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**From:** Bloomberg BNA  
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## **EHS State Regulatory Alert**

October 05, 2017 - Number 192

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### Alaska

#### *PESTICIDES*

##### Pesticide Control

#### Alaska PESTICIDES

Final rule of the Department of Environmental Conservation amends regulations under 18 AAC 90.205 through .990 (nonconsecutive) and adopts regulations under 18 AAC 90.635 regarding pesticide product registration and certified applicator standards. The rule clarifies product registration period and renewal requirements, activities that require applicator certification, and exemptions from certification requirements. The rule also adds and modifies categories of use for applicators, adds requirements for new categories of use, and clarifies applicator certification renewal processes and recordkeeping items. In addition, the rule clarifies requirements for the storage of restricted-use pesticides, establishes standards for tenant notification of pesticide applications, deletes the discount for online pesticide product registration, and adds and revises definitions. Finally, the rule provides protective measures for automatic misting systems, clarifies when insurance coverage is required, and removes oral examinations as a certification procedure. The rule is effective Oct. 27, 2017. Contact: Rebecca Colvin; DEC, Division of Environmental Health; 907-269-7802; rebecca.colvin@alaska.gov

—Alaska Regulations (10/02/2017)

#### Regulatory Update

#### *SOLID WASTE*

##### Solid Waste Management

#### Alaska SOLID WASTE

Final rule of the Department of Environmental Conservation amends regulations under 18 AAC 60.005 through .990 (nonconsecutive); adopts regulations under 18 AAC 60.009 and .432; and repeals and readopts regulations under 18 AAC 60.007, .008, and .700 regarding solid waste management requirements for oil and gas exploration and production waste, coal ash, medical waste, and biosolids. The rule excludes drilling and medical waste treatment facilities and facilities that treat sewage solids or septage to create biosolids from the exemption for small

treatment facilities. The rule also revises the standards for the beneficial use of solid waste as structural fill material or as an ingredient in manufactured products, updates small treatment facility permitting and biosolid requirements, allows for the approval of short-term solid waste treatment facilities via plan approval rather than through permit, and updates standards concerning drilling waste disposal facilities. In addition, the rule updates fees and establishes standards concerning the closure of inactive reserve pits and drilling waste disposal facilities. The rule is effective Oct. 27, 2017. Contact: Rebecca Colvin; DEC, Division of Environmental Health; 907-269-7802; rebecca.colvin@alaska.gov

—Alaska Regulations (10/02/2017)

Regulatory Update

## California Regions

**AIR**

NOx Emissions from Boilers, Steam Generators, and Process Heaters  
California Regions AIR

Proposed rule of the Eastern Kern Air Pollution Control District amends regulations under Rule 425.2 to reduce nitrogen oxide (NOx) emissions limits for boilers, steam generators, and process heaters. The rule reduces NOx emission limits for units with an annual heat input of 90,000 therms or more during one or more of the three preceding years of operation to 30 parts per million by volume (ppmv) when operated on gaseous fuel and 40 ppmv when operated on liquid fuel. A workshop is scheduled for Nov. 2, 2017, in Mojave. Comments are due Dec. 4, 2017. Contact: Wunna Aung; Eastern Kern APCD; 661-862-5250; aungw@kerncounty.com

—California RegionsRegulations (10/02/2017)

Regulatory Update

**AIR**

NOx Emissions from Stationary Gas Turbines  
California Regions AIR

Proposed rule of the Eastern Kern Air Pollution Control District amends regulations under Rule 425 to reduce stationary gas turbine nitrogen oxide (NOx) emissions limits. The rule reduces limits for stationary gas turbines with rated heat input of 10.0 megawatts (MW) or more to 9 parts per million by volume (ppmv) when operated on gaseous fuel and 25 ppmv when operated on liquid fuel. The rule also establishes limits for units rated 0.3 MW to less than 2.9 MW, units with greater than or equal to 4 MW that operate less than 877 hours per year, and units rated 2.9 MW to less than 10 MW. A workshop is scheduled for Nov. 2, 2017, in Mojave. Comments are due Dec. 4, 2017. Contact: Wunna Aung; Eastern Kern APCD; 661-862-5250; aungw@kerncounty.com

—California RegionsRegulations (10/02/2017)

Regulatory Update

**AIR**

Permits, CEQA Review/Risk Assessments  
California Regions AIR

Proposed rule of the Eastern Kern Air Pollution Control District amends regulations under Regulation II and Rule 208.2 to revise air toxic risk management guidelines for purposes of permitting and California Environmental Quality Act review. The rule establishes a permitting risk threshold of less than 20 in one million cancer risk or a noncancer acute and chronic health index of less than or equal to one. The rule also provides that for CEQA purposes, projects that do not exceed this threshold will be considered to have an insignificant air quality impact. A workshop is scheduled for Nov. 2, 2017, in Mojave. Comments are due Dec. 4, 2017. Contact: Wunna Aung; Eastern Kern APCD; 661-862-5250; aungw@kerncounty.com

—California Regions Regulations (10/02/2017)

Regulatory Update

**WATER**

NPDES General Permit/Discharges with Low Threat to Water Quality  
California Regions WATER

Notice of the Central Coast Regional Water Quality Control Board announces a draft order to reissue a general National Pollutant Discharge Elimination System Permit (No. CAG993001) to allow discharges of untreated wastewater streams that will not affect receiving surface water quality (Order No. R3-2017-0042). The order applies to certain construction dewatering projects, agricultural or water supply well development or aquifer test discharges, discharges from advanced water treatment systems, and seafood processing wash water with low flow-rates or discharge volumes and that are of limited or intermittent duration. A hearing is scheduled for Dec. 7-8, 2017, in San Luis Obispo. Comments are due Oct. 28, 2017. Contact: Jessica Duffey; Central Coast RWQCB; 805-542-4787; jessica.duffey@waterboards.ca.gov

—California Regions Regulations (10/03/2017)

Regulatory Update

**Florida**

**WATER**

Charlotte Harbor and Middle St. Johns River Basins TMDLs  
Florida WATER

Final rule of the Department of Environmental Protection amends regulations under FAC 62-304.505 and .805 to establish nutrient total maximum daily loads (TMDLs) for surface water segments within the Charlotte Harbor and Middle St. Johns River basins. The rule establishes TMDLs for DeLeon Spring, Gemini Springs, Sanibel Slough West, and Sanibel Slough East. The rule is effective Oct. 18, 2017. Contact: Erin Rasnake; DEP, Division of Environmental Assessment and Restoration; 850-245-8338

—Florida Administrative Weekly (10/03/2017)

Regulatory Update

**WATER**

Southwest Florida WMD/Guidance and Minimum Levels for Lake Alice  
Florida WATER

Notice of the Southwest Florida Water Management District announces a workshop on proposed amendments to regulations under FAC 40D-8.624 regarding guidance and minimum levels for Lake Alice in Hillsborough County. The workshop is scheduled for Oct. 24, 2017, in Tarpon Springs. Contact: Mark Hurst; SWFWMD; 352-796-7211; ADACoordinator@swfwmd.state.fl.us

—Florida Administrative Weekly (10/03/2017)

Regulatory Update

**Illinois**

**SOLID WASTE**

Municipal Waste Planning, Nonhazardous Municipal Waste Enforcement Grants  
Illinois SOLID WASTE

Proposed rule of the Illinois EPA repeals regulations under 35 IAC 871.101 through .605 and Appendices A and B to delete procedures regarding municipal waste planning and nonhazardous municipal waste enforcement grants. The rule reflects that the agency no longer issues such grants. Comments are due Nov. 13, 2017. Contact: Sara Terranova; IEPA, Division of Legal Counsel; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (09/29/2017)

Regulatory Update

**SOLID WASTE**

Municipal Waste Planning, Nonhazardous Waste Enforcement Grants  
Illinois SOLID WASTE

Proposed rule of the Illinois EPA repeals regulations under 35 IAC 870.101 through .310 to delete procedures for issuing municipal waste planning and nonhazardous solid waste or municipal waste enforcement grants. The rule reflects that the agency no longer issues such grants. Comments are due Nov. 13, 2017. Contact: Sara Terranova; IEPA, Division of Legal Counsel; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (09/29/2017)

Regulatory Update

**SOLID WASTE**

White Goods Collection Grants

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## Illinois SOLID WASTE

Proposed rule of the Illinois EPA repeals regulations under 35 IAC 875.100 through .402 to delete procedures for white goods collection grants. The rule reflects that the agency no longer issues such grants. Comments are due Nov. 13, 2017. Contact: Sara Terranova; IEPA, Division of Legal Counsel; 217-782-5544; sara.terranova@illinois.gov

—Illinois Register (09/29/2017)

Regulatory Update

## Michigan

### **OCCUPATIONAL SAFETY AND HEALTH**

#### General Industry Safety Standards/Fixed Ladders

#### **Michigan OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, rescinds regulations under MAC 408.10301 through .10372 (nonconsecutive) regarding the general industry safety standard for fixed ladders (Part 3). The rule replaces the standard with federal standards under 29 CFR 1910, Subpart D, that have been incorporated in a concurrently proposed rule regarding the general industry safety and health standard for walking-working surfaces (Part 2). A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

### **OCCUPATIONAL SAFETY AND HEALTH**

#### General Industry Safety Standards/Manlifts

#### **Michigan OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.12501 and .12510 regarding the general industry safety standard for manlifts (Part 25). The rule aligns provisions with federal standards under 29 CFR 1910.68 regarding manlifts and 29 CFR 1910, Subpart D, regarding walking-working surfaces. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

## Rhode Island

*AIR*

Air Pollution Control Permits  
Rhode Island AIR

Proposed rule of the Department of Environmental Management, Office of Air Resources, amends regulations under 250-RICR-120-00-9 (Air Pollution Control Regulation No. 9) regarding air pollution control permits to align with federal standards. The rule removes the restriction on increment consumption, which specifies that no major stationary source or major modification will be allowed to consume more than 75 percent of the remaining 24-hour increment or 25 percent of the remaining annual increment. The rule also revises applicability exemptions and definitions concerning major stationary sources or major modifications in attainment or unclassifiable areas. Comments are due Oct. 30, 2017. Contact: Karen Slattery; DEM, Office of Air Resources; 401- 222-2808; karen.slattery@dem.ri.gov

—Rhode Island Regulations (10/01/2017)

Regulatory Update

**Utah**

**AIR**  
Emission Inventories/Oil and Gas Sources  
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-150-1 and -3 and adopts regulations under R307-150-9 to require certain oil and gas sources to submit an emissions inventory every three years for each of the emission units. The rule reflects the implementation of a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**AIR**  
National Emission Standards for Hazardous Air Pollutants  
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces the five-year review and continuation of regulations under R307-214 that incorporate by reference the national emission standards for hazardous air pollutants. The action is effective Sept. 8, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**AIR**

**New and Modified Sources Permits**

**Utah AIR**

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-401-2 through -16 (nonconsecutive) regarding permits for new and modified sources. The rule exempts oil and gas wells from the requirement to obtain a permit under R307-401. The rule implements a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

**Regulatory Update**

**AIR**

**New and Modified Sources in Nonattainment, Maintenance Areas**

**Utah AIR**

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-403-1 through -9 (nonconsecutive) regarding permits for new and modified sources in nonattainment areas and maintenance areas. The rule updates provisions to reflect federal requirements for nonattainment area permitting and provides for new source review requirements to address fine particulate matter. Comments are due Oct. 31, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

**Regulatory Update**

**AIR**

**Oil and Gas Industry/Dehydrators**

**Utah AIR**

Proposed rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-507-1 through -5 to establish requirements for the control of emissions of volatile organic compounds from dehydrators associated with oil and gas operations to reflect current best available control technology. The rule implements a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

**Regulatory Update**

**AIR**

**Oil and Gas Industry/Leak Detection and Repair**

**Utah AIR**

Proposed rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-509-1, -2, -3, -4, and -5 to establish requirements for leak detection and repairs at oil and gas operations to control emissions of volatile organic compounds to reflect current best available control technology. The rule implements a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**AIR**

Oil and Gas Industry/Natural Gas Engine Requirements

Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-510-1, -2, -3, and -4 to establish requirements for natural gas-fired engines associated with oil and gas operations to control nitrogen oxide emissions to reflect current best available control technology. The rule implements a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**AIR**

Oil and Gas Industry/Registration Requirements

Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-505-1, -2, and -3 to require oil and gas sources to register with the division. The current minor source permitting requirements for oil and gas wells are being replaced by a permit-by-rule system under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**AIR**

Oil and Gas Industry/Storage Vessels

Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-506-1 through -5 to establish requirements for the control of emissions of volatile organic compounds from storage vessels associated with oil and gas operations to

reflect current best available control technology. The rule implements a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**AIR**

Oil and Gas Industry/Tank Truck Loading

Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-504-1 through -4 regarding volatile organic compound emission control requirements for tank truck loading at oil and gas well sites. The rule requires facilities with emission controls for tank systems to control emissions from truck loading into the tank systems emission controls to reflect current best available control technology. The rule implements a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**AIR**

Oil and Gas Industry/VOC Control Devices

Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-508-1 through -4 to establish requirements for volatile organic compound control devices for oil and gas operations to reflect current best available control technology. The rule implements a new permit-by-rule system for oil and gas wells under R307-504 through -510, proposed concurrently. Hearings are scheduled for Oct. 19 and 25, 2017, in Salt Lake City and Vernal, respectively. Comments are due Nov. 15, 2017. Contact: Mat Carlile; DEQ, Divisions of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

**WATER**

Construction of Public Drinking Water Facilities

Utah WATER

Proposed rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-105-6 regarding the construction of public drinking water facilities. The rule allows the director to authorize the engineering manager to approve engineering plans and

modifications for public drinking water projects. The rule also specifies that the division, in place of the director, can require modifications to plans and specifications. Comments are due Oct. 31, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; [bernieclark@utah.gov](mailto:bernieclark@utah.gov)

—Utah State Bulletin (10/01/2017)

Regulatory Update

**WATER**

Drinking Water Program/Administration

Utah WATER

Proposed rule of the Department of Environmental Quality, Division of Drinking Water, amends, repeals, and recodifies regulations under R309-100-5 through -11 regarding the administration of the drinking water program. The rule clarifies that all engineering plans and specifications for public drinking water projects must be approved in writing but removes the specification that approval must come from the director. The rule also removes the requirement that the department determine feasibility of adequate water supply for proposed public water systems if requested by the local health department. Comments are due Oct. 31, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; [bernieclark@utah.gov](mailto:bernieclark@utah.gov)

—Utah State Bulletin (10/01/2017)

Regulatory Update

**WATER**

Drinking Water/Definitions

Utah WATER

Proposed rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-110-4 regarding definitions relating to drinking water. The rule revises the definition of “plan approval” so the director can authorize the engineering manager to approve engineering plans and specifications for public drinking water projects. Comments are due Oct. 31, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; [bernieclark@utah.gov](mailto:bernieclark@utah.gov)

—Utah State Bulletin (10/01/2017)

Regulatory Update

**WATER**

Utah Pollutant Discharge Elimination System

Utah WATER

Notice of the Department of Environmental Quality, Division of Water Quality, announces the five-year review and continuation of regulations under R317-8 regarding the Utah Pollutant Discharge Elimination System, which provides the structure for the surface water discharge permit. The action is effective Sept. 12, 2017. Contact: Judy Etherington; DEQ, Division of Water Quality; 801-536-4344; [jetherington@utah.gov](mailto:jetherington@utah.gov)

—Utah State Bulletin (10/01/2017)

Regulatory Update

**Wisconsin**

**HAZARDOUS WASTE MANAGEMENT**  
Hazardous Waste Management Program  
**Wisconsin HAZARDOUS WASTE MANAGEMENT**

Notice announces the intention of the Department of Natural Resources to amend regulations under WAC NR 660 through 679 regarding the hazardous waste management program. The rule incorporates new and revised federal regulations, including the Definition of Solid Waste Rule, the Generator Improvements Rule, and the Hazardous Waste Manifest Rule. The rule also incorporates the export provisions of the federal Cathode Ray Tube Rule and technical corrections and clarifications to federal hazardous waste rules regarding conditional exclusions from solid waste and hazardous waste for solvent-contaminated wipes and certain coal combustion residuals. In addition, the DNR proposes to incorporate, if finalized, the federal rule regarding management standards for hazardous waste pharmaceuticals. Hearings are expected to be held in August 2018. Comments are requested, but a due date is not specified. Contact: Joe Van Rossum; DNR, Bureau of Waste and Materials Management; 608-264-6286; [Joseph.VanRossum@wisconsin.gov](mailto:Joseph.VanRossum@wisconsin.gov)

—Wisconsin Administrative Register (10/02/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**  
Fire Department Health and Safety Standards  
**Wisconsin OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Department of Safety and Professional Services amends regulations under WAC SPS 330.003 through .23 (nonconsecutive) regarding minimum safety and health standards for public sector fire department employers and employees. The rule adds employers to the list of covered entities and clarifies incorporated standards of the National Fire Protection Association. The rule also revises requirements for complaints, requests for inspections, and fire fighter training and education. In addition, the rule revises apparatus and equipment standards and personal protective clothing and equipment standards. Finally, the rule addresses emergency operations and the member assistance referral program. Hearings are scheduled for Nov. 7, 8, and 16, 2017, in Appleton, Madison, and Eau Claire, respectively. Comments are due Nov. 16, 2017. Contact: Mindy Allen; DSPS, Division of Policy Development; 608-266-2112; [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov)

—Wisconsin Administrative Register (10/02/2017)

Regulatory Update

## Wyoming

### **WATER**

#### Commercial Oil Field Waste Disposal Facilities/Financial Assurance

#### **Wyoming WATER**

Proposed rule of the Department of Environmental Quality, Water Quality Division, amends regulations under Chapter 14 to remove an exemption from financial assurance requirements for grandfathered commercial oil field waste disposal facilities. The rule also requires such facilities to provide financial assurance for closure and post-closure activities and for corrective action within 90 days after the proposal is finalized. In addition, the rule clarifies that the provisions apply to all facilities that manage more than 10 tons of dried wastewater treatment sludges. Finally, the rule clarifies agent registration requirements, removes redundant provisions regarding bond and financial assurance release, and clarifies that the provisions do not apply to publicly owned facilities or facilities that receive nondomestic sludges. A hearing is scheduled for Dec. 5, 2017, in Cheyenne. Comments are due Nov. 17, 2017. Contact: Rich Cripe; DEQ; 307-777-7075; rich.cripe@wyo.gov

—Wyoming Regulations (10/02/2017)

#### Regulatory Update

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