

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

August 29, 2017 - Number 166

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California

GENERAL ENVIRONMENT AND SAFETY
Air Resources Board/Quorum
California GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Air Resources Board amends regulations under 17 CCR 60003 to clarify the definition for a board quorum. The rule specifies that only voting members count toward the quorum. Hearing requests are due Sept. 25, 2017. Comments are due Oct. 9, 2017. Contact: Claudia Nagy; ARB; 916-445-5507

—California Regulatory Notice Register (08/25/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
CERCLA Consent Decree/AAD Distribution and Dry Cleaning Services
California HAZARDOUS WASTE CLEANUP

Notice of the Department of Toxic Substances Control announces a seventh proposed consent decree regarding the former AAD Distribution and Dry Cleaning Services Inc. facility in Vernon. The consent decree resolves claims under CERCLA related to perchloroethylene contamination at the site against several parties for their contributions to contamination as a result of sending hazardous waste to the AAD facility. Comments are due Sept. 25, 2017. Contact: Elsa Lopez; DTSC; 818-717-6566; Elsa.Lopez@dtsc.ca.gov

—California Regulatory Notice Register (08/25/2017)

Regulatory Update

WATER
Biofouling Management
California WATER

Final rule of the State Lands Commission adopts regulations under 2 CCR 2298.1 through 2298.9.1 and repeals regulations under 2 CCR 2297.1 and 2298 regarding the management of biofouling for vessels arriving at state ports to minimize the transfer of nonindigenous species. The rule establishes requirements for developing and maintaining a vessel-specific biofouling management plan and record book and incorporates by reference an annual reporting form that replaces two existing annual reporting forms. The rule also establishes requirements for biofouling management of a vessel's wetted surfaces and for high-risk vessels remaining in one port for 45 days or more. In addition, the rule clarifies that propeller polishing is not prohibited, specifies a process for the submission and approval of alternatives to requirements, and establishes criteria for emergency exemptions. Finally, the rule removes the requirement for submission of the ballast water treatment technology annual reporting form. The rule is effective Oct. 1, 2017. Contact: Christopher Scianni; State Lands Commission, Marine Environmental Protection Division; 562-499-6390; Chris.Scianni@slc.ca.gov

—California Regulatory Notice Register (08/25/2017)

Regulatory Update

Connecticut

AIR

VOC Limits for Maintenance Coatings and Consumer Products Connecticut AIR

Notice of the Department of Energy and Environmental Protection announces changes to a Nov. 8, 2016, proposed rule to amend regulations under RCSA 22a-174-1, -3a, -20, -40 and -41 and to adopt regulations under RCSA 22a-174-41a regarding architectural and industrial maintenance coatings. The rule revises the volatile organic compounds (VOC) content limits for consumer products by making some existing limits more stringent. The rule also provides procedures and test methods for classification and compliance with VOC limits and establishes reporting requirements. In addition, the rule revises definitions and revises the prevention of significant deterioration (PSD) permit program to address permit program maintenance. Finally, the rule updates the new source review permitting program by including an identification of nitrogen oxides as an ozone precursor in the PSD program and adds a minor source baseline date for fine particulates. The changes make additional revisions to definitions, clarify the applicability of provisions, and update categories and limits for coatings manufactured after May 1, 2018. Contact: Paula Gomez; DEEP; 860-424-3000; paula.gomez@ct.gov

—Connecticut Law Journal (08/24/2017)

Regulatory Update

Massachusetts

COASTAL ZONE

Ocean Sanctuaries

Massachusetts COASTAL ZONE

Final rule of the Department of Conservation and Recreation repeals regulations under 302 CMR 5.00 to reflect the transition of authority over ocean sanctuaries from the department to the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management. The rule is effective Aug. 25, 2017. Contact: Robert Boeri; EOEEA, Office of Coastal Zone Management; 617-626-1200; Robert.Boeri@state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

COASTAL ZONE

Office of Coastal Zone Management/Ocean Sanctuaries

Massachusetts COASTAL ZONE

Final rule of the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management, amends regulations under 301 CMR 27.00 to reflect the transition of authority over ocean sanctuaries from the Department of Conservation and Recreation to the Office of Coastal Zone Management. The rule is effective Aug. 25, 2017. Contact: Robert Boeri; EOEEA, Office of Coastal Zone Management; 617-626-1200; Robert.Boeri@state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

UST Petroleum Product Cleanup Fund Administrative Review Board

Massachusetts HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Revenue amends regulations under 503 CMR 2.00, 3.00, and 4.00 regarding the Underground Storage Tank (UST) Petroleum Product Cleanup Fund Administrative Review Board. The rule revises how UST owners claim reimbursements from the fund for cleaning up petroleum spills from their tanks and incorporates all board-approved procedural changes since 2012. The rule also reflects a change in how reimbursement fund fees are transferred to the Commonwealth Transportation Fund and includes the fee increase tie to the Consumer Price Index. In addition, the rule brings all UST standards into alignment and removes outdated references. A hearing is scheduled for Sept. 27, 2017, in Boston. Comments are requested, but a due date is not specified. Contact: DOR, Rulings and Regulations Bureau; 617-626-3250; RulesandRegs@dor.state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Comprehensive Fire Safety Code

Massachusetts OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Fire Services, Board of Fire Prevention Regulations, amends

regulations under 527 CMR 1.00 regarding the Comprehensive Fire Safety Code. The rule incorporates by reference the 2015 edition of the National Fire Protection Association's Model Fire Code with amendments specific to the state. The rule also requires businesses that clean and inspect commercial cooking systems to be registered with the State Fire Marshal and individuals who supervise hot work activities to have hot work safety training. A hearing is scheduled for Sept. 7, 2017, in Stowe. Comments are due Sept. 6, 2017. Contact: Richard Fredette; DFS, Board of Fire Prevention Regulations; 978-567-3302; Richard.Fredette@massmail.state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

North Dakota

OIL AND GAS INDUSTRY

Mineral Exploration and Development **North Dakota OIL AND GAS INDUSTRY**

Proposed rule of the Industrial Commission, Department of Mineral Resources, amends regulations under NDAC 43-02-03-01 through -05-01-19 (nonconsecutive) and repeals regulations under NDAC 43-02-11-02, -04, -05, and -06 regarding mineral exploration and development. The rule revises requirements for contractors, owners of metering equipment, principal operators purchasing existing wells, mechanical integrity testing, sundry notices after spill cleanups, reclamation, dike and diked area construction, modification of saltwater handling facilities, and royalty statements. The rule also clarifies requirements for treating plant permits, signage for wells and facilities, ignition source placement, discharged fluids cleanup, reclamation of saltwater handling facilities and treating plants, plugging and abandoning inactive injection wells, receipt of comments on commission hearings, and conversion of completed wells to saltwater disposal wells. In addition, the rule adds reporting and testing requirements for saltwater disposal wells and injections pumps and prohibits the conversion of wells to saltwater disposal in certain circumstances. Finally, the rule removes reporting requirements, injection well operating requirements, references to various well types, and the requirement to provide an affidavit that all working interest owners of a property and all purchasers of the gas produced from a well have been notified of the application for tax exemption for a shallow gas well. Hearings are scheduled for Oct. 11, 2017, in Bismarck and Dickinson, and for Oct. 12, 2017, in Minot and Williston. Comments are due Oct. 23, 2017. Contact: Bruce Hicks; Industrial Commission, Oil and Gas Division; 701-328-8020

—North Dakota Regulations (08/25/2017)

Regulatory Update

Pennsylvania

WATER

Drinking Water/Perfluoro-Octanoic Acid Rulemaking Petition
Pennsylvania WATER

Notice of the Environmental Quality Board announces the acceptance of a rulemaking petition submitted by Delaware Riverkeeper Network requesting the amendment of regulations under 25 PAC 109 to establish a maximum contaminant level for perfluoro-octanoic acid not to exceed six parts per trillion. Contact: EQB; 717-787-4526

—Pennsylvania Bulletin (08/26/2017)

Regulatory Update

South Carolina

AIR

Air Pollution Control

South Carolina AIR

Final rule of the Department of Health and Environmental Control amends Regulations 61-62.1, .5, .60, .61, .63, and .70 and adopts Regulation 61-62.97 concerning air pollution control to incorporate by reference amendments to federal standards under 40 CFR 50, 51, 52, 60, 61, 63 and 70, as of Dec. 31, 2016. The rule updates provisions concerning prevention of significant deterioration and nonattainment new source review. The rule also updates standards for designated facility plans and new source performance standards, national emission standards for hazardous air pollutants (NESHAPs), NESHAPs for source categories, and provisions under the Title V operating permit program. In addition, the rule addresses the EPA's Cross-State Air Pollution Rule Trading Program for annual nitrogen oxides and sulfur dioxide to address mandatory transport and regional haze state implementation plan infrastructure elements. The rule is effective Aug. 25, 2017. Contact: Marie Brown; DHEC, Bureau of Air Quality; 803-898-1796; brownmf@dhec.sc.gov

—South Carolina State Register (08/25/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Underground Storage Tanks

South Carolina HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Health and Environmental Control announces a correction to a May 26, 2017, final rule that amended Regulation 61-92, Part 280, regarding underground storage tanks (USTs) to incorporate July 15, 2015, federal standards under 40 CFR 280. The rule also required owners and operators to provide access to all UST equipment at inspection; to document testing results done in conjunction with proper repairs; and to notify the department in writing of intent to permanently close, make a change-in-service, or replace piping or a dispenser. The correction makes an editorial revision. Contact: Eric Cathcart; DHEC, Bureau of Land and Waste Management; 803-898-0633; cathcaef@dhec.sc.gov

—South Carolina State Register (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Amusement Ride Safety/Inspection Fee Schedule

South Carolina OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor, Licensing, and Regulation, Office of Elevator and Amusement Rides, to amend Regulations 71-4700 and -4800 to update the fee schedules for amusement ride inspections. Comments are requested, but a due date is not specified. Contact: Duane Scott; DLLR, Office of Elevators and Amusement Rides; 803-896-7630

—South Carolina State Register (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Elevator Safety/Inspection Fee Schedule

South Carolina OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor, Licensing, and Regulation, Office of Elevator and Amusement Rides, to amend Regulations 71-5600 to update the fee schedules for elevator safety inspections. Comments are requested, but a due date is not specified. Contact: Duane Scott; DLLR, Office of Elevators and Amusement Rides; 803-896-7630

—South Carolina State Register (08/25/2017)

Regulatory Update

Wyoming

OCCUPATIONAL SAFETY AND HEALTH

OSHA Commission/Information Practice Rules

Wyoming OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Workforce Services, OSHA Commission, repeals regulations under Chapter 2 to remove provisions regarding rules for information practices that will be incorporated under new Chapter 9 concerning information dissemination. Comments are due Oct. 20, 2017. Contact: Marcia Price; DWS; 307-777-6746; marcia.price@wyo.gov

—Wyoming Regulations (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

OSHA Commission/Information Practices

Wyoming OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Workforce Services, OSHA Commission, repeals regulations under Chapter 1 to remove provisions regarding general information practices that will be incorporated into provisions concerning practice and procedures. Comments are due Oct. 20, 2017. Contact: Marcia Price; DWS; 307-777-6746; marcia.price@wyo.gov

—Wyoming Regulations (08/25/2017)

Regulatory Update

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