

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

July 06, 2017 - Number 128

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Summaries

ENDANGERED SPECIES

California/Monterey Bay Marine Mammals Incidental Take

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces issuance of a letter of authorization for the take of marine mammals incidental to commercial fireworks displays permitted by the Monterey Bay National Marine Sanctuary in California. The authorization allows only Level B harassment take of harbor seals and California sea lions from June 29, 2017, through June 28, 2022. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401. Citations: 50 CFR 217.11 through 217.18

82 FR 31306 (07/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Alaska/Prince of Wales Landscape Level Analysis Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Forest Service announces a correction to a Nov. 30, 2016, notice of intent (81 FR 86320) to prepare an environmental impact statement for the Prince of Wales Landscape Level Analysis project in the Craig and Thorne Bay Ranger Districts that encompass Prince of Wales Island and surrounding islands in the Tongass National Forest in Alaska. The project includes vegetation management, watershed improvement and restoration, sustainable recreation management, and associated actions. Alternatives to the project will be examined as well as the possibility of taking no action. The correction provides a more detailed description of the project based on comments from the public and stakeholders. Comments now are due Aug. 7, 2016. Contact: Matthew Anderson; USFS; Craig and Thorne Bay Ranger Districts; 907-826-3271

82 FR 31284 (07/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Alaska/Sand Point City Dock Replacement Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Marine Fisheries Service announces a request from the Alaska Department of Transportation and Public Facilities for an incidental harassment authorization to take marine mammals that may be affected by the construction of a new dock in Sand Point, Alaska. The applicant requests approval for incidental take of nine species of marine mammals by levels A and B harassment. Comments are due Aug. 7, 2017. Contact: Rob Pauline; NMFS, Office of Protected Resources; 301-427-8401; ITP.pauline@noaa.gov

82 FR 31400 (07/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Michigan/I-94 Rehabilitation Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Federal Highway Administration, in cooperation with the Michigan Department of Transportation, to prepare a supplemental environmental impact statement examining the impacts of modifying the approved selected alternative for the I-94 Rehabilitation Project in Detroit. The approved alternative involves reconstruction of 6.7 miles of I-94, including lane widening, continuous service roads, new interchanges, and new bridges over the interstate. The SEIS will evaluate the use of local roads as local connections to the service drives and interchanges, modification of local access ramps, and the addition of vehicular and pedestrian walkways. The SEIS will also analyze the potential impacts of the project and its modifications on natural, human, and cultural resources. Comments are requested, but a due date is not specified. Contact: Patrick Marchman; FHWA, 517-702-1820; Patrick.Marchman@dot.gov

82 FR 31388 (07/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
National Boating Safety Advisory Council Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Coast Guard announces a meeting of the National Boating Safety Advisory Council to request information on existing regulations, guidance documents, interpretative documents, and information collections for possible repeal, replacement, or modification. 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). The meeting is scheduled for July 21, 2017, via teleconference. Contact: Jeff Ludwig; NBSAC; 202-372-1061; jeffrey.a.ludwig@uscg.mil

82 FR 31340 (07/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

New Hampshire/Northern Pass Transmission Line Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department announces the availability of an interconnection facilities studies summary for the Northern Pass Transmission Line Project (80 FR 54876; 09/06/2013). The project, proposed by Northern Pass Transmission LLC, of Manchester, N.H., involves the construction, operation, maintenance, and connection of a new, 192-mile electric transmission line across the U.S.-Canada border into northern New Hampshire that will be capable of transmitting up to 1,090 megawatts of power. The notice addresses modifications to the original proposal. Comments are due Aug. 7, 2017. Contact: Christopher Lawrence; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-5260; Christopher.Lawrence@hq.doe.gov

82 FR 31315 (07/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

North Carolina, South Carolina/Carolina Bays Parkway Extension

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Army Corps of Engineers to prepare a draft environmental impact statement (DEIS) for the Carolina Bays Parkway Extension project. The DEIS will be prepared in cooperation with the North Carolina Department of Transportation and the South Carolina Department of Transportation. The project would improve SC 31 from the SC 9 interchange near Little River, S.C., to US 17, near Shallotte, N.C. The DEIS will assess environmental impacts, including secondary and cumulative impacts with particular emphasis on wetlands and surface/groundwater resources, and will provide wetlands impact mitigation measures. Comments are requested, but a due date is not specified. Contact: Brad Shaver; USACE, Wilmington Regulatory Field Office; 910-251-4611; Brad.E.Shaver@USACE.army.mil

82 FR 31313 (07/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Treasury Department Review/Domestic Energy Resources

GENERAL ENVIRONMENT AND SAFETY

Notice of the Treasury Department announces a request for information concerning regulatory, subregulatory, and other policy documents that could potentially burden the development of domestic energy resources. The request is in response to Executive Order 13783 (82 FR 16093; 03/31/2017), which requires department and agency heads to review regulations, orders, guidances, policies, and any other similar agency action that could burden the development and use of domestically produced energy resources, with a focus on oil, natural gas, coal, and nuclear energy resources. Comments are due July 14, 2017. Contact: Heidi Cohen; Treasury, Office of the General Counsel; 202-622-1142

82 FR 31396 (07/06/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

New York City/Hazardous Materials Transportation Permits

HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces an administrative determination regarding the New York City Fire Department's (FDNY's) requirement that those wishing to transport hazardous materials by motor vehicle must, in certain circumstances, obtain a permit, submit to inspections, and pay a permit fee. PHMSA has determined that federal hazardous material transportation law preempts FDNY's permit and inspection requirements with respect to vehicles based outside the inspection jurisdiction because scheduling and conducting inspections may cause unnecessary delays in the transportation of hazardous materials. PHMSA also finds that federal hazardous material transportation law preempts the FDNY's hazardous materials permit fee requirement for all vehicles. The determination will become final July 26, 2017, if no petition for reconsideration is filed by that date. Contact: Vincent Lopez; PHMSA, Office of Chief Counsel; 202-366-4400. Citations: 49 CFR 171 through 180

82 FR 31390 (07/06/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Massachusetts/Shpack Landfill Superfund Site

HAZARDOUS WASTE CLEANUP

Direct final rule of the EPA deletes the Shpack Landfill Superfund Site in Attleboro and Norton, Mass., from the National Priorities List. The agency and the Massachusetts Department of Environmental Protection have determined that all appropriate response actions under CERCLA have been completed. The deletion does not preclude future actions under Superfund. The rule is effective Sept. 5, 2017, unless adverse comments are received by Aug. 7, 2017. Contact: Elaine Stanley; EPA Region 1, Office of Site Remediation and Restoration; 617-918-1332; Stanley.ElaineT@epa.gov. Citations: 40 CFR 300, Appendix B

82 FR 31263 (07/06/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Massachusetts/Shpack Landfill Superfund Site

HAZARDOUS WASTE CLEANUP

Proposed rule of the EPA would delete the Shpack Landfill Superfund Site in Attleboro and Norton, Mass., from the National Priorities List. The agency and the Massachusetts Department of Environmental Protection have determined that all appropriate response actions under CERCLA have been completed. The deletion would not preclude future actions under Superfund. A concurrent direct final rule adopts the revisions, effective Sept. 5, 2017. Comments are due Aug. 7, 2017. Contact: Elaine Stanley; EPA Region 1, Office of Site Remediation and Restoration; 617-918-1332; Stanley.ElaineT@epa.gov. Citations: 40 CFR 300, Appendix B

82 FR 31281 (07/06/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Minnesota/SLRIDT Superfund Site **HAZARDOUS WASTE CLEANUP**

Notice of the Justice Department announces a proposed consent decree and draft restoration plan/environmental assessment in the United States v. XIK LLC (Civil Action No. 017-cv-02368), lodged June 29, 2017, with the U.S. District Court for the District of Minnesota. The consent decree resolves claims under CERCLA regarding natural resource damages from industrial discharges of polycyclic aromatic hydrocarbons identified in river sediments at the St. Louis River/Interlake/Duluth Tar (SLRIDT) Superfund Site in Duluth, Minn. The consent decree requires the defendants to pay a civil penalty of \$8.2 million, \$6.5 million of which will fund trustee-sponsored natural resource restoration projects. The consent decree also provides that the trustees conduct enhancement and restoration of shallow sheltered embayment at Kingsbury Bay, implement watershed protection at Kingsbury Creek, and restore wild rice in the St. Louis River estuary. Comments are due Aug. 7, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701; pubcomment-ees.enrd@usdoj.gov

82 FR 31351 (07/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Walking and Working Surfaces/Fall Protection Systems **OCCUPATIONAL SAFETY AND HEALTH**

Final rule of OSHA makes technical revisions to reflect the OMB approval of new information collection requests in a Nov. 18, 2016, final rule (81 FR 82494) that updated the general industry standards for walking-working surfaces and personal protective equipment (fall protection systems). The current rule adds the OMB control number for new information collection requirements regarding ladder defect notifications, rope descent system inspection notifications, and the development of alternative fall protection plans and associated training. The collections also add hazard assessments for workers who use personal fall protection systems. The rule is effective July 6, 2017. Contact: Todd Owen; OSHA, Directorate of Standards and Guidance; 202-693-2222. Citation: 29 CFR 1910.8

82 FR 31252 (07/06/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Critical Facility Information of the Top 100 Most Critical Pipelines **OIL AND GAS INDUSTRY**

Notice announces the intention of the Transportation Security Administration to seek OMB approval for a continuing information collection request concerning critical facility information of the top 100 most critical pipelines. The collection addresses site-specific information from pipeline operators on facility security policies, procedures, and physical security measures collected by the TSA during critical pipeline facility visits using the Critical Facility Security

Review form. The collection also addresses follow-up procedures for implementation of security improvements and recommendations made during facility visits. Comments are due Sept. 5, 2017. Contact: Christina Walsh; TSA, Office of Information Technology; 571-227-2062; TSAPRA@dhs.gov. Citations: 49 CFR 15, 1520

82 FR 31341 (07/06/2017)

Regulatory Update

PESTICIDES

Pesticide Registration Cancellations

PESTICIDES

Notice of the EPA announces a cancellation order granting requests from various registrants to voluntarily cancel 10 pesticide product registrations. The cancellations are effective July 6, 2017. Contact: Michael Yanchulis; EPA, Office of Pesticide Programs; 703-347-0237; yanchulis.michael@epa.gov

82 FR 31320 (07/06/2017)

Regulatory Update

PESTICIDES

Pesticide-Related Information/Transfer of Data

PESTICIDES

Notice of the EPA announces that pesticide-related information submitted to the Office of Pesticide Programs (OPP), including confidential business information (CBI), will be transferred to CACI/Emergent and its subcontractor Arctic Slope Mission Services LLC. CACI/Emergent and its subcontractor have been awarded a contract to perform work for OPP and are required to submit to the EPA a security plan under which any CBI will be secured and protected against unauthorized release or compromise. The transfer will be effective no later than July 11, 2017. Contact: Mario Steadman; EPA, Office of Pesticide Programs; 703-305-8338; steadman.mario@epa.gov

82 FR 31319 (07/06/2017)

Regulatory Update

TOXIC SUBSTANCES

Formaldehyde Emission Standards for Composite Wood Products

TOXIC SUBSTANCES

Notice of the EPA announces the withdrawal of a May 24, 2017, direct final rule (82 FR 23735) to extend the compliance dates for a Dec. 12, 2016, final rule (81 FR 89674) that established formaldehyde emission standards for composite wood products and finished goods containing these products that are sold, supplied, manufactured or imported, or offered for sale in the U.S., under TSCA Title VI. The December 2016 rule set forth standards for laminated products and products made with no-added formaldehyde-based resins or ultra low-emitting formaldehyde resins and addressed testing requirements, product labeling, chain of custody documentation and recordkeeping, enforcement, import certification, and product inventory sell-through

provisions. The rule also established a third-party certification program, provided procedures for the accreditation of third-party certifiers, and set forth general requirements for accreditation bodies and third-party certifiers. The May 2017 direct final rule would have extended compliance dates for emission standards, recordkeeping, and labeling provisions to March 22, 2018; import certification provisions to March 22, 2019; and provisions applicable to producers of laminated products to March 22, 2024. The direct final rule also would have extended the transitional period for California Air Resources Board third-party certifiers to March 22, 2019. The withdrawal is in response to receipt of adverse comments, and the agency will instead proceed with a final rule based on the related proposed rule (82 FR 23769; 05/24/2017). The withdrawal is effective July 6, 2017. Contact: Erik Winchester; EPA, Office of Pollution Prevention and Toxics; 202-564-6450; winchester.erik@epa.gov. Citations: 40 CFR 770.2, 770.3, 770.7, 770.10, 770.12, 77.015, 770.30

82 FR 31267 (07/06/2017)

Regulatory Update

WATER

Georgia/Drinking Water Program Electronic Reporting

WATER

Notice of the EPA announces the approval of Georgia's request to revise its EPA-authorized national primary drinking water program to allow electronic reporting. Interested persons may request a public hearing on the approved change. The approval is effective Aug. 7, 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. Citations: 40 CFR 142

82 FR 31322 (07/06/2017)

Regulatory Update

WATER

North Carolina/Drinking Water Program Electronic Reporting

WATER

Notice of the EPA announces the approval of North Carolina's request to revise its EPA-authorized national primary drinking water program to allow electronic reporting. Interested persons may request a public hearing on the approved change. The approval is effective Aug. 7, 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. Citations: 40 CFR 142

82 FR 31322 (07/06/2017)

Regulatory Update

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