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**From:** Bloomberg BNA  
**Sent:** Fri 6/9/2017 12:19:54 PM  
**Subject:** June 09 -- EHS State Regulatory Alert



## **EHS State Regulatory Alert**

June 09, 2017 - Number 110

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### Delaware

*RADIATION*  
Radiation Control  
Delaware RADIATION

Proposed rule of the Department of Health and Social Services, Division of Public Health, amends regulations under 16 DEAC 4465 regarding radiation control requirements. The rule updates safety requirements for diagnostic and interventional X-ray equipment and imaging systems and nonhealing arts radiation-generating devices to align with current health care and industry standards and state and federal requirements. The rule also revises definitions for “qualified medical physicist” and “licensed practitioner.” A hearing is scheduled for June 23, 2017, in Dover. Comments are due June 14, 2017. Contact: Jamie Mack; DHSS, Division of Public Health; 302-744-4951; jamie.mack@state.de.us

—Delaware Register of Regulations (06/01/2017)

Regulatory Update

### Idaho

*OCCUPATIONAL SAFETY AND HEALTH*  
Minimum Safety Standards and Practices for Logging/Cable-Assisted Logging Systems  
Idaho OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Division of Building Safety adopts regulations under IDAPA 07.08.17 regarding minimum safety standards and practices for cable-assisted logging systems. The rule establishes machine and equipment, line tethers, and operational safety standards applicable to cable-assisted logging. The rule is adopted concurrently as a temporary rule, effective May 1, 2017. Hearing requests are due June 21, 2017. Comments are due June 28, 2017. Contact: Larry Jeffres; Division of Building Safety; 208-332-4014; larry.jeffres@dbs.idaho.gov

—Idaho Administrative Bulletin (06/07/2017)

Regulatory Update

**Iowa**

**RADIATION**

Safety Requirements for the Use of Radiation Machines and Radioactive Materials

**Iowa RADIATION**

Final rule of the Department of Public Health amends regulations under 641 IAC 41.1 concerning safety requirements for the use of radiation. The rule deletes the prohibition against operation of handheld devices for intraoral radiography without a waiver from the department. The rule also applies the existing waiver operating requirements to the use of handheld X-ray equipment. The rule is effective July 12, 2017. Contact: Angela Leek; DPH, Bureau of Radiological Health; 515-281-3478; angela.leek@idph.iowa.gov

—Iowa Administrative Bulletin (06/07/2017)

Regulatory Update

**TOXIC SUBSTANCES**

Lead-Based Paint Activities

**Iowa TOXIC SUBSTANCES**

Final rule of the Department of Public Health amends regulations under 641 IAC 70.2, .3, .4, .5, .6, .7 and .10 regarding lead-based paint activities. The rule replaces the annual certification renewal cycle with a three-year renewal cycle. The rule also provides for transition to an online application database for individual and firm certification. In addition, the rule updates the definition for “high-efficiency particulate air vacuums,” specifies that the department no longer provides curricula to training providers, and eliminates an obsolete reporting requirement. The rule is effective July 12, 2017. Contact: Kane Young; DPH; 515-242-6335; kane.young@idph.iowa.gov

—Iowa Administrative Bulletin (06/07/2017)

Regulatory Update

**Kentucky**

**OCCUPATIONAL SAFETY AND HEALTH**

Maritime Employment/Occupational Exposure to Beryllium

**Kentucky OCCUPATIONAL SAFETY AND HEALTH**

Final rule of the Department of Workplace Standards, Division of Occupational Safety and Health Education and Training, amends regulations under 803 KAR 2:500 regarding occupational safety and health standards for maritime employment. The rule updates the incorporation by reference of federal standards under 29 CFR 1915, 1917, 1918 and 1919, as of July 1, 2016, and 29 CFR 1915.1000 and 1915.1024, as of Jan. 9, 2017. The rule adopts federal amendments that reduce the permissible exposure limit for beryllium to 0.2 micrograms per cubic meter and require employers to implement beryllium medical surveillance and engineering controls and to add related training and supervision requirements. The rule is effective June 2, 2017. Contact: Kristi Redmon; DWS; 502-564-3504; Kristi.redmon@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Occupational Controls/Occupational Exposure to Beryllium  
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Workplace Standards, Division of Occupational Safety and Health Education and Training, amends regulations under 803 KAR 2:403 regarding occupational health and environmental controls to update the incorporation by reference of federal standards under 29 CFR 1926, as of Jan. 9, 2017. The rule adopts federal amendments that reduce the permissible exposure limit for beryllium to 0.2 micrograms per cubic meter and require employers to implement beryllium medical surveillance and engineering controls and to add related training and supervision requirements. The rule is effective June 2, 2017. Contact: Kristi Redmon; DWS; 502-564-3504; Kristi.redmon@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Toxic and Hazardous Substances/Occupational Exposure to Beryllium  
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Workplace Standards, Division of Occupational Safety and Health Education and Training, amends regulations under 803 KAR 2:425 regarding toxic and hazardous substances in construction to update the incorporation by reference of federal standards under 29 CFR 1926, as of Jan. 9, 2017. The rule adopts federal amendments that reduce the permissible exposure limit for beryllium to 0.2 micrograms per cubic meter and require employers to implement beryllium medical surveillance and engineering controls, to add related training and supervision requirements, and to have a written beryllium control plan. The rule is effective June 2, 2017. Contact: Kristi Redmon; DWS; 502-564-3504; Kristi.redmon@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**SOLID WASTE**

Special Waste Management/Definitions  
Kentucky SOLID WASTE

Final rule of the Department for Environmental Protection, Division of Waste Management, amends regulations under 401 KAR 45:010 to exclude coal combustion residuals (CCRs) from the definition of management of special wastes. A concurrent final rule establishes requirements for CCRs under 401 KAR 46. The rule is effective May 5, 2017. Contact: Louanna Aldridge; DEP; 502-782-6538; Louanna.Aldridge@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**SOLID WASTE**

Special Waste/Coal Combustion Residuals  
Kentucky SOLID WASTE

Final rule of the Department for Environmental Protection, Division of Waste Management, adopts regulations under 401 KAR 46:101 to set forth definitions related to the coal combustion residuals permit-by rule, which is established in a concurrent rule. The rule is effective May 5, 2017. Contact: Louanna Aldridge; DEP; 502-782-6538; Louanna.Aldridge@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**SOLID WASTE**

Special Waste/Coal Combustion Residuals Disposal  
Kentucky SOLID WASTE

Final rule of the Department for Environmental Protection, Division of Waste Management, adopts regulations under 401 KAR 46:110 to establish standards for the disposal of coal combustion residuals. The rule specifies location restrictions and design, structural integrity, and operation criteria. The rule also establishes requirements for capacity, inspections, groundwater monitoring, closure, recordkeeping, and notification. The rule is effective May 5, 2017. Contact: Louanna Aldridge; DEP; 502-782-6538; Louanna.Aldridge@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**SOLID WASTE**

Special Waste/Coal Combustion Residuals Surface Impoundments  
Kentucky SOLID WASTE

Final rule of the Department for Environmental Protection, Division of Water, adopts regulations under 401 KAR 4:070 to establish standards for coal combustion residuals (CCR) surface impoundments. The rule adds definitions for “coal combustion residuals surface impoundment” and “CCR surface impoundment” and incorporates by reference federal standards under 40 CFR 257 concerning structural integrity, hydrologic and hydraulic capacity, inspections, recordkeeping, and notifications. The rule is effective May 5, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-782-6914; water@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**SOLID WASTE**

Special Waste/Permit-By-Rule

**Kentucky SOLID WASTE**

Final rule of the Department for Environmental Protection, Division of Waste Management, amends regulations under 401 KAR 45:060 regarding the permit-by-rule for special wastes. The rule excludes disposal of coal combustion residuals (CCRs) in mining operations from being a permit-by-rule. The rule also removes certain beneficial reuses of CCRs, including product ingredients such as cement, concrete, paint, plastics, antiskid material, highway base course, blasting grit, and roofing granules. In addition, the rule clarifies that generators are only required to report annually on coal combustion by-products. A concurrent final rule establishes a permit-by-rule for CCRs under 401 KAR 46. The rule is effective May 5, 2017. Contact: Louanna Aldridge; DEP; 502-782-6538; Louanna.Aldridge@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**WATER**

Onsite Sewage Disposal Systems

**Kentucky WATER**

Final rule Cabinet for Health and Family Services, Department for Public Health, amends regulations under 902 KAR 10:085 regarding requirements for onsite sewage disposal systems. The rule updates the daily waste flow table to account for technological improvements in water-using fixtures and appliances and greywater systems that reduce water usage. The rule also provides for the use approved alternative systems for on-site sewage disposal and updates sizing requirements for drip treatment and disposal systems and residential greywater waste systems. In addition, the rule updates definitions and incorporates related forms. The rule is effective May 5, 2017. Contact: Tricia Omre; CHFS, Office of Legal Services; 502-564-7905; Tricia.Omre@ky.gov

—Administrative Register of Kentucky (06/01/2017)

Regulatory Update

**Nebraska**

**OCCUPATIONAL SAFETY AND HEALTH**

Elevators, Escalators, and Other Conveyances

**Nebraska OCCUPATIONAL SAFETY AND HEALTH**

Final rule of the Department of Labor amends regulations under 230 NAC 1 regarding the safety code for elevators, escalators, and other conveyances used for passengers or materials. The rule

reduces the annual inspection fee for conveyances to \$120. The rule is effective June 7, 2017. Contact: Katie Thurber; DOL, Legal Division; 402-471-9912; katie.thurber@nebraska.gov

—Nebraska Regulations (06/06/2017)

Regulatory Update

**Rhode Island**

**AIR**

Air Pollution Control/Fugitive Dust

**Rhode Island AIR**

Notice of the Department of Environmental Management, Office of Air Resources, announces a technical revision to recodify Air Pollution Control Regulation No. 5 regarding fugitive dust as 250-RICR-120-05-5 to reflect the reformatting of the state administrative code. The revision is effective June 29, 2016. Contact: DEM, Office of Air Resources; 401-222-6800

—Rhode Island Regulations (06/04/2017)

Regulatory Update

**AIR**

Air Pollution Control/General Definitions

**Rhode Island AIR**

Notice of the Department of Environmental Management, Office of Air Resources, announces a technical revision to recodify the Air Pollution Control General Definitions Regulation as 250-RICR-120-05-0 to reflect the reformatting of the state administrative code. The revision is effective Jan. 9, 2017. Contact: DEM, Office of Air Resources; 401-222-6800

—Rhode Island Regulations (06/05/2017)

Regulatory Update

**AIR**

Air Pollution Control/Sulfur Content of Fuels

**Rhode Island AIR**

Notice of the Department of Environmental Management, Office of Air Resources, announces a technical revision to recodify Air Pollution Control Regulation No. 8 regarding sulfur content of fuels as 250-RICR-120-05-8 to reflect the reformatting of the state administrative code. The revision is effective Jan. 9, 2017. Contact: DEM, Office of Air Resources; 401-222-6800

—Rhode Island Regulations (06/04/2017)

Regulatory Update

**AIR**

**Air Pollution Control/Volatile Organic Compounds from Surface Coating**  
**Rhode Island AIR**

Notice of the Department of Environmental Management, Office of Air Resources, announces a technical revision to recodify Air Pollution Control Regulation No. 19 regarding the control of volatile organic compounds from surface coating operations as 250-RICR-120-05-19 to reflect the reformatting of the state administrative code. The revision is effective Jan. 9, 2017. Contact: DEM, Office of Air Resources; 401-222-6800

—Rhode Island Regulations (06/04/2017)

**Regulatory Update**

**Texas**

***HAZARDOUS MATERIALS TRANSPORTATION***  
**Statewide Transportation Improvement Program**  
**Texas HAZARDOUS MATERIALS TRANSPORTATION**

Notice of the Department of Transportation announces a hearing on the May 2017 Quarterly Revisions to the Statewide Transportation Improvement Program (STIP). The STIP reflects federally funded transportation projects in fiscal years 2017-2020 Transportation Improvement Programs for each metropolitan planning organization (MPO) in the state. The STIP includes transportation projects for the Dallas Forth-Worth, El Paso, and Houston nonattainment areas and information on projects in rural areas that are not included in an MPO area. The hearing is scheduled for June 27, 2017, in Austin. Comments are due July 10, 2017. Contact: Peter Smith; TDOT, Transportation Planning and Programming; 512-486-5001

—Texas Register (06/09/2017)

**Regulatory Update**

**Virginia**

***RADIATION***  
**Radiation Protection Regulations/Fee Schedule**  
**Virginia RADIATION**

Final rule of the Department of Health, State Board of Health, amends regulations under 12 VAC 5-490-10 and -20 regarding the fee schedule for the radiation protection standards. The rule increases the registration fee for X-ray machines and additional tubes inspected every three years to \$60. The rule also adds fees for the registration and inspection of three categories of nonmedical X-ray equipment (baggage, cabinet or analytical, and industrial). In addition, the rule specifies the inspection frequencies for each type of X-ray machine. The rule is effective July 12,

2017. Contact: Steve Harrison; DOH, Division of Radiological Health; 804-864-8151; steve.harrison@vdh.virginia.gov

—Virginia Register (06/12/2017)

Regulatory Update

**West Virginia**

**AIR**

Ambient Air Quality Standards

**West Virginia AIR**

Proposed rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under 45 WVCSR 8 regarding ambient air quality standards. The rule incorporates by reference national ambient air quality standards under 40 CFR 50 and ambient air monitoring reference methods and equivalent methods under 40 CFR 53, as of June 1, 2017. If adopted, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for July 11, 2017, in Charleston. Comments are due July 11, 2017. Contact: DEP, Public Information Office; 304-926-0440

—West Virginia Register (06/06/2017)

Regulatory Update

**AIR**

Control of Air Pollution from Hazardous Waste TSD Facilities

**West Virginia AIR**

Proposed rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under 45 WVCSR 25 regarding standards for control of air pollution from hazardous waste treatment, storage, and disposal (TSD) facilities. The rule incorporates by reference federal standards under 40 CFR 260, 261, 262, 264, 265, 266, 270, and 279, as of June 1, 2017, regarding the export and import of hazardous wastes from and into the U.S. and the RCRA hazardous waste generator program. A hearing is scheduled for July 11, 2017, in Charleston. Comments are due July 11, 2017. Contact: DEP, Public Information Office; 304-926-0440

—West Virginia Register (06/06/2017)

Regulatory Update

**AIR**

Emission Standards for Hazardous Air Pollutants

**West Virginia AIR**

Proposed rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under 45 WVCSR 34 regarding emission standards for hazardous air pollutants. The rule incorporates by reference new and revised national emission standards for hazardous air

pollutants for various source categories under 40 CFR 61, 63, and 65 as of June 1, 2017. A hearing is scheduled for July 11, 2017, in Charleston. Comments are due July 11, 2017. Contact: DEP, Public Information Office; 304-926-0440

—West Virginia Register (06/06/2017)

Regulatory Update

**MINING**

Surface Mining Reclamation

**West Virginia MINING**

Proposed rule of the Department of Environmental Protection, Division of Mining and Reclamation, amends regulations under 38 WVCSR 2 regarding surface mining reclamation. The rule relocates and revises requirements for blasting, certification of blasters, and blasting damage claim and arbitration. The rule also relocates provisions that specify a 0.25 cent per pound fee for explosive material used for any purpose on surface mining operations and a 0.125 cent per pound fee for operators exempt from specified surface mining operation requirements. In addition, the rule revises requirements for preblast survey notification; incremental bonding; and replacement, release, and forfeiture of bonds. Finally, the rule aligns mining reclamation requirements with federal standards. A hearing is scheduled for July 18, 2017, in Charleston. Comments are due July 18, 2017. Contact: Charles Sturey; DEP, Division of Mining and Reclamation; 304-926-0499

—West Virginia Register (06/06/2017)

Regulatory Update

## Wyoming

**OIL AND GAS INDUSTRY**

Oil and Gas Conservation Commission/Practice and Procedure

**Wyoming OIL AND GAS INDUSTRY**

Proposed rule of the Oil and Gas Conservation Commission amends regulations under Chapters 1 and 5 and adopts regulations under Chapter 6 regarding the commission's practices and procedures. The rule clarifies the process of abandoning oil field equipment and establishes procedures and fees for inspecting, copying, and producing public records. The rule also updates definitions and administrative provisions concerning hearings, notice requirements, and evidentiary standards. Comments and hearing requests are due July 28, 2017. Contact: Mark Watson; OGCC; 307-234-7147; mark.watson@wyo.gov

—Wyoming Regulations (06/06/2017)

Regulatory Update

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