

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
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Subject: Nov. 20 -- EHS State Regulatory Alert



EHS State Regulatory Alert

November 20, 2017 - Number 222

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Colorado

WATER

San Juan and Dolores River Basins Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-34 to revise the water quality classifications, standards, and designations for multiple segments in the San Juan and Dolores river basins. The rule revises water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revises molybdenum, cadmium, nickel, and lead standards; updates antidegradation designations; and revises temporary modifications. In addition, the rule addresses temperature standards, adds nutrient standards for chlorophyll and total phosphorus, and adds a direct use water supply subclassification. The rule is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

Indiana

OIL AND GAS INDUSTRY

Oil and Gas Wells Indiana OIL AND GAS INDUSTRY

Notice of the Natural Resources Commission announces the recall of a March 29, 2017, proposed rule that would have adopted regulations under 312 IAC 29-1-1 through -34-6 and repealed regulations under 312 IAC 16 regarding oil and gas wells. The rule would have specified permit and operation requirements for oil and gas wells, including Class II wells, coal-bed methane wells, geologic and structure test wells, and noncommercial wells. The rule also would have set

forth criteria for drilling in karst-prone areas, for horizontal well drilling and well spacing, and for identifying commercially mineable coal resources. In addition, the rule would have specified requirements for notification, reporting, waste management, remediation, well abandonment, and management of naturally occurring radioactive materials. Contact: Herschel McDivitt; DNR, Division of Oil and Gas; 317-232-4058; hmcdivitt@dnr.in.gov

—Indiana Register (11/15/2017)

Regulatory Update

WATER

Minimum Surface Water Quality Standards
Indiana WATER

Notice of the Department of Environmental Management, Water Pollution Control Division, announces the second comment period for March 5, 2014, proposed amendments to regulations under 327 IAC 2-1-6 and -1.5-8 to revise the aquatic life and human health ambient water quality criteria for metals to reflect updates to the Clean Water Act. The rule would update both acute and chronic metals criteria for waters inside and outside of the Great Lakes System. Comments are due Jan. 2, 2018. Contact: MaryAnn Stevens; DEM, Office of Legal Counsel; 317-232-8635; mstevens@idem.in.gov

—Indiana Register (11/15/2017)

Regulatory Update

WATER

Water Pollution Control/Federal Standards
Indiana WATER

Proposed rule of the Department of Environmental Management, Water Pollution Control Division, would amend regulations under 327 IAC 1-1-1 through 19-2-7 (nonconsecutive) and repeal regulations under 327 IAC 1-1-4 through 12.1-2-3 (nonconsecutive) to update the incorporation by reference of federal standards to July 1, 2016. The rule also would remove obsolete language and update formatting. A hearing is scheduled for Jan. 10, 2018, in Indianapolis. A comment due date is not specified. Contact: Keelyn Walsh; DEM, Office of Legal Counsel; 317-232-8229

—Indiana Register (11/15/2017)

Regulatory Update

Maine

GENERAL ENVIRONMENT AND SAFETY

Land Use Districts and Standards
Maine GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Agriculture, Conservation and Forestry, Land Use Planning Commission, would amend regulations under MAC Chapter 10 regarding land use districts and standards to allow development of grid-scale solar energy generation facilities with a permit in the commercial industrial development subdistrict (D-CI). The rule would establish criteria to identify locations for redistricting to D-CI for such purposes. A D-CI subdistrict would automatically revert to the prior subdistrict designation if a facility is not developed within a reasonable period of time, or upon decommissioning of a facility once built. Comments are due Dec. 15, 2017. Contact: Ben Godsoe; DACF, Land Use Planning Commission; 207-287-2619; Benjamin.Godsoe@Maine.gov

—Maine Regulations (11/15/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Compliance Assistance Loan Program Maine OIL AND GAS INDUSTRY

Final rule of the Finance Authority adopts regulations under MAC Chapter 326 to establish the Compliance Assistance Loan Program. The rule establishes eligibility requirements for borrowers and projects seeking financing for certain oil storage tank and related projects and specifies the terms and conditions of loans. The program is similar to the Oil Storage Facility or Tank Replacement Program for which funding is no longer available. The rule is effective Nov. 8, 2017. Contact: Christopher Roney; Finance Authority; 207-623-3263; croney@famemaine.com

—Maine Regulations (11/15/2017)

Regulatory Update

Mississippi

RADIATION

Control of Radiation/Federal Standards Mississippi RADIATION

Proposed rule of the State Department of Health would amend regulations under Title 15, Part 21, Subpart 78, Chapter 1, Subchapters 1 through 14 (nonconsecutive), and adopt regulations under Title 15, Part 21, Subpart 78, Chapter 1, Subchapters 16 through 22, regarding radiation control. The rule would update the adoption by reference of federal standards under 10 CFR, including requirements for byproduct material, to comply with Nuclear Regulatory Commission requirements. A hearing is scheduled for Dec. 11, 2017, in Jackson. Comments are due Dec. 4, 2017. Contact: Mitchell Adcock; MSDH; 601-576-7847; madcock@msdh.ms.gov

—Mississippi Regulations (11/14/2017)

Regulatory Update

New York

WATER

Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses New York WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in September 2017. The notice addresses 15 projects by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (11/15/2017)

Regulatory Update

WATER

Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water New York WATER

Notice of the Susquehanna River Basin Commission announces one project rescinded for the consumptive use of water during September 2017. The project is located in Bradford County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (11/15/2017)

Regulatory Update

Texas

HAZARDOUS MATERIALS TRANSPORTATION

Commercial Vehicle Regulations and Enforcement Procedures Texas HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Public Safety would amend regulations under 37 TAC 4.1 regarding the transportation of hazardous materials. The rule would incorporate by reference federal hazardous materials standards under 49 CFR 107 through 180 (nonconsecutive), as of Jan. 1, 2018. A hearing is scheduled for Nov. 28, 2017, in Austin. Comments are due Dec. 17, 2017. Contact: Chris Nordloh; DPS, Highway Patrol Division; 512-424-2775

—Texas Register (11/17/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Commercial Vehicle Regulations and Enforcement Procedures

Texas HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Public Safety would amend regulations under 37 TAC 4.13 regarding authority to enforce commercial vehicle training and certificate requirements. The rule would clarify when municipal police officers from a city with a population between 18,000 to 18,500 or 3,000 to 10,000 may stop, enter, or detain on a highway or port of entry within the municipality a motor vehicle. A hearing is scheduled for Nov. 28, 2017, in Austin. Comments are due Dec. 17, 2017. Contact: Chris Nordloh; DPS, Highway Patrol Division; 512-424-2775

—Texas Register (11/17/2017)

Regulatory Update

RADIATION

Radioactive Substance/Schedule of Fees for Subchapter H Licenses

Texas RADIATION

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 336.103 to remove the 5 percent gross receipts fees on all compact and federal waste disposal for compact waste disposal facility license holders. A hearing is scheduled for Dec. 12, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Hans Weger; TCEQ, Radioactive Materials Unit; 512-239-6465

—Texas Register (11/17/2017)

Regulatory Update

WATER

Consolidated Permits/Basin Permitting

Texas WATER

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 305.71 that require basin permitting for wastewater discharges. The rule would allow Texas Pollutant Discharge Elimination System permits to be issued for five-year terms. A concurrent proposed rule would remove provisions on coordinating submittal of summary reports by river authorities with the basin permitting requirements under 30 TAC 220.4 and .6. A hearing is scheduled for Dec. 12, 2017, in Austin. Comments are due Dec. 18, 2017. Contact: Jill Csekitz; TCEQ, Water Quality Planning Division: 512-239-3136

—Texas Register (11/17/2017)

Regulatory Update

WATER

Regional Assessments of Water Quality

Texas WATER

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 220.4 and .6 regarding responsibilities of river authorities and designated local governments for regional water quality assessment. The rule would remove the requirements for data collection efforts to be coordinated with the now obsolete five-year basin permitting cycle.

The rule also would direct river authorities to submit summary reports once every third state fiscal biennium, in accordance with the schedule in the state clean rivers program guidance. A concurrent proposed rule would repeal regulations under 30 TAC 305.71 regarding basin permitting. A hearing is scheduled for Dec. 12, 2017, in Austin. Comments are due Dec. 18, 2017. Contact: Jill Csekitz; TCEQ, Water Quality Planning Division; 512-239-3136

—Texas Register (11/17/2017)

Regulatory Update

Utah

AIR

Air Quality/Degreasing Operations

Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-335-1, -2, -3, and -9 and repeals regulations under R307-335-7 and -8 regarding volatile organic compound emission from degreasing operations. The rule removes provisions concerning industrial solvent cleaning, which are proposed to be moved under R307-304 as part of a separate rulemaking. The rule also revises the chapter name, updates recordkeeping requirements, and deletes provisions concerning add-on emission control systems operations. The rule is effective Oct. 29, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (11/15/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Occupational Safety Health/Federal Standards

Utah OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Labor Commission, Division of Occupational Safety and Health, would amend regulations under R614-1-4 to update the incorporation by reference federal occupational safety and health standards for general industry and construction under 29 CFR 1910 and 1926 as of July 1, 2017, with specified exceptions. Comments are due Dec. 15, 2017. Contact: Cameron Ruppe; Labor Commission, Division of Occupational Safety and Health; 801-530-6898; cruppe@utah.gov

—Utah State Bulletin (11/15/2017)

Regulatory Update

WATER

Wastewater Works Operators/Examination

Utah WATER

Proposed rule of the Department of Environmental Quality, Division of Water Quality, would amend regulations under R317-10-10 regarding examinations for certification of wastewater works operators. The rule would remove the option for participants to request an exam review within 10 days after failing the exam and instead recommend that the certification council review question comment forms completed during the testing session and submit them to the test provider. Comments are due Dec. 15, 2017. Contact: Judy Etherington; DEQ, Division of Water Quality; 801-536-4344; jetherington@utah.gov

—Utah State Bulletin (11/15/2017)

Regulatory Update

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