

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/17/2017 12:32:05 PM
Subject: Aug. 17 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 17, 2017 - Number 158

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Alaska

WATER

Clean Water and Drinking Water Revolving Loan Funds

Alaska WATER

Final rule of the Department of Environmental Conservation amends regulations under 18 AAC 76.010, .030, .060, .080, .252, .255, and .990 regarding the clean water and drinking water revolving loan funds. The rule updates provisions to comply with federal requirements, allows financing terms for up to 30 years, and revises the finance rates to reflect fluctuations in the municipal bond market. The rule also revises definitions and clarifies requirements for loan eligibility, applications, accounting, and contract terms. The rule is effective Sept. 10, 2017. Contact: Carrie Bohan; DEC, Division of Water; 907-465-5143; carrie.bohan@alaska.gov

—Alaska Regulations (08/15/2017)

Regulatory Update

Colorado

WATER

Basic Standards and Methodologies for Surface Water/Molybdenum

Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-31 regarding basin standards and methodologies for surface water. The rule revises total recoverable molybdenum standards to 9,000 micrograms per liter for water supply use and 1,000 µg/L for agriculture use. A hearing is scheduled for Dec. 12, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Arkansas River Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-32 regarding classifications and numeric standards for the Arkansas River Basin. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule removes the temporary modification of the temperature standard for the Upper Arkansas segment 8b because it is scheduled to expire Dec. 31, 2017. The rule takes no action on temporary modifications of the cadmium and zinc standards for the Upper Arkansas segment 8b, temporary modifications of various standards for the Middle Arkansas segment 4b, temporary modification of the temperature standard for the Middle Arkansas segment 6b, and temporary modifications of the selenium and sulfate standards for the Lower Arkansas segment 1a, all of which are scheduled to expire Dec. 31, 2018. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Arkansas River Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-32 regarding classifications and numeric standards for the Arkansas River Basin. The rule corrects the spelling of North Rush Creek, which is included in the description of Lower Arkansas segment 9b. A hearing is scheduled for Dec. 11, 2017, in Denver. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Lower Colorado River Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-37 regarding classifications and numeric standards for the Lower Colorado River Basin. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule removes the

temporary modification of the iron standard for the Lower Colorado segment 4e and adds site-specific iron standards based on evidence submitted by Tri-State Generation and Transmission Assoc. The rule takes no action on temporary modification of the copper standard for the Lower Colorado segment 4e scheduled to expire Dec. 31, 2019. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Rio Grande Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-36 regarding classifications and numeric standards for the Rio Grande Basin. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule takes no action on temporary modifications of various standards for the Rio Grande segments 4a and 7 scheduled to expire Dec. 31, 2018. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/South Platte, Laramie, Republic, Smoky Hill River Basins
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-38 regarding classifications and numeric standards for the South Platte, Laramie, Republic, and Smoky Hill river basins. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule provides for a temporarily less stringent application of the chronic arsenic standard through Dec. 31, 2021, for the Cherry Creek segment 3 and Boulder Creek segment 7b. The rule also removes the temporary modification of the ammonia standard for Upper South Platte segment 3 that is scheduled to expire Dec. 31, 2017. The rule takes no action on temporary modification of the copper standard for the Upper South Platte segment 10a and the cadmium standard for Clear Creek segment 13b that are scheduled to expire Dec. 31, 2018. The rule also takes no action on the temperature standard for Clear Creek segments 11, 14a, 14b, and 15 that are scheduled to expire June 30, 2019. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Upper Colorado River Basin and North Platte River Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-33 regarding classifications and numeric standards for the Upper Colorado River Basin and North Platte River (Planning Region 12). The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule provides for a temporarily less stringent application of the chronic arsenic standard through Dec. 31, 2021, for the Upper Colorado segment 2, Blue River segment 2a, Roaring Fork segment 12, and Yampa River segment 2a. The rule also removes the iron and selenium temporary modifications for various Yampa River segments and adds site-specific iron and selenium standards on those and additional segments of the Yampa River subbasin. The rule takes no action on the temporary modification of the molybdenum standard for the Blue River segment 14 scheduled to expire Dec. 31, 2017, and the temporary modifications of the selenium and iron standards for various segments of the Yampa River scheduled to expire Dec. 31, 2018. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Upper Colorado River Basin and North Platte River Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-33 regarding classifications and numeric standards for the Upper Colorado River Basin and North Platte River (Planning Region 12). The rule updates the total recoverable molybdenum agriculture-based standard for the Upper Colorado River segment 8 to 1,000 micrograms per liter. The rule also removes the water-supply based total recoverable molybdenum standard of 210 µg/L for the Blue River segment 14, adds a drinking water supply-based standard of 9,000 µg/L, and removes a temporary modification for molybdenum of “current conditions.” A concurrent proposed rule revises the total recoverable molybdenum standards for surface waters to 9,000 µg/L per liter for water supply use and 1,000 µg/L for agriculture use. A hearing is scheduled for Dec. 12, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

Illinois

AIR

Air Quality Standards

Illinois AIR

Proposed 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 modifies 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 for data influenced by exceptional events for use in initial area designations. A concurrent notice includes a schedule for the rulemaking and announces an extension of the deadline for final action on the proposal. A hearing is scheduled for Sept. 21, 2017, in Chicago and Springfield via videoconference. Comments are due Sept. 25, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

AIR

Definitions and General Provisions/Volatile Organic Material and Compounds

Illinois AIR

Proposed 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. A concurrent notice includes a schedule for the rulemaking and announces an extension of the deadline for final action on the proposal. A hearing is scheduled for Sept. 21, 2017, in Chicago and Springfield via videoconference. Comments are due Sept. 25, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; mccambm@ipcb.state.il.us

—Illinois Register (08/11/2017)

Regulatory Update

MINING

Surface Mined Land Conservation and Reclamation

Illinois MINING

Final rule of the Department of Natural Resources amends regulations under 62 IAC 300.40 regarding surface mined land conservation and reclamation. The rule increases the required bond amount for issuance of a surface mining or refuse disposal permit and increases the maximum bond amount to \$10,000 per acre. The rule also requires a bond amount sufficient to ensure completion of a reclamation plan specified in an approved permit in the event of forfeiture if a written agreement between an operator and a third party requires overburden to be removed, replaced, graded, and seeded in a manner that the necessary bond penalty exceeds \$10,000 per acre. In addition, the rule establishes a minimum bond of \$600 per acre for a proposed permit area or less than an aggregate bonding amount of \$3,000 for the entire area, whichever is greater.

The rule is effective July 28, 2017. Contact: Nick SanDiego; DNR; 217-558-1224

—Illinois Register (08/11/2017)

Regulatory Update

WATER

Public Water Supply Capacity

Illinois WATER

Final rule of the Illinois EPA repeals regulations under 35 IAC 652.101 through .605 (nonconsecutive) to reflect an April 29, 2016, final rule that clarified and consolidated public water supply permitting rules of the IEPA and the Pollution Control Board under 35 IAC 602 and a March 25, 2016, recommendation by the Joint Committee on Administrative Rules to repeal regulations under 35 IAC 652 to avoid confusion. The rule preserves provisions under 35 IAC 652.701 and .702 related to public water supply capacity not incorporated into 35 IAC 602 and changes the title to “Public Water Supply Capacity.” The rule is effective July 28, 2017. Contact: Stephanie Flowers; IEPA, Division of Legal Counsel; 217-782-5544; stephanie.flowers@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

Nevada

HAZARDOUS MATERIALS TRANSPORTATION

Motor Carrier Safety Standards

Nevada HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the Department of Public Safety, Division of Highway Patrol, to amend regulations under NAC 706.247 and .297 regarding the adoption and enforcement of federal motor carrier safety standards. The rule establishes procedures for the review, approval, and disapproval of amendments to incorporated federal standards by the director. The rule also incorporates by reference federal motor carrier safety and hazardous materials transportation standards. In addition, the rule updates the definition of “commercial motor vehicle” and clarifies that DPS and the Department of Motor Vehicles may inspect carrier warehouses during regular business hours. A comment due date is not specified. Contact: DPS, Division of Highway Patrol; 775-687-5300

—Nevada Register (08/14/2017)

Regulatory Update

New Mexico

OIL AND GAS INDUSTRY

Oil and Gas/Monthly Production Reports, Rulemaking Procedures
New Mexico OIL AND GAS INDUSTRY

Proposed rule of the Energy, Minerals and Natural Resources Department, Oil Conservation Commission, amends regulations under 19.15.3 and 19.15.7.24 NMAC regarding filing of operators' production reports and rulemaking procedures. The rule reduces the time after an operator fails to file an acceptable monthly production report (form C-115) for the division to notify the operator of its intent to revoke the operator's authorization to transport to 30 days. The rule also reduces the time for such an operator to file an acceptable form or request a hearing on the proposed revocation to 60 days after the original due date of form C-115. In addition, the rule revises requirements for rulemaking initiation, notice, and hearings. Finally, the rule adds provisions concerning rulemaking deliberation and action, the record, and filing and appeal. A hearing is scheduled for Sept. 21, 2017, in Santa Fe. Comments are due Sept. 15, 2017. Contact: Florene Davidson; Oil Conservation Commission; 505-476-3458; florene.davidson@state.nm.us

—New Mexico Register (08/15/2017)

Regulatory Update

Oklahoma

WATER

Aquifer Storage and Recovery/Application Permits
Oklahoma WATER

Proposed rule of the Department of Environmental Quality adopts regulations under OAC 252:4-7-79, -80, and -81 to establish requirements for tier I, tier II, and tier III aquifer storage and recovery (ASR) applications. Hearings are scheduled for Sept. 26 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Sept. 15, 2017. Contact: Hillary Young; DEQ, Land Protection Division; 405-702-5100; Hillary.Young@deq.ok.gov

—Oklahoma Register (08/15/2017)

Regulatory Update

WATER

Public Water Supply Construction
Oklahoma WATER

Proposed rule of the Department of Environmental Quality amends regulations under OAC 252:626-1-2 regarding public water supply (PWS) construction. The rule revises the definition of PWS system to exclude mobile home parks, recreational vehicle parks, and correctional facilities from being classified as PWSs. Hearings are scheduled for Sept. 26 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Sept. 15, 2017. Contact: Mark Hildebrand; DEQ; 405-702-8100; mark.hildebrand@deq.ok.gov

—Oklahoma Register (08/15/2017)

Regulatory Update

WATER

Public Water Supply Operations

Oklahoma WATER

Proposed rule of the Department of Environmental Quality amends regulations under OAC 252:631-1-2, -1-3, -3-1, and -3-10 regarding public water supply operations. The rule incorporates by reference federal standards under 40 CFR 141 and 143, as of Jan. 1, 2017, concerning national primary drinking water and national secondary drinking water provisions to allow for new alternative testing methods for contaminants. The rule also requires all public water supply systems (PWSs) to comply with reporting requirements under 40 CFR 141 and adds stability to calcium carbonate to the list of required tests for PWSs utilizing groundwater as a source. In addition, the rule revises the definition of PWS system to exclude mobile home parks, recreational vehicle parks, and correctional facilities from being classified as PWSs. Hearings are scheduled for Sept. 26 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Sept. 15, 2017. Contact: Mark Hildebrand; DEQ; 405-702-8100; mark.hildebrand@deq.ok.gov

—Oklahoma Register (08/15/2017)

Regulatory Update

Washington

AIR

Olympic Region Clean Air Agency/Federal Standards

Washington AIR

Proposed rule of the Olympic Region Clean Air Agency amends regulations under Rule 1.11 to update the incorporation by reference of federal standards to July 1, 2017. A hearing is scheduled for Sept. 13, 2017, in Olympia. Comments are due Sept. 11, 2017. Contact: Mark Goodwin; ORCAA; 360-539-7610; mark.goodin@orcaa.org

—Washington State Register (08/16/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Safety Standards

Washington OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industries amends regulations under WAC 296-52-60010 through -115-060 (nonconsecutive), adopts regulations under WAC 296-52-099 and -99-005, and repeals regulations under WAC 296-52-60130 and -99-020 to reformat safety standards for telecommunications, compressed air work, commercial diving operations, explosive handling, ski facilities, management of highly hazardous chemicals, paper mills, woodworking operations,

grain handling facilities, and charter boats. The rule is effective Sept. 1, 2017. Contact: Chris Miller; DLI; 360-902-5516

—Washington State Register (08/16/2017)

Regulatory Update

WATER

Water Quality Permit Fees

Washington WATER

Final rule of the Department of Ecology amends regulations under WAC 173-224-030, -040, and -050 regarding water quality permit fees to increase fees and update provisions to reflect current business practice relating to electronic payment options. The rule also modifies the structure of individual permit fee categories, including the winery general permit category, and renames the chapter. In addition, the rule establishes a separate fee category for vessel deconstruction and clarifies individual categories for inactive fees for asphalt and concrete operations. The rule is effective Aug. 20, 2017. Contact: Charles Gilman; Department of Ecology, Water Quality Program; 360-407-6425; charles.gilman@ecy.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

Wisconsin

OIL AND GAS INDUSTRY

Licenses, Certifications and Registrations/Liquefied Gas Suppliers

Wisconsin OIL AND GAS INDUSTRY

Final rule of the Department of Safety and Professional Services, Division of Safety and Buildings, amends regulations under WAC SPS 305.73 regarding financial responsibility requirements for retailers of liquefied petroleum gas. The rule requires a person applying for or holding a liquefied gas supplier or liquefied gas supplier restricted license to have commercial general liability insurance. The rule is scheduled to be effective Sept. 1, 2017. Contact: Dale Kleven; DSPS, Division of Policy Development; 608-261-4472; DSPSAdminRules@wisconsin.gov

—Wisconsin Administrative Register (08/14/2017)

Regulatory Update

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