

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
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Subject: June 08 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

June 08, 2017 - Number 109

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Summaries

AIR

California SIP/Imperial County Large Confined Animal Facilities

AIR

Final rule of the EPA amends regulations under 40 CFR 52.220 to approve revisions to the Imperial County Air Pollution Control District portion of the California SIP regarding emissions of volatile organic compounds and particulate matter from large confined animal facilities (LCAFs). The revisions address LCAF required permits, exemptions, and related definitions. The rule is effective July 10, 2017. Contact: Nancy Levin; EPA Region 9; 415-972-3848, levin.nancy@epa.gov

82 FR 26594 (06/08/2017)

Regulatory Update

AIR

Idaho, Utah/Logan PM-2.5 Nonattainment Area Extension of Attainment Dates

AIR

Proposed rule of the EPA amends regulations under 40 CFR 52 to grant two, one-year extensions to the moderate attainment date for the Idaho portion of the Logan, Utah-Idaho, 2006 24-hour fine particulate matter (PM-2.5) NAAQS nonattainment area. In response to requests from Idaho and Utah, the rule extends the attainment date from Dec. 31, 2015, to Dec. 31, 2016, and then to Dec. 31, 2017. The rule also provides that the nonattainment area will remain a moderate PM-2.5 area, with a moderate area attainment date of Dec. 31, 2017. In addition, the rule specifies that Idaho and Utah will not have to submit additional planning requirements for serious PM-2.5 nonattainment areas unless there is a failure to attain the moderate standard by the extended date and the area is reclassified to a serious nonattainment area. The EPA will make a determination regarding attainment within six months of the applicable attainment date. A related June 6, 2017, proposed rule (82 FR 25992) would extend the attainment date for the Utah portion of the nonattainment area. Comments are due July 10, 2017. Contact: Jeff Hunt; EPA Region 10, Air Planning Unit; 206-553-0256; hunt.jeff@epa.gov

82 FR 26638 (06/08/2017)

Regulatory Update

AIR

Texas SIP/Emissions Banking and Trading Programs

AIR

Proposed rule of the EPA amends regulations under 40 CFR 52 to approve revisions to the Texas SIP regarding emissions banking and trading programs. The revisions clarify and expand the Emission Credit and Discrete Emission Credit programs specific to the generation and use of emission credits from area and mobile sources. The EPA is proposing to approve the SIP revision after Texas approves its parallel state rulemaking process. Comments are due July 10, 2017. Contact: Adina Wiley, EPA Region 6; 214-665-2115; wiley.adina@epa.gov

82 FR 26634 (06/08/2017)

Regulatory Update

AIR

Texas SIP/VOCs, Emissions Inventories

AIR

Direct final rule of the EPA amends regulations under 40 CFR 52.2270 to approve revisions to the Texas SIP to exclude specified organic compounds from the state's definition of volatile organic compounds (VOCs) to align with the current EPA definition. The revisions also reduce the threshold for lead that requires sources to annually complete an emissions inventory, reduce the distance from the shoreline for applicable offshore sources to complete an emission inventory, and update terminology and definitions associated with emissions inventories. The rule is effective Sep. 6, 2017, unless adverse comments are received by July 10, 2017. Contact: Nevine Salem; EPA Region 6; 214-665-7222; salem.nevine@epa.gov

82 FR 26596 (06/08/2017)

Regulatory Update

AIR

Texas SIP/VOCs, Emissions Inventories

AIR

Proposed rule of the EPA amends regulations under 40 CFR 52.2270 to approve revisions to the Texas SIP to exclude specified organic compounds from the state's definition of volatile organic compounds (VOCs) to align with the current EPA definition. The revisions also reduce the threshold for lead that requires sources to annually complete an emissions inventory, reduce the distance from the shoreline for applicable offshore sources to complete an emission inventory, and update terminology and definitions associated with emissions inventories. A concurrent direct final rule adopts the provisions, effective Sep. 6, 2017. Comments are due July 10, 2017. Contact: Nevine Salem; EPA Region 6; 214-665-7222; salem.nevine@epa.gov

82 FR 26634 (06/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Bacteriophage Therapy Workshop

GENERAL ENVIRONMENT AND SAFETY

Notice of the Food and Drug Administration, Center for Biologics Evaluation and Research, in cooperation with the National Institutes of Health, National Institute of Allergy and Infectious Diseases, announces a workshop regarding bacteriophage therapy scientific and regulatory issues. The workshop is intended to facilitate the development and rigorous clinical assessment of bacteriophage therapy products. The workshop is scheduled for July 10-11, 2017, in Rockville, Md. Contact: James Ginther; FDA, Center for Biologics Evaluation and Research; 240-402-8010; CBERPublicEvents@fda.hhs.gov

82 FR 26691 (06/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Electric Utilities/Geomagnetic Disturbance Events Preliminary Work Plan

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the availability of a preliminary work plan to conduct research on topics related to geomagnetic disturbances and their impacts on the reliability of the Bulk-Power System. The notice specifies that the plan has been submitted pursuant to FERC Order Number 830 (81 FR 67120; 09/30/2016), which approved the Reliability Standard TPL-007-1, Transmission System Planned Performance for Geomagnetic Disturbance (GMD) Events, developed by the North American Electric Reliability Corp. Comments, protests, or motions to intervene are due June 23, 2017. Contact: FERC; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 26676 (06/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Gulf of Mexico/Delfin Deepwater Port

GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Energy, Office of Fossil Energy, announces the availability of the record of decision (ROD) and floodplain statement of findings for a license application from Delfin LNG LLC, of Dallas, for the Delfin Liquefaction Project Deepwater Port. The applicant seeks authorization to export approximately 657.5 billion cubic feet per year of domestically produced liquefied natural gas by vessel for a 20-year term from its proposed floating liquefaction facility to be located in West Cameron Block 167 in the Gulf of Mexico, offshore of Cameron Parish, La. The applicant seeks to export the LNG to any country with which the U.S. does not have a free trade agreement requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy. The project would consist of four semi-permanently moored floating liquefied natural gas vessels and new pipelines, two existing offshore natural gas pipelines, and onshore components. The ROD announces the DOE's finding that the proposed project is the environmentally preferable alternative and requires implementation of best

management practices, mitigation measures, and conditions in the Maritime Administration's ROD for the project and the forthcoming deepwater port license. A June 1, 2017, order of the DOE (Order No. 4028), authorizes Delfin to export the LNG for a 20-year term, commencing on the date of first commercial export or June 1, 2024. Contact: Kyle Moorman; DOE, Office of Fossil Energy; 202-586-5600

82 FR 26672 (06/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Louisiana/Cross-Media Electronic Reporting

GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the approval of a request from Louisiana concerning cross-media electronic reporting requirements. The approval authorizes the state to revise its EPA-authorized programs to allow electronic reporting as part of its national primary drinking water regulations implementation program (40 CFR 141 and 142). The approval is effective July 10, 2017, if no hearing requests are received by that date. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov

82 FR 26687 (06/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Tennessee Valley Authority NEPA Implementing Procedures

GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Tennessee Valley Authority adopts regulations under 18 CFR 1318.10 through 1318.605 and Appendix A to update and codify the agency's procedures for implementing the National Environmental Policy Act (NEPA). The rule updates organizational references and reflects modern notification and communication methods. The rule also revises the list of categorical exclusions to include common actions demonstrated to have little effect on the human environment and to remove categorical exclusions for actions that TVA rarely or no longer undertakes. In addition, the rule incorporates federal flood risk management standards and the process for soliciting and considering stakeholder input required by Executive Order 13690 (81 FR 91150; 12/16/2016). Comments are due Aug. 7, 2017. Contact: Matthew Higdon; TVA; 865-632-8051; mshigdon@tva.gov

82 FR 26620 (06/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

U.S. Coast Guard/Regulations, Guidance Documents, Interpretative Documents

GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Coast Guard announces a request for comments on guidance documents; interpretative documents; information collections; and regulations under 33 CFR 1 through 199, 46 CFR 1 through 499 (nonconsecutive), and 49 CFR 400 through 499 regarding navigation and

navigable waters, shipping, and transportation. The information collected will be used to support efforts within the Department of Homeland Security's Regulatory Reform Task Force to identify regulations that eliminate jobs, are outdated or ineffective, or impose costs that exceed benefits. The request is in response to Executive Order 13771 (82 FR 9339; 02/03/2017), Executive Order 13777 (82 FR 12285; 03/01/2017), and Executive Order 13783 (82 FR 16093; 03/31/2017). Comments are due July 10, 2017. Contact: Adam Sydnor; USCG; 202-372-1490; Adam.B.Sydnor@uscg.mil

82 FR 26632 (06/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Vermont/Cross-Media Electronic Reporting
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the approval of a request from Vermont concerning cross-media electronic reporting requirements. The approval authorizes the state to revise its EPA-authorized programs to allow electronic reporting as part of its programs under 40 CFR 52, 60, 62, 63, 70, 123, 142, 145, 239, 271, 281, and 403 regarding the state implementation plan, NSPS, NESHAPs, operating permit programs, drinking water, underground injection control, hazardous waste, underground storage tanks, and general pretreatment standards. The approval is effective June 10, 2017, if no hearing requests are received by that date. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov

82 FR 26680 (06/08/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Transportation Infrastructure/Policy, Guidance, and Regulation Review
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation, Office of the Secretary of Transportation, announces a request for input regarding its existing policy statements, guidance documents, and regulations to identify unnecessary obstacles to transportation infrastructure projects. The notice requests stakeholders and the public to identify nonstatutory requirements the department imposes that should be removed or revised. Comments are due July 24, 2017. Contact: Michael Smith; DOT, Office of the General Counsel; 202-366-2917; michael.a.smith@dot.gov

82 FR 26734 (06/08/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
U.S. Virgin Islands/Tutu Wellfield Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the Department of Justice announces a proposed consent decree in *United States v. Cyril V. Francois Associates LLC* (Civil Action No.3:17-cv-38), lodged on June 1, 2017, with the U.S. District Court of the Virgin Islands. The consent decree resolves claims under CERCLA

regarding the Tutu Wellfield Superfund Site in St. Thomas, U.S. Virgin Islands. The consent decree requires Cyril V. Francois to pay \$300,000 to reimburse past response costs of the U.S. at the site. Comments are due July 10, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 26713 (06/08/2017)

Regulatory Update

PESTICIDES

Experimental Use Permit/Bacillus Thuringiensis Cry14Ab-1 Protein
PESTICIDES

Notice of the EPA announces the receipt of an application (264-EUP-RLR) from Bayer CropScience LP, of Research Triangle Park, N.C., requesting an experimental use permit for use of the Bacillus thuringiensis Cry14Ab-1 protein and the genetic material necessary for its production in soybean. The applicant proposes to test two transformation events (GMB471 and GMB151) in soybean, each containing the new plant-incorporated protectant active ingredient Cry14Ab-1 protein. Comments are due July 10, 2017. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov

82 FR 26685 (06/08/2017)

Regulatory Update

PESTICIDES

Pesticide Product Registrations
PESTICIDES

Notice of the EPA announces the receipt of eight applications to register new uses for pesticide products containing five currently registered active ingredients. The applications, submitted by Syngenta Crop Protection LLC, E.I. du Pont de Nemours and Co., Gowan Co., and Nichino America Inc., are for two fungicides and six insecticides proposed for use on various agricultural products. Comments are due July 10, 2017. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov

82 FR 26679 (06/08/2017)

Regulatory Update

PESTICIDES

Pesticide Product Registrations/New Active Ingredients
PESTICIDES

Notice of the EPA announces the receipt of six applications to register pesticide products containing active ingredients not included in any currently registered products. Three of the applications are from Monsanto Co., of Washington, D.C., for plant growth regulators, and two of the applications are from ISCA Technologies, of Riverside, Calif., for straight chain lepidopteran pheromones. Comments are due July 10, 2017. Contact: Michal Goodis; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov

82 FR 26685 (06/08/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerance Petitions

PESTICIDES

Notice of the EPA announces the receipt of initial filings of petitions to amend regulations under 40 CFR 174 to establish or modify tolerance exemptions for residues of certain pesticides in or on various food commodities. The notice includes filings by Bayer CropScience LP, of Research Triangle Park, N.C., for a temporary tolerance exemption for residues of the plant-incorporated protectant (PIP) *Bacillus thuringiensis* Cry14Ab-1 in or on soybean, and a tolerance exemption for the PIP inert ingredient 4-hydroxyphenyl pyruvate deoxygenase in all food commodities. Comments are due July 10, 2017. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov

82 FR 26639 (06/08/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerance Petitions

PESTICIDES

Notice of the EPA announces the receipt of initial filings of petitions to amend regulations under 40 CFR 180 to establish new and amended tolerances and exemptions for residues of certain pesticides in or on various food commodities. The notice includes 20 filings for new and amended tolerances and tolerance exemptions for inerts and noninerts, including exceptions for plant incorporated protectants. Comments are due July 10, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov

82 FR 26641 (06/08/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerance/Triclopyr

PESTICIDES

Final rule of the EPA amends regulations under 40 CFR 180.417 to establish a time-limited tolerance of 40 parts per million for residues of the herbicide triclopyr in or on sugarcane. The rule is issued in response to the EPA's granting of an emergency exemption under FIFRA Section 18 to the state of Louisiana for control of the non-native plant Merrill's nightshade. The rule is effective June 8, 2017. Objections and hearing requests are due Aug. 7, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov

82 FR 26599 (06/08/2017)

Regulatory Update

TOXIC SUBSTANCES

National Toxicology Program Technical Reports for Peer Review

TOXIC SUBSTANCES

Notice of the National Institutes of Health announces the availability of three draft National Toxicology Program technical reports scheduled for peer review for the chemical substances p-chloro- α,α,α -trifluorotoluene; dietary zinc; and 2,3-butanedione. A peer review meeting is scheduled for July 13, 2017, in Research Triangle Park, N.C., and via webcast. Comments are due July 6, 2017. Contact: Camden Byrd; ICF; 919-293-1660; camden.byrd@icf.com

82 FR 26697 (06/08/2017)

Regulatory Update

TOXIC SUBSTANCES

Significant New Use Rule for Chemical Substance

TOXIC SUBSTANCES

Proposed rule of the EPA adopts regulations under 40 CFR 721.10927 to establish a significant new use rule under TSCA Section 5(a)(2) for a chemical substance (PMN-P-11-482) that was the subject of a premanufacture notice. The chemical substance is a bimodal mixture of multiwalled carbon nanotubes and other classes of carbon nanotubes that will be used as a specialty additive. The rule requires persons who intend to manufacture or process the chemical substance for an activity that is designated as a significant new use to notify the EPA 90 days before commencing such activity. Comments are due July 10, 2017. Contact: Kenneth Moss; EPA, Office of Pollution Prevention and Toxics; 202-564-9232; moss.kenneth@epa.gov

82 FR 26644 (06/08/2017)

Regulatory Update

TOXIC SUBSTANCES

TSCA Premanufacture and Notice of Commencement

TOXIC SUBSTANCES

Notice of the EPA announces the availability of receipt and status information regarding 44 premanufacture notices and 12 notices of commencement to manufacture new chemicals received by the agency from March 1-31, 2017. Comments are due July 10, 2017. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 26681 (06/08/2017)

Regulatory Update

WATER

Clean Water Act Section 404 Permit Program/CFR Correction

WATER

Notice of the EPA announces a correction to regulations under 40 CFR 232.2, revised as of July 1, 2016, regarding exempt activities not requiring Clean Water Act Section 404 permits. The

correction removes the first definition of “Waters of the United States.” Contact: EPA; 202-564-4700

82 FR 26603 (06/08/2017)

Regulatory Update

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