

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

September 13, 2017 - Number 176

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Summaries

AIR
IPCC Sixth Assessment Report/Request for Nominations
AIR

Notice of the State Department, U.S. Global Change Research Program, announces a request for nominations for scientists to serve as coordinating lead authors, lead authors, or review editors on the Working Group I, II, and III contributions to the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report. The outlines for the contributions of the working groups were adopted at the 46th session of the IPCC Plenary. Nominations are due Oct. 17, 2017. Contact: Christopher Allison; State Department, Office of Global Change; 202-647-4295

82 FR 43077 (09/13/2017)

Regulatory Update

AIR
Missouri/Jefferson County Sulfur Dioxide Nonattainment Area
AIR

Final rule of the EPA makes a determination that the Jefferson County nonattainment area in Missouri has attained the 2010 one-hour primary sulfur dioxide NAAQS, based on ambient air monitoring data for 2014-2016. The rule is effective Oct. 13, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1343

82 FR 42945 (09/13/2017)

Regulatory Update

ENDANGERED SPECIES
California/Marine Mammal Incidental Takes

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the U.S. Coast Guard for authorization to take eight species of marine mammals incidental to pile driving activities for waterfront repairs at the USCG Monterey Station in Monterey, Calif. The applicant requests take by Level B harassment during in-water construction between Oct. 16, 2017, and Oct. 15, 2018. Comments are due Oct. 13, 2017. Contact: Stephanie Egger; NMFS, Office of Protected Resources; 301-427-8401

82 FR 42986 (09/13/2017)

Regulatory Update

FOOD SAFETY

Produce Safety Regulation/Agricultural Water

FOOD SAFETY

Proposed rule of the FDA would extend the deadlines for compliance with agricultural water provisions of the Produce Safety Regulation (80 FR 74354; 11/27/2015) for covered produce other than sprouts to four years after the relevant farm's compliance date for all other provisions of the regulation. The rule would establish the same deadlines for all agricultural water provisions as applied to nonsprout produce, while retaining date staggering based on farm size. The extension would provide additional time to address questions about implementation of certain provisions, including testing requirements for preharvest agricultural water. The rule is issued in compliance with Executive Orders 13563, 13771, and 13777, which require agencies to consider possible reductions in regulatory burden or increased flexibility for compliance. An Aug. 24, 2016, final rule (81 FR 57784) clarified the compliance dates for certain agricultural water testing provisions as originally established in the Produce Safety Regulation. Comments are due Nov. 13, 2017. Contact: Samir Assar; FDA, Center for Food Safety and Applied Nutrition; 240-402-1636. Citations: 21 CFR 112.41-112.50

82 FR 42963 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Application to Export Electric Energy/J. Aron and Co.

GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Electricity Delivery and Energy Reliability, announces the receipt of an application from J. Aron and Co., of New York, for authority to transmit electric energy from the U.S. to Mexico as a power marketer for a five-year term using existing international transmission facilities. The applicant does not own or control any electric generation or transmission facilities and does not have a franchised service area. The energy proposed for export would be surplus energy purchased from third parties. The agency will make a final decision after an environmental impact assessment and a determination that the action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system. Comments, protests, or motions to intervene are due Oct. 13, 2017. Contact: Angela Troy; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-1411; Angela.Troy@hq.doe.gov

82 FR 43003 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Application to Export Electric Energy/Plant-E Corp

GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Electricity Delivery and Energy Reliability, announces the receipt of an application from Plant-E Corp., of Montreal, for authority to transmit electric energy from the U.S. to Canada as a power marketer for a five-year term using existing international transmission facilities. The electric energy proposed for export would be surplus energy purchased from third parties under voluntary agreements. The agency will make a final decision after an environmental impact assessment and a determination that the action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system. Comments, protests, or motions to intervene are due Oct. 13, 2017. Contact: Angela Troy; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-1411; Angela.Troy@hq.doe.gov

82 FR 43003 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Microdose Radiopharmaceutical Diagnostic Drugs/Nonclinical Study Recommendations

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a draft guidance for industry on nonclinical study recommendations for microdose radiopharmaceutical diagnostic drugs. The guidance addresses how to refine nonclinical study recommendations for such drugs given their unique characteristics and is intended to provide recommendations for a pathway to full drug development (marketing authorization). Comments are due Nov. 13, 2017. Contact: Adebayo Laniyonu; FDA, Center for Drug Evaluation and Research; 301-796-1392

82 FR 43025 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

NCEH/ATSDR Board of Scientific Counselors Meeting

GENERAL ENVIRONMENT AND SAFETY

Notice of the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR) announces the cancellation of a Sept. 13-14, 2017, meeting of the Board of Scientific Counselors (82 FR 34674; 07/26/2017). The agenda would have addressed noise-induced hearing loss, the Flint Registry, program responses to the board's guidance and action items, the status of blood lead level reference value updates, and legislative requirements of the new Lead Exposure Poisoning Federal Advisory Committee. The agenda also would have included updates concerning the amyotrophic lateral sclerosis, lead poisoning prevention, and environmental health tracking programs. In addition, the agenda would have included updates from the center's director and from the NIH, the EPA, the National Institute for Occupational Safety and Health, and the Energy Department. The meeting is cancelled due to Hurricane Irma.

Contact: Amanda Malasky; CDC, NCEH/ATSDR; 770-488-7699; yoo0@cdc.gov

82 FR 43023 (09/13/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Applications for Special Permits

HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of six modified applications for special permits related to specified hazardous materials transportation regulations. Comments are due Sept. 28, 2017.

Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 171, 173, 178

82 FR 43085 (09/13/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Safety

HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the Federal Railroad Administration to seek OMB approval for four continuing information collection requests. The first collection addresses the movement of certain railroad freight cars without air brakes from initial terminal locations or through interchange locations under certain conditions (formerly Interstate Commerce Commission Order 13528) and associated labeling requirements. The second collection addresses the requirement for the dispatching of railroad operations in the U.S. to be performed in the U.S., with exemptions for dispatching from Mexico or Canada in emergency situations. The third collection addresses minimum safety requirements for camp cars provided by railroads as sleeping quarters to employees. The fourth collection addresses the requirement for a railroad or contractor that employs one or more safety-related employees to develop and submit a training program to the FRA for approval and to designate minimum training qualifications for each occupational category of employee. Comments are due Nov. 13, 2017. Contact: Robert Brogan; FRA, Office of Railroad Safety; 202-493-6292. Citations: 49 CFR 228, 232.3(d), 241, 243

82 FR 43079 (09/13/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Safety/Human Error in the Locomotive Cab, Locomotive Operating Mode

HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Railroad Administration announces the submission of two new information collection requests to the OMB regarding the Department of Transportation's safety strategic goal as it relates to locomotives. The first collection addresses the identification and evaluation of potential for human error associated with the operation of systems and automation in the locomotive cab. The second collection addresses the design and evaluation of a prototype locomotive operating mode that allows operators to manually control a train by providing a

desired speed target while the control system determines the throttle notch changes required. Comments are due Oct. 13, 2017. Contact: Kim Toone; FRA, Office of Information Technology; 202-493-6132; Kim.Toone@dot.gov

82 FR 43078 (09/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Advisory Board on Radiation and Worker Health Meeting

OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces a meeting of the Advisory Board on Radiation and Worker Health. The agenda addresses final vote counts from the August 2017 board meeting on special exposure cohort petitions for the Feeds Material Production Center, the Grand Junction Facilities, the Idaho National Laboratory, and the Savannah River Site. The agenda also includes discussion of work group and subcommittee reports, petition updates, and plans for the December 2017 board meeting. The meeting is scheduled for Oct. 5, 2017, via conference call. Comments are due Oct. 5, 2017. Contact: Theodore Katz; NIOSH; 513-533-6800; oca@cdc.gov

82 FR 43023 (09/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Nationally Recognized Testing Laboratories/MET

OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from MET Laboratories Inc., of Baltimore, for expansion of its recognition as a nationally recognized testing laboratory (NRTL). The expansion involves the addition of three test standards to its scope of recognition. The notice also announces a final decision to add two test standards to the NRTL program's list of appropriate test standards. The decision is effective Sept. 13, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 43040 (09/13/2017)

Regulatory Update

PESTICIDES

Pesticide Registration Cancellations

PESTICIDES

Notice of the EPA announces a correction to a July 5, 2017, order (82 FR 31058) granting requests from various registrants to voluntarily cancel 24 pesticide product registrations and amend the pesticide product registration for glyphosate-isopropylammonium to terminate specific uses. The correction removes the cancellation of nine pesticide product registrations that were listed in error. Contact: Michael Yanchulis; EPA, Office of Pesticide Programs; 703-347-0237; yanchulis.michael@epa.gov

82 FR 43005 (09/13/2017)

Regulatory Update

PESTICIDES

Pesticide Registration Review/Draft Risk Assessments
PESTICIDES

Notice of the EPA announces the availability of draft human health and ecological risk assessments for the registration review of the 18 pesticides under FIFRA Section 3(g) and the procedural regulations for registration review. The affected pesticides are asulam, chloroxylenol, dichlobenil, EPTC, etofenprox, gamma- and lambda-cyhalothrin, imidacloprid, indoxacarb, metribuzin, nitrapyrin, oxamyl, pendimethalin, permethrin, prometryn, pyrethrins, tau-fluvalinate, and trifloxystrobin. Comments are due Nov. 13, 2017. Contact: Dana Friedman; EPA, Office of Pesticide Programs; 703-308-8015; friedman.dana@epa.gov. Citations: 40 CFR 155, Subpart C

82 FR 43006 (09/13/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerances/EPTC
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide EPTC (S-ethyl dipropylthiocarbamate) in or on grass forage at 0.60 parts per million and hay at 0.50 ppm. The rule is issued in response to a petition filed by Gowan Co., of Yuma, Ariz. The rule is effective Sept. 13, 2017. Objections and hearing requests are due Nov. 13, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.117

82 FR 42947 (09/13/2017)

Regulatory Update

PESTICIDES

Plant-Incorporated Protectants/CBI Claims, Adverse Event Reporting
PESTICIDES

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request regarding confidential business information (CBI) substantiation and adverse effects reporting for registration of plant-incorporated protectants (PIPs). The collection addresses the requirement for registrants to substantiate claims that information supporting a PIP registration application contains CBI. The collection also addresses the requirement for manufacturers that are otherwise exempt from registration requirements to report any adverse effects of PIPs to the EPA within 30 days of obtaining the information. Comments are due Nov. 13, 2017. Contact: Ryne Yarger; EPA, Office of Pesticide Programs; 703-605-1193; yarger.ryne@epa.gov. Citations: 40 CFR 174

82 FR 43008 (09/13/2017)

Regulatory Update

RADIATION

NRC Financial Assistance Program

RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding grants and cooperative agreements. The collection addresses information gathered from recipients by the Acquisition Management Division for administration of the NRC financial assistance program, including semiannual technical performance reports and other occasional submissions. Comments are due Oct. 13, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov

82 FR 43049 (09/13/2017)

Regulatory Update

RADIATION

Yucca Mountain Geologic Repository

RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding the disposal of high-level radioactive wastes in a geologic repository at Yucca Mountain, Nev. The collection requires the state and local governments or affected Indian tribes to submit information describing their requests for consultation with NRC staff concerning the review of the potential repository site or NRC's facilitation for their participation in a license application review for the repository. Comments are due Oct. 13, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov. Citations: 10 CFR 63

82 FR 43050 (09/13/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/18/2017 12:46:46 PM
Subject: Aug. 18 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 18, 2017 - Number 159

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Arkansas

PESTICIDES

Pesticide Enforcement Response/Dicamba Applications

Arkansas PESTICIDES

Proposed rule of the State Plant Board amends pesticide enforcement response regulations. The rule increases the maximum civil penalty to \$25,000 for egregious violations from applications of dicamba, an auxin-containing herbicide, or any new herbicide technology released that results in significant off-target crop damage. The rule also defines “auxin pesticides,” “egregious violation,” “off-target,” “off-target crop damage,” and “damage.” The proposal currently is in effect as an emergency rule, expiring Nov. 29, 2017. A hearing is scheduled for Sept. 21, 2017, in Little Rock. Comments are due Sept. 19, 2017. Contact: Susie Nichols; SPB, Pesticide Division; 501-225-1598; Susie.Nichols@aspb.ar.gov

—Arkansas Register (08/15/2017)

Regulatory Update

California Regions

AIR

Indirect Source Review

California Regions AIR

Notice of the San Joaquin Valley Air Pollution Control District announces an additional workshop on a proposed rule to amend regulations under Rule 9510 regarding indirect air pollution sources. The rule revises the applicability of nitrogen oxides (NOx) and particulate matter (PM-10) emission reduction requirements for large development projects that have not been subjected to a discretionary approval and specifies thresholds for large development projects. The rule also removes references to the URBEMIS urban emissions model and adds seismic safety retrofits to

the list of exemptions. In addition, the rule eliminates the \$50,000 minimum fee deferral qualifier and down payment and specifies payment of applicable fees is required prior to generating any emissions. Finally, the rule clarifies that the off-site fee rate is based on the fee rate applicable at the time of invoicing, requires changes in project ownership to be reported, and revises definitions. The workshop is scheduled for Aug. 29, 2017, in Fresno and via teleconference and webcast. Comments are due Sept. 12, 2017. Contact: Cherie Clark; San Joaquin Valley APCD; 559-230-6000; cherie.clark@valleyair.org

—California Regions Regulations (08/17/2017)

Regulatory Update

Iowa

AIR

Controlling Pollution/Title V Operating Permits

Iowa AIR

Notice of the Environmental Protection Commission announces an additional hearing on and the extension of the comment period for a Jan. 18, 2017, proposed rule to amend regulations under 567 IAC 22.1 and .105 concerning control of pollution. The rule clarifies the types of mailing services that may be used to submit construction permit and Title V operating permit applications, specifies that applications are not required to be submitted by certified mail, and addresses electronic signatures and electronic media submission requirements. The rule also eliminates the requirement for certain construction permit applicants to submit a greenhouse gas form with the construction permit application for those applicants that indicate the project description includes no such emissions. In addition, the rule reduces to one the number of application copies that must be submitted for a Title V operating permit. The hearing is scheduled for Sept. 5, 2017, in Windsor Heights. Comments now are due Sept. 5, 2017. Contact: Christine Paulson; DNR, Air Quality Bureau; 515-725-9510; christine.paulson@dnr.iowa.gov

—Iowa Administrative Bulletin (08/16/2017)

Regulatory Update

WATER

Animal Feeding Operations/Manure Management Plan Updates and Fees

Iowa WATER

Proposed rule of the Environmental Protection Commission amends regulations under 567 IAC 65.16 regarding animal feeding operations. The rule allows for the electronic submittal of manure management plan updates and associated fees through the Department of Natural Resource's web application system. The rule also provides that impacted counties will receive the submittals electronically. A hearing is scheduled for Sept. 5, 2017, in Des Moines. Comments are due Sept. 6, 2017. Contact: Kelli Book; DNR; 515-725-9572; kelli.book@dnr.iowa.gov

—Iowa Administrative Bulletin (08/16/2017)

Regulatory Update

Texas

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Complaint Proceedings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.23 regarding complaint proceedings as part of an update and reorganization of contested case proceeding provisions. The rule specifies that when a retail customer files a complaint against a gas utility, the parties must first attempt an informal resolution under 16 TAC 7.45 before utilizing the complaint procedure. The rule also addresses complaint filings, burden of proof, complaint notices, respondent answers, and dismissals. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Contested Case Proceedings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.21 through .27 regarding contested case proceedings as part of an update and reorganization of the chapter. The rule also clarifies that when a retail customer files a complaint against a gas utility, the parties must first attempt an informal resolution before utilizing the complaint procedure. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Decisions
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.121 through .131 regarding final decisions and orders in commission cases as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Decisions

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.141 through .152 regarding decisions in commission cases. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Definitions and General Provisions

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.1 through .10 regarding definitions and general provisions for commission proceedings. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Discovery

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.51 through .57 regarding discovery in commission cases as part of an update and reorganization of the chapter. The rule also clarifies that discovery responses are due within 14 days from the date the discovery request is served. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Discovery

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.81 through .87 regarding discovery in commission cases. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Docketing, Notice, and Service
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.41 through .50 regarding docketing, notice, and service for cases before the commission. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Evidence
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.61 through .68 regarding evidence in commission cases as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Evidence in Contested Cases
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.101 through .108 regarding evidence in contested cases before the commission. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Hearings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.101 through .112 regarding commission hearings as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Hearings

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.121 through .130 regarding commission hearings. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Notice and Service in Contested Cases

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.41 through .45 regarding notice of application and hearing and service of pleadings and documents in contested case proceedings as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Parties and Intervention

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.61 through .65 regarding parties and intervention in commission cases. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Petitions for Adoption of Rules

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.301 regarding petitions for adoption of rules as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Pleadings

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.21 through .30 regarding pleadings before the commission. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Pleadings, Motions, and Other Documents

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.31 through .38 regarding pleadings, motions, and other documents filed in contested case proceedings as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroad Commission/Rules of Practice

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.1 through .10 regarding general rules of practice and procedure for proceedings before the commission as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

WATER

TPDES General Permit/Construction Stormwater

Texas WATER

Notice of the Texas Commission on Environmental Quality announces the proposed amendment

and renewal of a Texas Pollutant Discharge Elimination System (TPDES) general permit (General Permit No. TXR150000) that authorizes the discharge of stormwater and certain nonstormwater from construction sites into or adjacent to water in the state. Dischargers would be required to submit a notice of intent (NOI) to obtain authorization to discharge under the permit. The permit also specifies when permit coverage can be obtained without submitting a NOI, when a waiver from permit coverage may be obtained, and when permit coverage under a separate individual TPDES permit must be obtained. A meeting is scheduled for Sept. 18, 2017, in Austin. Comments are due Sept. 18, 2017. Contact: TCEQ, Water Quality Division; 512-239-4671

—Texas Register (08/18/2017)

Regulatory Update

Virginia

WATER

VPDES General Permit for Vehicle Wash Facilities and Laundry Facilities

Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-194-10, -15, -40, -50, -60, and -70 to revise and reissue the Virginia Pollutant Discharge Elimination System (VPDES) general permit for vehicle wash facilities and laundry facilities that expires Oct. 15, 2017. The general permit establishes limitations and monitoring requirements for point source discharge of treated wastewaters from facilities to surface waters. The rule revises general permit provisions to clarify that vehicle washing includes towed small recreational boats; to require permittees to notify the municipal separate storm sewer system (MS4) owners before obtaining coverage under the general permit if their discharges are into an MS4; to clarify that inspections of the effluent include sheen, floating solids, visible foam, examination date and time, and examination personnel; and to require effluent to be free of sheen. The rule also requires discharges of vehicle wash water directly to a stormwater drain to provide inlet protection measures. The rule is effective Oct. 16, 2017. Contact: Elleanore Daub; DEQ; 804-698-4111; elleanore.daub@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER

VPDES Permit for Potable Water Treatment Plants

Virginia WATER

Proposed rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-860-10 through -70 regarding the Virginia Pollutant Discharge Elimination System (VPDES) permit for potable water treatment plants. The rule removes the requirement to submit a groundwater monitoring plan with the registration if the plan has been previously submitted and approved and allows the electronic submission of registration statements. The rule also removes the allowance for reduced monitoring for reverse osmosis plants, requires a corrective action plan when groundwater is contaminated, and revises the requirement for conducting whole effluent toxicity testing from facilities with certain maximum flows. In addition, the rule changes the effective date of the general permit to July 1, 2018, and

specifies an expiration date of June 30, 2023. A hearing is scheduled for Sept. 28, 2017, in Richmond. Comments are due Oct. 20, 2017. Contact: Eleanore Daub; DEQ; 804-698-4067; elleanore.daub@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER

VPDES Permit/Petroleum-Contaminated Sites, Groundwater Remediation, Hydrostatic Tests
Virginia WATER

Proposed rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-120-15 through -80 (nonconsecutive) regarding the Virginia Pollutant Discharge Elimination System (VPDES) permit for discharges from petroleum-contaminated sites, groundwater remediation, and hydrostatic tests. The rule includes “associated distribution equipment” as components that can be hydrostatically tested under general permit coverage, requires permittees to notify a municipal separate storm sewer system (MS4) owner of a discharge at the time of registration under the general permit and to include a copy of that notification with the registration statement, and clarifies management practices for dewatering projects. The rule also establishes requirements for the management of hydrostatic discharge flows and clarifies reporting requirements for total residual chlorine data. In addition, the rule changes the effective date of the general permit to Feb. 26, 2018, and specifies an expiration date of Feb. 25, 2023. A hearing is scheduled for Sept. 28, 2017, in Richmond. Comments are due Oct. 20, 2017. Contact: Matthew Richardson; DEQ; 804-698-4195; matthew.richardson@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER

Virginia Stormwater Management Program
Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-870-150 regarding the Virginia Stormwater Management Program (VSMP). The rule specifies that localities adopting a VSMP must submit an application package to the board that includes contracts with third-party professionals holding certificates of competence in appropriate subject areas in order to carry out responsibilities required of a VSMP authority, including plan review and inspection. The rule is effective Sept. 20, 2017. Contact: Frederick Cunningham; DEQ; 804-698-4285; frederick.cunningham@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER

Water Quality Management Planning
Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-720-60, -100, and -110 regarding water quality management planning. The rule revises seven total maximum daily load (TMDL) wasteload allocations and adds 12 new TMDL allocations in the James River Basin. The rule also adds two new TMDL allocations in the Chowan River-Dismal Swamp River Basin. In addition, the rule revises two existing TMDLs allocations and removes four TMDL allocations in the Chesapeake Bay-Small Coastal-Easter Shore River Basin. The rule is effective Sept. 20, 2017. Contact: Mark Richards; DEQ; 804-698-4392; mark.richards@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER

Water Quality Management Planning Regulation
Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-720-60 regarding water quality management planning. The rule reflects the transfer of nitrogen wasteload allocation from the Virginia Electric Power Co. to Tranlin Inc. as identified in an April 5, 2017, memorandum of understanding. The rule is effective Sept. 20, 2017. Contact: William Norris; DEQ; 804-698-4022; william.norris@deq.virginia.gov

—Virginia Register (08/21/2017)

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