

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

August 02, 2017 - Number 147

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California

OCCUPATIONAL SAFETY AND HEALTH
Workers' Compensation/Employee Requests for Change of Physician
California OCCUPATIONAL SAFETY AND HEALTH

Notice announces the decision of the Division of Workers' Compensation to deny a petition submitted by an individual requesting an amendment to regulations under 8 CCR 9781 regarding workers' compensation medical provider networks and employee requests for change of physician. The petitioner requested that claims administrators for all self-insured and insured employers, including those that offer a medical provider network, comply with certain procedures and submit specified information once notified of a change in physician by an employee. The petition is denied because in the case of employees treated through an employer-selected medical provider network, communication is already established with the physician and/or contractual relationships already in place, and automatically requiring the claims administrator to provide the specified information is unnecessary. Contact: John Cortes; DWC, Legal Unit; 510-286-7100

—California Regulatory Notice Register (07/28/2017)

[Regulatory Update](#)

California Regions

AIR
NOx Emissions Reductions from Miscellaneous Sources
California Regions AIR

Final rule of the South Coast Air Quality Management District amends regulations under Rule 1147 regarding nitrogen oxide (NOx) emission reductions from miscellaneous sources. The rule removes the NOx emission limit requirement for low temperature ovens and other units with a

heat input rating of less than 325,000 British thermal units per hour and revises the limit for low temperature afterburners, burn-off ovens, incinerators, and related equipment from 30 parts per million (ppm) to 60 ppm. The rule also changes the compliance date for small in-use units to a schedule based on a 35-year lifetime or until the units are replaced, retrofitted, or relocated. In addition, the rule adds exemptions and compliance flexibility and clarifies exemptions for food ovens and for flare type systems. The rule will be submitted to the U.S. EPA as a revision to the state implementation plan. The rule is effective July 7, 2017. Contact: Tracy Goss; South Coast AQMD; 909-396-3106; TGoss@aqmd.gov

—California RegionsRegulations (07/07/2017)

Regulatory Update

AIR

Refinery Fenceline and Community Air Monitoring California Regions AIR

Notice of the South Coast Air Quality Management District announces a draft proposed rule to adopt regulations under Rule 1180 to require petroleum refineries to install and operate continuous, real-time fenceline and community air monitoring systems. The rule requires refinery operators to submit written plans for establishing and operating such systems, including specifying equipment to be used, the method for disseminating data to the public, and audit procedures. The rule also requires refinery operators to notify the district of downtime for planned maintenance and unplanned equipment failures that impact monitoring data. In addition, the rule requires refinery operators to maintain monitoring records for five years and exempts refinery operators that submit a community air monitoring fee or that comply with a cost-recoverable community air monitoring agreement. A comment due date is not specified. Contact: Dan Garcia; South Coast ACMD; 909-396-3304; dgarcia@aqmd.gov

—California RegionsRegulations (07/26/2017)

Regulatory Update

Connecticut

AIR

Air Quality Permitting for Greenhouse Gases Connecticut AIR

Proposed rule of the Department of Energy and Environmental Protection amends regulations under RCSA 22a-174-3a and -33 and revises the state implementation plan to update air quality permitting standards for greenhouse gases. The rule removes Greenhouse Gas Tailoring Rule Step 2 provisions to be consistent with EPA's Aug. 15, 2015, final rule. A hearing is scheduled for Aug. 29, 2017, in Hartford. Comments are due Aug. 31, 2017. Contact: Merrily Gere; DEEP, Bureau of Air Management; 860-424-3088; merrily.gere@ct.gov

—Connecticut Law Journal (07/28/2017)

Regulatory Update

Minnesota

PESTICIDES

Fertilizer and Pesticide Best Management Practices

Minnesota PESTICIDES

Notice of the Department of Agriculture, Pesticide and Fertilizer Management Division, announces the availability of draft best management practices to address the use of nitrogen and phosphorus fertilizer and pesticides on turfgrass. Comments are due Sept. 29, 2017. Contact: Gurinderbir Chahal; Department of Agriculture; 651-201-6237; g.chahal@state.mn.us

—Minnesota State Register (07/31/2017)

Regulatory Update

WATER

Buffer Law Implementation/Administrative Penalty Order Plan

Minnesota WATER

Notice of the Board of Water and Soil Resources announces the adoption of the administrative penalty order plan regarding the implementation of the Buffer Program, which addresses water resources riparian protection requirements on public waters and public drainage systems. The plan specifies the enforcement responsibilities of soil and water conservation districts, counties, watershed districts, and the board and provides a model county and watershed district administrative penalty order plan. The guidance is to be used in conjunction with Policy 9, which establishes processes for use by the board in reviewing county and watershed district rules, ordinances, or other official controls concerning enforcement of the riparian protection and water quality practices requirements. Contact: Dave Weirens; BWSR; 651-297-3432; buffers.bwsr@state.mn.us

—Minnesota State Register (07/31/2017)

Regulatory Update

Tennessee

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Management

Tennessee HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Environment and Conservation, Division of Solid Waste Management, announces a 75-day stay of the effective date for a May 15, 2017, final rule that amends regulations under RRT 0400-12-01-.01 through -.09 (nonconsecutive) regarding hazardous waste management to incorporate revisions to federal standards, as of April 17, 2015. The rule adds and revises definitions related to solid waste and variances, deletes provisions

regarding the comparable fuels exclusion and gasification exclusion, and modifies and clarifies the procedure for verifying reclaimers and intermediate facilities managing hazardous secondary materials. The rule also includes in the list of regulated hazardous waste those wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with excluded fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels. In addition, the rule adds new exclusions for specified hazardous secondary materials that have been reclaimed and/or transferred, revises permitting procedures, and adds new container and tank management standards and emission standards. Finally, the rule adds emergency preparedness and response requirements. The rule now is effective Oct. 21, 2017. Contact: Jackie Okoreeh-Baah; DEC, Division of Solid Waste Management; 615-532-0825; Jackie.Okoreeh-Baah@tn.gov

—Tennessee Administrative Register (07/25/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management
Tennessee HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Environment and Conservation, Division of Solid Waste Management, announces a 75-day stay of the effective date for a May 15, 2017, final rule that amends regulations under RRT 0400-12-01-.02, -.05 and -.10 to add a common chemical name 1,1,1-trichloroethane to the U226 list of commercial chemical products. The rule also updates language regarding the exclusion of comparable fuel and syngas fuel to conform to federal standards. In addition, the rule replaces the CAS number 137-30-4 with “NA” under waste code K161 in the Treatment Standards for Hazardous Wastes table and corrects a typographical error to the process description to K107. The rule now is effective Oct. 21, 2017. Contact: Jackie Okoreeh-Baah; DEC, Division of Solid Waste Management; 615-532-0825; Jackie.Okoreeh-Baah@tn.gov

—Tennessee Administrative Register (07/25/2017)

Regulatory Update

Washington

GENERAL ENVIRONMENT AND SAFETY
Department of Natural Resources Rulemaking Agenda
Washington GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources announces the availability of the semiannual rulemaking agenda for July through December 2017. The topics to be addressed include insurance and security requirements and surface mine reclamation fines and base penalties. Contact: DNR; 360-902-1000

—Washington State Register (08/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Elevators, Dumbwaiters, Escalators, and Other Conveyances

Washington OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor and Industries to amend regulations under WAC 296-96 to update safety standards and fees for elevators, dumbwaiters, escalators, and other conveyances. The rule reflects the 2016 edition of the American Society of Mechanic Engineers code and other related codes to conform with national standards and industry practice. The rule also clarifies various provisions. The agency is establishing a technical advisory committee of subject matter experts and stakeholders to inform the rulemaking and will accept proposed revisions to the standards from Sept. 1, 2017, until Oct. 5, 2017. Applications for committee membership are due Aug. 25, 2017. Comments are requested, but a due date is not specified. Contact: Alicia Curry; DLI, Field Services and Public Safety Division; 360-902-6244; Alicia.Curry@Lni.wa.gov

—Washington State Register (08/02/2017)

Regulatory Update

PESTICIDES

Department of Agriculture Rulemaking Agenda

Washington PESTICIDES

Notice of the Department of Agriculture announces the availability of the semiannual rulemaking agenda for July through December 2017. The topics to be addressed include use of chemicals and chemically treated materials in certain counties, restricted herbicides, and pesticide worker protection standards. Contact: Joel Kangiser; Department of Agriculture, Pesticide Management Division; 360-902-2013

—Washington State Register (08/02/2017)

Regulatory Update

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