

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

November 08, 2017 - Number 215

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California Regions

AIR

Operational Development Fee/CEQA Air Quality Handbook California Regions AIR

Proposed rule of the Imperial County Air Pollution Control District amends regulations under Rule 310 and the CEQA Air Quality Handbook. The rule revises the operational development fee, which is intended to mitigate emissions produced from the operation of new commercial and residential development projects. The rule establishes three mitigation alternatives for project proponents and sets fees for level 1 and 2 projects. The rule also removes provisions concerning review committees for proposed mitigation projects and specifies that the district will evaluate and recommend proposed mitigation projects based on the cost effectiveness of each project. In addition, the rule revises the CEQA handbook by increasing the significance threshold for nitrogen oxide and reactive organic gases, increasing the screening criteria project size thresholds, and revising the emissions evaluation model. A hearing is scheduled for Dec. 12, 2017, in El Centro. Comments are due Dec. 6, 2017. Contact: Reyes Romero; Imperial County APCD; 442-265-1800

—California RegionsRegulations (11/07/2017)

Regulatory Update

WATER

Emergency Disposal of Disaster-Related Wastes/Conditional Waiver of Waste Discharge Requirements California Regions WATER

Notice of the San Francisco Bay Regional Water Quality Control Board announces a tentative resolution to adopt a conditional waiver of waste discharge requirements for discharges of certain disaster-related wastes from emergency-declared disaster areas. Requirements for coverage under the waiver are established for disaster-related wastes generally, temporary waste piles and regulated and nonregulated facilities, temporary surface impoundments, and discharges of mass animal mortality wastes to emergency landfills. A hearing is scheduled for

Dec. 13, 2017, in Oakland. Comments are due Dec. 12, 2017. Contact: Keith Roberson; San Francisco Bay RWQCB; 510-622-2404; Keith.Roberson@waterboards.ca.gov

—California Regions Regulations (11/03/2017)

Regulatory Update

Connecticut

OCCUPATIONAL SAFETY AND HEALTH

Elevator and Escalator Safety Code

Connecticut OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Administrative Services announces an additional change to a Nov. 28, 2016, proposed rule to adopt regulations under RCSA 29-192-1e through -6e regarding safety standards for the installation, construction, operation, maintenance, inspection, repair, and use of elevators and escalators. The rule incorporates updated editions of American Society of Mechanical Engineers and American National Standards Institute model codes and standards to be consistent with new technology concerning usage, products, materials, and methods of construction for elevators and escalators in commercial and residential occupancies. The change makes a technical revision. Contact: Jenna Padula; DAS; 860-713-5868; Jenna.Padula@ct.gov

—Connecticut Law Journal (11/06/2017)

Regulatory Update

Illinois

AIR

Air Quality Standards

Illinois AIR

Final rule of the Pollution Control Board amends regulations under 35 IAC 243.101, .105, .108, and .120 and repeals regulations under 35 IAC 243, Table A, to incorporate national ambient air quality standards (NAAQS) under 40 CFR 50, as of June 16, 2017. The rule implements the 2012 primary annual NAAQS for particulate matter (PM-2.5) and revises requirements for handling monitoring data influenced by exceptional events. The rule also incorporates an updated equation used for calculating compliance with the PM-2.5 NAAQS. In addition, the rule incorporates the updated list of designated reference and equivalent methods, which includes a designated federal equivalent method for nitrogen dioxide in ambient air. Finally, the rule deletes the schedule for submission of data influenced by exceptional events for use in initial area designations. The rule is effective Oct. 23, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (11/03/2017)

Regulatory Update

AIR

Control of Emissions from Large Combustion Sources/Coal-Fired Electric Generating Units
Illinois AIR

Proposed rule of the Pollution Control Board amends regulations under 35 IAC 225.233 to update multipollutant standards for coal-fired electric generating units (EGUs). The rule modifies and adds exemptions to annual and seasonal nitrogen oxide and sulfur dioxide emission standards for certain Dynegy Inc. facilities in central and southern Illinois. The rule also clarifies notification requirements for the transfer of EGUs to different owners and updates recordkeeping and reporting requirements. Comments are due Dec. 18, 2017. Contact: Mark Powell; PCB; 312-814-6887; mark.powell@illinois.gov

—Illinois Register (11/03/2017)

Regulatory Update

AIR

Definitions and General Provisions/Volatile Organic Material and Compounds
Illinois AIR

Final rule of the Pollution Control Board amends regulations under 35 IAC 211.7150 to align provisions with the federal exemption of hydrofluoroether compound from the definition of “volatile organic compound” under 40 CFR 51.100. The rule is effective Oct. 23, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Carriage by Public Highway

Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 177.2000 regarding carriage by public highways. The rule incorporates by reference federal standards under 49 CFR 177, as of Oct. 1, 2017. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Continuing Qualification and Maintenance of Packaging

Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed

rule to amend regulations under 92 IAC 180.2000 regarding continuing qualification and maintenance of packaging to incorporate by reference federal standards under 49 CFR 180, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Hazardous Materials Tables and Communications

Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 172.2000 regarding the hazardous materials table and communications to incorporate by reference federal standards under 49 CFR 172, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The rule also reclassifies small arms ammunition as an other regulated material to conform with federal standards. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Hazardous Materials Transportation

Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 171.13, .17, .22, and .1000 and repeal regulations under 92 IAC 171.3 regarding hazardous materials transportation standards to incorporate by reference federal standards under 49 CFR 171, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The rule also updates fines for federal violations and replaces references to “imminent danger” with “imminent hazard” and to “exemption and exemptions” with “special permit or permits.” In addition, the rule removes redundant provisions regarding hazardous waste. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Shipments and Packaging/General Requirements

Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 173.3000 regarding general requirements for shipments and packagings to incorporate by reference federal standards under 49 CFR 173, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The rule also reclassifies small arms ammunition as an other regulated material to conform with federal standards. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Specifications for Packagings
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 178.100 and .200 regarding specifications for packagings. The rule incorporates by reference federal standards under 49 CFR 178, as of Oct. 1, 2017. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Specifications for Tank Cars
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 179.2000 regarding specifications for tank cars. The rule incorporates by reference federal standards under 49 CFR 179, as of Oct. 1, 2017, including specifications for cryogenic liquid tank car tanks and seamless steel tanks. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

Minnesota

GENERAL ENVIRONMENT AND SAFETY
Environmental Review Program
Minnesota GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Environmental Quality Board to amend regulations under MNR 4410.0200, .2550, and .2600 regarding the Environmental Review Program. The rule addresses procedures for preparing, reviewing, and modifying draft environmental impact statements and updates definitions. Comments are due Dec. 7, 2017. Contact: Erik Dahl; EQB; 651-757-2364; erik.dahl@state.mn.us

—Minnesota State Register (11/06/2017)

Regulatory Update

New Jersey

AIR

Air Pollution Control/Particulate Matter and Sulfur New Jersey AIR

Final rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under NJAC 7:27-7.2 through -22.8 (nonconsecutive) and Appendix Table A concerning air pollution control and emission offset. The rule incorporates national ambient air quality standards for new source review for fine particulate matter (PM-2.5) and makes related changes to preconstruction and operating permit requirements. The rule also removes an exemption from sulfur requirements for emergency releases from pressure-relieving stacks and requires the reporting of PM-2.5 and ammonia emissions at the source level as opposed to the facilitywide level to comply with federal requirements. In addition, the rule eliminates the option for permittees to submit emission statements via e-mail and requires submissions through an internet portal. 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

AIR

Fuel Dispensing Facilities with Phase I Vapor Recovery Control Systems General Permit New Jersey AIR

Notice of the Department of Environmental Protection, Division of Air Quality, announces a proposed general permit (GP-004B) for fuel dispensing facilities equipped with Phase I vapor recovery control systems at minor air facilities. The permit would allow for the construction, installation, reconstruction, modification, and operation of marina gasoline storage tanks; airport gasoline storage tanks used for refueling of aircraft; fuel service station gasoline storage tanks with an annual facility throughput less than 15 million gallons; and fuel service station gasoline storage tanks with an annual facility throughput greater than or equal to 15 million gallons and less than or equal to 20 million gallons, with a minimum stack height of 12 feet. The permit does not require Phase II vapor recovery control for new gasoline stations. Comments are due Dec. 6, 2017. Contact: Michael Adhanom; DEP; 609-633-8242; mike.adhanom@dep.nj.gov

—New Jersey Register (11/06/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Settlement Agreement/Roxbury Auto Wreckers Site
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection announces a proposed settlement agreement RAW Inc. regarding the recovery of unreimbursed cleanup and removal costs at the Roxbury Auto Wreckers site in Morris County. The agreement requires RAW to pay the department \$7,196 in return for the department's removal of the lien on the property and a covenant not to sue. Comments are due Jan. 5, 2018. Contact: Kevin Kratina; DEP, Site Remediation and Waste Management Program; 609-633-1480; Kevin.Kratina@dep.nj.gov

—New Jersey Register (11/06/2017)

Regulatory Update

WATER

Drinking Water/Certification of Laboratories and Environmental Measurements
New Jersey WATER

Final rule of the Department of Environmental Protection, Division of Water Supply and Geoscience, amends regulations under NJAC 7:9E-2.1 through :10-11.10 (nonconsecutive), :18-4.6, and :18-5.6 and adopts regulations under NJAC 7:10-5.8 concerning drinking water standards and certification of laboratories and environmental measurements. The rule establishes state-specific requirements for total coliform, including a microbiological monitoring schedule, start-up procedures for seasonal water systems, level 1 and 2 assessments, parties approved to perform level 2 assessments, and the extension of the 24-hour limit for the collection of repeat samples on a case-by-case basis. The rule also removes obsolete references to fecal coliform and updates certified laboratory requirements for notification of water systems, local health authorities, and the department concerning E. coli water and nitrate/nitrite water sample results. The rule is effective Nov. 6, 2017. Contact: Ryan Knapick; DEP; 609-292-5550

—New Jersey Register (11/06/2017)

Regulatory Update

Rhode Island

WATER

Project Priority List for Water Pollution Abatement Projects
Rhode Island WATER

Proposed direct final rule of the Department of Environmental Management, Office of Water Resources, repeals regulations to remove provisions concerning the fiscal year 2016 project priority list. The rule is effective Dec. 4, 2017, if no formal objections are received by that date. Comments are due Dec. 4, 2017. Contact: Jay Manning; DEM, Office of Water Resources; 401-222-4700; jay.manning@dem.ri.gov

—Rhode Island Regulations (11/05/2017)

Regulatory Update

WATER

Wastewater Treatment Facility Operator Certification
Rhode Island WATER

Proposed direct final rule of the Department of Environmental Management amends regulations under 250-RICR-150-10-5 to clarify certification requirements for wastewater treatment facility operators. The rule removes language concerning revocation of certification, addresses the statutory expiration of a license at the end of a renewal period, and extends the grace period for late renewals by two weeks. The rule also addresses the approval of wastewater training courses. The rule is effective Dec. 4, 2017, if no formal objections are received by that date. Comments are due Dec. 4, 2017. Contact: William Patenaude; DEM, Board of Certification of Operators of Wastewater Treatment Facilities; 401-222-4700; bill.patenaude@dem

—Rhode Island Regulations (11/05/2017)

Regulatory Update

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