

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
**Sent:** Mon 5/22/2017 12:56:57 PM  
**Subject:** [SPAM] May 22 -- EHS Federal Regulatory Alert



## **EHS Federal Regulatory Alert**

May 22, 2017 - Number 97

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

### Summaries

*AIR*

#### Louisiana SIP/VOCs and Stage II Vapor Recovery

*AIR*

Notice of the EPA announces the withdrawal of a March 23, 2017, direct final rule (82 FR 14822) that would have amended regulations under 40 CFR 52.970 to approve revisions to the Louisiana SIP regarding control of volatile organic compounds and the Stage II vapor recovery program. The revisions would have exempted from Stage II vapor recovery requirements facilities used exclusively for the initial fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery. The revisions also would have provided an exemption from the submerged fill pipe provisions for a limited number of tanks at a specific facility. In addition, the revisions would have addressed notifications to the Louisiana Department of Environmental Quality and due dates for reporting regarding VOC loading, marine vapor recovery and specified incinerators. The withdrawal is in response to adverse comments that were received by the agency. The notice specifies that the comments will be addressed in a subsequent final rule. The withdrawal is effective May 22, 2017. Contact: Wendy Jacques; EPA Region 6; 214-665-7395

82 FR 23148 (05/22/2017)

#### Regulatory Update

*AIR*

#### Texas SIP/EI Paso Carbon Monoxide Limited Maintenance Plan

*AIR*

Notice of the EPA announces the withdrawal of a March 21, 2017, direct final rule (82 FR 14442) that would have amended regulations under 40 CFR 52.2270 to approve a revision to the Texas SIP. The revision concerns a second 10-year maintenance plan for the eight-hour carbon monoxide NAAQS for the EI Paso area, including the 2014 emissions inventory and a contingency plan. The withdrawal is in response to an adverse comment that was received by the agency. The notice specifies that the comment will be addressed in a subsequent final rule. The withdrawal is effective May 22, 2017. Contact: Jeffrey Riley; EPA Region 6; 214-665-8542; riley.jeffrey@epa.gov

82 FR 23148 (05/22/2017)

Regulatory Update

**ENDANGERED SPECIES**

Oklahoma/American Burying Beetle Incidental Take Permits

**ENDANGERED SPECIES**

Notice of the U.S. Fish and Wildlife Service announces the receipt of seven applications for incidental take permits under the amended oil and gas industry conservation plan in Oklahoma for the endangered American burying beetle. The applications relate to geophysical exploration (seismic) and construction, maintenance, operation, repair and decommissioning of oil and gas well field infrastructure and pipelines in the state. Comments are due June 21, 2017. Contact: Marty Tuegel; USFWS, Environmental Review Division; 505-248-6651

82 FR 23288 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Alaska/Cook Inlet Program Area OCS Lease Sale/Record of Decision

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Bureau of Ocean Energy Management announces the availability of the record of decision for the Outer Continental Shelf (OCS) oil and gas Lease Sale 244 in the Cook Inlet Program Area offshore of Alaska. The agency selected the preferred alternative to hold lease sales, subject to mitigation measures to reduce potential impacts to sensitive biological resources and other uses of the OCS, including beluga whales, northern sea otters and the gillnet fishery. A concurrent final notice specifies the terms and conditions of the sale, the bid submission deadline and the bid opening date. Contact: Sharon Randall; BOEM, Environmental Analysis Section; 907-334-5235

82 FR 23295 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Arkansas/Three Rivers Study Site

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the U.S. Army Corps of Engineers announces the withdrawal of a Sept. 14, 2015, notice of intent (80 FR 55103) to prepare a draft feasibility report and associated environmental impact statement regarding hydrologic and hydraulic problems affecting the Three Rivers Study site in Desha and Arkansas counties in Arkansas on the McClellan-Kerr Arkansas River navigation system. The report and EIS would have addressed proposed ecosystem restoration efforts and their impact on navigation, recreation, hydropower, flood risk management, infrastructure, fish and wildlife, wetlands, and timber and forestry management. The notice specifies that the agency will instead prepare an environmental assessment for the proposed project. Contact: Craig Hilburn; USACE, Little Rock District; 501-324-5735; david.c.hilburn@usace.army.mil

82 FR 23206 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

California/Scorpion Pier Replacement Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the National Park Service announces the availability of a final environmental impact statement for the replacement of Scorpion Pier on Santa Cruz Island, part of Channel Islands National Park in Santa Barbara and Ventura counties in California. The EIS identifies alternative two, the construction of a new replacement pier south of the existing location and minor road improvements, as the preferred alternative and specifies proposed mitigation measures. A record of decision will be issued no sooner than 30 days following publication by the EPA of a notice of availability of the final EIS. Contact: Russell Galipeau; NPS, Channel Islands National Park; 805-658-5702; russell\_galipeau@nps.gov

82 FR 23290 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Endocrinologic and Metabolic Drugs Advisory Committee Meeting

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Food and Drug Administration announces a meeting of the Endocrinologic and Metabolic Drugs Advisory Committee. The committee will discuss a supplemental new drug application (sNDA 022341) for Victoza (liraglutide) injection as an adjunct to standard treatment of cardiovascular risk factors to reduce the risk of major adverse cardiovascular events in adults with type 2 diabetes mellitus and high cardiovascular risk. The meeting is scheduled for June 20, 2017, in Silver Spring, Md. Comments are due June 6, 2017. Contact: LaToya Bonner; FDA, Center for Drug Evaluation and Research; 301-796-9001; EMDAC@fda.hhs.gov

82 FR 23251 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Louisiana/Terrebonne Parish Natural Gas Pipelines and Facilities

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Federal Energy Regulatory Commission announces the filing of an application by Texas Gas Transmission LLC, of Houston, for authorization to abandon certain natural gas pipeline assets and ancillary facilities and appurtenances in Terrebonne Parish, La. The applicant requests authorization to abandon in place and by removal a total of 18.6 miles of pipeline and abandon by removal two platforms and auxiliary appurtenances inactive since 2005. The agency plans to complete an environmental assessment or issue a notice of schedule for environmental review by Aug. 14, 2017. Protests and motions to intervene are due July 14, 2017. Contact: FERC; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 23236 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Massachusetts/Mystic River Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Federal Energy Regulatory Commission announces the filing of a prior notice request by Algonquin Gas Transmission LLC, of Houston, to replace a segment of pipeline underneath the channel of the Mystic River in Arlington, Medford and Somerville, Mass. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by Aug. 14, 2017. Protests and motions to intervene are due July 14, 2017. Contact: FERC; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 23241 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Missouri/Osage Hydroelectric Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Federal Energy Regulatory Commission announces the filing of a hydroelectric application by Union Electric Co., doing business as Ameren Missouri, of St. Louis, for a shoreline management plan (SMP) update for the Osage Hydroelectric Project located on the Osage River in Benton, Camden, Miller and Morgan counties in Missouri. The SMP update revises the nonconforming structures sections to reflect the program's current status and provides permitting guidance for proposed shoreline development on islands not owned by the applicant and for limited authorization of walkways, patios and decks. The SMP update also revises Lake of the Ozarks permit requirements to reflect current permitting practices and removals outdated SMP provisions. Comments are due June 15, 2017. Contact: Shana High; FERC; 202-502-8674; shana.high@ferc.gov

82 FR 23238 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

New Hampshire, Vermont/Bellows Falls, Vernon and Wilder Projects

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Federal Energy Regulatory Commission announces the filing of three hydroelectric applications by Great River Hydro LLC, of Portsmouth, N.H., for new major licenses for the Bellows Falls, Vernon and Wilder projects on the Connecticut River in seven counties in New Hampshire and Vermont. The projects will be operated in coordination and in a peaking mode. The commission will issue a revised procedural schedule with target dates for the post-filing milestones once revised study reports are filed. Comments are due June 14, 2017. Contact: Brandon Cherry; FERC; 202-502-8328; brandon.cherry@ferc.gov

82 FR 23239 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

New York/Hunts Point Interstate Access Improvement Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice announces the intention of the Federal Highway Administration, in cooperation with the New York State Department of Transportation, to prepare an environmental impact statement for the proposed Hunts Point Interstate Access Improvement Project in Bronx County, N.Y. The project will provide improved access between the Hunts Point Peninsula and the Sheridan and Bruckner expressways for automobiles and trucks traveling to and from commercial businesses located on the peninsula. The project also will address structural and operational deficiencies related to existing infrastructure within project limits. Hearings will be announced at a later date. Comments are requested, but a due date is not specified. Contact: Peter Osborn; FHWA, New York Division; 518-431-4127

82 FR 23485 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Oregon/Sherman Hydroelectric Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Federal Energy Regulatory Commission announces the filing of a notice of intent to file a license application and a request to use the traditional licensing process for the Sherman Hydroelectric Project at the U.S. Army Corps of Engineers' John Day Dam Juvenile Fish Sampling and Monitoring Facility on the Columbia River in Sherman County, Ore. The project is proposed by Rivertec Partners LLC, of Buffalo, Wyo. The notice specifies that the agency is initiating consultation with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration regarding joint agency requirements. Contact: Kim Nguyen; FERC; 202-502-6105; kim.nguyen@ferc.gov

82 FR 23242 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Pennsylvania/Line YM28 and FM120 Modernization Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice announces the intention of the Federal Energy Regulatory Commission to prepare an environmental assessment for the proposed Line YM28 and FM120 Modernization Project in Cameron, Elk and McKean counties in Pennsylvania. The project, proposed by National Fuel Gas Supply Corp., of Williamsville, N.Y., consists of construction of 14.4 miles of new pipeline, installation of 5.8 miles of pipeline within existing pipeline of Line FM120, removal from service of 12.5 miles of Line FM120, and abandonment of 7.7 miles of Line YM28. Comments are due June 15, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERConlinesupport@ferc.gov

82 FR 23230 (05/22/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

West Virginia/Rhodes Storage Field Complex and Skin Creek Storage Field

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Federal Energy Regulatory Commission announces the filing of a prior notice request by Equitrans LP, of Pittsburgh, for authorization to modify and abandon in part an injection/withdrawal well at Rhodes Storage Field Complex and Skin Creek Storage Field in Lewis County, W.Va., and abandon in-place approximately 2,553 feet of the associated natural gas storage pipeline. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Aug. 14, 2017. Protests and motions to intervene are due July 17, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 23243 (05/22/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

Industrial Plant and Tourist Railroad Bridge Safety Standards

**HAZARDOUS MATERIALS TRANSPORTATION**

Notice of the Federal Railroad Administration announces additional information and the extension of the comment period for an April 11, 2017, notice of intent (82 FR 17498) to seek OMB approval for a continuing information collection request regarding industrial plant and insular tourist railroads subject to FRA bridge safety standards (49 CFR 237). The collection requires operators of industrial plants and tourist railroads exempt from reporting requirements under 49 CFR 225 to advise the FRA by email that there are bridges within the installation that are potentially subject to bridge safety standards. The notice provides the email address railroads should use to provide the requested information. Comments now are due July 21, 2017. Contact: David Killingbeck; FRA, Office of Technical Oversight; 202-493-6251; FRAPlantTouristSurvey@dot.gov

82 FR 23486 (05/22/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

Railroads/System Safety Programs

**HAZARDOUS MATERIALS TRANSPORTATION**

Final rule of the Federal Railroad Administration further delays until June 5, 2017, the effective date of an Aug. 12, 2016, final rule (81 FR 53850) that adopts regulations under 49 CFR 270.1 through 270.305 (nonconsecutive) to establish the System Safety Program for commuter and intercity passenger railroads. The agency previously delayed (82 FR 14476; 03/21/2017) the effective date until May 22, 2017, in response to a presidential memorandum establishing a regulatory freeze. Contact: Matthew Navarrete; FRA; 202-493-0138; Matthew.Navarrete@dot.gov

82 FR 23150 (05/22/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Advisory Board on Radiation and Worker Health/Dose Reconstruction Reviews

Subcommittee Meeting

**OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, announces a meeting of the Advisory Board on Radiation and Worker Health Subcommittee for Dose Reconstruction Reviews. The meeting will address dose reconstruction cases from the Oak Ridge sites, Hanford, the Fernald Feed Materials Production Center, the Mound Plant, the Rocky Flats Plant, the Nevada test site, the Idaho National Laboratory, and the Savannah River site. The meeting is scheduled for June 27, 2017, via conference call. Comments are due June 27, 2017. Contact: Theodore Katz; NIOSH; 513-533-6800; oca@cdc.gov

82 FR 23250 (05/22/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Examinations of Working Places in Metal and Nonmetal Mines

**OCCUPATIONAL SAFETY AND HEALTH**

Final rule of the Mine Safety and Health Administration delays until Oct. 2, 2017, the effective date of a Jan. 23, 2017, final rule (82 FR 7680) that amends regulations under 30 CFR 56.18002 and 57.18002 regarding standards for the examination of working places in metal and nonmetal mines. The rule requires an examination of the working place to be conducted before miners begin work in an area, requires operators to promptly notify miners of any conditions found that may adversely affect their safety or health, and requires operators to promptly take corrective action. The rule also requires the examination record to include the name of the examiner, examination date, location of areas examined, a description of adverse conditions found and the date of corrective action. In addition, the rule requires operators to make the examination record available to authorized representatives of the secretary of Labor and miners' representatives and to provide a copy upon request. MSHA is delaying the effective date to allow additional time for the agency to provide stakeholders training and compliance assistance. Contact: Sheila McConnell; MSHA, Office of Standards, Regulations and Variances; 202-693-9440; mcconnell.sheila.a@dol.gov

82 FR 23139 (05/22/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Nationally Recognized Testing Laboratories/TUVRNA

**OCCUPATIONAL SAFETY AND HEALTH**

Notice of OSHA announces the receipt of and preliminary finding to grant an application from TUV Rheinland of North America (TUVRNA) Inc., of Newtown, Conn., for expansion of its recognition as a nationally recognized testing laboratory under 29 CFR 1910.7. The expansion involves the addition of the test standard for low voltage lighting systems to its scope of recognition. Comments are due June 6, 2017. Contact: Kevin Robinson; OSHA, Directorate of

Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov

82 FR 23314 (05/22/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Personnel Training/Grantee Quarterly Progress Report

**OCCUPATIONAL SAFETY AND HEALTH**

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request concerning the grantee quarterly progress report for grant-funded training activities. The collection addresses nonprofits that provide training courses for personnel that address proper use of safety and health equipment and the prevention of unsafe and unhealthful working conditions. Comments are due July 21, 2017. Contact: Annette Braam; OSHA, Office of Training and Educational Programs; 847-759-7781

82 FR 23315 (05/22/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Petition for Modification of Mine Safety Standards

**OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Mine Safety and Health Administration announces the receipt of a petition to modify the application of existing mandatory safety standards under 30 CFR 75.350 concerning belt air course ventilation. The petitioner, Canyon Fuel Co., of Salina, Utah, seeks modification of the existing standard to allow the use of the belt entry as a ventilation air course for the use of a two-entry system. Comments are due June 21, 2017. Contact: Barbara Barron; MSHA, Office of Standards, Regulations and Variances; 202-693-9447; barron.barbara@dol.gov

82 FR 23309 (05/22/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Petitions for Modification of Mine Safety Standards

**OCCUPATIONAL SAFETY AND HEALTH**

Notice of the Mine Safety and Health Administration announces the receipt of a petition to modify the application of existing mandatory safety standards under 30 CFR 57.22305 concerning the use of certain nonpermissible equipment for mine surveying in or beyond the last open crosscut. The petitioner, Solvay Chemicals Inc., of Houston, seeks a modification of the existing standard to allow the Leica MS60 surveying instrument to be used at its mine in Sweetwater County, Wyo. Comments are due June 21, 2017. Contact: Barbara Barron; MSHA, Office of Standards, Regulations and Variances; 202-693-9447; barron.barbara@dol.gov

82 FR 23308 (05/22/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

**Standard on Powered Platforms for Building Maintenance**

**OCCUPATIONAL SAFETY AND HEALTH**

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the standard on powered platforms for building maintenance (29 CFR 1910.66). The collection addresses the requirement for employers to develop and implement written emergency action plans for each type of powered platform operation to explain the emergency procedures that workers are to follow if they encounter a disruption of the power supply, an equipment failure or other emergency. Comments are due July 21, 2017. Contact: Theda Kenney; OSHA; 202-693-2222

82 FR 23312 (05/22/2017)

**Regulatory Update**

**OIL AND GAS INDUSTRY**

**Alaska/Cook Inlet Program Area OCS Lease Sale/Terms and Conditions**

**OIL AND GAS INDUSTRY**

Notice of the Bureau of Ocean Energy Management announces the final notice of sale for the Outer Continental Shelf oil and gas Lease Sale 244 in the Cook Inlet Program Area offshore of Alaska. The notice establishes the terms and conditions of the sale, including minimum bids, royalty rates and rental rates. The bid submission deadline is June 20, 2017, and bid opening is scheduled for June 21, 2017. A concurrent notice announces the availability of the agency's record of decision for the lease sale. Contact: David Diamond; BOEM, Leasing Division; 703-787-1776; david.diamond@boem.gov

82 FR 23291 (05/22/2017)

**Regulatory Update**

**PESTICIDES**

**Certification of Pesticide Applicators/Extension of Effective Date**

**PESTICIDES**

Final rule of the EPA delays until June 5, 2017, the effective date of a Jan. 4, 2017, final rule (82 FR 952) that establishes numerous restrictions and standards for certified commercial and private applicators of restricted use pesticides. The rule, for example, expands private applicator competency standards; adds categories for aerial application, soil fumigation, nonsoil fumigation, the use of sodium cyanide dispensed through a mechanical ejection device and the use of sodium fluoroacetate dispensed through livestock protection collars; and requires commercial and private applicators who apply pesticides aerially or by fumigation to demonstrate competency for such categories. The agency previously delayed the effective date on two occasions to allow it to conduct a substantive review of the rule. On May 15, 2017 (82 FR 22294) the agency further delayed the effective date until May 22, 2018, but sought comments on that delay. The current action is intended to give the agency time to consider those comments before confirming the May 22, 2018, effective date. Contact: Kevin Keaney; EPA, Office of Pesticide Programs; 703-305-5557; keaney.kevin@epa.gov

82 FR 23148 (05/22/2017)

Regulatory Update

**WATER**

Lead Poisoning Prevention Subcommittee Meeting

**WATER**

Notice of the Centers for Disease Control and Prevention, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, announces a meeting of the Lead Poisoning Prevention Subcommittee. The agenda includes discussions on the Lead Poisoning Prevention Program, the Flint Registry and a revision of the blood lead level reference value. The agenda also includes discussions on legislative requirements of a new lead exposure and prevention federal advisory committee and federal partnership efforts. The meeting is scheduled for June 23, 2017, via teleconference. Contact: Amanda Malasky; CDC, NCEH/ATSDR; 770-488-7699; AMalasky@cdc.gov

82 FR 23250 (05/22/2017)

Regulatory Update

**WATER**

Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses

**WATER**

Notice of the Susquehanna River Basin Commission announces the availability of a list of projects approved for consumptive use of water during the period April 1-30, 2017. The notice addresses projects approved under 18 CFR 806.22(e) and 806.22(f) for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

82 FR 23482 (05/22/2017)

Regulatory Update

**WATER**

Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water

**WATER**

Notice of the Susquehanna River Basin Commission announces the availability of a list of projects rescinded during the period April 1-30, 2017. The notice addresses projects being rescinded for the consumptive use of water pursuant to the commission's approval by rule under 18 CFR 806.22(e) and 806.22(f). Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

82 FR 23483 (05/22/2017)

Regulatory Update

[Privacy Policy](#) | [Terms of Service](#) | [Manage Your Email](#) | [Contact Us](#)

1801 South Bell Street, Arlington, VA 22202  
Copyright © 2017 The Bureau of National Affairs, Inc.  
EHS Federal Regulatory Alert

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
**Sent:** Mon 5/22/2017 12:31:57 PM  
**Subject:** [SPAM] May 22 -- EHS State Regulatory Alert



## **EHS State Regulatory Alert**

May 22, 2017 - Number 97

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

### Alaska

*SOLID WASTE*  
Solid Waste Management  
Alaska SOLID WASTE

Notice of the Department of Environmental Conservation announces an extension of the comment period for an April 24, 2017, proposed rule to amend regulations under 18 AAC 60.005 through .990 (nonconsecutive); adopt regulations under 18 AAC 60.009, .432, .465, .466, .467 and .468; and repeal and readopt regulations under 18 AAC 60.007, .008 and .700 regarding solid waste management requirements for oil and gas exploration and production waste, coal ash, medical waste and biosolids. The rule excludes drilling and medical waste treatment facilities and facilities that treat sewage solids or septage to create biosolids from the exemption for small treatment facilities. The rule also revises the standards for the beneficial use of solid waste as structural fill material or as an ingredient in manufactured products, updates small treatment facilities permitting and biosolid requirements, allows for the approval of short-term solid waste treatment facilities via plan approval rather than through permit, and deletes provisions concerning drilling waste disposal facilities. In addition, the rule establishes standards for coal ash landfill applications and locations, drilling waste disposal facilities, the closure of inactive reserve pits and drilling waste disposal facilities, and the closure and post-closure of coal ash landfills. Finally, the rule provides design and monitoring criteria for coal ash landfills and updates fees. Comments now are due June 26, 2017. Contact: Rebecca Colvin; DEC, Division of Environmental Health; 907-269-7802; rebecca.colvin@alaska.gov

—Alaska Regulations (05/18/2017)

Regulatory Update

### Indiana

*AIR*

**Burning Regulations/Emissions Limits for Outdoor Hydronic Heaters**  
**Indiana AIR**

Notice announces the intention of the Department of Environmental Management, Air Pollution Control Division, to readopt regulations under 326 IAC 4-3-1 through -6 regarding emission limits for outdoor hydronic heaters. Comments are due June 16, 2017. Contact: Jack Harmon; DEM, Office of Legal Counsel; 317-234-9535; jaharmon@idem.in.gov

—Indiana Register (05/17/2017)

**Regulatory Update**

***HAZARDOUS WASTE MANAGEMENT***  
**Underground Storage Tanks/Excess Liability Trust Fund**  
**Indiana HAZARDOUS WASTE MANAGEMENT**

Notice announces the intention of the Department of Environmental Management, Underground Storage Tank Financial Assurance Board, to readopt regulations under 328 IAC 1-1-2.2 through -6 (nonconsecutive) regarding payment of corrective action and third-party liability claims from the Excess Liability Trust Fund concerning underground storage tanks. Comments are due June 16, 2017. Contact: Dan Watts; DEM, Office of Legal Counsel; 317-234-5345; dwatts1@idem.in.gov

—Indiana Register (05/17/2017)

**Regulatory Update**

***WATER***  
**Water Quality Standards/Wastewater Treatment Facilities, Wetlands Activity Permits**  
**Indiana WATER**

Notice announces the intention of the Department of Environmental Management, Water Pollution Control Division, to readopt regulations under 327 IAC 3-2, 3-6, 5-3.5 and 17 regarding permit issuances and construction and permit requirements for wastewater treatment facilities, industrial wastewater pretreatment programs and wetlands activity permits. Comments are due June 16, 2016. Contact: MaryAnn Stevens; DEM, Office of Legal Counsel; 317-233-8635; mstevens@idem.in.gov

—Indiana Register (05/17/2017)

**Regulatory Update**

**Kansas**

***HAZARDOUS WASTE CLEANUP***  
**Voluntary Cleanup and Property Redevelopment Program**  
**Kansas HAZARDOUS WASTE CLEANUP**

**Proposed rule of the Department of Health and Environment amends regulations under KAR 28-**

71-1 through -12 regarding the Voluntary Cleanup and Property Redevelopment Program. The rule clarifies eligibility criteria and the application process, specifies the information needed to justify contaminant class, and reduces the number of contamination classes to two. The rule also requires voluntary cleanup work to be performed in compliance with industry practices; allows flexibility for voluntary parties to develop the scope of work; revises the objectives for remediation proposals; and allows verification sampling to be conducted by the voluntary party, the department, or both. In addition, the rule establishes new pathways and classifications for no further action determinations, clarifies the approaches to determine soil and groundwater cleanup levels based on actual and probable use of groundwater, and removes duplicative provisions for public notification and participation. Finally, the rule increases the initial deposit amount for contaminant Class I to \$2,000; requires applicants to maintain a balance of \$1,000 for Class I properties and \$2,000 for Class II properties in the voluntary party's account until project completion; and revises oversight requirements and requirements for environmental site assessments. A hearing is scheduled for July 27, 2017, in Topeka. Comments are due July 27, 2017. Contact: Deanna Ross; DHE, Bureau of Environmental Remediation; 785-296-8064; deanna.ross@ks.gov

—Kansas Register (05/18/2017)

Regulatory Update

**WATER**

NPDES Water Pollution Control Permit/Construction Activities

**Kansas WATER**

Notice of the Department of Health and Environment announces the availability of a draft combined Kansas/National Pollution Discharge Elimination System water pollution control general permit for stormwater runoff from construction activity. The permit covers the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to discharges of stormwater from construction activities that disturb at least one acre or that are part of a larger common plan of development or sale that disturbs at least one acre. The permit will replace the existing Dec. 29, 2011, general permit. Comments are due June 17, 2017. Contact: Susan Mosier; DHE; 785-296-0461

—Kansas Register (05/18/2017)

Regulatory Update

**WATER**

Public Water Supply Loan Fund/Intended Use Plan

**Kansas WATER**

Notice of the Department of Health and Environment announces a draft amendment to the Kansas Public Water Supply Loan Fund intended use plan for the 2018 program year. The amendment makes additions to the project priority list and includes estimates and uses of capitalization grants from the EPA. A hearing is scheduled for June 21, 2017, in Topeka. Comments are requested, but a due date is not specified. Contact: Linda White; DHE, Bureau of Water; 785-296-5514

—Kansas Register (05/18/2017)

Regulatory Update

---

## Louisiana

### **AIR**

#### Air Permit Procedures/Public Notice of Permit Actions

##### Louisiana AIR

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC III.504, .509 and .531 regarding air permit procedures. The rule allows the department to provide public notice of all permit actions on its website instead of by publishing advertisements in newspapers. The rule also allows the department to make certain documents available through its electronic document management system instead of at a physical location in the area of a proposed source or modification. The rule is effective May 20, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (05/20/2017)

#### Regulatory Update

### **AIR**

#### Emission Reduction Credits Banking

##### Louisiana AIR

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC III.603 through .619 (nonconsecutive) regarding the Emission Reduction Credit (ERC) Banking Program. The rule allows creditable reductions from certain mobile sources to qualify as ERCs and be used as offsets under the nonattainment new source review program. The rule also clarifies that minor sources eligible for the program must have been operating under an air permit and subject to emissions inventory reporting requirements during the baseline period. The rule is effective May 20, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (05/20/2017)

#### Regulatory Update

### **ENDANGERED SPECIES**

#### Experimental Fisheries Program

##### Louisiana ENDANGERED SPECIES

Proposed rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.701 regarding experimental gear permits under the Experimental Fisheries Program. The rule authorizes the secretary of the department to issue experimental gear permits for gear types other than those permitted under current regulation. The rule also revises the application procedures for gear used in saltwater and freshwater areas and allows for the mandatory \$50 permit fee to be paid at the same time as the issuance of the experimental gear permit instead of at the time of application. Comments are due June 30, 2017. Contact: Robert Bourgeois; DWF, Office of Fisheries; 225-765-0765; rbourgeois@wlf.la.gov

—Louisiana Register (05/20/2017)

## Regulatory Update

### **GENERAL ENVIRONMENT AND SAFETY**

#### Department of Environmental Quality/Fee Increase

#### **Louisiana GENERAL ENVIRONMENT AND SAFETY**

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC I.1119 through XV.2599 (nonconsecutive) and repeals regulations under 33 LAC V.5125, .5135, .5137 and .5143 to increase fees and implement new fees. The rule addresses declaratory rulings, groundwater fees, permit qualifications and requirements, laboratory accreditation, the air quality control program fee system, air regulatory permits, hazardous waste fee schedules and solid waste fees. The rule also addresses waste tires fee and fund disbursement, the water pollution control system fee schedule, water quality certification procedures, standards for the use or disposal of sewage sludge and biosolids, underground storage tanks and radiation protection. The rule is effective May 20, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (05/20/2017)

## Regulatory Update

### **GENERAL ENVIRONMENT AND SAFETY**

#### Natural Resource Damage Restoration Banking

#### **Louisiana GENERAL ENVIRONMENT AND SAFETY**

Notice of the Office of the Governor, Coastal Protection and Restoration Authority, announces changes to and a hearing on a Jan. 20, 2017, proposed rule to adopt regulations under 43 LAC XXXI.101 through .129 to establish a Natural Resource Damage (NRD) Restoration Banking Program. The program is designed to allow, encourage and incentivize private investors to undertake restoration projects in the state coastal area, with the projects generating restoration credits that a responsible party can purchase to fully or partially resolve NRD liabilities for oil spills under state and federal law. The rule addresses the NRD restoration banking framework, including the NRD banking review team (BRT), the NRD Restoration Banking Program requirements and landowners. The rule also establishes requirements for prospectuses, restoration bank plans, restoration banking instruments, NRD restoration credits, monitoring NRD restoration banks, financial assurance requirements, compliance and reconsideration of final decisions. The changes revise the definition for “NRD Restoration Banking Program,” update program and complete scope of work requirements, and specify the components of a complete restoration bank plan. The changes also increase to 60 days the amount of time after receipt of public comments from the BRT chair a final restoration bank plan must be submitted and address restoration credits. The hearing is scheduled for June 26, 2017, in Baton Rouge. Contact: Liz Williams; CPRA; 225-342-7308; mitigation.bankings@la.gov

—Louisiana Register (05/20/2017)

## Regulatory Update

### **OIL AND GAS INDUSTRY**

#### Liquefied Petroleum Gas/Permits

#### **Louisiana OIL AND GAS INDUSTRY**

Final rule of the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, amends regulations under 55 LAC IX.107, .113 and .159 concerning permits. The rule requires Class III permits for third-party brokers who are instrumental in the sale and service of liquefied petroleum. The rule also revises permit fees, sets filing fees to \$150 for all permit classes, implements criteria for Class III permits, and establishes the location approval form for Class III permits. The rule is effective May 20, 2017. Contact: Melinda Long; DPSC, Liquefied Petroleum Gas Commission; 225-925-4895

—Louisiana Register (05/20/2017)

Regulatory Update

***PESTICIDES***

Pesticides/Certification of Commercial Applicators

Louisiana PESTICIDES

Emergency rule of the Department of Agriculture and Forestry, Advisory Commission on Pesticides, amends regulations under 7 LAC XXIII.711 to require proficiency testing for all commercial applicators in 2017. The rule is effective May 5, 2017, and expires Sept. 2, 2017. Contact: Mike Strain; DAF; 225-922-1234; commissioner@ldaf.state.la.us

—Louisiana Register (05/20/2017)

Regulatory Update

***PESTICIDES***

Structural Pest Control Commission/Employee Registration, Licensee Obligations

Louisiana PESTICIDES

Emergency rule of the Department of Agriculture and Forestry, Structural Pest Control Commission, amends regulations under 7 LAC XXV.113 and .117 to require proficiency testing for all structural licensees and registered technicians. The rule is effective May 5, 2017, and expires Sept. 2, 2017. Contact: Mike Strain; DAF; 225-922-1234; commissioner@ldaf.state.la.us

—Louisiana Register (05/20/2017)

Regulatory Update

## New York

***WATER***

Lead Testing in School Drinking Water

New York WATER

Proposed rule of the Department of Health adopts regulations under 10 NYCRR 67-4.1 through .9 regarding lead testing in school drinking water. The rule requires schools to test each potable water outlet for lead, specifies an action level of 15 micrograms per liter for lead in drinking water

of school buildings, and establishes initial and future monitoring requirements. The rule also requires schools to develop remedial action plans if the action level is exceeded at any potable water outlet, to notify the school community of results, and to report results to the department. Comments are due July 1, 2017. Contact: Katherine Ceroalo; DOH; 518-473-7488; reqsqna.health.ny.gov

—New York State Register (05/17/2017)

[Regulatory Update](#)

[Privacy Policy](#) | [Terms of Service](#) | [Manage Your Email](#) | [Contact Us](#)

1801 South Bell Street, Arlington, VA 22202  
Copyright © 2017 The Bureau of National Affairs, Inc.  
EHS State Regulatory Alert