

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 11/9/2017 1:13:57 PM
Subject: Nov. 09 -- EHS State Regulatory Alert



EHS State Regulatory Alert

November 09, 2017 - Number 216

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Alaska

MINING

Mining Rights

Alaska MINING

Notice announces the intention of the Department of Natural Resources to amend regulations under 11 AAC 86 regarding mining rights and the use and management of mineral properties. The draft amendments address locations on state land and on state-selected land, who and what qualifies to acquire or hold exploration and mining rights, and certificates of location. The draft amendments also address rental payments, annual labor, abandonment, and lease contracts. Comments are sought on the effectiveness of the existing regulatory framework concerning the establishment and maintenance of mining rights and the use and management of mineral properties and on the draft revisions. Meetings are scheduled for Dec. 6 and 15, 2017, in Fairbanks and Anchorage, respectively. Comments are due Dec. 22, 2017. Contact: Joseph Joyner; DNR; 907-269-8511; joe.joyner@alaska.gov

—Alaska Regulations (11/07/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Drilling/Well Casing and Cementing

Alaska OIL AND GAS INDUSTRY

Proposed rule of the Department of Administration, Oil and Gas Conservation Commission, amends regulations under 20 AAC 25.030 regarding well casing and cementing. The rule provides that surface casing must be set below the base of permafrost. A hearing is scheduled for Jan. 4, 2018, in Anchorage. Comments are due Dec. 20, 2017. Contact: Jody Colombie; OGCC; 907-793-1221; jody.colombie@alaska.gov

—Alaska Regulations (11/07/2017)

Regulatory Update

New Jersey

AIR

Control of Air Pollution by VOCs and NOx/Administrative Procedures and Penalties

New Jersey AIR

Final rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under NJAC 7:27-16.1 through :27-19.8 (nonconsecutive) and :27A-3.10 and adopts regulations under NJAC 7:27-16.14, -16.15, and -16.24 concerning air pollution control and air administrative procedures and penalties. The rule updates the reasonably available control technology for control of emissions of volatile organic compounds (VOCs) and nitrogen oxides (NOx). The rule addresses control requirements and best management practices for VOCs from paper, film, and foil coatings; fiberglass boat manufacturing materials; miscellaneous metal and plastic parts coatings; and industrial cleaning solvents. The rule also addresses control requirements and best management practices for NOx from natural gas compressor engines and turbines. In addition, the rule establishes related penalties for violations of recordkeeping, management practices, and air pollution control requirements. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Nov. 6, 2017. Contact: Alice Previte; DEP; 609-292-9398

—New Jersey Register (11/06/2017)

Regulatory Update

Ohio

AIR

Low Reid Vapor Pressure Fuel Requirements

Ohio AIR

Proposed rule of the Ohio EPA rescinds regulations under OAC 3745-72-01 through -08 to remove low Reid vapor pressure fuel requirements for the Cincinnati and Dayton areas. The rule will be submitted to the U.S. EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 7, 2017, in Columbus. Comments are due Dec. 7, 2017. Contact: Holly Kaloz; OEPA; 614-644-2760; holly.kaloz@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Identification and Listing/Standards for Generators, New Facilities

Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA amends regulations under OAC 3745-51-23, -51-40, -52-205, -54-99, 65-94, -270-05, -270-06, and -270-44 to update hazardous waste identification and listing standards, requirements for generators and new facilities, and wastes that are restricted from land disposal. The rule clarifies provisions concerning characteristics of reactivity; conditional exclusion for used, intact cathode ray tubes exported for recycling; university labs; compliance monitoring; and groundwater monitoring recordkeeping and reporting. The rule also clarifies the procedures for case-by-case extensions to an effective date, petitions to allow land disposal of certain prohibited wastes, and variances from treatment standards. A hearing is scheduled for Dec. 6, 2017, in Columbus. Comments are due Dec. 6, 2017. Contact: Kit Arthur; OEPA; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management System/Definitions
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA amends regulations under OAC 3745-50-10 regarding definitions and computation of time for hazardous waste management. The rule adds definitions to reflect the federal Cathode Ray Tube Rule. A hearing is scheduled for Dec. 6, 2017, in Columbus. Comments are due Dec. 6, 2017. Contact: Kit Arthur; OEPA; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Standards for Generators, Transporters, New Facilities, Closure
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA amends regulations under OAC 3745-52-10 through -52-60 (nonconsecutive), -53-10, -54-12 through -54-94 (nonconsecutive), and -55-74 and rescinds and readopts regulations under OAC 3745-53-11 and -20 regarding hazardous waste standards for generators, transporters, and new facilities and corrective action, closure, post-closure, and financial requirements. The rule updates the requirement for transporters of hazardous waste to receive a U.S. EPA identification number and addresses state registration requirements. The rule also prohibits hazardous waste transporters from transporting hazardous waste without the use of a hazardous waste manifest and addresses requirements for owner and operator signatures. In addition, the rule addresses generator identification and reporting standards, personnel training requirements, imports and exports of hazardous waste to a foreign country, concentration limits, and requirements for container inspections. A hearing is scheduled for Dec. 6, 2017, in Columbus. Comments are due Dec. 6, 2017. Contact: Kit Arthur; OEPA; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Standards for Incinerators, Closure and Post-Closure, Universal Wastes
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA amends regulations under OAC 3745-57-91 through -273-70 (nonconsecutive) regarding hazardous waste standards for incinerators, closure and post-closure, certain disposal, and universal waste. The rule clarifies requirements for environmental performance standards for miscellaneous units, notification, training of personnel, testing and maintenance of equipment, and use of a manifest system. The rule also clarifies requirements for container inspections, recyclable materials used for precious metal recovery, lead-acid batteries reclamation, and military munitions. In addition, the rule clarifies requirements for household and conditionally exempt small-quantity generator waste and imports of universal waste. Finally the rule clarifies export standards for small-quantity handlers of universal waste, large-quantity handlers of universal waste, and for universal waste transporters. A hearing is scheduled for Dec. 6, 2017, in Columbus. Comments are due Dec. 6, 2017. Contact: Kit Arthur; OEPA; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Standards for New Facilities, Disposal
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA amends regulations under OAC 3745-54-93 and -266-101 regarding hazardous waste standards for new facilities and disposal. The rule clarifies requirements for hazardous constituents and for management prior to burning. A hearing is scheduled for Dec. 6, 2017, in Columbus. Comments are due Dec. 6, 2017. Contact: Kit Arthur; OEPA; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Standards for New Facilities, Surface Impoundments, Incinerators, Closure
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA amends regulations under OAC 3745-52-23 through -68-13 (nonconsecutive) regarding hazardous waste standards for generators, new facilities, surface impoundments, waste piles, tanks, landfills, incinerators, thermal treatment, and closure and post-closure. The rule clarifies requirements for use of a manifest and the unmanifested waste report. The rule also addresses the land treatment program, land treatment demonstration, and land treatment for food-chain crops. In addition, the rule addresses special requirements for incompatible waste containers, surface impoundments, waste piles, land treatment, and landfills. A hearing is scheduled for Dec. 6, 2017, in Columbus. Comments are due Dec. 6, 2017. Contact: Kit Arthur; OEPA; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Identification and Listing of Hazardous Wastes
Ohio HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Ohio EPA adopts regulations under OAC 3745-50-49 and rescinds and readopts regulations under OAC 3745-51-41 regarding hazardous waste permits and identification and listing requirements for hazardous waste management. The rule describes the effect of a permit and specifies that compliance with a permit during its term constitutes compliance for enforcement purposes with federal requirements for liners and leak detection systems for hazardous waste land disposal units and organic air emission standards for tanks, surface impoundments, and containers. The rule also adds references to permit modification and revocation requirements and addresses a permit's relationship to property rights and whether a permit does or does not convey. In addition, the rule adds provisions for identification and listing to reflect federal Cathode Ray Tube Rule notification and recordkeeping requirements. A hearing is scheduled for Dec. 6, 2017, in Columbus. Comments are due Dec. 6, 2017. Contact: Kit Arthur; OEPA; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Universal Waste Management
Ohio HAZARDOUS WASTE MANAGEMENT

Notice of the Ohio EPA, Division of Environmental Response and Revitalization, announces changes to a Sept. 18, 2017, proposed rule to amend regulations under OAC 3745-50-45 through -273-62 (nonconsecutive), adopt regulations under OAC 3745-273-13 and -89, and rescind and readopt regulations under OAC 3745-273-33 concerning universal waste management. The rule designates hazardous nonempty aerosol containers, hazardous antifreeze, and hazardous paint and paint-related wastes as universal wastes. The rule also updates standards for small- and large-quantity handlers of universal waste. The changes clarify that an antifreeze/used oil mixture may be defined as a used oil or a hazardous waste and that if the collected contents from aerosol containers consist solely of paint, then the collected contents are eligible to be classified as a universal waste paint. Contact: Karen Hale; OEPA, Division of Environmental Response and Revitalization; 614-644-3020; karen.hale@epa.ohio.gov

—Ohio Regulations (11/06/2017)

Regulatory Update

Oregon

AIR
Monetary Offset Rate for Nongenerating Energy Facilities
Oregon AIR

Final rule of the Department of Energy, Energy Facility Siting Council, amends regulations under OAR 345-024-0580 and -0620 regarding the monetary offset rate for carbon dioxide (CO₂) emissions from nongenerating energy facilities. The rule increases the monetary offset rate to \$1.90 per ton of CO₂ and specifies that the rate will remain the same for at least two years. The rule also increases the methane equivalency weight to 25 pounds of CO₂ and the nitrous oxide equivalency rate to 298 pounds of CO₂. The rule is effective Oct. 23, 2017. Contact: Jason Sierman; DOE, Energy Facility Siting Council; 503-373-2127; jason.sierman@oregon.gov

—Oregon Bulletin (11/01/2017)

Regulatory Update

AIR

Smoke-free Environments in Workplaces and Public Places

Oregon AIR

Proposed rule of the Oregon Health Authority, Public Health Division, amends regulations under OAR 333-015-030 and -0064 regarding requirements for smoke-free environments in workplaces and public places. The rule revises the definition for “enclosed area” to reference the statutory definition. A hearing is scheduled for Dec. 6, 2017, in Portland. Comments are due Dec. 8, 2017. Contact: Brittany Hall; OHA, Public Health Division; 503-449-9808; brittany.a.hall@state.or.us

—Oregon Bulletin (11/01/2017)

Regulatory Update

ENDANGERED SPECIES

Cougar Management

Oregon ENDANGERED SPECIES

Final rule of the Department of Fish and Wildlife amends regulations under OAR 635-180-0001 to update the cougar management plan. The rule incorporates by reference portions of the 2017 management plan, including cougar incident response guidelines, captive cougar kitten guidelines, the process for development and selection of cougar target areas, and a glossary of terms. The rule is effective Oct. 17, 2017. Contact: Roxann Borisch; DFW; 503-947-6314; roxann.b.borisch@state.or.us

—Oregon Bulletin (11/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Energy Facility Siting Council/Site Certificates

Oregon GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Energy, Energy Facility Siting Council, renumbers regulations under 345-027-0000, -0020, -0023, -0028, and 0030 concerning requests for amendments to site certificates. The rule addresses certification expiration, certain certificate conditions, and amendments to extend construction beginning and completion deadlines. The rule is effective Oct. 24, 2017. Contact: Jason Sierman; Energy Facility Siting Council; 503-373-2127; jason.sierman@oregon.gov

—Oregon Bulletin (11/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Oil and Gas Rules/Well Plugging

Oregon OIL AND GAS INDUSTRY

Temporary rule of the Department of Geology and Mineral Industries amends regulations under OAR 632-010-0198 to update well plugging procedures. The rule clarifies that when there is an open hole below the base of any open casing, a cement plug not less than 100 feet in length must be placed to extend at least 50 feet above and at least 50 feet below the base of the casing. The rule is effective Sept. 19, 2017, and expires March 13, 2018. Contact: Robert Houston; DGMI; 541-225-6451; robert.houston@oregon.gov

—Oregon Bulletin (11/01/2017)

Regulatory Update

TOXIC SUBSTANCES

Certification of Lead-Based Paint Demolition Contractors

Oregon TOXIC SUBSTANCES

Proposed rule of the Oregon Health Authority, Public Health Division, adopts regulations under OAR 333-068-0070 regarding certification to engage in lead-based paint activities to perform residential demolitions. The rule specifies the acceptable certifications for contractors performing demolitions. A hearing is scheduled for Dec. 6, 2017, in Portland. Comments are due Dec. 8, 2017. Contact: Brittany Hall; OHA, Public Health Division; 503-449-9808; brittany.a.hall@state.or.us

—Oregon Bulletin (11/01/2017)

Regulatory Update

Virginia

OCCUPATIONAL SAFETY AND HEALTH

VOSH Program/Whistleblower Protection

Virginia OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industry, Safety and Health Codes Board, amends regulations under 16 VAC 25-60-30 through -260 (nonconsecutive) regarding administrative standards for the Occupational Safety and Health Program. The rule requires an employer to comply with the state Department of Transportation (VDOT) Work Area Protection Manual rather than the federal Manual on Uniform Traffic Control Devices when working under a contract between the employer and either the state or any political subdivision or public body when the contract requires employer compliance with the VDOT manual. The rule also clarifies anti-

retaliation safeguards for public sector employees, clarifies the documents that may be disclosed concerning the Voluntary Protection Program, and specifies that the commissioner can request penalties or fines for occupational discrimination or anti-retaliation cases at the litigation stage. In addition, the rule specifies that the burden for proving an affirmative defense lies with the employer. The rule is effective Dec. 15, 2017. Contact: Jay Withrow; DLI; 804-786-9873; jay.withrow@doli.virginia.gov

—Virginia Register (11/13/2017)

Regulatory Update

WATER

City of Norfolk/State Water Control Law Enforcement Action
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with the City of Norfolk for alleged State Water Control Law violations in connection with unauthorized impacts to wetlands at the Western Branch Dam Safety Improvements project in Suffolk. The order requires payment of a civil penalty of \$28,770 and performance of actions specified in a schedule of compliance. Comments are due Nov. 28, 2017. Contact: Jennifer Coleman; DEQ, Tidewater Regional Office; 757-518-2000; jennifer.coleman@deq.virginia.gov

—Virginia Register (10/30/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 9/13/2017 10:32:10 PM
Subject: Senate energy committee delays vote on FERC, DOE and DOI nominees

By Darius Dixon

09/13/2017 06:28 PM EDT

The Senate Energy and Natural Resources Committee announced this evening it postponed a Thursday morning series of votes on President Donald Trump's nominees for FERC and the departments of Energy and Interior.

The panel was slated to consider Kevin McIntyre for chairman of FERC, Richard Glick for FERC commissioner, David Jonas for DOE general counsel, and Ryan Nelson and Joseph Balash for solicitor and assistant secretary for land and minerals management at DOI. The vote will now happen Sept. 19.

A committee spokesperson said the vote was delayed because of "member availability."

WHAT'S NEXT: The Senate energy committee will vote on the nominees on Tuesday at 9:30 a.m.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/senate-energy-committee-delays-vote-on-ferc-doe-and-doi-nominees-092886>

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Yes, very	Somewhat	Neutral	Not really	Not at all

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