

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

June 14, 2017 - Number 113

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Arizona

GENERAL ENVIRONMENT AND SAFETY
Department of Environmental Quality/Administrative Appeals
Arizona GENERAL ENVIRONMENT AND SAFETY

Notice of the Governor's Regulatory Review Council announces the expiration of Department of Environmental Quality regulations under R18-1-201 through -207 regarding administrative appeals within the department. The expiration is effective April 28, 2017. Contact: Nicole Colyer; GRRC; 602-542-2058

—Arizona Administrative Register (06/09/2017)

[Regulatory Update](#)

Colorado

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste/Annual Commission Fee
Colorado HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, amends regulations under 6 CCR 1007-3, Section 6.04, to maintain current annual Solid and Hazardous Waste Commission fees for fiscal year 2017-2018. The rule is effective June 30, 2017. Contact: Brandy Valdez Murphy; DPHE, Hazardous Materials and Waste Management Division; 303-692-3467; brandy.valdezmurphy@state.co.us

—Colorado Register (06/10/2017)

[Regulatory Update](#)

OCCUPATIONAL SAFETY AND HEALTH
Boiler and Pressure Vessel Regulations
Colorado OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Employment, Division of Oil and Public Safety, amends regulations under 7 CCR 1101-5 regarding boilers and pressure vessels. The rule clarifies construction, installation, inspection, maintenance, and repair requirements and incorporates new and updated codes and standards. The rule also increases certificate fees to \$25 and insurance inspection processing fees to \$15. The rule is effective July 1, 2017. Contact: Steve Nelson; DLE, Division of Oil and Public Safety; 303-318-8514; steve.v.nelson@state.co.us

—Colorado Register (06/10/2017)

Regulatory Update

RADIATION
Radiation Control/Licensing of Radioactive Material
Colorado RADIATION

Final rule of the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, amends regulations under 6 CCR 1007-1, Part 3, regarding licensing of radioactive materials facilities. The rule revises a provision concerning exemptions for common carriers of radioactive materials to reference a state rather than federal statute. The rule also specifies where incorporated material may be obtained. The rule is effective June 30, 2017. Contact: James Jarvis; DPHE, Hazardous Materials and Waste Management Division; 303-692-3454; james.jarvis@state.co.us

—Colorado Register (06/10/2017)

Regulatory Update

RADIATION
Radiation Control/Physical Protection of Radioactive Material
Colorado RADIATION

Final rule of the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, amends regulations under 6 CCR 1007-1, Part 22, regarding physical protection of Category 1 and 2 quantities of radioactive material. The rule updates provisions referencing the Nuclear Regulatory Commission organizational structure, contact information, addresses, and websites. The rule also specifies where incorporated material may be obtained. The rule is effective June 30, 2017. Contact: James Jarvis; DPHE, Hazardous Materials and Waste Management Division; 303-692-3454; james.jarvis@state.co.us

—Colorado Register (06/10/2017)

Regulatory Update

RADIATION
Radiation Control/Standards for Protection Against Radiation
Colorado RADIATION

Final rule of the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, amends regulations under 6 CCR 1007-1, Part 4, regarding radiation protection requirements. The rule corrects the threshold value for protactinium-230 to align with federal requirements. The rule also specifies where incorporated material may be obtained. The rule is effective June 30, 2017. Contact: James Jarvis; DPHE, Hazardous Materials and Waste Management Division; 303-692-3454; james.jarvis@state.co.us

—Colorado Register (06/10/2017)

Regulatory Update

WATER

On-site Wastewater Treatment Systems

Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-42, Rules 43.1 through .16, regarding on-site wastewater treatment systems. The rule clarifies requirements concerning site and soil evaluation, wastewater flow and strength, minimum distances between components of wastewater treatments systems and physical features, and design criteria. The rule also addresses conflicting requirements, replaces technical language with plain language, and replaces the term “shall” with “must” or “will.” The rule is effective June 30, 2017. Contact: David Kurz; DPHE, Water Quality Control Commission; 303-692-3552; david.kurz@state.co.us

—Colorado Register (06/10/2017)

Regulatory Update

Maryland

AIR

Architectural Coatings

Maryland AIR

Proposed rule of the Department of the Environment repeals regulations under COMAR 26.11.33.01 through .14 regarding architectural coatings. The provisions have been superseded by an April 15, 2016, final rule that adopted regulations under COMAR 26.11.39 regarding architectural and industrial maintenance coatings. The rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for July 17, 2017, in Baltimore. Comments are due July 17, 2017. Contact: Randy Mosier; MDE, Air and Radiation Management Administration; 410-537-4488; randy.mosier@maryland.gov

—Maryland Register (06/09/2017)

Regulatory Update

AIR

Control of Fuel Burning Equipment, Stationary Engines
Maryland AIR

Proposed rule of the Department of the Environment amends regulations under COMAR 26.11.09.01, .04, and .06 and repeals regulations under COMAR 26.11.09.11 regarding control of fuel-burning equipment, stationary internal combustion engines, and certain fuel-burning installations. The rule eliminates emission and operating standards and compliance procedures for small wood boilers to remove conflicts with new federal residential hydronic heater requirements under 10 CFR 60, Subpart QQQQ. The rule also revises the definition for “clean wood” to remove the list of substances the wood cannot be treated with to be considered clean wood. A hearing is scheduled for July 17, 2017, in Baltimore. Comments are due July 17, 2017. Contact: Randy Mosier; MDE, Air and Radiation Management Administration; 410-537-4488; randy.mosier@maryland.gov

—Maryland Register (06/09/2017)

Regulatory Update

AIR
SIP Revision/Regional Haze
Maryland AIR

Notice of the Department of Environment, Air and Radiation Management Administration, announces a proposed revision to the regional haze state implementation plan (SIP) for a five-year look back to review the adequacy of the regional haze SIP for meeting the 10-year visibility goals. The revision will be submitted to the EPA for approval. A hearing is scheduled for July 17, 2017, in Baltimore. Comments are due July 17, 2017. Contact: Mary Jane Rutkowski; MDE, Air and Radiation Management Administration; 410-537-4163; maryjane.rutkowski@maryland.gov

—Maryland Register (06/09/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Consumptive Water Use Projects
Maryland 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 (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

—Maryland Register (06/09/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
Maryland 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 (f). Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—Maryland Register (06/09/2017)

Regulatory Update

North Carolina

WATER

NPDES General Wastewater Permit
North Carolina WATER

Notice announces the intention of the Environmental Management Commission to reissue a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit. The permit addresses treated wastewater resulting from seafood packing and rinsing operations and from fish farms and hatcheries defined as concentrated aquatic animal production facilities with production levels above specified minimums (NCG530000). Comments are due July 17, 2017. Contact: Brianna Young; Department of Environmental Quality, Division of Water Resources; 919-807-6333; brianna.young@ncdenr.gov

—North Carolina Register (06/15/2017)

Regulatory Update

WATER

NPDES Industrial General Permit/Furnishing Transportation by Air or Operating Airports
North Carolina WATER

Notice announces the intention of the Environmental Management Commission to revise and reissue a National Pollutant Discharge Elimination System (NPDES) industrial general permit for establishments primarily engaged in furnishing transportation by air or operating airports (NCG15000). The permit is proposed to be reissued on Sept. 1, 2017. Comments are due July 15, 2017. Contact: Mike Randall; Department of Environmental Quality, Division of Energy, Mineral, and Land Resources; 919-807-6374; mike.randall@ncdenr.gov

—North Carolina Register (06/15/2017)

Regulatory Update

Ohio

HAZARDOUS WASTE MANAGEMENT

Underground Storage Tanks
Ohio HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Commerce, Division of State Fire Marshal, announces changes to a May 22, 2017, proposed rule to amend regulations under OAC 1301:7-9-01 through -19 (nonconsecutive); rescind and readopt regulations under OAC 1301:7-9-05, -06, and -07; and rescind regulations under OAC 1301:7-9-09 and -14 to revise underground storage tanks (UST) standards and conform to a July 15, 2015, EPA final rule. The rule updates provisions concerning requirements for reporting hazardous substances, the list of hazardous substances, UST registration and permitting, and definitions. The rule also updates provisions concerning financial responsibility for petroleum USTs; design, construction, installation, operation, and maintenance requirements; release detection methods and requirements; and installer certification and training. In addition, the rule updates out-of-service, closure-in-place, permanent removal, change-in-service, and closure assessment requirements; delegations of authority for inspection; contaminated soil, sampling, and analysis of soil; delivery prohibitions; and operator training requirements. Finally, the rule deletes provisions concerning sensitive areas and voluntary corrective actions. The changes establish a fee for UST installer training offered by the State Fire Marshal and correct a statutory reference. Contact: David Sauer; Division of State Fire Marshal, Bureau of Underground Storage Tank Regulations; 614-752-7096; David.Sauer@com.state.oh.us

—Ohio Regulations (06/12/2017)

Regulatory Update

RADIATION

General Licenses and Licenses for Manufacturing and Distribution of Radioactive Material
Ohio RADIATION

Final rule of the Department of Health, Radiation Control, amends regulations under OAC 3701:1-46-01, -08, -36, and -43 concerning general licenses and licenses for manufacturing and distribution of radioactive material. The rule deletes the definition of “consumer risk” and updates references and terminology. The rule is effective June 16, 2017. Contact: Kaye Norton; Department of Health; 614-644-8184; Kaye.Norton@odh.ohio.gov

—Ohio Regulations (06/12/2017)

Regulatory Update

South Dakota

AIR

Air Pollution Control Program
South Dakota AIR

Proposed rule of the Department of Environment and Natural Resources, Board of Minerals and Environment, amends regulations under ARSD 74:36:01 through :21 concerning the air pollution control program. The rule clarifies requirements for air quality monitoring and incorporates by reference federal standards as of June 30, 2016. Hearings are scheduled for July 20, 2017, via videocast in specified locations. Comments are due July 19, 2017. Contact: Marlys Heidt; DENR,

Air Quality Program; 605-773-3151

—South Dakota Register (06/12/2017)

Regulatory Update

Texas

GENERAL ENVIRONMENT AND SAFETY

Agricultural and Silvicultural Water Quality Management

Texas GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the State Soil and Water Conservation Board amends regulations under 31 TAC 523.6 regarding cost-share incentive funding for soil and water conservation land improvement measures. The rule specifies that state board members and state board employees are prohibited by board policy from entering into a cost-share (financial assistance) agreement while employed or serving on the board. The rule also clarifies the procedures district directors and district employees must follow to avoid a conflict of interest. Comments are due July 16, 2017. Contact: Lee Munz; TSSWCB; 254-773-2250; lmunz@tsswcb.texas.gov

—Texas Register (06/16/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Bloodborne Pathogen Control

Texas OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of State Health Services amends regulations under 25 TAC 96.101, .201, .202, .203, and .401 regarding bloodborne pathogen control. The rule adds hepatitis C to the list of bloodborne pathogens. The rule also revises the reporting period for each contaminated sharps injury to no later than 30 days after it occurs. In addition, the rule updates the resource for universal and standard precautions practices to the Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings. Finally, the rule adds acronyms, updates definitions, and updates other provisions for clarity and consistency. The rule is effective June 21, 2017. Contact: Nadia Bekka; DSHS, Division for Disease Control and Prevention Services; 512-776-6972; Nadia.Bekka@dshs.texas.gov

—Texas Register (06/16/2017)

Regulatory Update

West Virginia

AIR

Control of Air Pollution from Municipal Solid Waste Landfills
West Virginia AIR

Proposed rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under 45 WVCSR 23 regarding municipal solid waste landfills (MSLWs) to incorporate by reference Aug. 29, 2016, performance standards and emission guidelines for new and existing MSWLs under 40 CFR 60, Subparts XXX and Cf. The rule includes standards of performance, emission guidelines, and compliance times for the control of certain designated pollutants from MSLWs. The rule also sets forth definitions and recordkeeping and reporting requirements. A hearing is scheduled for July 11, 2017, in Charleston. Comments are due July 11, 2017. Contact: DEP, Public Information Office; 304-926-0440

—West Virginia Register (06/09/2017)

Regulatory Update

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