

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

September 18, 2017 - Number 179

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Summaries

AIR

Alabama SIP/PM-2.5 Infrastructure Requirements

AIR

Final rule of the EPA approves portions revisions to the Alabama SIP regarding infrastructure requirements for the 2012 particulate matter (PM-2.5) NAAQS. The rule approves the applicable requirements, with the exception of the interstate transport provisions regarding contribution to nonattainment or interference with maintenance (prongs 1 and 2), visibility protection (prong 4), and state board requirements, which will be addressed in separate rulemaking actions. The rule is effective Oct. 18, 2017. Contact: Tiereny Bell; EPA Region 4, Air Planning and Implementation Branch; 404-562-9088; bell.tiereny@epa.gov. Citations: 40 CFR 52.50

82 FR 43487 (09/18/2017)

Regulatory Update

AIR

Arkansas SIP/Minor New Source Review Program

AIR

Proposed rule of the EPA would approve portions of revisions to the Arkansas SIP to revise the minor new source review (NSR) program permitting thresholds and de minimis levels as well as supplemental information provided in 2015, 2016, and 2017. The EPA will address in future rulemakings remaining portions of revisions not directly related to minor NSR permitting thresholds and de minimis levels. Comments are due Oct. 18, 2017. Contact: Ashley Mohr; EPA Region 6; 214-665-7289; mohr.ashley@epa.gov. Citations: 40 CFR 52

82 FR 43506 (09/18/2017)

Regulatory Update

AIR

California/OCS Air Regulations

AIR

Final rule of the EPA revises Outer Continental Shelf (OCS) air requirements for areas offshore of California. The rule incorporates by reference Santa Barbara County Air Pollution Control District (APCD) and Ventura County APCD rules applicable to OCS sources located within 25 miles of the state's seaward boundaries. The rule is effective Oct. 18, 2017. Contact: Christine Vineyard; EPA Region 9, Air Division; 415-947-4125; vineyard.christine@epa.gov. Citations: 40 CFR 55.14, 55 Appendix A

82 FR 43491 (09/18/2017)

Regulatory Update

AIR

Cross-State Air Pollution Rule/New Unit Set-Aside Allowances

AIR

Notice of the EPA announces the availability of preliminary lists of units eligible for allocations of emission allowances for new electricity generating units under the Cross-State Air Pollution Rule (CSAPR). Spreadsheets posted on the agency's website show first-round 2017 new unit set-aside allocations of CSAPR NOx Annual, CSAPR NOx Ozone, and CSAPR SO2 Trading Programs. The agency also eliminated allocations of CSAPR SO2 Group 2 allowances to four units in Georgia that were incorrectly identified as new units instead of existing units in a June 21, 2017, notice (82 FR 28243). Contact: Robert Miller; EPA; 202-343-9077; miller.robertl@epa.gov. Citations: 40 CFR 97

82 FR 43537 (09/18/2017)

Regulatory Update

AIR

Kentucky SIP/Jefferson County Stage II Vapor Recovery Program

AIR

Final rule of the EPA approves revisions to the Kentucky SIP to remove Stage II vapor control requirements for new and upgraded gasoline dispensing facilities and allow for decommissioning of existing Stage II equipment in Jefferson County. The rule is effective Oct. 18, 2017. Contact: Kelly Sheckler; EPA Region 4, Air Planning and Implementation Branch; 404-562-9222; sheckler.kelly@epa.gov. Citations: 40 CFR 52.920

82 FR 43489 (09/18/2017)

Regulatory Update

FOOD SAFETY

New Animal Drug Applications, Change of Sponsor Address

FOOD SAFETY

Final rule of the FDA reflects the approval of three new animal drug applications (NADAs) and

abbreviated NADAs during March and April 2017. The rule also reflects a change of address of the sponsor, Pharmgate LLC, and makes technical revisions regarding dosage form drugs. In addition, the agency announces the availability of summaries of the basis of approval and of environmental review documents, where applicable. The rule is effective Sept. 18, 2017. Contact: George Haibel; FDA, Center for Veterinary Medicine; 240-402-5689; george.haibel@fda.hhs.gov. Citations: 21 CFR 510.600, 520.88g, 520.304, 522.304 through 522.2477 (nonconsecutive), 524.988, 558.4, 558.128, 558.625

82 FR 43482 (09/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

American Samoa/StarKist Co. Consent Decree

GENERAL ENVIRONMENT AND SAFETY

Notice of the Justice Department announces a proposed consent decree in United States v. StarKist Co. (Civil Action No. 2:17-cv-01190-DSC), lodged on Sept. 12, 2017, with the U.S. District Court for the Western District of Pennsylvania. The consent decree addresses alleged violations under the CAA, the CWA, EPCRA, and RCRA at the defendants' seafood processing and canning facility in American Samoa and requires the defendants to pay a \$6.3 million civil penalty. The alleged CWA violations include unpermitted discharges of wastewater through an outfall rupture, violations of terms and conditions of the facility's NPDES permit, and violations of spill prevention control and countermeasures provisions related to the facility's oil storage tanks. The alleged violations also include CAA violations related to the handling of ammonia, butane, and chlorine at the facility and violations of the CAA, EPCRA, and RCRA that the defendants disclosed to the EPA following an audit. The consent decree also requires the defendants to perform injunctive relief and a supplemental environmental project. Comments are due Oct. 18, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 43573 (09/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Kentucky/Texas Gas Transmission Well Abandonment

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Texas Gas Transmission LLC, of Houston, to plug and abandon injection/withdrawal well No. 17378, abandon in place approximately 1,050 feet of 4.5 inch storage well lateral line, and abandon by removal the side valve and associated above ground equipment in its Midland Storage Field in Muhlenberg County, Ky. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by Dec. 11, 2017. Protests and motions to intervene are due Nov. 13, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 43533 (09/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Solar Energy Technology Analysis and Data
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, announces a request for information regarding solar energy technology analysis and data resources. The Solar Energy Technologies Office is seeking to catalog information resources used by the U.S. solar industry stakeholders to make major business and policy decisions. The agency plans to use the information when developing resources such as information based network planning, real time optimization, and bankability tools to reach the DOE's SunShot 2030 goals. Comments are due Oct. 6, 2017. Contact: Casey Canfield; DOE, Office of Energy Efficiency and Renewable Energy; 202-287-1783; solaranalysis@ee.doe.gov

82 FR 43531 (09/18/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Factors Influencing Influenza Transmission
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces the submission of a revised information collection request to the OMB regarding the testing of airborne particles produced by adult participants for influenza and the measuring of levels of influenza infection-associated biomarkers in blood samples. The revisions modify the cough and exhalation-aerosol system and blood sample collection activities and increase participation time to 95 minutes. The revisions also include the testing of an equal number of subjects without symptoms and increase monetary compensation for participating to \$40. Comments are due Oct. 18, 2017. Contact: Leroy Richardson; CDC, Office of Scientific Integrity; 404-639-7570; omb@cdc.gov

82 FR 43542 (09/18/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Health Hazard Evaluation and Technical Assistance
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces the submission of a revised information collection request to the OMB concerning health hazard evaluation (HHE) and technical assistance requests and emerging problems. The collection concerns the HHE form used by employees, employers, and other authorized representatives for participation in the HHE program to determine whether there is reasonable cause to justify conducting an investigation for identification of chemical, biological, or physical hazards in a workplace. The revisions reflect consolidation of clearance with follow-back information collection under the program. Comments are due Oct. 18, 2017. Contact: Leroy Richardson; CDC, Office of Scientific Integrity; 404-639-7570; omb@cdc.gov

82 FR 43546 (09/18/2017)

Regulatory Update

RADIATION

ACRS Subcommittee on Northwest Medical Isotopes Meeting

RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Northwest Medical Isotopes to discuss the construction permit application preliminary safety analysis report and the draft NRC safety evaluation reports for a Mo99 radioisotope production facility. The meeting is scheduled for Sept. 21, 2017, in Rockville, Md. Comments are due Sept. 16, 2017. Contact: Kathy Weaver; NRC; 301-415-6236; Kathy.Weaver@nrc.gov

82 FR 43575 (09/18/2017)

Regulatory Update

RADIATION

ACRS Subcommittee on Plant Operations and Fire Protection Meeting

RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Plant Operations and Fire Protection. The meeting includes analysis and discussion on relevant issues and facts to develop proposed positions and actions for deliberation by the ACRS committee. The meeting is scheduled for Sept. 20, 2017, in Rockville, Md. Comments are due Sept. 20, 2017. Contact: Quynh Nguyen; NRC; 301-415-5844; Quynh.Nguyen@nrc.gov

82 FR 43575 (09/18/2017)

Regulatory Update

TOXIC SUBSTANCES

IRIS Assessment Plans for Nitrate/Nitrite, Chloroform, and Ethylbenzene

TOXIC SUBSTANCES

Notice of the EPA announces the availability of draft Integrated Risk Information System (IRIS) assessment plans for nitrate/nitrite, chloroform, and ethylbenzene. The documents describe the plan for conducting the human health risk assessment for each chemical and summarize information on scoping and initial problem formation; objectives and specific aims for the assessment; and a Population, Exposure, Comparators, and Outcomes (PECO) framework for the systematic review. The plans will be discussed at the Science Advisory Board Chemical Assessment Advisory Committee peer consultation meeting scheduled for Sept. 27-28, 2017, in Arlington, Va. Comments are due Oct. 18, 2017. Contact: James Avery; EPA, National Center for Environmental Assessment; 703-347-8668; avery.james@epa.gov

82 FR 43539 (09/18/2017)

Regulatory Update

WATER

National Boating Safety Advisory Council Meetings

WATER

Notice of the U.S. Coast Guard announces meetings of the National Boating Safety Advisory Council and its subcommittees to discuss recreational boating safety. The agenda includes presentations and discussions concerning council resolutions and reports, alternatives to pyrotechnic visual distress signals, grant projects, updates to manufacturer requirements, and standards for boats and associated equipment. The agenda also includes presentations and discussions regarding state safety programs, licensing requirements for on-water boating safety instruction providers, regulatory review of the recreational boating safety requirements, strategic plans, and subcommittee reports. The meetings are scheduled for Oct. 10-12, 2017, in Arlington, Va. Comments are Oct. 2, 2017. Contact: Jeff Ludwig; USCG, National Boating Safety Advisory Council; 202-372-1061; jeffrey.a.ludwig@uscg.mil. Citations: 33 CFR 173 through 187 (Subchapter S)

82 FR 43552 (09/18/2017)

Regulatory Update

WATER

Steam Electric Power Generating Point Source Category/Compliance Dates Postponement

WATER

Final rule of the EPA postpones compliance dates for a Nov. 3, 2015, final rule (80 FR 67838) that revised effluent limitations guidelines and new source performance standards for wastewater discharges from the electric power generating point source category. The rule established effluent limitations and standards for wastewaters associated with specified processes or byproducts. The current rule postpones the compliance dates for flue gas desulfurization wastewater and bottom ash transport water for two years as the agency intends to conduct a rulemaking to potentially revise the effluent limitations and standards. The current rule is not postponing the compliance dates for fly ash transport water, fly gas mercury control wastewater, or gasification wastewater. The rule is effective Sept. 18, 2017. Contact: Ronald Jordan; EPA, Engineering and Analysis Division; 202-566-1003; jordan.ronald@epa.gov. Citations: 40 CFR 423.11, 423.13, 423.16

82 FR 43494 (09/18/2017)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Indiana

WATER

Great Lakes Basin Water Management Indiana WATER

Notice announces the intention of the Natural Resources Commission to amend regulations under 312 IAC 6.2-1-2, -2-3, and -2-7 regarding Great Lakes Basin water management. The rule allows facilities to sell or transfer all or a portion of its baseline volume and provides for the relinquishment of a facility's baseline volume. The rule also defines "baseline volume abandonment," "discontinued significant water withdrawal facility," and "inactive significant water withdrawal facility" and updates the definition of "salmonid stream." In addition, the rule clarifies basinwide conservation and efficiency objectives. Comments are requested, but a due date is not specified. Contact: Mark Basch; NRC; 317-232-0154; mbasch@dnr.in.gov

—Indiana Register (09/13/2017)

Regulatory Update

Kansas

HAZARDOUS WASTE CLEANUP

Voluntary Cleanup and Property Redevelopment Program Kansas HAZARDOUS WASTE CLEANUP

Final 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 and environmental site assessments to be performed in compliance with industry practices and revises the objectives for remediation proposals. In

addition, the rule clarifies the approaches to determine soil and groundwater cleanup levels based on actual and probable use of groundwater, revises oversight requirements and requirements for environmental site assessments, and removes duplicative provisions for public notification and participation. Finally, the rule increases the initial deposit amount for contaminant Class I to \$2,000 and 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. The rule is effective Sept. 29, 2017. Contact: Deanna Ross; DHE, Bureau of Environmental Remediation; 785-296-8064; deanna.ross@ks.gov

—Kansas Register (09/14/2017)

Regulatory Update

Nevada

AIR

Air Pollution Control Devices for Mobile Sources

Nevada AIR

Final rule of the State Environmental Commission amends regulations under NAC 445B.575 concerning air pollution control devices for mobile sources. The rule provides an exemption for motor vehicles subject to a settlement agreement entered into by the state from the requirement that vehicles equipped with devices to control pollution must have those devices correctly installed and in good operating condition. The rule is effective Sept. 21, 2017. Contact: Valerie King; SEC; 775-687-9374

—Nevada Register (09/14/2017)

Regulatory Update

AIR

Air Pollution, Hazardous Materials, Alternative and Clean-Burning Fuels

Nevada AIR

Final rule of the State Environmental Commission amends regulations under NAC 445B.3364 through 445B.3683 (nonconsecutive), 459.953465, and 486A.140 regarding air quality permit and alternative fuel designation public notice requirements. The rule removes the requirement to provide public notice of draft air permits and other program actions through publication in a newspaper and in a public library. The rule provides instead for electronic notice and requires draft permits to be posted on a website. The rule is effective Sept. 21, 2017. Contact: Valerie King; SEC; 775-687-9374

—Nevada Register (09/14/2017)

Regulatory Update

Oregon

OCCUPATIONAL SAFETY AND HEALTH

Occupational Safety and Health/Telecommunications Activities

Oregon OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Consumer and Business Services, Occupational Safety and Health Division, amends regulations under OAR 437-002-0300 regarding personal climbing equipment for telecommunication activities in general industry. The rule incorporates by reference federal standards under 29 CFR 1910.268 that were unintentionally omitted during the state's adoption of the federal requirements for walking-working surfaces and personal protective equipment. The rule is effective Nov. 1, 2017. Contact: Heather Case; DCBS, Occupational Safety and Health Division; 503-947-7449; heather.case@oregon.gov

—Oregon Bulletin (09/13/2017)

Regulatory Update

Virginia

OCCUPATIONAL SAFETY AND HEALTH

Virginia Occupational Safety and Health Program

Virginia OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Labor and Industry, Safety and Health Codes Board, announces a hearing on a Sept. 4, 2017, proposed rule to amend regulations under 16 VAC 25-60-10, -20, -30, -260, -270, and -280 regarding administrative regulations for the Occupational Safety and Health Program. The rule establishes procedures for the application of penalties to state and local government employers for willful, repeat, and failure-to-abate violations as well as serious violations that cause a fatal accident or are classified as “high gravity.” The hearing is scheduled for Oct. 26, 2017, in Richmond. A comment due date is not specified. Contact: Regina Cobb; DLI; 804-786-0610; regina.cobb@doli.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

West Virginia

RADIATION

Technologically Enhanced Naturally Occurring Radioactive Material

West Virginia RADIATION

Notice of the Department of Health and Human Resources, Bureau for Public Health, announces the withdrawal of a June 27, 2017, proposed rule that would have adopted regulations under 64 WVCSR 23.A regarding technologically enhanced naturally occurring radioactive material

(TENORM). The rule would have established radiation protection standards and registration requirements for entities that receive, possess, use, process, transfer, distribute, or dispose of TENORM. The rule also would have addressed exemptions, financial assurance arrangements, recordkeeping requirements for site reclamation, radiation protection program requirements, and qualifications of radiation safety officers. Contact: Brian Skinner; DHHR, Bureau for Public Health; 304-356-4122

—West Virginia Register (09/14/2017)

Regulatory Update

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