

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
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**Subject:** June 15 -- EHS State Regulatory Alert



## **EHS State Regulatory Alert**

June 15, 2017 - Number 114

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### Arkansas

*HAZARDOUS WASTE MANAGEMENT*  
Hazardous Waste Management  
**Arkansas HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Department of Environmental Quality, Pollution Control and Ecology Commission, amends Regulation 23 regarding hazardous waste management. The rule incorporates federal hazardous waste management standards as of April 15, 2015, regarding the definition of solid waste, the vacatur of the comparable fuels and gasification rules, and disposal of coal combustion residuals from electric utilities. The rule also incorporates federal hazardous waste standards under 40 CFR 261 that were not previously adopted in full, including financial requirements for the management of excluded hazardous secondary materials, containers, tank systems, emergency preparedness and response for management of excluded hazardous secondary materials, and various air emission standards. A hearing is scheduled for July 13, 2017, in Little Rock. Comments are due July 27, 2017. Contact: Kelly Robinson; DEQ; 501-682-0916; reg-comment@adeq.state.ar.us

—Arkansas Register (06/13/2017)

Regulatory Update

### Florida

*OIL AND GAS INDUSTRY*  
Liquefied Petroleum Gas Inspection  
**Florida OIL AND GAS INDUSTRY**

Final rule of the Department of Agriculture and Consumer Services amends regulations under FAC 5J-20.002, .004, and .033 regarding liquefied petroleum gas inspection. The rule establishes a procedure for certain veterans, their spouses, or business entities that have a majority

ownership held by such veterans or spouses to obtain a waiver of their initial license fee. The rule also incorporates current standards of the National Fire Protection Association and removes language and a related form concerning truck inspection fees. The rule is effective June 28, 2017. Contact: Richard Kimsey; DACS, Division of Consumer Services; 850-921-1570

—Florida Administrative Weekly (06/13/2017)

Regulatory Update

**WATER**

Johns River WMD/Minimum Flows and Levels  
Florida WATER

Final rule of the St. Johns River Water Management District amends regulations under FAC 40C-8.031 regarding minimum surface water flows and levels. The rule establishes minimum flows for Alexander Springs in Lake County, Gemini Springs in Volusia County, and Silver Glen Springs in Marion and Lake counties. The rule is effective June 29, 2017. Contact: Thomas Mayton; SJRWMD; 386-329-4108; tmayton@sjrwmd.com

—Florida Administrative Weekly (06/13/2017)

Regulatory Update

**WATER**

Southwest Florida WMD/Facilitating Agricultural Resource Management Systems Program  
Florida WATER

Final rule of the Southwest Florida Water Management District amends regulations under FAC 40D-26.021 regarding definitions. The rule replaces the Facilitating Agricultural Resource Management Systems Program Model Farms Economic Update, June 2009, publication with the Model Farms Economic Study—Final Report, March 2016. The rule is effective June 28, 2017. Contact: Jessica Hall; SWFWMD; 813-985-7481; Jessica.Hall@swfwmd.state.fl.us

—Florida Administrative Weekly (06/13/2017)

Regulatory Update

**WATER**

Southwest Florida WMD/Facilitating Agricultural Resource Management Systems Program  
Florida WATER

Final rule of the Southwest Florida Water Management District amends regulations under FAC 40D-26.091 regarding publications incorporated by reference. The rule replaces the Facilitating Agricultural Resource Management Systems Program Model Farms Economic Update, June 2009, publication with the Model Farms Economic Study—Final Report, March 2016. The rule is effective June 28, 2017. Contact: Jessica Hall; SWFWMD; 813-985-7481; Jessica.Hall@swfwmd.state.fl.us

—Florida Administrative Weekly (06/13/2017)

Regulatory Update

## ***WATER***

### **St. Johns River WMD/Minimum Flows and Levels** **Florida WATER**

Final rule of the St. Johns River Water Management District amends regulations under FAC 40C-8.031 to establish minimum surface water flows and levels for Silver Springs in Marion County. The rule is effective June 27, 2017. Contact: Thomas Mayton; SJRWMD; 386-329-4108; tmayton@sjrwmd.com

—Florida Administrative Weekly (06/13/2017)

#### **Regulatory Update**

## **New Mexico**

## ***RADIATION***

### **Radiation Protection** **New Mexico RADIATION**

Final rule of the Environment Department, Radiation Control Bureau, amends regulations under 20.3.1 through 20.3.15 NMAC (nonconsecutive) regarding radiation protection to conform to requirements of the Nuclear Regulatory Commission. The rule revises general provisions and requirements concerning the licensing of radioactive materials; radiation protection standards; medical use of radionuclides; radiation safety requirements for industrial radiographic operations, well logging operations, and tracer studies; and licensing and radiation safety requirements for irradiators. The rule is effective June 13, 2017. Contact: Pam Castaneda; Environmental Improvement Board; 505-827-2425; pam.castaneda@state.nm.us

—New Mexico Register (06/13/2017)

#### **Regulatory Update**

## **North Carolina**

## ***AIR***

### **Air Pollution Control** **North Carolina AIR**

Proposed rule of Department of Environmental Quality, Environmental Management Commission, amends regulations 15A NCAC 02D.0101 through .2205 (nonconsecutive) regarding air pollution control. The rule incorporates federal standards for ozone and deletes obsolete pollutant levels and provisions regarding the use of gasoline with certain oxygen content in carbon monoxide nonattainment or maintenance areas. The rule also specifies who proclaims air quality alerts and warnings and declarations of emergency at various pollutant levels requiring abatement actions. In addition, the rule clarifies the duration of applicability to maintenance areas. A hearing is

scheduled for Aug. 3, 2017, in Charlotte. Comments are due Aug. 14, 2017. Contact: Joelle Burleson; DEQ; 919-707-8720; daq.publiccomments@ncdenr.gov

—North Carolina Register (06/15/2017)

Regulatory Update

**COASTAL ZONE**

Coastal Management/Bird Nesting Poles  
North Carolina COASTAL ZONE

Proposed rule of the Department of Environmental Quality, Coastal Resources Commission, amends regulations under 15A NCAC 07H.2201, .2202, .2204, and .2205 to revise the general permit for construction of freestanding moorings to include bird nesting poles. The rule specifies a limit of one per property and provides construction requirements. A hearing is scheduled for July 12, 2017, in Greenville. Comments are due Aug. 14, 2017. Contact: Braxton Davis; DEQ, Coastal Resources Commission; 252-808-2808

—North Carolina Register (06/15/2017)

Regulatory Update

**HAZARDOUS WASTE MANAGEMENT**

State Hazardous Waste Management Program  
North Carolina HAZARDOUS WASTE MANAGEMENT

Temporary rule of the Department of Environmental Quality amends regulations under 15A NCAC 13A.0101 through .0119 (nonconsecutive) regarding the hazardous waste program. The rule updates the incorporation by reference of federal hazardous waste program standards under 40 CFR 260 through 279. The rule also updates terminology, requires that facilities provide a biennial report, and adds personnel training requirements for facilities that generate hazardous secondary materials. In addition, the rule adds waste determination and marking requirements for pre-transportation and deletes provisions concerning notification, biennial reports, small-quantity generator tanks, and small- and large-quantity generators. Finally, the rule deletes references that would have become effective May 30, 2017, to allow the current provisions to remain in effect until permanent rulemaking is completed for the federal regulations. The rule is effective May 30, 2017. Contact: Jenny Patterson; DEQ; 336-767-0031; jenny.patterson@ncdenr.gov

—North Carolina Register (06/15/2017)

Regulatory Update

**Wisconsin**

**WATER**

Laboratory Certification and Registration Program  
Wisconsin WATER

Proposed rule of the Department of Natural Resources repeals and readopts regulations under WAC NR 149 regarding certification and registration of drinking water laboratories that submit data to the department for covered programs. The rule updates certification and registration procedures and the fee structure. The rule also clarifies requirements for proficiency testing of laboratories, establishes procedures for on-site evaluations, and updates quality systems requirements. Hearings are scheduled for July 10, 2017, in Eau Claire, Green Bay, and Madison. Comments are due July 12, 2017. Contact: Tom Trainor; DNR; 920-412-5970; Tom.trainor@wisconsin.gov

—Wisconsin Administrative Register (06/12/2017)

#### Regulatory Update

#### **WATER**

#### Livestock Facility Siting Wisconsin WATER

Proposed rule of the Department of Agriculture, Trade and Consumer Protection amends regulations under WAC ATCP 51.01 through .34 (nonconsecutive) and Appendices A, B, and C regarding livestock facility siting. The rule updates water quality standards and related Natural Resources Conservation Service technical standards, including standards for nutrient management, cropland performance, wastewater storage structures, waste treatment, and vegetated treatment areas. The rule also modifies siting standards, including setback and odor standards for manure storage structures and livestock housing. In addition, the rule revises local government permit issuance procedures and local permit application forms and clarifies that local governments may require operators with siting permits to submit documentation related to annual nutrient management plan updates and monitor plan compliance. Finally, the rule clarifies how concentrated animal feeding operations can demonstrate compliance with siting standards based on a state pollutant discharge elimination system permit. A hearing will be scheduled at a later date. Comments are requested, but a due date is not specified. Contact: Chris Clayton; DATCP; 608-224-4630; Christopher.Clayton@Wisconsin.gov

—Wisconsin Administrative Register (06/12/2017)

#### Regulatory Update

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