

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
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**Subject:** June 26 -- EHS State Regulatory Alert



## **EHS State Regulatory Alert**

June 26, 2017 - Number 121

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### Indiana

#### *AIR* Air Pollution Control Indiana AIR

Notice of the Department of Environmental Management, Air Pollution Control Division, announces a hearing on a June 7, 2017, notice to review regulations under 326 IAC 3-4 through 26-2-1 (nonconsecutive) regarding air pollution monitoring requirements, sulfur dioxide, volatile organic compounds, and regional haze. The hearing is scheduled for Oct. 11, 2017, in Indianapolis. Comments on the notice of rule review are due July 7, 2017. Contact: Jack Harmon; DEM, Office of Legal Counsel; 317-234-9535; jaharmon@idem.in.gov

—Indiana Register (06/21/2017)

#### Regulatory Update

#### *WATER* Water Quality Standards/Industrial Wastewater Pretreatment Programs Indiana WATER

Notice of the Department of Environmental Management, Water Pollution Control Division, announces a hearing on a June 7, 2017, notice to review regulations under 327 IAC 2-1-5 through 5-2-13 (nonconsecutive) regarding water quality standards and industrial wastewater pretreatment programs. The hearing is scheduled for Oct. 11, 2017, in Indianapolis. Comments on the notice of rule review are due July 7, 2017. Contact: MaryAnn Stevens; DEM, Office of Legal Counsel; 317-232-8635; mstevens@idem.in.gov

—Indiana Register (06/21/2017)

#### Regulatory Update

## Nevada

### *AIR*

#### Air Pollution Control Devices for Mobile Sources

##### Nevada AIR

Temporary rule of the State Environmental Commission amends regulations under NAC 445B.575 concerning air pollution control devices for mobile sources. The rule provides an exemption for motor vehicles subject to a settlement agreement entered into by the state from the requirement that vehicles equipped with devices to control pollution must have those devices correctly installed and in good operating condition. A meeting is scheduled for Sept. 13, 2017, in Carson City. Comments are due Sept. 8, 2017. The rule is effective June 1, 2017. Contact: Valerie King; SEC; 775-687-9374

—Nevada Register (06/20/2017)

#### Regulatory Update

### *AIR*

#### Air Pollution, Hazardous Materials, Alternative and Clean-Burning Fuels

##### Nevada AIR

Temporary rule of the State Environmental Commission amends regulations under NAC 445B.3364 through 445B.3683 (nonconsecutive), 459.953465, and 486A.140 regarding air quality permit and alternative fuel designation public notice requirements. The rule removes the requirement to provide public notice of draft air permits and other program actions through publication in a newspaper and in a public library. The rule provides instead for electronic notice and requires draft permits to be posted on a website. A meeting is scheduled for Sept. 13, 2017, in Carson City. Comments are due Sept. 8, 2017. The rule is effective March 21, 2017. Contact: Valerie King; SEC; 775-687-9374

—Nevada Register (06/20/2017)

#### Regulatory Update

## New York

### *SOLID WASTE*

#### Solid Waste Management Facilities

##### New York SOLID WASTE

Notice of the Department of Environmental Conservation announces revisions to and an additional hearing on a March 16, 2016, proposed rule to amend, adopt, repeal and readopt, and renumber provisions under 6 NYCRR 360 through 621 (nonconsecutive) to reorganize solid waste management standards and incorporate changes in law and technology. The rule addresses the management of historic fill; material recovery facilities; combustion, thermal treatment, transfer, and collection facilities; landfills; waste transporters; biohazard waste management facilities;

local solid waste management planning; and state assistance projects. The changes provide an extended time frame to transition existing facilities to new requirements, add provisions for navigational dredged material handling, update distance requirements, and require certain facilities to install and use fixed radiation detectors to monitor incoming waste. The changes also update radiation detection and regulated medical waste provisions, prohibit the disposal of fluids from oil and gas production, update registration requirements for transporters, and establish a targeted priority area assistance program. The hearing is scheduled for July 13, 2017, in Albany. Comments now are due July 21, 2017. Contact: Melissa Treers; DEC, Division of Materials Management; 518-402-8678; melissa.treers@dec.ny.gov

—New York State Register (06/21/2017)

#### Regulatory Update

#### **WATER**

##### Lead Testing in School Drinking Water New York WATER

Emergency rule of the Department of Health adopts regulations under 10 NYCRR 67-4.1 through .9 regarding lead testing in school drinking water. The rule requires schools to test each potable water outlet for lead, specifies an action level of 15 micrograms per liter for lead in drinking water of school buildings, and establishes initial and future monitoring requirements. The rule also requires schools to develop remedial action plans if the action level is exceeded at any potable water outlet, to notify the school community of results, and to report results to the department. The rule is effective June 1, 2017, and expires July 30, 2017. Contact: Katherine Ceroalo; DOH; 518-473-7488; reqsqna.health.ny.gov

—New York State Register (06/21/2017)

#### Regulatory Update

## **Tennessee**

#### **OCCUPATIONAL SAFETY AND HEALTH**

##### Occupational Safety and Health Recordkeeping and Reporting Tennessee OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Workforce Development, Division of Occupational Safety and Health, amends regulations under RRT 0800-01-03-.03 regarding occupational safety and health recordkeeping and reporting. The rule updates provisions concerning employee privacy and OSHA injury and illness Forms 300 and 301 to specify the cases in which personally identifying information may be disclosed. The rule is effective June 21, 2017. Contact: Larry Hunt; DLWD, Division of Occupational Safety and Health; 615-741-7036; larry.hunt@tn.gov

—Tennessee Administrative Register (06/22/2017)

#### Regulatory Update

#### **RADIATION**

Standards for Protection Against Radiation  
Tennessee RADIATION

Final rule of the Department of Environment and Conservation, Division of Radiological Health, amends regulations under RRT 0400-20-04-.04 through -10-.38 (nonconsecutive) and adopts regulations under RRT 0400-20-13-.01 through -13-.08 regarding radiation safety standards to conform to federal standards. The rule establishes requirements for the physical protection program for licensees possessing aggregated category 1 or category 2 quantities of radioactive material. The rule also requires licensees to survey for subsurface contamination and establishes record retention requirements for such surveys. In addition, the rule requires licensees to obtain licenses from the Nuclear Regulatory Commission for the manufacture, processing, or initial transfer for sale or distribution of specific devices and sources. Finally, the rule specifies the information that licensees are required to submit when applying for specific licenses, addresses requirements for physical protection programs, and removes obsolete references and provisions. The rule is effective Sept. 12, 2017. Contact: Andrew Holcomb; DEC, Division of Radiological Health; 615-532-3038; Andrew.Holcomb@tn.gov

—Tennessee Administrative Register (06/21/2017)

Regulatory Update

**West Virginia**

**OCCUPATIONAL SAFETY AND HEALTH**

Elevator Safety Act

**West Virginia OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Department of Commerce, Division of Labor, amends regulations under 42 WVCSR 21 regarding elevator safety. The rule establishes a \$90 fee for applications for certificates of operation; the fee applies annually for initial and renewal applications. The rule also revises inspection and safety test requirements, including to require safety tests to be performed by a licensed elevator mechanic and in accordance with the appropriate ASME Code requirements and to require that inspectors be physically present to witness the entire safety test. In addition, the rule establishes requirements for when an elevator is noncompliant with ASME codes. Finally, the rule establishes conditions for the revocation of certificates of operation and for suspension or revocation of certificates of competency. Comments are due July 22, 2017. Contact: Department of Commerce, Division of Labor; 304-558-7890

—West Virginia Register (06/21/2017)

Regulatory Update

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