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From: Bloomberg BNA
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Environment & Safety Resource Center Update

August 21, 2017 - Number 34

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Analysis

Air Pollution Control Guide

Federal

Stack Emissions Monitoring (Quality Assurance). Revised to provide a more in-depth discussion of the procedures approved by the Environmental Protection Agency for use when establishing quality assurance and quality control procedures for continuous monitoring systems.

State

Massachusetts (Fuel Controls and Mobile Sources). Updated to reflect two final rulemakings by the Massachusetts Department of Environmental Protection (MassDEP). The first rule requires the Massachusetts Department of Transportation (MassDOT) to quantify and report greenhouse gas emissions annually from the combustion of fuels in mobile equipment owned or leased by MassDOT and the Massachusetts Bay Transportation Authority. The rule is intended to allow MassDOT to demonstrate whether it has achieved specified emission limits for calendar years 2018, 2019, and 2020. The second rule sets limits on carbon dioxide emissions from passenger vehicles owned or leased by any of the state's executive offices. The rule establishes emission limits that decline each year from 2018 through 2025. Both rules took effect Aug. 11.

Massachusetts (Greenhouse Gas Standards). Updated to reflect two final rulemakings by MassDEP. The first rule amends existing regulations to include sulfur hexafluoride emission limits for gas-insulated switchgear owned by large utilities. The second rule imposes limits to reduce methane emissions from natural gas mains and services for individual natural gas distribution system operators. The rule requires gas operators to report annually the total miles of their main and service pipelines by material type. Both rules took effect Aug. 11.

Massachusetts (Power Plants). Updated to reflect a final rulemaking by MassDEP establishing two new regulations. The first regulation establishes an allowance trading program for carbon dioxide emissions from electricity generation. The regulation also sets an annually declining limit on aggregate carbon dioxide emissions from 21 power plants in Massachusetts. The second

regulation establishes a Clean Energy Standard, which sets a minimum percentage of electricity sales that utilities and competitive suppliers must procure from clean energy sources. The minimum percentage begins in 2018 at 16 percent and increases 2 percent each year, peaking at 80 percent in 2050. The regulations took effect Aug. 11.

Chemicals Management Guide

Federal

Reporting and Recordkeeping Requirements (The TSCA Inventory). Updated to include reference to the Toxic Substances Control Act Inventory notification (active-inactive) rule, which took effect Aug. 11, establishing one-time reporting requirements that the Environmental Protection Agency will use to distinguish between substances listed on the TSCA Inventory that are active in commerce and those that are inactive. The rule requires manufacturers to notify the EPA by Feb. 7, 2018, of Inventory substances that they manufactured or imported for commercial purposes, subject to further conditions detailed in the rule, during the 10-year lookback period from June 21, 2006, to June 21, 2016. Processors also may submit such notifications for substances they processed during the lookback period by Oct. 5, 2018. In addition, the rule sets up forward-looking reporting requirements under which manufacturers and processors must notify the agency of any substance listed on the Inventory as inactive that they plan to reintroduce into commerce for nonexempt commercial purposes. The EPA then will redesignate the substance as active.

Reporting and Recordkeeping Requirements (Chemical Data Reporting Requirements for Inventory Substances). New subsection added to discuss new one-time reporting requirements under the TSCA Inventory notification (active-inactive) rule. Anyone who manufactured or imported a “chemical substance subject to commercial activity designation” during the 10-year lookback period from June 21, 2006, to June 21, 2016, must notify the EPA via a Notice of Activity (NOA) Form A by Feb. 7, 2018, except under specified circumstances. The rule defines a chemical substance subject to commercial activity designation as a substance that was added to the Inventory before June 21, 2006; wasn't reported as having been manufactured in and of the calendar years from 2010 through 2015 (in which case it automatically will be designated as active); isn't a naturally occurring chemical substance as defined in the active-inactive rule; and hasn't yet been designated as either active or inactive. Processors also can submit an NOA Form A by Oct. 5, 2018, if they wish. If the EPA doesn't receive an NOA Form A for a substance subject to commercial activity designation by the appropriate deadline, it will designate the substance as inactive, effective 90 days after the agency identifies the substance for such designation. Anyone who intends to manufacture, import, or process a substance once it is designated as inactive must submit a Notice of Activity Form B, except under specified circumstances. The Inventory notification rule also covers areas such as content and submission information for the notification, recordkeeping requirements, and handling notification obligations when two or more persons are involved in manufacturing or processing a particular volume of a substance.

Reporting and Recordkeeping Requirements (

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Water Pollution Control Guide

State

Louisiana (Permit Fees). Updated to reflect an increase in the minimum and maximum annual fees for Louisiana Pollutant Discharge Elimination System permits to \$380 and \$150,000, respectively, effective July 1.

Louisiana (Sludge Management Program). Updated with a \$2,000 annual fee, effective May 20, imposed on permit holders for land application of sewage sludge

Louisiana (Wetlands Protection Applications and Fees). Updated to reflect revised processing fees for water quality certification. As of May 20, the fees are \$385 for commercial activities and \$37 for noncommercial activities.

Texas (Consumer Confidence Reports and Public Notification). Updated to reflect additional public notification requirements for Escherichia coli (E. coli) maximum contaminant level (MCL) violations. The public must be notified that the presence of E. coli indicates the water may be contaminated with human or animal wastes, suggesting the need for the facility to look for potential problems in water treatment or distribution.

Texas (Drinking Water Revolving Fund). Updated with revised application requirements. The Texas Water Development Board offers loans with terms of up to 20 years for the planning, acquisition, and design of an eligible project; 20 years for the construction of an eligible project; and 30 years for the construction of an eligible project by a disadvantaged community. The board may decide to recommend an environmental impact statement before approving a loan.

Texas (Environmental Management Standards Background). Updated to reflect provisions in both Texas law and Texas Commission on Environmental Quality regulations that provide incentives to encourage the wider adoption of environmental management systems to foster continuous voluntary improvement in environmental performance. Entities with a history of compliance with environmental requirements are given technical compliance assistance and flexibility in the regulatory process.

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Federal Statutes, Regulations and Agency Documents

Federal Register Final Rules

21 CFR 133

82 FR 37815, 8/14/17: Ultrafiltered Milk in the Production of Standardized Cheeses and Related Cheese Products: Guidance for Industry; Availability

21 CFR 573

82 FR 38595, 8/15/17: Food Additives Permitted in Feed and Drinking Water of Animals; Gamma-Linolenic Acid Safflower Oil

33 CFR 117

82 FR 38600, 8/15/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, New Smyrna Beach, FL

82 FR 38602, 8/15/17: Drawbridge Operation Regulation; Housatonic River, Stratford, CT

82 FR 38602, 8/15/17: Drawbridge Operation Regulation; China Basin, San Francisco, CA

82 FR 39019, 8/17/17: Drawbridge Operation Regulation; Carquinez Strait, Martinez, CA

82 FR 39019, 8/17/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Palm Beach, FL

82 FR 39360, 8/18/17: Drawbridge Operation Regulation; Willamette River, Portland, OR

33 CFR 165

82 FR 38603, 8/15/17: Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA

82 FR 38603, 8/15/17: Safety Zone, Coast Guard Exercise Area, Hood Canal, Washington

82 FR 39020, 8/17/17:

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Federal Register Notices

82 FR 37839, 8/14/17: Proposed Information Collection; Comment Request; Participant Statistical Areas Program

82 FR 37841, 8/14/17: Approval of Subzone Status; Universal Metal Products, Inc.; Pharr, Texas

82 FR 37841, 8/14/17: Silicon Metal From Brazil: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

82 FR 37843, 8/14/17: Silicon Metal From Australia: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

82 FR 37844, 8/14/17: Certain Aluminum Foil From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination

82 FR 37846, 8/14/17: Initiation of Antidumping and Countervailing Duty Administrative Reviews

82 FR 37847, 8/14/17: Silicon Metal From the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

82 FR 37849, 8/14/17: Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

82 FR 37849, 8/14/17: Endangered Species; File No. 21516

82 FR 37851, 8/14/17: Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Training and Testing Activities in the Atlantic Fleet Training and Testing Study Area

82 FR 37852, 8/14/17: Combined Notice of Filings

82 FR 37853, 8/14/17: Combined Notice of Filings #2

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Federal Register Proposed Rules

10 CFR 430

82 FR 38613, 8/15/17: Energy Conservation Program: General Service Incandescent Lamps and Other Incandescent Lamps Request for Data

33 CFR 110

82 FR 38643, 8/15/17: Anchorage Grounds; Galveston Harbor, Bolivar Roads Channel, Galveston, Texas

40 CFR 52

82 FR 37829, 8/14/17: Air Plan Approval; Connecticut; Nonattainment New Source Review Permit Requirements for the 2008 8–Hour Ozone Standard

82 FR 38646, 8/15/17: Air Plan Approval; Georgia: New Source Review and Permitting Updates

82 FR 38646, 8/15/17: Air Plan Approval; South Carolina; Interstate Transport (Prongs 1 and 2) for the 2010 1–Hour NO₂ Standard

82 FR 38651, 8/15/17: Air Plan Approval; Michigan Minor New Source Review

82 FR 38654, 8/15/17: Air Plan Approval; Georgia; Regional Haze Progress Report

82 FR 38660, 8/15/17: Air Plan Approval; Alabama: Prevention of Significant Deterioration Updates

82 FR 38864, 8/16/17: Air Plan Approval; North Carolina; Transportation Conformity

82 FR 38864, 8/16/17: Air Plan Approval; Vermont; Regional Haze Five–Year Progress Report

82 FR 38865, 8/16/17: Air Plan Approval; AL; VOC Definitions and Particulate Emissions

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States—Environment

Alaska

State Register Summaries

AKR\i18\ch76 - Alaska Regulations 08/15/2017 - Clean Water and Drinking Water Revolving Loan Funds

California

State Register Summaries

CAR\i13\di2\ch6 - California Regulatory Notice Register 08/11/2017 - Hazardous Materials/Explosives Routes and Stopping Places

CAR\i8\di1\ch4\sh7\gr16\at109 - California Regulatory Notice Register 08/11/2017 - General Industry Safety Orders/Process Safety Management for Petroleum Refineries

CAR\i27\di4\ch1 - California Regulatory Notice Register 08/11/2017 - Safe Drinking Water and Toxic Enforcement Act/Glyphosate, Pentabromodiphenyl Ether Mixture

Illinois

State Register Summaries

ILR\i83\pt590 - Illinois Register 08/11/2017 - Minimum Safety Standards for Transportation of Gas and Gas Pipeline Facilities

ILR\i62\pt300 - Illinois Register 08/11/2017 - Surface Mined Land Conservation and Reclamation

ILR\i35\pt652 - Illinois Register 08/11/2017 - Public Water Supply Capacity

Indiana

State Register Summaries

INR\i326\at1 - Indiana Register 08/09/2017 - Air Pollution Control/Ozone NAAQS

INR\i327\at19, INR\i327\at15 - Indiana Register 08/09/2017 - Concentrated Animal Feeding Operations/Confined Feeding Operations

Massachusetts

State Register Summaries

MAR\ag310\ch7.00, MAR\ag310\ch60.00 - Massachusetts Register 08/11/2017 - Air Pollution Control for Mobile Sources

Texas

State Register Summaries

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Definitions and General Provisions

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Pleadings

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Docketing, Notice, and Service

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Parties and Intervention

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Discovery

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Evidence in Contested Cases

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Hearings

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Decisions

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Rules of Practice

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Contested Case Proceedings

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Pleadings, Motions, and Other Documents

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Notice and Service in Contested Cases

[TXR\16\ch1](#) - Texas Register 08/18/2017 - Railroad Commission/Discovery

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Virginia

State Register Summaries

[VAR\9\ag25\ch194](#) - Virginia Register 08/21/2017 - VPDES General Permit for Vehicle Wash Facilities and Laundry Facilities

[VAR\9\ag25\ch720](#) - Virginia Register 08/21/2017 - Water Quality Management Planning Regulation

[VAR\9\ag25\ch870](#) - Virginia Register 08/21/2017 - Virginia Stormwater Management Program

[VAR\9\ag25\ch720](#) - Virginia Register 08/21/2017 - Water Quality Management Planning

Washington

State Register Summaries

[WAR\ch173-03](#) - Washington State Register 08/16/2017 - Department of Ecology/Public Records Fees

[WAR\ch173-224](#) - Washington State Register 08/16/2017 - Water Quality Permit Fees

[WAR\ch296-79](#), [WAR\ch296-115](#), [WAR\ch296-52](#), [WAR\ch296-59](#), [WAR\ch296-78](#), [WAR\ch296-99](#) - Washington State Register 08/16/2017 - Safety Standards

Wisconsin

State Register Summaries

[WIR\chSPS305](#) - Wisconsin Administrative Register 08/14/2017 - Licenses, Certifications and Registrations/Liquefied Gas Suppliers

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