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EHS State Regulatory Alert

August 31, 2017 - Number 168

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Colorado

OIL AND GAS INDUSTRY
Gas Utilities and Pipeline Operators
Colorado OIL AND GAS INDUSTRY

Proposed rule of the Public Utilities Commission amends regulations under 4 CCR 723-4, Rules 4000 through 4976, concerning gas utilities and pipeline operators. The rule updates provisions concerning the gas purchase plan, gas purchase report, and gas cost adjustment to reflect current utility corporate ownership and changes in organizational structure. The rule also updates references to federal requirements and the procedures for testing revenue meters upon a customer's request. A hearing is scheduled for Oct. 16, 2017, in Denver. Comments are due Sept. 26, 2017. Contact: Becky Quintana; PUC; 303-894-2881; rebecca.quintana@state.co.us

—Colorado Register (08/28/2017)

Regulatory Update

Connecticut

HAZARDOUS WASTE MANAGEMENT
Solvent-Contaminated Wipes
Connecticut HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Energy and Environmental Protection amends regulations under RCSA 22a-449(c)-101(a) and adopts regulations under RCSA 22a-449(c)-101(d) regarding the regulation of disposable and reusable wipes contaminated with solvents. The rule exempts under certain conditions both types of contaminated wipes from regulation as hazardous waste. The rule is effective Aug. 25, 2017. Contact: Robert Isner; DEEP, Waste Engineering and Enforcement Division; 860-424-3023; Robert.Isner@ct.gov

—Connecticut Law Journal (08/28/2017)

Regulatory Update

Florida

WATER

Middle St. Johns River Basin TMDLs

Florida WATER

Notice of the Department of Environmental Protection announces a workshop on proposed amendments to regulations under FAC 62-304.505 to revise nutrient total maximum daily loads (TMDLs) for impaired waters in the Middle St. Johns River Basin. The workshop will address nutrient TMDLs for Bear Gully Lake, Lake Alma, and Lake Searcy. The workshop is scheduled for Sept. 29, 2017, in Casselberry. Comments are due Oct. 5, 2017. Contact: Shamyah Gibson; DEP; 850-245-8449

—Florida Administrative Weekly (08/29/2017)

Regulatory Update

WATER

Middle St. Johns River Basin TMDLs

Florida WATER

Notice of the Department of Environmental Protection announces a workshop on proposed amendments to regulations under FAC 62-304.505 to revise nutrient total maximum daily loads (TMDLs) for impaired waters in the Middle St. Johns River Basin. The workshop will address nutrient TMDLs for Lake Adair. The workshop is scheduled for Sept. 28, 2017, in Orlando. Comments are due Oct. 5, 2017. Contact: Shamyah Gibson; DEP; 850-245-8449

—Florida Administrative Weekly (08/29/2017)

Regulatory Update

Minnesota

OCCUPATIONAL SAFETY AND HEALTH

Boiler Safety/Attendance at High-Pressure Plants

Minnesota OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industry amends regulations under MNR 5225.1180 regarding monitoring of high-pressure boiler plants. The rule clarifies attendance requirements at high-pressure and unoccupied high-pressure boiler plants and revises attendance horsepower levels to align with the licensing statute. The rule also adds clarifying language, provides for an

additional unoccupied plant option, and specifies reporting requirements. The rule is effective Sept. 5, 2017. Contact: Colleen Clayton; DLI; 651-284-5867; colleen.clayton@state.mn.us

—Minnesota State Register (08/28/2017)

Regulatory Update

Mississippi

WATER

Municipal and Domestic Wastewater Facility Operators

Mississippi WATER

Final rule of the Department of Environmental Quality amends regulations under Title 11, Part 6, Chapter 3, regarding certification of municipal and domestic wastewater facility operators. The rule requires that professional references be obtained from certified operators at the same classification or higher than the classification being requested and requires that one year of experience be under the supervision of a certified operator. The rule also requires a certified operator's principal residence to be no more than 50 miles from any system they operate and to attend an approved wastewater operator short course for the appropriate classification within 12 months prior to testing for the classification. In addition, the rule addresses state reciprocity. In addition, the rule prohibits individuals from sitting for a Class III or Class IV examination without proof of having taken and passed a Class II examination. The rule is effective Sept. 28, 2017. Contact: Ted Lampton; DEQ; 601-961-5573; tlampton@mdeq.ms.us

—Mississippi Regulations (08/29/2017)

Regulatory Update

Missouri

OIL AND GAS INDUSTRY

Liquefied Petroleum Gases/Installation Requirements

Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.013 regarding liquefied petroleum gases. The rule revises installation requirements to incorporate by reference Jan. 1, 2016, Missouri Propane Safety Commission (MPSC) form MPSC-0910 and update the incorporation by reference of form MPSC-0955. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Liquefied Petroleum Gases/Registration-Training

Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.012 regarding liquefied petroleum gases. The rule revises provisions concerning registration-training to incorporate by reference the 2016 Missouri Propane Safety Commission (MPSC) forms MPSC-1219, MPSC-0910, and MPSC-1136 applicable to out-of-state residents who wish to engage or continue to do business in the state. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Liquefied Petroleum Gases/Storage

Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.014 regarding storage of liquefied petroleum gases. The rule incorporates by reference the Jan. 1, 2016, Missouri Propane Safety Commission (MPSC) form MPSC-0910 and updates the incorporation by reference of form MPSC-0417. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Reporting of Odorized Liquefied Petroleum Gas Release, Fire and Explosion

Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.120 regarding the reporting of odorized liquefied petroleum gas release, fire, or explosion. The rule incorporates by reference the Jan. 1, 2016, Missouri Propane Safety Commission (MPSC) form MPSC-5524 applicable to persons who made a telephone report. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

New Mexico

OIL AND GAS INDUSTRY

Oil and Gas Development and Production
New Mexico OIL AND GAS INDUSTRY

Final rule of the Energy, Minerals, and Natural Resources Department, Oil Conservation Commission, adopts regulations under 19.15.39.11 NMAC regarding oil and gas development and production. The rule requires two strings of surface protection casing in any well drilled through the artesian and shallow aquifer in the Roswell artesian basin. The rule also requires surface protection to be set below the artesian aquifer and cemented to the surface in any well drilled into or through that aquifer, subject to approved exceptions. The rule is effective Aug. 29, 2017. Contact: Florene Davidson; Oil Conservation Commission; 505-476-3458

—New Mexico Register (08/29/2017)

Regulatory Update

South Dakota

AIR

Air Pollution Control Program
South Dakota AIR

Final rule of the Department of Environment and Natural Resources, Board of Minerals and Environment, amends regulations under ARSD 74:36:01:01 through :21:09 (nonconsecutive) concerning the air pollution control program. The rule clarifies requirements for air quality monitoring and incorporates by reference federal standards as of July 1, 2016. The rule is effective Sept. 13, 2017. Contact: Marlys Heidt; DENR, Air Quality Program; 605-773-3151

—South Dakota Register (08/28/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste
South Dakota HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environment and Natural Resources, Board of Minerals and Environment, amends regulations under ARSD 74:28:21:01 through :33:01 (nonconsecutive) regarding hazardous waste to incorporate by reference amendments to federal hazardous waste standards as of July 1, 2016. The amendments establish management standards for solvent-contaminated wipes and procedures for identifying and managing hazardous secondary materials for recycling. The amendments also establish a framework for use of electronic manifests and revise requirements for imports and exports of hazardous wastes. The rule is effective Sept. 12, 2017. Contact: DENR, Waste Management Program; 605-773-3153

—South Dakota Register (08/28/2017)

Regulatory Update

Virginia

AIR

SIP Revision/2012 PM-2.5 NAAQS

Virginia AIR

Notice of the Department of Environmental Quality, Air Pollution Control Board, announces a proposed revision to the state implementation plan regarding the 2012 national ambient air quality standard (NAAQS) for very fine particulate matter (PM-2.5). The revisions revoke the 1997 PM-2.5 ambient air quality standard, specify that different pollutants are not summed to determine applicability of a major stationary source or major modification, update the definitions of “regulated NSR pollutant” and “significant” to specify precursors of PM-2.5, and revises general conformity applicability provisions to specify PM-2.5 precursors in the list of emissions applicability rates. The revisions will be submitted to the EPA for approval. Comments and hearing requests are due Oct. 4, 2017. Contact: Karen Sabasteanski; DEQ; 804-698-4426; karen.sabasteanski@deq.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Underground Storage Tanks

Virginia HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-580-10 through -580-370 (nonconsecutive) and -590-10 through -590-260 (nonconsecutive); adopts regulations under 9 VAC 25-580-82, -580-85, -580-380, -580-390, and 590-15; and repeals regulations under 9 VAC 25-580-370, Appendices I and II, to revise underground storage tank (UST) technical standards, correction action requirements, and petroleum UST financial responsibility requirements to conform to July 15, 2015, federal standards. The rule addresses secondary containment requirements for new and replaced tanks and piping; compatibility requirements; notification requirements; periodic operation, inspection, and maintenance requirements; deferred UST systems; new release prevention and detection technologies; and codes of practice. The rule also specifies that USTs that were previously deferred from regulation, airport hydrant fuel distribution systems, field constructed tanks, and USTs that are temporarily closed, now must comply with financial responsibility requirements. The rule is effective Jan. 1, 2018. Contact: Russell Ellison; DEQ; 804-698-4268; russell.ellison@deq.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Mining Certification/Mineral Miners

Virginia OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Mines, Minerals, and Energy amends regulations under 4 VAC 25-20-15, -20-50, -20-70, -20-180, -20-340 through -20-400, and -35-110 and adopts regulations

under 4 VAC 25-20-185 regarding mining certification. The rule distinguishes surface mine foremen and underground mine foremen from inspectors and deletes obsolete language. The rule also allows individuals carrying valid coal surface mine inspector certification to receive a certification to inspect mineral mines. The rule, which is proposed for fast-track processing, is proposed to be effective Oct. 19, 2017. Comments are due Oct. 4, 2017. Contact: Michael Skiffington; DMME; 804-692-3212; mike.skiffington@dmme.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Virginia Occupational Safety and Health Program

Virginia OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industry, Safety and Health Codes Board, amends regulations under 16 VAC 25-60-10, -20, -30, -260, -270, and -280 regarding administrative regulations for the Occupational Safety and Health Program. The rule establishes procedures for the application of penalties to state and local government employers for willful, repeat, and failure-to-abate violations as well as serious violations that cause a fatal accident or are classified as “high gravity.” A hearing will be scheduled. Comments are due Nov. 3, 2017. Contact: John Crisanti; DLI; 804-786-4300; john.crisanti@doli.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

TOXIC SUBSTANCES

Asbestos Licensing Regulations

Virginia TOXIC SUBSTANCES

Proposed rule of the Department of Professional and Occupational Regulation, Board for Asbestos, Lead, and Home Inspectors, amends regulations under 18 VAC 15-20-10 through -459.4 (nonconsecutive) and adopts regulations under 18 VAC 15-20-33.1, -33.2, and -456.1 regarding asbestos licensing. The rule revises the definition of “person” to clarify requirements for entities required to obtain a license for asbestos-related work, revises licensure requirements for asbestos analytical laboratories with multiple locations, updates the asbestos firm entry requirements for consistency with similar standards applicable to firms, and revises the information required for licensure of applicants. The rule also specifies the transferability and validity of certain firm licenses and expands the responsibilities of asbestos project monitors to include changes to air sample reporting requirements. In addition, the rule adds provisions concerning specific entry requirements for asbestos contractors and asbestos analytical laboratories and conduct during onsite analysis. A hearing is scheduled for Sept. 27, 2017, in Richmond. Comments are due Nov. 3, 2017. Contact: Trisha Henshaw; DPOR, Board for Asbestos, Lead, and Home Inspectors; 804-367-8595; alhi@dpor.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

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