements under 29 CFR 1926, Subpart AA, regarding confined spaces in the construction industry. The rule updates requirements for written permit-required confined space programs, employee training, entry permits and procedures, and rescue and emergency services. The rule also removes nonpermit confined spaces requirements and adds and updates definitions. A hearing is scheduled for Oct. 30, 2017, in Tumwater. Comments are due Nov. 6, 2017. Contact: Chris Miller; DLI; 360-902-5516

—Washington State Register (10/04/2017)

Regulatory Update

SOLID WASTE

Coordinated Prevention, Local Solid Waste Enforcement Grants

Washington SOLID WASTE

Final rule of the Department of Ecology amends regulations under WAC 173-312-010 through -100 and repeals regulations under WAC 173-313-010 through -050 to consolidate provisions concerning grants available to local governments for hazardous and solid waste plans and programs. The rule deletes provisions concerning local solid waste enforcement grants and removes eligibility for separate hazardous and solid waste management plan development funds. The rule also addresses requirements for notification of available funding, revises project criteria, aligns the grant cycle with the fiscal year, and provides for a web-based grants management program. In addition, the rule establishes a 10 percent penalty for recipients that fail to meet performance criteria, clarifies criteria for local contributions and the allocation of financial assistance, and allows stakeholders to request reconsideration of award reductions. The rule is effective Oct. 9, 2017. Contact: Tami Ramsey; Department of Ecology, Waste 2 Resources Program; 360-407-6612

—Washington State Register (10/04/2017)

Regulatory Update

WATER

Waterworks Operator Certification/Education, Experience Requirements

Washington WATER

Proposed rule of the Department of Health amends regulations under WAC 246-292-060 regarding water treatment plant operators and water distribution managers. The rule updates the operator-in-training experience requirement by replacing the more stringent “operating experience” with the broader “water-related experience” for all water treatment plant operators, water distribution managers, and cross-connection control specialists. A hearing is scheduled for Oct. 24, 2017, in Tumwater. Comments are due Oct. 24, 2017. Contact: Teresa Phillips; Department of Health; 360-236-3147; theresa.phillips@doh.wa.gov

—Washington State Register (10/04/2017)

Regulatory Update

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