

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

August 23, 2017 - Number 162

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### California Regions

*AIR*

#### Emissions Standard for Lead California Regions AIR

Proposed rule of the South Coast Air Quality Management District amends regulations under Rule 1420 regarding lead emissions from stationary sources. The rule includes an initial ambient lead air concentration limit of 0.150 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) that will be lowered to 0.100  $\mu\text{g}/\text{m}^3$  averaged over 30 consecutive days. The rule also establishes provisions concerning lead point source emission control requirements, total enclosures where lead processing occurs, periodic source testing, air pollution control device monitoring, recordkeeping requirements, and conditional ambient air monitoring. A workshop is scheduled for Sept. 7, 2017, in Diamond Bar. Comments are due Sept. 19, 2017. Contact: Kennard Ellis; South Coast AQMD; 909-396-2457; [kellis@aqmd.gov](mailto:kellis@aqmd.gov)

—California RegionsRegulations (08/18/2017)

#### Regulatory Update

*AIR*

#### Organic Liquid Loading California Regions AIR

Notice of the Antelope Valley Air Quality Management District announces changes to and an additional hearing on a July 7, 2017, proposed rule to amend regulations under Rule 462 regarding the control of emissions of volatile organic compounds from facilities that load organic liquids with a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions into tank trucks, trailers, or railroad tank cars. The rule adds a backpressure requirement for vapor recovery and disposal systems to satisfy the reasonably available control technology requirement for sources that are subject to control technique guidelines. The rule also updates definitions for “exempt compounds,” “facility vapor leak,” “submerged fill loading,” and “transport vessel vapor leak”; requires a request for certification be submitted to California Air Resources Board within 30 days after construction or modification of vapor recovery and

disposal systems; and removes compliance dates that are no longer applicable. The changes add annual inspection using EPA Method 21 for leak detection. If adopted, the rule will be submitted to CARB and the U.S. EPA for inclusion in the state implementation plan. The hearing is scheduled for Sept. 19, 2017, in Lancaster. A comment due date is not specified. Contact: Bret Banks; Antelope Valley AQMD; 661-723-8070; [bbanks@avaqmd.ca.gov](mailto:bbanks@avaqmd.ca.gov)

—California RegionsRegulations (08/15/2017)

Regulatory Update

**Louisiana**

***ENDANGERED SPECIES***

Domesticated Aquatic Organisms/Sterlet Sturgeon

**Louisiana ENDANGERED SPECIES**

Proposed rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.905 and adopts regulations under 76 LAC VII.909 to add the sterlet sturgeon as a species of domesticated aquatic organisms approved for use in aquaculture. Comments are due Sept. 29, 2017. Contact: Robert Bourgeois; DWF, Office of Fisheries; 225-765-2800; [rbourgeois@wlf.la.gov](mailto:rbourgeois@wlf.la.gov)

—Louisiana Register (08/20/2017)

Regulatory Update

***ENDANGERED SPECIES***

Experimental Fisheries Program

**Louisiana ENDANGERED SPECIES**

Final rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.701 regarding experimental gear permits under the Experimental Fisheries Program. The rule authorizes the secretary of the department to issue experimental gear permits for gear types other than those permitted under current regulation. The rule also revises the application procedures for gear used in saltwater and freshwater areas and allows for the mandatory \$50 permit fee to be paid at the same time as the issuance of the experimental gear permit instead of at the time of application. The rule is effective Aug. 20, 2017. Contact: Robert Bourgeois; DWF, Office of Fisheries; 225-765-0765; [rbourgeois@wlf.la.gov](mailto:rbourgeois@wlf.la.gov)

—Louisiana Register (08/20/2017)

Regulatory Update

***GENERAL ENVIRONMENT AND SAFETY***

Natural Resource Damage Assessment/Oil Spill Compensation Schedule

**Louisiana GENERAL ENVIRONMENT AND SAFETY**

Final rule of the Office of the Governor, Coastal Protection and Restoration Authority, amends

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regulations under 43 LAC XXIX.109, 121, 125, and 129 regarding oil spill natural resource damage assessment. The rule establishes an oil spill compensation schedule for the Natural Resource Damage Restoration Banking Program, which was established in a July 20, 2017, final rule. The rule also allows state trustees to purchase credits from certified restoration banks to restore natural resource injuries from oil spills in coastal areas. The rule is effective Aug. 20, 2017. Contact: Liz Williams; CPRA; 225-342-7308; mitigation.banking@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Office of Environmental Assessment

**Louisiana GENERAL ENVIRONMENT AND SAFETY**

Proposed rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC I.1203 through I.5707 (nonconsecutive); III.919 through III.2132 (nonconsecutive); V.1907, V.2271, and V.4999; IX.7313; and XI.301 through XI.1309 (nonconsecutive) to reflect the establishment of the Office of Environmental Assessment. The rule also requires the submission of notifications and documentation to the office by various regulated entities. A hearing is scheduled for Sept. 27, 2017, in Baton Rouge. Comments are due Oct. 4, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

**HAZARDOUS WASTE MANAGEMENT**

Secondary Hazardous Materials

**Louisiana HAZARDOUS WASTE MANAGEMENT**

Notice of the Department of Environmental Quality, Office of the Secretary, announces corrections to a June 20, 2017, final rule that amended regulations under 33 LAC V.105, .109, and .322 regarding secondary hazardous materials, defined as materials that are recycled or re-used in industrial processes. The rule required secondary hazardous materials to be managed as if they were already hazardous wastes that have been discarded. The rule also required that the uses of secondary hazardous materials as ingredients and the products created with the materials be evaluated for legitimacy. In addition, the rule required facilities that use hazardous secondary materials to conduct evaluations of their industrial uses and practices for managing such materials. The corrections revise citation errors. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

**OIL AND GAS INDUSTRY**

Office of Conservation/Fees

**Louisiana OIL AND GAS INDUSTRY**

Proposed rule of the Department of Natural Resources, Office of Conservation, amends regulations under 43 LAC XIX.701, .703, and .707 to revise the annual fee schedule for application, production, and regulatory fees under Statewide Order No. 29-R. The rule revises the calculation for annual barrels oil equivalent and revises the definition of “Class V permit waiver/exemption/area permit request.” The rule also revises certain annual production tier fees and adds monthly commercial waste disposal fees per barrel of exploration and production waste delivered. Comments are due Sept. 11, 2017. Contact: Todd Keating; DNR, Office of Conservation; 225-342-5507

—Louisiana Register (08/20/2017)

Regulatory Update

**WATER**

LPDES/Incorporation of Federal Standards

**Louisiana WATER**

Proposed rule of Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC IX.4901 and .4903 regarding the Louisiana Pollutant Discharge Elimination System Program. The rule incorporates by reference EPA standards as of July 1, 2016, regarding guidelines for test procedures for the analysis of pollutants (40 CFR 136) and effluent guidelines and standards (40 CFR Chapter I, Subchapter N). A hearing is scheduled for Sept. 27, 2017, in Baton Rouge. Comments are due Sept. 27, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

## Minnesota

**GENERAL ENVIRONMENT AND SAFETY**

Environmental Review Program

**Minnesota GENERAL ENVIRONMENT AND SAFETY**

Notice announces the intention of the Environmental Quality Board to amend regulations under MNR 4410 regarding the Environmental Review Program. The rule addresses procedures for preparing, reviewing, and modifying draft environmental impact statements and updates definitions and abbreviations. Comments are due Sept. 29, 2017. Contact: Erik Dahl; EQB; 651-757-2364; erik.dahl@state.mn.us

—Minnesota State Register (08/21/2017)

Regulatory Update

## Montana

**HAZARDOUS MATERIALS TRANSPORTATION**

**HAZARDOUS MATERIALS TRANSPORTATION**

Motor Carrier Safety/Farm Vehicles

**Montana HAZARDOUS MATERIALS TRANSPORTATION**

Final rule of the Department of Transportation amends regulations under ARM 18.8.1501 and .1502 regarding motor carrier safety requirements. The rule clarifies the incorporated federal definitions of “farm vehicle,” “covered farm vehicle,” and “farmer” under 49 CFR 390.5. The rule is effective Aug. 19, 2017. Contact: Dennis Hult; DOT, Motor Carrier Services Division; 406-444-9237; dhult@mt.gov

—Montana Administrative Register (08/18/2017)

Regulatory Update

**PESTICIDES**

Pesticides/Registration Fees

**Montana PESTICIDES**

Proposed rule of the Department of Agriculture adopts regulations under Rule I to establish an annual pesticide registration fee of \$130 and a pesticide registration special needs fee of \$8. A hearing is scheduled for Sept. 7, 2017, in Helena. Comments are due Sept. 15, 2017. Contact: Cort Jensen; Department of Agriculture; 406-444-3144; agr@mt.gov

—Montana Administrative Register (08/18/2017)

Regulatory Update

**RADIATION**

TENORM Waste Management

**Montana RADIATION**

Proposed rule of the Department of Environmental Quality adopts regulations under Rules I through XII to establish requirements for the management of technologically enhanced naturally occurring radioactive material (TENORM) waste at licensed solid waste managed systems. The rule establishes requirements concerning licensing, acceptance criteria, prohibitions, design and siting criteria, operation and maintenance plans, groundwater monitoring, liquid restrictions, closure and post-closure care requirements, financial assurance, and spill reporting. Meetings and hearings are scheduled for Sept. 7 and 20, 2017, in Helena and Sidney, respectively. Comments are due Oct. 18, 2017. Contact: Sandy Scherer; DEQ; 406-444-2544; sscherer@mt.gov

—Montana Administrative Register (08/18/2017)

Regulatory Update

**New Jersey**

**HAZARDOUS WASTE CLEANUP**  
Proposed Consent Order/BP America Inc.  
**New Jersey HAZARDOUS WASTE CLEANUP**

Notice of the Department of Environmental Protection, Office of Natural Resource Restoration, announces a proposed consent decree in New Jersey Department of Environmental Protection v. Atlantic Richfield Co. (No. 08-CIV-00312) concerning alleged contamination of state waters with the gasoline additive methyl tertiary butyl ether. The consent decree requires BP America Inc. and related entities to pay approximately \$64 million to settle alleged liability for damages, past cleanup, and removal costs at over 6,000 sites. Comments are due Oct. 20, 2017. Contact: DEP, Office of Natural Resource Restoration; 609-984-5475; MTBESettlement@dep.nj.gov

—New Jersey Register (08/21/2017)

Regulatory Update

## Virginia

**WATER**  
City of Waverly/State Water Control Law Consent Order  
**Virginia WATER**

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with the Sussex Service Authority for alleged State Water Control Law violations associated with discharges from 2007 to 2011 that exceeded the total phosphorus waste load allocation of 145.82 kilograms per year authorized by the Virginia Pollutant Discharge Elimination System permit at the settling party's Spring Branch Wastewater Treatment Plant in Waverly. The order requires the settling party to implement the long-term phosphorus control plan incorporated into the order. Comments are due Sept. 22, 2017. Contact: Kyle Winter; DEQ, Piedmont Regional Office; 804-527-5020; kyle.winter@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

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