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From: Bloomberg BNA
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EHS State Regulatory Alert

December 01, 2017 - Number 230

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Alaska

WATER
Intended Use Plans
Alaska WATER

Notice of the Department of Environmental Conservation announces the availability of the draft clean water and drinking water amended intended use plans for fiscal year 2018. The plans describe the department's strategy to loan funds made available under the Clean Water Act and the Safe Drinking Water Act for the purpose of planning, designing, and constructing sanitation and drinking water facilities. The amended drafts update the draft plans issued May 5, 2017, to address public comments. Comments are due Dec. 10, 2017. Contact: Peggy Ulman; DEC, Division of Water; 907-334-2681; peggy.ulman@alaska.gov

—State Publication Date: 11/29/2017.

Regulatory Update

California Regions

AIR
Boilers, Water Heaters, Steam Generators, and Process Heaters
California Regions AIR

Notice of the Santa Barbara County Air Pollution Control District announces revisions to and an additional meeting on a proposed rule that would amend regulations under Rule 360 regarding control of nitrogen oxide (NOx) emissions from boilers, water heaters, steam generators, and process heaters with a rated heat capacity of between 75,000 and 2 million British thermal units per hour. The rule would reduce the NOx emission limit to 20 parts per million by volume for all units supplied, sold, installed, or modified, effective Jan. 1, 2019. The rule also would add an exemption for recreational vehicles, manufactured homes, hot water pressure washers, and

portable water heaters used for underwater diving activities. In addition, the rule would clarify the standard source test methods and compliance demonstration requirements for all applicable fuel types. The revisions would clarify that the district will accept South Coast Air Quality Management District certified units that are fired on field gas and add a definition of “heat input.” The meeting is scheduled for Dec. 13, 2017, in Buellton. A hearing is scheduled for March 15, 2018, in Santa Maria. Comments are requested, but a due date is not specified. Contact: Timothy Mitro; Santa Barbara County APCD; 805-961-8883; MitroT@sbcapcd.org

—State Publication Date: 11/29/2017.

Regulatory Update

AIR

Major Stationary Source Operating Permits/Electronic Notice California Regions AIR

Proposed rule of the Santa Barbara County Air Pollution Control District would amend regulations under Rule 1304 regarding Part 70 major stationary source operating permits. The rule would revise public notice requirements by allowing for electronic notice of permit actions. A meeting is scheduled for Dec. 13, 2017, in Buellton. A hearing is scheduled for March 15, 2018, in Santa Maria. Comments are requested, but a due date is not specified. Contact: Timothy Mitro; Santa Barbara County APCD; 805-961-8883; MitroT@sbcapcd.org

—State Publication Date: 11/29/2017.

Regulatory Update

Colorado

WATER

Gunnison and Dolores River Basins Colorado WATER

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces corrections to a Sept. 10, 2017, final rule that amended regulations under 5 CCR 1002-35 to revise water quality classifications, standards, and designations for multiple segments in the Gunnison and Dolores river basins. The rule revised water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revised molybdenum, cadmium, nickel, and lead standards; updated antidegradation designations and ambient quality-based standards; and revised temporary modifications. In addition, the rule addressed temperature standards, added nutrient standards for chlorophyll and total phosphorus, added a direct use water supply subclassification, addressed site-specific revisions, and corrected the duration of the nitrate standard from chronic to acute on all segments. The corrections update the tables by revising the format of parameter names and listings for water segments with multiple standards for one parameter. The rule, with corrections, is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—State Publication Date: 11/16/2017. Citations: 5 CCR 1002-35 (amended)

Regulatory Update

WATER

Management and Control of Designated Groundwater **Colorado WATER**

Proposed rule of the Department of Natural Resources, Ground Water Commission, would amend regulations under 2 CCR 410-1 regarding the management and control of designated groundwater. The rule would combine provisions for approval of plans that allow for artificial recharge, storage, and recovery of water with provisions for replacement plans. The rule also would add standards for the presumption of water quality and clarify the applicability of the anti-speculation doctrine to replacement plans. In addition, the rule would require that designated sources of replacement water be physically available and supplied to the aquifer, limit certain diversions, and address identification and inclusion of sources of replacement water not currently legally available for replacement use. In addition, the rule would address applicant utilization of the storage space in aquifers, restrictions on location and use of remote recovery wells, and limitations on the amounts of water that may be recovered annually. Finally, the rule would add and update requirements for applications for all plans and plans allowing new appropriations. A hearing is scheduled for June 18, 2018, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are requested, but a due date is not specified. Contact: Keith Vander Horst; DNR, Ground Water Commission; 303-866-3581; keith.vanderhorst@state.co.us

—State Publication Date: 11/28/2017. Citations: 2 CCR 410-1

Regulatory Update

WATER

San Juan and Dolores River Basins **Colorado WATER**

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces corrections to a Sept. 10, 2017, final rule that amended 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 revised water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revised cadmium, lead, molybdenum, and nickel standards; updated antidegradation designations; and revised temporary modifications. In addition, the rule addressed temperature standards, added nutrient standards for chlorophyll and total phosphorus, and added a direct use water supply subclassification. The corrections update the tables by revising the format of parameter names and listings for water segments with multiple standards for one parameter. The rule, with corrections, is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—State Publication Date: 11/16/2017. Citations: 5 CCR 1002-34 (amended)

Regulatory Update

Florida

WATER

Southwest Florida WMD/Guidance and Minimum Levels for Lake Damon **Florida WATER**

Notice of the Southwest Florida Water Management District announces a workshop on proposed amendments to regulations under FAC 40D-8 regarding guidance and minimum levels for Lake Damon in Highlands County. The workshop is scheduled for Dec. 19, 2017, in Avon Park. Contact: Donna Campbell; SWFWMD; 352-796-7211; ADACoordinator@swfwmd.state.fl.us

—State Publication Date: 11/29/2017. Citations: FAC 40D-8.624 (amended)

Regulatory Update

Illinois

WATER

Water Supply Operator Certification **Illinois WATER**

Final rule of the Illinois EPA amends regulations under 35 IAC 681 regarding drinking water supply operator certification. The rule updates examination procedures, revises the calculation of experience necessary for certification, and specifies that certain fees are not refundable. The rule also updates facility classifications and the duties of the contract operator and revises procedures to grant reciprocal certification, including reciprocity for members of the U.S. armed forces. The rule is effective Nov. 13, 2017. Contact: Stephanie Flowers; IEPA, Division of Legal Counsel; 217-782-5544; stephanie.flowers@illinois.gov

—State Publication Date: 11/27/2017. Citations: 35 IAC 681.105 (amended); 35 IAC 681.110 (amended); 35 IAC 681.200 (amended); 35 IAC 681.205 (amended); 35 IAC 681.300 (amended); 35 IAC 681.305 (amended); 35 IAC 681.325 (amended); 35 IAC 681.500 (amended); 35 IAC 681.505 (amended); 35 IAC 681.510 (amended); 35 IAC 681.600 (amended); 35 IAC 681.605 (amended); 35 IAC 681.715 (amended); 35 IAC 681.720 (amended); 35 IAC 681.725 (amended); 35 IAC 681.740 (new); 35 IAC 681.745 (new); 35 IAC 681.805 (amended); 35 IAC 681.810 (amended); 35 IAC 681.820 (amended); 35 IAC 681.825 (amended); 35 IAC 681.835 (amended); 35 IAC 681.1000 (amended)

Regulatory Update

New Mexico

AIR

Construction Permits **New Mexico AIR**

Final rule of the Albuquerque-Bernalillo County Air Quality Control Board amends regulations under 20.11 NMAC regarding construction permits. The rule addresses a petition from the

Albuquerque Environmental Health Department (EHD). The rule eliminates allowable emission increases and associated notice requirements for technical permit revisions and allows the EHD to provide notice of construction permit applications by web publication. The rule also increases the notice for information hearings to 30 days and eliminates air dispersion modeling for technical permit revisions. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Dec. 13, 2017. Contact: Andrew Daffern; Environmental Health Department, Air Quality Control Board; 505-768-2601; adaffern@cabq.gov

—State Publication Date: 11/28/2017. Citations: NMAC 20.11.41 (amended)

Regulatory Update

MINING

Mining Commission/Rulemaking Guidelines New Mexico MINING

Proposed rule of the Energy, Minerals, and Natural Resources Department, Mining Commission, would adopt regulations under 19.10 NMAC to incorporate updated rulemaking guidelines for the commission to reflect recent statutory changes. A hearing is scheduled for Feb. 23, 2018, in Santa Fe. Comments are due Feb. 13, 2018. Contact: Jane Tabor; EMNRD, Mining Commission; 505-476-3400

—State Publication Date: 11/28/2017. Citations: NMAC 19.10.15 (adopted)

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 October 2017. The notice addresses 16 project approvals 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

—State Publication Date: 11/29/2017.

Regulatory Update

WATER

Susquehanna River Basin Commission/Projects Approved for Minor Modifications New York WATER

Notice of Susquehanna River Basin Commission announces the availability of a list of minor modifications for previously approved projects in October 2017. The notice addresses a project in Snyder County, Pa., approved by rule to add stormwater as an additional source of water for

consumption use and change the design of the intake structure. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/29/2017.

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 two projects rescinded for the consumptive use of water in October 2017. The projects are located in Susquehanna County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net.

—State Publication Date: 11/29/2017.

Regulatory Update

Oregon

WATER

Focused Investment Partnership Grant Program
Oregon WATER

Proposed rule of the Watershed Enhancement Board would adopt regulations under OAR 695-047 to establish provisions of the Focused Investment Partnership Grant Program. The rule would address procedures for board approval of ecological priorities, eligibility and proposal requirements, elements of a partnership agreement, and reporting procedures. The rule also would establish the project-level grant process for implementation initiatives. A hearing is scheduled for Dec. 19, 2017, in Salem. Comments are due Dec. 31, 2017. Contact: Eric Hartstein; WEB; 503-986-0029; eric.hartstein@oregon.gov

—State Publication Date: 11/29/2017. Citations: OAR 695-047-0010 (new); OAR 695-047-0020 (new); OAR 695-047-0030 (new); OAR 695-047-0040 (new); OAR 695-047-0050 (new); OAR 695-047-0060 (new); OAR 695-047-0070 (new); OAR 695-047-0080 (new); OAR 695-047-0090 (new); OAR 695-047-0100 (new); OAR 695-047-0110 (new); OAR 695-047-0120 (new); OAR 695-047-0130 (new); OAR 695-047-0140 (new)

Regulatory Update

WATER

Groundwater Quality Protection
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-040 to correct a note referring to tables related to general policies for groundwater quality protection. The rule is effective Nov. 28, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478;

goldstein.meyer@deq.state.or.us

—State Publication Date: 11/28/2017. Citations: OAR 340-040-0020 (amended)

Regulatory Update

WATER

Groundwater Quality Protection/Numerical Reference and Guidance Levels
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-040 to correct a note referring to tables related to numerical groundwater quality reference levels and guidance levels. The rule is effective Nov. 28, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/28/2017. Citations: OAR 340-040-0080 (amended)

Regulatory Update

WATER

Groundwater Quality Protection/Permitted Operations
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-040 to correct a note referring to tables related to permitted operations for groundwater quality protection. The rule is effective Nov. 28, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/28/2017. Citations: OAR 340-040-0030 (amended)

Regulatory Update

Wyoming

WATER

Water Development Commission
Wyoming WATER

Final rule of the Water Development Commission amends regulations under Chapters 1 through 6 and adopts regulations under Chapter 7 to update administrative provisions concerning meetings, public hearings, and public records requests. The rule allows meetings via electronic means, allows the commission to authorize the Water Development Office to sign contracts, requires the commission to review and take action on groundwater exploration grant applications, and incorporates by reference rules for public records requests. The rule also adds procedures for accepting, reviewing, and evaluating funding applications for the Water Development Program. The rule is effective Nov. 27, 2017. Contact: Harry LaBonde; WDC; 307-777-7626; harry.labonde@wyo.gov

—State Publication Date: 11/28/2017. Citations: Chapter 1-7

Regulatory Update

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