

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/4/2017 4:56:06 PM
Subject: Aug. 04 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

August 04, 2017 - Number 149

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Summaries

AIR

NSPS, NESHAP and Stratospheric Ozone Applicability Determinations

AIR

Notice of the EPA announces the availability of applicability determinations, alternative monitoring decisions, and regulatory interpretations pertaining to NSPS, NESHAP, and the Stratospheric Ozone Protection Program. The information includes 31 documents that have been compiled by the agency on the Applicability Determination Index database system, which is available on the EPA's Clean Air Act Compliance Monitoring website. Contact: Maria Malave; EPA; 202-564-7027; malave.maria@epa.gov. Citations: 40 CFR 60, 61, 63, 82

82 FR 36394 (08/04/2017)

Regulatory Update

AIR

Refrigerator and Refrigerator-Freezer Test Procedures Exemption/Panasonic

AIR

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, grants a waiver extension to Panasonic Appliances Refrigeration Systems Corporation of America (PAPRSA) from test procedure requirements for consumer refrigerators and refrigerator-freezers. PAPRSA must test and rate the combination cooler-refrigerator basic model, PR5181WBC, using a correction factor of 0.85. The extension is effective Aug. 4, 2017, and expires Oct. 28, 2019. Contact: Bryan Berringer; DOE, Building Technologies Office; 202-586-0371; AS_Waiver_Requests@ee.doe.gov. Citations: 10 CFR 430, Subpart B, Appendix A

82 FR 36386 (08/04/2017)

Regulatory Update

AIR

Room Air Conditioners Energy Conservation Standards

AIR

Notice of the Energy Department requests information to consider updates to test procedures for room air conditioners (ACs). The agency seeks comments on issues identified in a June 18, 2015, request for information (80 FR 34843) regarding energy conservation standards and the test procedures for room ACs, including how best to harmonize testing procedures with portable ACs test procedures, test setup and air sampling, and room AC referenced test procedures. The agency also seeks comments on ways to simplify testing requirements, measures to lower the cost of its regulations applicable to room ACs, and any other relevant issues. Comments are due Sept. 5, 2017. Contact: Bryan Berringer; DOE, Office of Energy Efficiency and Renewable Energy; 202-586-0371; ApplianceStandardsQuestions@ee.doe.gov. Citations: 10 CFR 430

82 FR 36349 (08/04/2017)

Regulatory Update

AIR

Solid Waste Incineration Unit Negative Declarations/EPA Region 8

AIR

Notice of the EPA announces the withdrawal of a June 5, 2017, direct final rule (82 FR 25734) that approved negative declarations for several categories of solid waste incineration units in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. The negative declarations address small municipal waste combustor (MWC) units, large MWC units, commercial industrial solid waste incineration units, and other solid waste incineration units. The negative declarations also certify that there are no designated facilities subject to emissions guidelines currently operating in these states. The withdrawal is due to the receipt of one adverse comment that the agency will address in a subsequent final rulemaking. The withdrawal is effective Aug. 3, 2017. Contact: Gregory Lohrke; EPA Region 8, Air Program; 303-312-6396; lohrke.gregory@epa.gov. Citations: 40 CFR 62.1370 through 62.12660

82 FR 36335 (08/04/2017)

Regulatory Update

ENDANGERED SPECIES

Washington State/Marine Mammals Incidental Take

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request for authorization to take small numbers of marine mammals incidental to conducting construction activities related to marine structure maintenance and pile replacement at five naval installations in Washington state inland waters from 2018 to 2023. The proposed project consists of annual maintenance and repair activities of existing waterfront structures, including the replacement of 822 structurally unsound piles at Naval Station Everett; Zelatched Point; and the Kitsap Bangor, Kitsap Bremerton, Kitsap Keyport, and Kitsap Manchester naval bases. The proposed activities would expose marine mammals in the vicinity to elevated levels of underwater sound, resulting primarily in Level B incidental take and potentially Level A harassment. Comments are due Sept. 5, 2017. Contact: Ben Laws; NMFS, Office of Protected Resources; 301-427-8401; ITP.Laws@noaa.gov

82 FR 36359 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

California/Naval Base Point Loma Pier Replacement Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the National Marine Fisheries Service announces the receipt of a request from the U.S. Navy for authorization to take nine species of marine mammals incidental to demolition and pile installation activities associated with a multiyear pier replacement project at Naval Base Point Loma in San Diego. The authorization allows take in the form of Level B harassment for one year. Comments are due Sept. 5, 2017. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401; ITP.McCue@noaa.gov

82 FR 36360 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Environmental Impact Statements

GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements, filed July 24-28, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 36400 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Gulf of Mexico OCS Geological/Geophysical Exploration

GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Ocean Energy Management announces the availability of a final programmatic environmental impact statement to evaluate the effects of multiple geological and geophysical exploration activities in Outer Continental Shelf (OCS) waters of the Gulf of Mexico, from the coastline to the seaward boundary of the exclusive economic zone. The final PEIS addresses activities for the oil and gas exploration and development, renewable energy, and marine minerals program areas and includes mitigation measures. The covered activities include seismic, sidescan-sonar, and electromagnetic surveys and geological and geochemical sampling. Contact: Jill Lewandowski; BOEM, Office of Environmental Programs; 703-787-1315; gomgweis@boem.gov

82 FR 36418 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Louisiana/Westlake Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application by Gulf South Pipeline Co., of Houston, for authorization to construct, operate, and maintain facilities for the Westlake Expansion Project in Calcasieu Parish, La. The facilities include the 10,000 horsepower Westlake Compressor Station, 0.3 miles of 16-inch diameter natural gas pipeline, a delivery meter station, and a receipt meter station on an existing Gulf South facility site. FERC will complete an environmental assessment or issue a notice of schedule for environmental review by Oct. 30, 2017. Comments are due Aug. 21, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 36392 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/West Buxton Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of an environmental assessment regarding the West Buxton Hydroelectric Project on the Saco River in Cumberland and York counties in Maine. The project, proposed by Brookfield White Pine Hydro LLC, of Lewiston, Maine, consists of an existing concrete dam, an impoundment, a dam-integral powerhouse with five generating units that total 3,812 kilowatts, a second powerhouse with a 4,000-kW generating unit, a conduit, a surge chamber, transmission lines, a switching station, and appurtenant facilities with an average annual generating capacity of 34,007 megawatt hours. The environmental assessment concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment. Comments are due Sept. 5, 2017. Contact: Allan Creamer; FERC; 202-502-8365; allan.creamer@ferc.gov

82 FR 36391 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Massachusetts/Cape Wind Energy Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Ocean Energy Management announces the availability of a final supplemental environmental impact statement concerning the Cape Wind Energy Project on Horseshoe Shoal in Nantucket Sound offshore of Massachusetts. The project includes construction and operation of offshore wind turbines. The supplemental EIS addresses geological survey data and other relevant data that relates to the adequacy of the seafloor to support wind turbines in the lease area in response to a court order. Contact: Michelle Morin; BOEM, Office of Renewable Energy Programs; 703-787-1722; michelle.morin@boem.gov

82 FR 36418 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Puerto Rico/Arecibo Observatory Operations
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Science Foundation announces the availability of the final environmental impact statement for proposed changes to operations at the Arecibo Observatory in Arecibo, Puerto Rico. The EIS evaluates alternatives for the facility's future disposition involving reduced or eliminated funding, including collaboration and transition to education-focused operations, mothballing of facilities, partial or complete demolition and site restoration, and the agency-preferred alternative of collaboration with interested parties for continued science-focused operations. The agency will issue a record of decision no sooner than 30 days after the EPA publishes a notice of availability. Contact: Elizabeth Pentecost; NSF; 703-292-4907; envcomp-AST@nsf.gov

82 FR 36456 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Schedule I and II 2017 Aggregate Production Quotas
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Drug Enforcement Administration to adjust the 2017 aggregate production quotas for controlled substances in schedules I and II and the assessment of annual needs for list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The agency proposes to adjust aggregate production quotas for numerous specified controlled substances and chemicals to provide for the estimated medical, scientific, research, and industrial needs of the U.S.; lawful export requirements; and the establishment and maintenance of reserve stocks. The agency also proposes to establish aggregate production quotas for nine temporarily scheduled substances. The quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine but do not include imports of controlled substances for use in industrial processes. Comments are due Sept. 5, 2017. Contact: Michael Lewis; DEA, Diversion Control Division; 202-598-6812. Citations: 21 CFR 1303.13, 1315.13

82 FR 36449 (08/04/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of five new applications and three modified applications for special permits related to specified hazardous materials transportation regulations. Comments are due Sept. 5, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 172, 173, 178

82 FR 36523 (08/04/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of nine applications for new special permits related to specified hazardous materials transportation regulations. Comments are due Sept. 5, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 107, 172, 173, 175, 177, 178

82 FR 36524 (08/04/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of seven applications for modifications of special permits related to specified hazardous materials transportation regulations. Comments are due Aug. 21, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 172, 173, 174, 175, 177

82 FR 36525 (08/04/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Pipeline Projects/Cultural Resources Investigations
OIL AND GAS INDUSTRY

Notice of FERC announces the availability of final revised guidelines for reporting on cultural resources investigations for natural gas pipeline projects. The revisions update guidance on communicating with federally recognized tribes, clarify off-the-record communications provisions, and address documentation for activities eligible under the blanket certificate program. The notice is dated July 31, 2017. Contact: FERC; 866-208-3676; FercOnlineSupport@ferc.gov. Citations: 18 CFR 380.12

82 FR 36393 (08/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/Beta Dyclodextrin, Methyl Ethers
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of beta cyclodextrin, methyl ethers (CAS No. 128446-36-6) when used as an inert ingredient in pesticide formulations applied to growing crops preharvest, limited to a maximum concentration of 40 percent by weight in the pesticide formulation. The rule eliminates the need to establish a maximum permissible level for the residues when used in accordance with approved conditions.

The rule, which is issued in response to a petition filed on behalf of Wacker Chemie AG, of Munich, is effective Aug. 4, 2017. Objections and hearing requests are due Oct. 3, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 180.920

82 FR 36335 (08/04/2017)

Regulatory Update

RADIATION

Nuclear Reactors/Evaluating Deviations and Reporting Defects and Noncompliance
RADIATION

Notice of the NRC announces the availability of a draft regulatory guidance for industry concerning evaluation of deviations and reporting of defects and noncompliance. The guidance provides licensees and applicants with formal guidance for an acceptable method of evaluating and reporting defects and is intended to aid in minimizing compliance challenges for licensees and vendors that have been identified through inspection activities. The guidance also approves licensees' use of a method of evaluating and reporting defects described in the Nuclear Energy Institute's Guidelines for Implementations of 10 CFR part 21 Reporting of Defects and Noncompliance, Revision 1 (No. 14-09). Comments are due Oct. 3, 2017. Contact: Paul Prescott; NRC, Office of New Reactors; 301-415-6263; Paul.Prescott@nrc.gov. Citations: 10 CFR 21

82 FR 36457 (08/04/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 12/1/2017 3:02:21 PM
Subject: POLITICO's Morning Score: GOP eyes Obama-Trump districts — Pro-Jones super PAC files empty disclosure — Barton will retire

By Maggie Sevens | 12/01/2017 10:00 AM EDT

With Zach Montellaro and Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (<http://www.politicopro.com/proinfo>)

PAINT IT RED - "GOP eyes Obama-Trump districts despite national headwinds," by Campaign Pro's Elena Schneider: "When Democratic Rep. [Matt Cartwright](#) woke up on Nov. 8, 2016, he represented a safe blue Pennsylvania district. But by the time he went to sleep that night, Donald Trump had painted Cartwright's turf red beneath his feet.

Cartwright still won a third term, but Republicans hope to follow up on Trump's top-of-the-ticket success by targeting Cartwright and 11 other House Democrats in Trump districts in 2018. A well-funded Republican jumped in to oppose Cartwright for the first time, while Rep. [Cheri Bustos](#) - the only Midwesterner in House Democratic leadership - has also drawn a stronger challenger than last year. Other Trump-district Democrats in Iowa, Minnesota and Wisconsin are also top Republican targets, as are open seats in the Las Vegas suburbs and southern New Hampshire." [Full story here.](#)

DRUMROLL, PLEASE - New disclosure from pro-Jones super PAC reveals... almost nothing: Highway 31, the mysterious new pro-Doug Jones super PAC that has recently spent close to \$2 million in Alabama filed its first disclosure documents with the Federal Election Commission on Thursday. But the report, which spans Nov. 6-22, doesn't list any contributions from donors or organizations funding the PAC. Instead, Highway 31 disclosed spending itself into \$1.1 million in debt -- all of it to high-profile political firms for ad production and placement -- and raising no money at all. The next disclosure won't happen until after the election, so voters in Alabama won't know who has been funding the ads when they go to vote.

Washington Democrats say they aren't the source of the funds for Highway 31. But it is worth noting that several firms with histories of doing high-profile work for national Democrats are working for the super PAC. Among them is Waterfront Strategies, a media buyer that has done work for House Majority PAC and Senate Majority PAC in the past. [See the filing here.](#)

BARTON IS DONE - "Barton to retire after nude selfie fallout," by POLITICO's Kyle Cheney: "Rep. Joe Barton (R-Texas) announced Thursday that he won't run for reelection in 2018, following a string of stories about him sending lewd texts and nude photos and videos to women. Barton, the ninth-most senior member of the House, told the Dallas Morning news in an interview, 'There are enough people who lost faith in me that it's time to step aside.' Local GOP

leaders had begun calling for Barton to step down in recent days." [Full story.](#)

Days until the 2018 election: 339

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com

You can also follow us on Twitter: [@politicoscott](https://twitter.com/politicoscott), [@ec_schneider](https://twitter.com/ec_schneider), [@politicokevin](https://twitter.com/politicokevin), [@danielstrauss4](https://twitter.com/danielstrauss4) and [@maggieseverns](https://twitter.com/maggieseverns).

RUNNING BUDDIES - "Jon Husted will be Mike DeWine's running mate," Cleveland.com's Jeremy Pelzer reports: "Ohio Secretary of State Jon Husted will end his gubernatorial campaign to become primary rival and Attorney General Mike DeWine's running mate, according to reliable sources tied to the candidates. The decision looks to be a game-changer in the race for Ohio governor in 2018, creating a Republican team with political and financial clout and turning one of DeWine's major challengers into an ally." [Full story here.](#)

NEW ENTRY - Dallas County sheriff will resign to run for governor, via WFAA: "Dallas County Sheriff Lupe Valdez will resign her office so she can challenge Greg Abbott in 2018, according to Dallas County Democratic Chairwoman Carol Donovan. ... Donovan told WFAA that Valdez will resign effective next Friday, Dec. 8. The deadline to file to be a candidate is Dec. 11." [Full story here.](#)

RATINGS ALERT - "House 2018: Less Than a Year Out, Race for Control Is a Coin Flip," by Sabato's Crystal Ball's Kyle Kondik: "We're a little bit past the halfway point between the last national election, in 2016, and the next national election, in 2018. In that time, the Democrats' chances of winning the House have only seemed to rise, based on a number of indicators. ... Put it all together, and the battle for control of the House looks something like a coin flip, with Democrats having a very real chance to net the 24 seats they need to win a majority. In fact, the big-picture indicators might suggest the Democrats should be favored to win the House. But we're not willing to go that far, at least at the moment." [Full story.](#)

AIR WAR - NARAL hits Democrat Lipinski for opposing gay marriage: NARAL Pro-Choice America is out with a TV ad that attacks Illinois Democratic Rep. Dan Lipinski for "opposing same-sex marriage" and "extended background checks to all gun sales." NARAL, along with several other progressive groups, has endorsed Lipinski's primary opponent, Marie Newman. [Watch the ad here.](#)

CANDIDATE PUSHBACK - McCready pens indictment of both parties: Democrat Dan McCready, who's vying to challenge North Carolina Rep. Robert Pittenger, wrote an op-ed in the Charlotte Observer slamming both parties for their handling of sexual harassment cases. McCready directly went after House Minority Leader Nancy Pelosi for using "moves from the Bill Clinton-era playbook, initially defending [Rep. John] Conyers instead of condemning sexual assault." Read the op-ed [here.](#)

QUOTE OF THE DAY: "I think it's time for both of them to go," New York Rep. Joe Crowley, chairman of the House Democratic Caucus, said of Sen. Al Franken and Rep. John Conyers on Thursday. Crowley is the highest-ranking Democrat to say both lawmakers should resign.

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<https://www.politico.com/newsletters/morning-score/2017/12/01/gop-eyes-obama-trump-districts-037613>

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