

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

November 30, 2017 - Number 229

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California

GENERAL ENVIRONMENT AND SAFETY

California Capital Access Program/On-Road Heavy-Duty Vehicle Air Quality Loan Program **California GENERAL ENVIRONMENT AND SAFETY**

Proposed rule of the Pollution Control Financing Authority would amend regulations under 4 CCR 8070 through 8078 regarding the California Capital Access Program (CalCAP) small business loan program. The program authorizes the PCFA to contract with specified financial institutions to make loans to eligible small businesses that may have difficulty obtaining capital. The rule would revise definitions and program requirements, add a recapture mechanism to recycle older contributions to support future loan enrollments, and remove outdated provisions. The rule also would establish the CalCAP Air Resources Board On-Road Heavy-Duty Vehicle Air Quality Loan Program to assist owners and operators of small fleets of heavy-duty diesel trucks in achieving early compliance with statewide truck and bus requirements to reduce diesel particulate matter emissions. In addition, the rule would clarify rules and procedures for participation in the Collateral Support Program within CalCAP's existing Small Business Loan Program. The proposal currently is in effect as an emergency rule, expiring Feb. 6, 2018. Hearing requests are due Dec. 26, 2017. Comments are due Jan. 8, 2018. Contact: Bianca Smith; PCFA; 916-653-5408; bsmith@treasurer.ca.gov

—State Publication Date: 11/24/2017. Citations: Title 4 CCR Sections 8070 to 8078.35 (non seq) (amended)

Regulatory Update

Florida

OCCUPATIONAL SAFETY AND HEALTH

Firefighter Employment Standards **Florida OCCUPATIONAL SAFETY AND HEALTH**

Final rule of the Department of Financial Services, Division of State Fire Marshal, amends regulations under FAC 69A-62 regarding firefighter employment standards. The rule clarifies the definitions of “fatality,” “hazard,” “illness,” and “firefighter employee” and removes the definition of “multiple injury event.” The rule also revises statutory citations and removes references to the firefighter safety and health webpage, which is no longer available. The rule is effective Dec. 12, 2017. Contact: Mike Tucker; DFS, Division of State Fire Marshal; 352-369-2829; Mike.Tucker@myfloridacfo.com

—State Publication Date: 11/28/2017. Citations: FAC 69A-62.0001 (amended); FAC 69A-62.021 (amended); FAC 69A-62.030 (amended)

Regulatory Update

Maryland

OCCUPATIONAL SAFETY AND HEALTH

Elevator Safety Review Board/Elevator Renovator Qualifications

Maryland OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Labor, Licensing, and Regulation, Elevator Safety Review Board, announces the withdrawal of an Oct. 14, 2016, proposed rule that would have amended regulations under COMAR 09.35.02 regarding qualifications for elevator renovator licensure. The rule would have eliminated expired grandfathering provisions for licensure and specified the years of experience and education required for licensure. The rule also would have increased the years of experience and education needed for an elevator renovator contractor license and removed an exam requirement for elevator renovator contractor licensure. Contact: Robin Bailey; DLLR, Elevator Safety Review Board; 410-230-6160; robin.bailey@maryland.gov

—State Publication Date: 11/27/2017. Citations: COMAR 09.35.02.02, .03

Regulatory Update

OIL AND GAS INDUSTRY

Oil and Gas Exploration and Production

Maryland OIL AND GAS INDUSTRY

Notice of the Department of the Environment announces the withdrawal of a Nov. 14, 2016, proposed rule that would have amended regulations under COMAR 26.19.01 regarding oil and gas exploration and production, including hydraulic fracturing and horizontal drilling. The rule would have addressed requirements for drilling, well and well pad construction, integrity and pressure testing, chemical storage, setbacks and location restrictions, water quality monitoring, water supply replacement, and stormwater management and a prohibition on drilling in the Deep Creek Lake watershed. The rule also would have established requirements for best available technology for control of air emissions, leak detection and repair, and reporting and offset of methane emissions and addressed requirements for emergency response planning, prompt notification and cleanup of spills and other incidents, site security, provision of chemical information to medical personnel, and blowout prevention. In addition, the rule would have addressed provisions for comprehensive development planning, the permit review process for wells, public disclosure of chemical information, closed-loop management and recycling of

flowback and produced water, and a prohibition on disposing flowback produced water through underground injection. Finally, the rule would have added standards for well plugging; site reclamation; and department oversight, including requiring operators to conduct drilling and hydraulic fracturing on only one well at a time. Contact: Jeffrey Fretwell; MDE, Legislative and Intergovernmental Relations; 410-537-3537; marcellus.mde@maryland.gov

—State Publication Date: 11/27/2017. Citations: COMAR 26.19.01.01 to .61

Regulatory Update

WATER

Susquehanna River Basin Commission Meeting
Maryland WATER

Notice of the Susquehanna River Basin Commission announces a meeting to consider resolutions concerning fiscal year 2019 federal funding of the Groundwater and Streamflow Information Program and bylaw amendments. The agenda also includes a presentation regarding the Lower Susquehanna Subbasin area, ratification and approval of grants and contracts, and a report on delegated settlements. In addition, the commission will consider an Oct. 12, 2017, proposed rule to codify the existing policy for access to commission records and Regulatory Program projects. The meeting is scheduled for Dec. 8, 2017, in Annapolis. Comments on agenda items other than the rulemaking and the Regulatory Program projects are due Dec. 1, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

—State Publication Date: 11/27/2017.

Regulatory Update

WATER

Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
Maryland WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in August 2017. The notice addresses 21 projects approved by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/27/2017.

Regulatory Update

WATER

Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
Maryland WATER

Notice of the Susquehanna River Basin Commission announces one project rescinded for the consumptive use of water during September 2017. The project is located in Bradford County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/27/2017.

Regulatory Update

WATER

Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
Maryland WATER

Notice of the Susquehanna River Basin Commission lists the projects rescinded for the consumptive use of water during August 2017. The list includes two projects located in Lycoming County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/27/2017.

Regulatory Update

New Hampshire

WATER

Groundwater Monitoring and Treatment
New Hampshire WATER

Proposed rule of the Department of Environmental Services would amend regulations under NHAR Env-Dw 717 regarding groundwater monitoring and treatment for public water systems to conform with federal standards under 40 CFR 141. The rule would update definitions, clarify existing requirements, and replace references to owner with owner/operator. A hearing is scheduled for Jan. 4, 2018, in Concord. Comments are due Jan. 12, 2018. Contact: Holly Green; DES; 603-271-3114; Holly.Green@des.nh.gov

—State Publication Date: 11/22/2017. Citations: Env-Dw 717 (amended)

Regulatory Update

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