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**From:** Bloomberg BNA  
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## **EHS Federal Regulatory Alert**

October 06, 2017 - Number 193

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### Summaries

*AIR*

#### Alabama SIP/Cross-State Air Pollution Rule

**AIR**

Final rule of the EPA approves portions of revisions to the Alabama SIP that replace the Cross-State Air Pollution Rule (CSAPR) federal implementation plan with a state trading program for ozone season nitrogen oxides (NOx) emissions. The state program is integrated with the CSAPR federal trading programs and is substantively identical to the federal trading program except for provisions allocating emission allowances among state units. The revisions eliminate state units' requirements to participate in the federal allowance trading program for ozone season NOx emissions and satisfy the state's good neighbor obligation to prohibit emissions that significantly contribute to nonattainment or interfere with maintenance of the 1997 eight-hour ozone NAAQS. The revisions also partially satisfy the good neighbor obligation regarding the 2008 eight-hour ozone NAAQS. The rule is effective Nov. 6, 2017. Contact: Ashten Bailey; EPA Region 4, Air Regulatory Management Section; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52.38, 52.50

82 FR 46674 (10/06/2017)

#### Regulatory Update

*AIR*

#### Florida SIP/Air Permitting, Compliance Assurance Program

**AIR**

Final rule of the EPA approves portions of revisions to the Florida SIP that update non-Title V air permitting and compliance assurance program requirements. The revisions add 17 air general permits available to owners or operators of air emission sources as long as certain requirements are satisfied. The revisions also address new source preconstruction permitting requirements, stationary source control strategy programs, and emissions monitoring at stationary sources. In addition, the revisions add a definition of North American Industry Classification System, address public notice requirements, update test methods, and remove references to ozone

nonattainment areas and an outdated form. The rule is effective Nov. 6, 2017. Contact: Michele Notarianni; EPA Region 4, Air Planning and Implementation Branch; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52.520

82 FR 46682 (10/06/2017)

Regulatory Update

**AIR**

Missouri SIP/2008 Ozone NAAQS Infrastructure Requirements

**AIR**

Direct final rule of the EPA approves portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2008 ozone NAAQS. The revisions address prevention of significant deterioration of air quality (prong 3). The agency takes no action on significant contribution to nonattainment (prong 1) or interference with maintenance of the NAAQS (prong 2) because those elements were not addressed in the SIP revision submittal. The agency will act separately on proposed revisions concerning protection of visibility (prong 4). The rule is effective Dec. 5, 2017, unless adverse comments are received by Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46679 (10/06/2017)

Regulatory Update

**AIR**

Missouri SIP/2008 Ozone NAAQS Infrastructure Requirements

**AIR**

Proposed rule of the EPA would approve portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2008 ozone NAAQS. The revisions address prevention of significant deterioration of air quality (prong 3). The agency would take no action on significant contribution to nonattainment (prong 1) or interference with maintenance of the NAAQS (prong 2) because those elements were not addressed in the SIP revision submittal. The agency would act separately on proposed revisions concerning protection of visibility (prong 4). A concurrent direct final rule adopts the changes, effective Dec. 5, 2017. Comments are due Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46741 (10/06/2017)

Regulatory Update

**AIR**

Missouri SIP/2010 SO<sub>2</sub> NAAQS Infrastructure Requirements

**AIR**

Direct final rule of the EPA approves portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. The rule approves revisions concerning prevention of significant deterioration of air quality (prong 3). The agency

takes no action on revisions concerning significant contribution to nonattainment (prong 1), interference with maintenance of the NAAQS (prong 2), or certain requirements for designated nonattainment areas. Revisions concerning protection of visibility (prong 4) will be addressed in a separate rulemaking. The rule is effective Dec. 5, 2017, unless adverse comments are received by Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46672 (10/06/2017)

Regulatory Update

**AIR**

Missouri SIP/2010 SO2 NAAQS Infrastructure Requirements

**AIR**

Proposed rule of the EPA would approve portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. The rule would approve revisions concerning prevention of significant deterioration of air quality (prong 3). The agency is not proposing to take action on revisions concerning significant contribution to nonattainment (prong 1), interference with maintenance of the NAAQS (prong 2), or certain requirements for designated nonattainment areas. Revisions concerning protection of visibility (prong 4) will be addressed in a separate rulemaking. A concurrent direct final rule adopts the revisions, effective Dec. 5, 2017. Comments are due Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46742 (10/06/2017)

Regulatory Update

**AIR**

New Jersey SIP/Motor Vehicle Inspection and Maintenance Program

**AIR**

Proposed rule of the EPA would approve revisions to the New Jersey SIP concerning the motor vehicle enhanced inspection and maintenance program. The revisions discontinue two-speed idle tests on model year 1981-1995 light duty gasoline vehicles, idle tests on pre-1981 model year light-duty gasoline vehicles, idle tests on heavy-duty gasoline vehicles, and gas cap leak testing. The revisions also require on-board diagnostics testing of heavy-duty gasoline vehicles equipped with such systems. Comments are due Nov. 6, 2017. Contact: Reema Loutan, EPA Region 2, Air Programs Branch; 212-637-3760; Loutan.Reema@epa.gov. Citations: 40 CFR 52

82 FR 46742 (10/06/2017)

Regulatory Update

**AIR**

North Dakota SIP/SO<sub>2</sub> and PM-2.5 NAAQS Infrastructure Requirements

**AIR**

Final rule of the EPA approves portions of revisions to the North Dakota SIP to demonstrate that

the state meets infrastructure requirements for the 2010 sulfur dioxide (SO<sub>2</sub>) and 2012 fine particulate matter (PM-2.5) NAAQS. The EPA will address portions of the revisions concerning interstate transport prongs 1 and 2 in a separate action. The rule is effective Nov. 6, 2017. Contact: Kate Gregory; EPA Region 8, Air Program; 303-312-6175; gregory.kate@epa.gov. Citations: 40 CFR 52.1833

82 FR 46681 (10/06/2017)

Regulatory Update

**ENDANGERED SPECIES**

Florida/Endangered and Threatened Plants

**ENDANGERED SPECIES**

Final rule of the U.S. Fish and Wildlife Service lists the Florida prairie-clover as endangered and the Everglades bully, Florida pineland crabgrass, and pineland sandmat as threatened. The four plant species are endemic to south Florida. The listings are based on threats to the species, including habitat loss and modification through urban and agricultural development, lack of adequate fire management, the proliferation of non-native invasive plants, stochastic events, maintenance practices used on roadsides and disturbed sites, and sea level rise. The agency intends to publish a critical habitat designation for the species within one year. The rule is effective Nov. 6, 2017. Contact: Roxanna Hinzman; USFWS, South Florida Ecological Services Field Office; 772-562-3909. Citations: 50 CFR 17.12

82 FR 46691 (10/06/2017)

Regulatory Update

**ENDANGERED SPECIES**

Louisiana, Texas/Louisiana Pinesnake Threatened Listing

**ENDANGERED SPECIES**

Notice of the U.S. Fish and Wildlife Service reopens the comment period for an Oct. 6, 2016, proposed rule (81 FR 69454) that would list the Louisiana pinesnake, found in both Louisiana and Texas, as threatened. The agency also extends the final listing determination to April 6, 2018, to obtain clarifying information to resolve a significant disagreement regarding available information related to the interpretation of the available survey data used to determine the Louisiana pinesnake's status and trends. Comments now are due Nov. 6, 2017. Contact: Joseph Ranson; USFWS, Louisiana Ecological Services Office; 337-291-3101. Citations: 50 CFR 17.11

82 FR 46748 (10/06/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

California/Former Concord Naval Weapons Station

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Navy Department announces the availability of the record of decision regarding the proposed disposal and reuse of real property at the Naval Weapons Station Seal Beach, Detachment Concord (NWS Concord), in Concord, Calif. The agency has chosen the Navy's

preferred Alternative 1 that will provide approximately 4,972 acres of former NWS Concord property to the local community for economic redevelopment. Contact: Erica Spinelli; Navy Department; 619-524-5096; erica.spinelli@navy.mil

82 FR 46773 (10/06/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Disclosure of Confidential Business Information/EPA Enforcement Action

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the EPA announces the disclosure of information that has been submitted to the EPA by renewal fuel producers, renewable identification number (RIN) generators, third-party engineers, obligated parties, and RIN owners that is claimed or determined to be confidential business information (CBI). The disclosure is in response to discovery requests received in *United States v. NGL Crude Logistics LLC* (Case No. 2:16-cv-1038-LRR), pending in the U.S. District Court for the Northern District of Iowa. A stipulated protective order has been entered between the U.S. and NGL regarding the treatment of CBI and allows interested third parties to seek additional protections for their CBI. Access to the CBI is ongoing and expected to continue during the NGL litigation. Contact: Matthew Kryman; EPA, Office of Civil Enforcement; 303-312-6272; kryman.matthew@epa.gov

82 FR 46805 (10/06/2017)

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 Sept. 25-29, 2017. Contact: Kelly Knight; EPA, Office of Federal Activities; 202-564-7146; knight.kelly@epa.gov. Citations: 40 CFR 1506.9

82 FR 46808 (10/06/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

NAFTA Renegotiation

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Office of the U.S. Trade Representative announces a correction to Sept. 26, 2017, notice (82 FR 44868) regarding the initiation of an environmental review of the proposed renegotiation of the North American Free Trade Agreement with Canada and Mexico. Comments are requested on potential positive or negative environmental effects that might result from the trade agreement, potential implications for U.S. environmental laws and regulations, and appropriate methodologies and sources of data for conducting the review. The current action corrects the docket number (USTR-2017-0018). Contact: Sarah Stewart; USTR; 202-395-7320

82 FR 46880 (10/06/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Nevada/Gold Bar Mine Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Bureau of Land Management announces the availability of the final environmental impact statement for the Gold Bar Mine Project in Eureka County, Nev., proposed by McEwen Mining Inc., of Toronto. The project involves open pits, waste rock dump areas, heap leach pads, a process solution pond, an event pond, and associated facilities on approximately 1,127 acres, including 944 acres on public land. The final EIS addresses four alternatives, including a no action alternative. The agency will issue a record of decision no sooner than 30 days after the EPA publishes a notice of availability of the EIS. Contact: Christine Gabriel; BLM, Mount Lewis Field Office; 775-635-4000; blm\_nv\_bmdo\_mlfo\_gold\_bar\_project\_eis@blm.gov

82 FR 46830 (10/06/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Texas/Micron and Water Resources Integration Program

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the U.S. Fish and Wildlife Service announces the availability of a draft environmental assessment and habitat conservation plan for the San Antonio Water System's (SAWS) proposed Micron and Water Resources Integration Program in Bexar County, Texas. The program consists of the construction of two water pipelines. SAWS has applied for an incidental take permit for several cave and ground beetle species in connection with the project for a 15-year period. SAWS proposes to mitigate with the perpetual protection, management, and monitoring of 57.6 acres of the undeveloped portion of their Anderson Pump Station, which is adjacent to the proposed pipelines. Comments are due Nov. 6, 2017. Contact: Adam Zerrenner; USFWS; 512-490-0057

82 FR 46828 (10/06/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Washington State/Klickitat Hatchery Upgrades Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice announces the intention of the Bonneville Power Administration to prepare an environmental impact statement for proposed upgrades to the Klickitat Hatchery located on state lands in Klickitat County, Wash. The hatchery, which is operated by the Confederated Tribes of the Yakama Nation, produces spring and fall Chinook salmon and coho salmon. It is funded by the National Marine Fisheries Service and operated by the Yakama Nation and the Washington Department of Fish and Wildlife. The proposed upgrades include improvements to surface water and groundwater intakes, discharge piping, and pumps; rebuilding of the pollution abatement system; updating sections of the hatchery building; and the addition of rearing tanks, a storage building, and staff residences. The BPA also announces the availability of a floodplain and

wetlands assessment for the project and cancellation of the environmental review for a previous proposal to update the hatchery (74 FR 45554; 07/17/2009). A meeting is scheduled for Oct. 25, 2017, in Lyle, Wash. Comments are due Nov. 27, 2017. Contact: David Kennedy; BPA; 503-230-3769; dkkennedy@bpa.gov

82 FR 46804 (10/06/2017)

Regulatory Update

**HAZARDOUS WASTE CLEANUP**

Zero-Valent Metallic Treatment System for PCBs/Prospective Grant of Exclusive Patent License

**HAZARDOUS WASTE CLEANUP**

Notice announces the intention of the National Aeronautics and Space Administration to grant to Marley Environmental Inc., of Avon, Conn., an exclusive patent license to practice inventions embodied in a U.S. patent application. The patent concerns a zero-valent metallic treatment system used to remove and remediate polychlorinated biphenyls (PCBs). Marley would receive exclusivity for all fields of use in a limited geographic area, which includes EPA Region 1, New Jersey, and New York. Comments or applications for licenses are due Oct. 23, 2017. Contact: Jonathan Leahy; NASA, Office of the Chief Counsel; 321-867-6553

82 FR 46839 (10/06/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Nationally Recognized Testing Laboratories/Curtis-Strauss

**OCCUPATIONAL SAFETY AND HEALTH**

Notice of OSHA announces a final decision to grant an application from Curtis-Strauss LLC, of Littleton, Mass., for expansion of its recognition as a nationally recognized testing laboratory. The expansion involves the addition of a test standard regarding safety requirements for laboratory equipment for heating of materials (UL 61010-2-010) to its scope of recognition. The decision is effective Oct. 6, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 46837 (10/06/2017)

Regulatory Update

**OIL AND GAS INDUSTRY**

Detergent Gasoline Additives

**OIL AND GAS INDUSTRY**

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request regarding the use of detergent additives in gasoline. The collection addresses recordkeeping and reporting requirements for refiners and importers of gasoline, blenders of detergent into gasoline, gasoline retail outlets, and fleet facilities to certify their use of detergents in gasoline, except for in research, racing, and aviation gasoline. Comments are due Dec. 5, 2017.

Contact: James Caldwell; EPA, Office of Transportation and Air Quality; 202-343-9303; [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov). Citations: 40 CFR 80, Subpart G

82 FR 46806 (10/06/2017)

Regulatory Update

**PESTICIDES**

Pesticide Tolerances/Florpyrauxifen-benzyl

**PESTICIDES**

Final rule of the EPA establishes tolerances for residues of the pesticide florpyrauxifen-benzyl in or on rice grain at 0.30 parts per million (ppm), freshwater fish at 2.0 ppm, shellfish crustacean at 0.50 ppm, and mollusk at 20 ppm. The approved tolerances differ slightly from the petitioned tolerances based on data submitted with the petition. The rule is issued in response to a petition filed by Dow AgroSciences LLC, of Indianapolis. The rule is effective Oct. 6, 2017. Objections and hearing requests are due Dec. 5, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; [RDFRNotices@epa.gov](mailto:RDFRNotices@epa.gov). Citations: 40 CFR 180.695

82 FR 46685 (10/06/2017)

Regulatory Update

**RADIATION**

NRC Fire Protection Compensatory Measures

**RADIATION**

Notice of the NRC requests comments on a petition requesting that the agency adopt regulations regarding acceptable conditions for use of compensatory measures, including fire watches and surveillance cameras, during periods when fire protection regulations are not met. The petition, submitted on behalf of the Union of Concerned Scientists and Beyond Nuclear, asserts that the NRC's 14 guidance documents regarding fire protection are inadequate because they are not enforceable, create confusion about what constitutes an acceptable substitute for compliance with fire protection regulations, and were developed without public input. Comments are due Dec. 20, 2017. Contact: Jessica Kratchman; NRC, Office of Nuclear Reactor Regulations; 301-415-5112; [Jessica.Kratchman@nrc.gov](mailto:Jessica.Kratchman@nrc.gov). Citations: 10 CFR 50

82 FR 46717 (10/06/2017)

Regulatory Update

**RADIATION**

NRC Policy Statement for the Agreement State Program

**RADIATION**

Notice of the NRC announces revision and consolidation of two policy statements on the Agreement State Program (ASP). The policy statement on adequacy and compatibility of ASPs and the statement of principles and policy for the ASP have been consolidated into a single policy statement. The revisions add that public health and safety includes physical protection of agreement material and reflect comments received from agreement states, individuals, and the Organization of Agreement States. The statement is effective Oct. 6, 2017. Contact: Lance

Rakovan; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-2589;  
lance.rakovan@nrc.gov

82 FR 46840 (10/06/2017)

Regulatory Update

***RADIATION***

**Prompt Remediation of Residual Radioactivity**

**RADIATION**

Notice of the NRC announces the discontinuation of a potential rulemaking that would have required prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors. The rulemaking is being discontinued based on operational experiences and staff recommendations. The action is effective Oct. 6, 2017. Contact: Robert MacDougall; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-5175; Robert.MacDougall@nrc.gov. Citations: 10 CFR 20

82 FR 46666 (10/06/2017)

Regulatory Update

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