

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
**Sent:** Fri 9/15/2017 12:46:35 PM  
**Subject:** Sep. 15 -- EHS State Regulatory Alert



## **EHS State Regulatory Alert**

September 15, 2017 - Number 178

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### Florida

*GENERAL ENVIRONMENT AND SAFETY*  
**Electric Power Plant Siting Act Newspaper Notices**  
**Florida GENERAL ENVIRONMENT AND SAFETY**

Final rule of the Department of Environmental Protection amends regulations under FAC 62-17.281 to update templates for newspaper notice requirements for regulated entities under the Electric Power Plant Siting Act. The rule addresses forms for notices of intent, applications, written agreements, land use, certification, modification of certification, supplemental applications, and hearings related to the various stages. The rule is effective Sept. 27, 2017. Contact: Ann Seiler; DEP, Division of Air Resource Management; 850-717-9113; Ann.Seiler@dep.state.fl.us

—Florida Administrative Weekly (09/12/2017)

#### Regulatory Update

### Iowa

***WATER***  
**Wastewater Construction and Operation Permits/Industrial Activity Stormwater Discharges**  
**Iowa WATER**

Proposed rule of the Environmental Protection Commission amends regulations under 567 IAC 64.15 regarding wastewater construction and operation permits. The rule reissues for an additional five years three National Pollutant Discharge Elimination System general permits that authorize stormwater discharges associated with industrial activity (NPDES general permit No. 1); industrial activity for construction activities (NPDES general permit No. 2); and industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities (NPDES general permit No. 3). Permit No. 2 is being revised to include

updates to federal effluent requirements for construction and development point sources under 40 CFR 450.21, including a requirement regarding soil stabilization. Permit No. 3 is being revised to clarify an existing prohibition on the discharge of vehicle washwaters. A hearing is scheduled for Oct. 10, 2017, in Des Moines. Comments are due Oct. 18, 2017. Contact: Joe Griffin; Department of Natural Resources; 515-725-8417; joe.griffin@dnr.iowa.gov

—Iowa Administrative Bulletin (09/13/2017)

Regulatory Update

**WATER**

**Wastewater Construction and Operation Permits/Private Sewage Disposal Systems**  
**Iowa WATER**

Proposed rule of the Environmental Protection Commission amends regulations under 567 IAC 64.15 regarding wastewater construction and operation permits. The rule reissues for an additional five years National Pollutant Discharge Elimination System general permit No. 4. The permit authorizes discharges from private sewage disposal systems, including sand filters, other media filters, and aerobic treatment units, that will reach a designated water of the state or a subsurface drainage tile. A hearing is scheduled for Oct. 3, 2017, in Des Moines. Comments are due Oct. 18, 2017. Contact: Daniel Olson; Department of Natural Resources; 515-725-8404; daniel.olson@dnr.iowa.gov

—Iowa Administrative Bulletin (09/13/2017)

Regulatory Update

**New Hampshire**

**HAZARDOUS MATERIALS TRANSPORTATION**

**Hazardous Materials Transportation**

**New Hampshire HAZARDOUS MATERIALS TRANSPORTATION**

Interim final rule of the Department of Safety adopts regulations under NHAR Saf-C 601, 602, 603.03, 604, and 605 regarding hazardous materials transportation standards. The rule incorporates by reference federal standards under 10 CFR 71 and 73, 49 CFR 170 through 185, and 49 CFR 390 through 397. The rule addresses requirements for inspection of hazardous cargoes, reports, and tactical site supervision. The rule also addresses hazardous and radioactive incident and accident notification requirements. The rule is effective Aug. 31, 2017, and expires Feb. 27, 2018. Contact: Keith Lohmann; Department of Safety; 603-223-3852; Keith.lohmann@dos.nh.gov

—New Hampshire Rulemaking Register (09/14/2017)

Regulatory Update

**HAZARDOUS WASTE MANAGEMENT**

**Underground Storage Tanks/Primary Containment System Testing**

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## New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends regulations under NHAR Env-Or 406.24 regarding test methods for underground storage tank (UST) primary containment systems. The rule requires owners of diesel-dispensing USTs to use either the test method under NHAR Env-Or 406.11 or the pressure decay testing method specified under NHAR Env-Or 504.10, under certain circumstances, no later than Dec. 22, 2017, and triennially thereafter. The rule also validates any pressure decay testing done on or after April 15, 2016. The provisions currently are in effect as an emergency rule. The rule is effective Aug. 19, 2017. Contact: Michael Juranty; DES, Oil Compliance Section; 603-271-3645; Michael.Juranty@des.nh.gov

—New Hampshire Rulemaking Register (09/14/2017)

### Regulatory Update

#### **WATER**

##### Certification of Water Works Operators

##### New Hampshire WATER

Final rule of the Department of Environmental Services amends and renumbers regulations under NHAR Env-Dw 502.01 through .29 (nonconsecutive) and adopts regulations under NHAR Env-Dw 502.05 and .06 regarding certification of water works operators. The rule adds and updates requirements for applications, certification, education, primary operators, training providers, and notices of expiration. The rule also clarifies provisions and updates definitions. The rule is effective Aug. 19, 2017. Contact: Holly Green; DES; 603-271-3114; Holly.Green@des.nh.gov

—New Hampshire Rulemaking Register (09/14/2017)

### Regulatory Update

#### **WATER**

##### Youth Recreation Camps

##### New Hampshire WATER

Final rule of the Department of Environmental Services amends and renumbers regulations under Env-Wq 900.01 through 909.03 (nonconsecutive) regarding licensing of youth recreation camps. The rule requires camps that are served by a public water system (PWS) to perform separate water quality testing if the PWS was in violation of its bacteria or nitrate monitoring at the time the camp's application was submitted. The rule also updates and clarifies provisions. The rule is effective Sept. 1, 2017. Contact: Debra Sonderegger; DES; 603-271-2862; Debra.Sonderegger@cies.nh.gov

—New Hampshire Rulemaking Register (09/14/2017)

### Regulatory Update

## New Mexico

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## ***WATER***

### **Active Water Resource Management/Nambé-Pojoaque-Tesuque Water Master District** **New Mexico WATER**

Final rule of the Office of the State Engineer adopts regulations under NMAC 19.25.20 regarding active water resource management for the Nambé-Pojoaque-Tesuque Water Master District. The rule establishes the duties and authority of the district water master as to the use and administration of groundwater and surface water for Pueblo and non-Pueblo water rights. The rule also establishes requirements for the conveyance of groundwater rights, expedited permitting for changes in points of diversion and places of use to the county water utility, and new domestic well points of diversion. In addition, the rule provides for a connection fund for the costs of connecting to the county water utility and establishes requirements for reporting for lands to be irrigated, determinations of historic beneficial use, the mitigation fund, and well permitting and applications. Finally, the rule provides for the determination of interference and offsets by the water master resulting from the exercise of Pueblo water rights and establishes procedures for reimbursement for the effects of impairment to non-Pueblo groundwater rights as determined by the water master. The rule is effective Sept. 12, 2017. Contact: Felicity Strachan; Office of the State Engineer; 505-827-3989; felicity.strachan@state.nm.us

—New Mexico Register (09/12/2017)

#### **Regulatory Update**

## **Tennessee**

## ***HAZARDOUS WASTE MANAGEMENT***

### **Hazardous Waste Management**

#### **Tennessee HAZARDOUS WASTE MANAGEMENT**

Notice of the Department of Environment and Conservation, Division of Solid Waste Management, announces an additional 75-day stay of the effective date for a May 15, 2017, final rule that amends regulations under RRT 0400-12-01-.01 through -.09 (nonconsecutive) regarding hazardous waste management to incorporate revisions to federal standards, as of April 17, 2015. The rule adds and revises definitions related to solid waste and variances, deletes provisions regarding the comparable fuels exclusion and gasification exclusion, and modifies and clarifies the procedure for verifying reclaimers and intermediate facilities managing hazardous secondary materials. The rule also includes in the list of regulated hazardous waste those wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with excluded fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels. In addition, the rule adds new exclusions for specified hazardous secondary materials that have been reclaimed and/or transferred, revises permitting procedures, and adds new container and tank management standards and emission standards. Finally, the rule adds emergency preparedness and response requirements. The rule now is effective Jan. 4, 2018. Contact: Jackie Okoreeh-Baah; DEC, Division of Solid Waste Management; 615-532-0825; Jackie.Okoreeh-Baah@tn.gov

—Tennessee Administrative Register (09/13/2017)

#### **Regulatory Update**

**HAZARDOUS WASTE MANAGEMENT**  
Hazardous Waste Management  
Tennessee HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Environment and Conservation, Division of Solid Waste Management, announces an additional 75-day stay of the effective date for a May 15, 2017, final rule that amends regulations under RRT 0400-12-01-.02, -.05 and -.10 to add a common chemical name 1,1,1-trichloroethane to the U226 list of commercial chemical products. The rule also updates language regarding the exclusion of comparable fuel and syngas fuel to conform to federal standards. In addition, the rule replaces the CAS number 137-30-4 with "NA" under waste code K161 in the Treatment Standards for Hazardous Wastes table and corrects a typographical error to the process description to K107. The rule now is effective Jan. 4, 2018. Contact: Jackie Okoreeh-Baah; DEC, Division of Solid Waste Management; 615-532-0825; Jackie.Okoreeh-Baah@tn.gov

—Tennessee Administrative Register (09/13/2017)

Regulatory Update

**Texas**

**PESTICIDES**  
Classification of Pesticides/Warfarin  
Texas PESTICIDES

Notice of the Department of Agriculture announces the withdrawal of an April 14, 2017, proposed rule that would have amended regulations under 4 TAC 7.30 to classify the active ingredient warfarin, when used as a feral hog toxicant, as a state-limited-use pesticide. The rule also would have restricted the purchase, use, and distribution of warfarin to licensed pesticide applicators or individuals working under direct supervision of licensed applicators. The withdrawal is effective Aug. 30, 2017. Contact: Philip Wright; TDA, Agriculture and Consumer Protection Division; 512September 08, 2017-463-5706; TDATopics@TexasAgriculture.gov

—Texas Register (09/15/2017)

Regulatory Update

**Vermont**

**OCCUPATIONAL SAFETY AND HEALTH**  
VOSHA Rules for Recording and Reporting Occupational Injuries and Illnesses  
Vermont OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor amends the VOSHA rules for recording and reporting occupational injuries and illnesses. The rule requires annual electronic submission of injury and illness information (Forms 300A, 300 and 301) that employers are already required to submit due

to federal requirements under 29 CFR 1904, addressing establishments with 250 or more employees, establishments with 20 or more employees but fewer than 250, and employers electronically submitting information upon notification. The rule also specifies that employers must inform employees of their right to report work-related injuries and illnesses and prohibits discriminating against employees for reporting. The rule is effective Sept. 12, 2017. Contact: Daniel Whipple; Department of Labor; 802-828-5084; dan.whipple@vermont.gov

—Vermont Regulations (09/12/2017)

Regulatory Update

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EHS State Regulatory Alert