

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 9/19/2017 11:50:20 AM
Subject: Sep. 19 -- EHS State Regulatory Alert



EHS State Regulatory Alert

September 19, 2017 - Number 180

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Arizona

WATER

Water Infrastructure Finance Authority Arizona WATER

Proposed rule of the Water Infrastructure Finance Authority (WIFA) amends regulations under R18-15-101 through -701 (nonconsecutive) and amends and renumbers regulations under R18-15-402 through -408 to reflect that governance of the authority and its related funds and programs are now under the Arizona Finance Authority. The rule also revises eligibility criteria for the Clean Water Revolving Fund to allow WIFA to provide assistance to private and nonprofit entities for certain types of projects, in response to changes to the Clean Water Act. A hearing is scheduled for Nov. 6, 2017, in Phoenix. Comments are due Nov. 7, 2017. Contact: Trish Incognito; WIFA; 602-364-1310; pincognito@azwifa.gov

—Arizona Administrative Register (09/15/2017)

Regulatory Update

California

AIR

Mandatory Reporting of Greenhouse Gas Emissions California AIR

Final rule of the Air Resources Board amends regulations under 17 CCR 95101 through 95157 (nonconsecutive) and Appendices A and B and adopts regulations under 22 CCR 95160, 95161, 95162, and 95163 regarding mandatory reporting of greenhouse gas emissions. The rule clarifies procedures for changing calculation methods, revises reporting and verification cessation criteria, and clarifies recordkeeping and retention times. The rule also updates global warming potential values to be used beginning with 2021 data reported in 2022, requires facilities to

provide a facility schematic diagram indicating fuel flows and metering locations as part of monitoring plans, and updates calibration requirements for differential pressure devices at refineries. In addition, the rule revises reporting requirements for liquefied petroleum gas and natural gas importers and processing plants, electric generators, petroleum and natural gas systems, and biomethane transporters. Finally, the rule addresses emissions from imported electricity under the Energy Imbalance Market, revises the verification deadline, and requires product data reporting. The rule is effective Jan. 1, 2018. Contact: Bradley Bechtold; ARB; 916-322-6533; bradleybechtold@arb.ca.gov

—California Regulatory Notice Register (09/15/2017)

Regulatory Update

District of Columbia

WATER

Water and Sanitation

District of Columbia WATER

Proposed rule of the Department of Energy and Environment amends regulations under 21 DCMR 1104 and 1199 regarding water and sanitation. The rule updates aquatic life criteria for ammonia and cadmium and human health criteria for 94 constituents to align with federal standards. The rule also updates E. coli recreational water quality criteria to establish a measurement of statistical threshold value and a unit of measurement of colony forming unit. In addition, the rule increases the duration for the geometric mean criteria to 90 days. Comments are due Oct. 16, 2017. Contact: DOEE, Water Quality Division; 202-535-2600; WQS@dc.gov

—District of Columbia Register (09/15/2017)

Regulatory Update

Florida

COASTAL ZONE

General Permits for Activities Seaward of the Coastal Construction Control Line

Florida COASTAL ZONE

Notice of the Department of Environmental Protection, Division of Beaches and Coastal Systems, announces a workshop on July 19, 2017, proposed amendments to regulations under FAC 62B-34.010 through .090 (nonconsecutive) regarding general permits for activities seaward of the coastal construction control line. The rule adds general permits for swimming pools associated with single-family homes, dune restoration, and minor reconstruction of existing coastal armoring. The rule also clarifies siting criteria for major structures, revises the application fee schedule to include general permits, and adds general conditions applicable to all general permits concerning beach walkovers and sand fencing. In addition, the rule adds a definition for “registered professional” and a new general permit for certain minor structures. The workshop

also will include discussion on a concurrent proposed rule under FAC 62B-33 regarding coastal construction and excavation permits. The workshop is scheduled for Oct. 9, 2017, in Tallahassee and via webinar. Contact: Nicole Todd; DEP; 850-245-7535; Nicole.Todd@dep.state.fl.us

—Florida Administrative Weekly (09/15/2017)

Regulatory Update

COASTAL ZONE

General Permits for Coastal Construction and Excavation Florida COASTAL ZONE

Notice announces the intention of the Department of Environmental Protection, Division of Beaches and Coastal Systems, to amend regulations under FAC 62B-33.002 through .024 (nonconsecutive) regarding permits for construction seaward of the coastal construction control line and 50-foot setback. The rule provides exemptions from permitting for certain minor activities, deletes obsolete references to the Florida Building Code, and establishes criteria for fill material. The rule also clarifies criteria for siting of major and minor structures, establishes criteria for rebuilt pipelines and ocean outfalls crossing the beach, and clarifies requirements for geotechnical data required in the application process. In addition, the rule removes the requirement to submit multiple copies of certain documents to the department, revises fee calculations, eliminates the permit fee for exemption determinations and permit transfers, reduces the permit fee for reissued permits, and provides for electronic submission of applications and related documents. Finally, the rule provides success criteria for site revegetation, removes a requirement for construction progress reports, and clarifies the methodology used to establish the 30-year erosion projection line. A workshop is scheduled for Oct. 9, 2017, in Tallahassee and via webinar. A comment due date is not specified. Contact: Nicole Todd; DEP; 850-245-7535; Nicole.Todd@dep.state.fl.us

—Florida Administrative Weekly (09/15/2017)

Regulatory Update

Oklahoma

AIR

Air Pollution Control Permits/Gasoline Dispensing Facilities Oklahoma AIR

Proposed rule of the Department of Environmental Quality amends regulations under OAC 252:100-2-3, -7-1.1, -7-2, and -8-35; adopts regulations under OAC 252:100-7-60.7; and revokes and readopts regulations under OAC 252:100, Appendix Q, regarding permits for minor facilities and major sources. The rule adds a new permit-by-rule for facilities that are obligated to obtain a permit due to the presence of a gasoline dispensing facility or facility with an emergency engine subject to a federal standard. The rule also defines “gasoline dispensing facilities” and exempts from permit requirements facilities with less than 100,000 gallons of monthly throughput. In addition, the rule updates and incorporates by reference federal regulations, including the national emission standards for hazardous air pollutants and new source performance standards, as of June 30, 2017. Hearings are scheduled for Oct. 18 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Oct. 16, 2017. Contact: Melanie Foster; DEQ; 405-702-

4100; aqdrulecomments@deq.ok.gov

—Oklahoma Register (09/15/2017)

Regulatory Update

Virginia

WATER

Chesapeake/State Water Control Law Enforcement Action

Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Elling Enterprises Inc., doing business as Baldwin Auto Disposal, for alleged State Water Control Law violations at its automobile salvage yard facility in Chesapeake. The alleged violations include noncompliance with monitoring and stormwater pollution prevention plan requirements of its permit for discharge of stormwater associated with industrial activity at the facility. The order requires payment of a \$5,175 civil penalty and performance of actions specified in a schedule of compliance. Comments are due Oct. 18, 2017. Contact: Jennifer Coleman; DEQ, Tidewater Regional Office; 757-518-2000; jennifer.coleman@deq.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

WATER

James City County and Suffolk/State Water Control Law Enforcement Action

Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Empire Services Inc. for alleged State Water Control Law violations in connection with stormwater discharges from its James City County and Suffolk recycling facilities to Edwards Swamp and Shingle Creek. The alleged violations include failure to conduct benchmark and Chesapeake Bay total maximum daily load monitoring, an outdated stormwater pollution prevention plan, and failure to prevent oil discharges. The order requires payment of a \$14,394 civil penalty and performance of actions specified in a schedule of compliance. Comments are due Oct. 18, 2017. Contact: Jennifer Coleman; DEQ, Tidewater Regional Office; 757-518-2000; jennifer.coleman@deq.virginia.gov

—Virginia Register (09/18/2017)

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