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EHS State Regulatory Alert

October 11, 2017 - Number 195

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California

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Orders/Occupational Exposure to Hazardous Chemicals in Laboratories

California OCCUPATIONAL SAFETY AND HEALTH

Final rule of Department of Industrial Relations, Occupational Safety and Health Standards Board, amends regulations under 8 CCR 5191(b) regarding general industry safety orders related to occupational exposure to hazardous chemicals in laboratories. The rule corrects a typographical error. This change without regulatory effect was filed Sept. 27, 2017. Contact: Marley Hart; DIR, Cal-OSHA Standards Board; 916-274-5721; oshsb@dir.ca.gov

—California Regulatory Notice Register (10/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

General Industry Safety Orders/Process Safety Management for Petroleum Refineries

California OCCUPATIONAL SAFETY AND HEALTH

Final rule of Department of Industrial Relations, Occupational Safety and Health Standards Board, amends regulations under 8 CCR 5189.1(t)(2) regarding general industry safety orders related to process safety management for petroleum refineries. The rule addresses the requirement for employers to designate a team to conduct a Management of Organizational Change assessment prior to certain reductions in staffing levels or classification levels or increases in employee responsibilities. This change without regulatory effect was filed Sept. 26, 2017. Contact: Marley Hart; DIR, Cal-OSHA Standards Board; 916-274-5721; oshsb@dir.ca.gov

—California Regulatory Notice Register (10/06/2017)

Regulatory Update

California Regions

AIR

Boilers, Water Heaters, Steam Generators, and Process Heaters

California Regions AIR

Proposed rule of the Santa Barbara County Air Pollution Control District amends regulations under Rule 360 regarding control of nitrogen oxide (NO_x) 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 reduces the NO_x emission limit to 20 parts per million by volume for all units supplied, sold, installed, or modified, effective Jan. 1, 2019. The rule also adds an exemption for recreational vehicles, manufactured homes, hot water pressure washers, and portable water heaters used for underwater diving activities. In addition, the rule clarifies the standard source test methods and compliance demonstration requirements for all applicable fuel types. A workshop is scheduled for Nov. 1, 2017, in Santa Barbara. A hearing is scheduled for March 15, 2018, at a location to be determined. Comments are due Nov. 15, 2017. Contact: Timothy Mitro; Santa Barbara County APCD; 805-961-8883; MitroT@sbcapcd.org

—California RegionsRegulations (10/08/2017)

Regulatory Update

Connecticut

AIR

VOC Limits for Maintenance Coatings and Consumer Products

Connecticut AIR

Final rule of the Department of Energy and Environmental Protection amends regulations under RCSA 22a-174-1, -3a, -20, -40 and -41 and adopts regulations under RCSA 22a-174-41a regarding architectural and industrial maintenance coatings. The rule revises the volatile organic compounds (VOC) content limits for consumer products by making some existing limits more stringent. The rule also updates categories and limits for coatings manufactured after May 1, 2018. In addition, the rule provides procedures and test methods for classification and compliance with VOC limits and establishes reporting requirements. In addition, the rule revises definitions and modifies the prevention of significant deterioration permit program to address permit program maintenance. Finally, the rule addresses container labeling, record keeping, and reporting requirements. The rule is effective Oct. 5, 2017. Contact: Paula Gomez; DEEP; 860-424-3000; paula.gomez@ct.gov

—Connecticut Law Journal (10/06/2017)

Regulatory Update

Florida

OCCUPATIONAL SAFETY AND HEALTH
Asbestos Consultants/Contractors
Florida OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Business and Professional Regulation to amend regulations under FAC 61E1-1.001 to update and clarify licensure requirements for asbestos consultants/contractors. A comment due date is not specified. Contact: Thomas Izzo; DBPR; 850-488-0062

—Florida Administrative Weekly (10/09/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Asbestos Licensing/Delinquent Fees
Florida OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Business and Professional Regulation to amend regulations under FAC 61E1-3.001 regarding asbestos licensing to update the amount of delinquent fees. A comment due date is not specified. Contact: Thomas Izzo; DBPR; 850-488-0062

—Florida Administrative Weekly (10/09/2017)

Regulatory Update

Indiana

AIR
Emission Standards for Hazardous Air Pollutants
Indiana AIR

Notice of the Department of Environmental Management, Air Pollution Control Division, announces a continuation of the comment period for May 28, 2009, proposed amendments to regulations under 326 IAC 14-10 and -18 regarding asbestos management. The rule clarifies provisions concerning the application, notification, and licensing procedures for the state's asbestos management program; clarifies terminology; and adds and revises definitions. The rule also updates requirements for obtaining a duplicate asbestos license and updates requirements concerning the issuance of an asbestos license. Comments now are due Nov. 3, 2017. Contact: Christine Pedersen; DEM, Office of Legal Counsel; 317-233-5684; cpederse@idem.in.gov

—Indiana Register (10/04/2017)

Regulatory Update

AIR
General Provisions/Lawrenceburg Township Ozone Attainment Designation

Indiana AIR

Notice of the Department of Environmental Management, Air Pollution Control Division, announces a draft proposal to amend regulations under 326 IAC 1-4-16 to add the federal redesignation for Lawrenceburg Township in Dearborn County to attainment of the 2008 eight-hour ozone standard. A hearing is scheduled for Jan. 10, 2018, in Indianapolis. Comments are due Nov. 3, 2017. Contact: Keelyn Walsh; DEM, Office of Legal Counsel; 317-232-8229; kwalsh131@idem.in.gov

—Indiana Register (10/04/2017)

Regulatory Update

WATER

Water Quality Standards

Indiana WATER

Notice of the Department of Environmental Management, Water Pollution Control Division, announces editorial corrections to regulations under 327 IAC 2-1-9 through 8-10-7 (nonconsecutive) regarding water quality standards. The corrections are effective Nov. 6, 2017. Contact: DEM, Water Pollution Control Division; 317-232-8603

—Indiana Register (10/04/2017)

Regulatory Update

Kentucky

OCCUPATIONAL SAFETY AND HEALTH

Boilers and Pressure Vessels/Certificates and Fees

Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, amends regulations under 815 KAR 15:027 regarding certificates and fees for boiler and pressure vessel inspection. The rule removes boiler plan review requirements and clarifies fees for inspections that are conducted outside of regular business hours. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startzman; Department of Housing, Buildings and Construction; 502-573-0365; david.startzman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Boilers and Pressure Vessels/Definitions

Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing,

amends regulations under 815 KAR 15:010 regarding definitions related to boiler and pressure vessels. The rule adds definitions for “boiler and pressure vessel contractor,” “deaerator tank,” and “MAWP” and removes obsolete definitions and terminology. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startzman; Department of Housing, Buildings and Construction; 502-573-0365; david.startzman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Boilers and Pressure Vessels/Inspections and Maintenance Standards

Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, amends regulations under 815 KAR 15:026 regarding testing, repairs, inspection, and safety factors of existing boilers and pressure vessels. The rule incorporates by reference the 2015 edition of the National Boiler Inspection Code and expands the inspection frequency for vessels exceeding 200 psi of maximum allowable working pressure to every five years. The rule also expands the inspection frequency for hot water storage tanks, sterilizers, and autoclaves to every four years and for pressure vessels for human occupancy and hyperbaric chambers to every two years. In addition, the rule expands the inspection frequency for jacketed kettles and deaerators to every two and 10 years, respectively. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startzman; Department of Housing, Buildings and Construction; 502-573-0365; david.startzman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Boilers and Pressure Vessels/Standards, Initial Inspections

Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, amends regulations under 815 KAR 15:025 regarding standards for boilers and pressure vessels and requirements for the initial inspections of new boilers, pressure vessels, and pressure piping. The rule incorporates by reference the 2015 edition of the National Boiler Inspection Code and exempts pressure vessels with an American Society of Mechanical Engineers “UM” stamp from the requirement for a manufacturer's data report. The rule also clarifies the hours when inspections are conducted. In addition, the rule requires any new boiler added to an existing boiler room to be connected to an emergency off switch; allows such switches to be located inside or outside of a boiler room; and provides that the boiler must indicate the boiler is disabled when the switch is activated. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startzman; Department of Housing, Buildings and Construction; 502-573-0365; david.startzman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Boilers, Pressure Vessels, and Nuclear Vessels
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, repeals regulations under 815 KAR 15:041 to delete supplemental requirements for power boilers and pressure vessels. The rule also deletes heating boiler supplemental requirements, including for steam heating, hot water heating, and hot water supply boilers. In addition, the rule deletes requirements for nuclear vessels. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startzman; Department of Housing, Buildings and Construction; 502-573-0365; david.startzman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

SOLID WASTE
Solid Waste Programs
Kentucky SOLID WASTE

Final rule of the Department for Environmental Protection, Division of Waste Management, adopts regulations under 401 KAR 49:091 to repeal regulations under 401 KAR 49:040, :090, and :210 to delete obsolete provisions concerning the Solid Waste Planning Assistance Program, the Waste Tire Trust Fund Loan Program, and the Solid Waste Revolving Fund. The rule is effective Sept. 8, 2017. Contact: Michelle Mitchell; DEP, Division of Waste Management; 502-782-6713; MichelleM.Mitchell@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER
Public Water Supply
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, adopts regulations under 401 KAR 8:011 to repeal regulations under 401 KAR 8:070, 8:101, 8:550, and 8:600 regarding public notifications, the approval timetable for 401 KAR Chapter 8, radionuclides, and secondary standards for water contaminants. Two concurrent final rules relocate portions of the provisions under 401 KAR 8:075 and 8:100. The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER
Public Water Supply/Definitions
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, amends regulations

under 401 KAR 8:010 regarding definitions relating to public and semipublic water supplies. The rule adds a definition for “submeter.” The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER

Public Water Supply/General Provisions
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, amends regulations under 401 KAR 8:020 regarding general provisions for public and semipublic water supplies. The rule exempts properties that use submeters from being considered a public water system under specified conditions, corrects references to federal standards under 40 CFR 141 and 142, and allows notifications to be made by social media and email. The rule also adds the average daily water treatment time to reporting requirements, adds advisory procedures to operations plans, and requires public water systems to establish a flushing program. In addition, the rule removes provisions concerning recommended practices for water supply reservoirs and updates incorporated forms and standards. The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER

Public Water Supply/Laboratory Certification
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, amends regulations under 401 KAR 8:040 regarding laboratory certification for drinking water. The rule replaces references to “performance evaluation” with “proficiency test” and “analysis category” with “method analyte pair.” The rule also incorporates by reference the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water and removes references to an outdated executive order. The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

Maryland

AIR

Control of VOCs from Consumer Products
Maryland AIR

Final rule of the Department of the Environment amends regulations under COMAR 26.11.32.01 through .16 (nonconsecutive) and adopts regulations under COMAR 26.11.32.05-1 regarding controlling volatile organic compound (VOC) emissions from consumer products. The rule implements requirements from the 2010 and 2014 Ozone Transport Commission model rules for consumer products to establish VOC standards for 11 consumer products and update VOC standards for 15 consumer products. The rule also prohibits the sale, offer for sale, supply, or manufacturing for use in the state of specified products that contain methylene chloride, perchloroethylene, or trichloroethylene. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Oct. 9, 2017. Contact: Randy Mosier; MDE, Air and Radiation Management Administration; 410-537-4488; randy.mosier@maryland.gov

—Maryland Register (09/29/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Disposal of Controlled Hazardous Substances
Maryland HAZARDOUS WASTE MANAGEMENT

Notice announces of the Department of the Environment, Lands and Materials Administration, announces a meeting on proposed amendments to regulations under COMAR 26.13 regarding the disposal of controlled hazardous substances (CHS). The rule removes obsolete requirements for drivers of vehicles transporting CHS to be certified by the department and for vehicles transporting CHS or special medical waste to have a certificate affixed to the exterior of the vehicle. A meeting is scheduled for Oct. 13, 2017, in Baltimore. A comment due date is not specified. Contact: Edward Hammerberg; MDE; 410-537-3314

—Maryland Register (09/29/2017)

Regulatory Update

WATER
General Discharge Permit from Oil Terminals, Oil Contaminated Ground Water Sources
Maryland WATER

Notice of the Department of the Environment, Lands and Materials Administration, announces a tentative determination to reissue the National Pollution Discharge Elimination System (NPDES) general discharge permit for stormwater and hydrostatic test water from oil terminals and to reissue the NPDES Permit for discharges of treated groundwater from oil contaminated groundwater sources. The first permit authorizes the discharge of stormwater from storage tank dikes and loading rack areas and hydrostatic test water to surface or groundwaters from petroleum tunnels and sets limits on the concentration of the petroleum product contamination following treatment. The second permit authorizes the discharge of treated groundwater previously contaminated by petroleum products as the result of leaks or spills and sets limits on the effluent concentration of the petroleum production contamination following treatment. A hearing is scheduled for Oct. 26, 2017, in Baltimore. Comments are due Nov. 2, 2017. Contact: Thomas Yoo; MDE, Oil and Control Program; 410-537-3403

—Maryland Register (09/29/2017)

Regulatory Update

Nevada

PESTICIDES

Control of Insects, Pests, and Noxious Weeds

Nevada PESTICIDES

Notice of the Department of Agriculture announces changes to a July 9, 2017, proposed rule to amend regulations under NAC 555.280 through .700 (nonconsecutive) regarding the custom application of pesticides and certified applicators. The rule establishes requirements for licensing of consultants and revises the categories established for the licensing of pest control personnel and licensed primary principal commercial applicators. The rule also revises the definition of “termiticide” and sets forth registration and labeling requirements for termiticides. In addition, the rule establishes requirements for transport of undiluted pesticide material, revises the term “spot treatment,” and adds soil fumigation to the categories for licensing pest control personnel. Finally, the rule addresses prohibited materials and uses of pesticides, updates and expands the schedule of fines, and clarifies language. The changes specify that the licensed consultants may not write or otherwise prepare a plan for the conservation, preservation, or reclamation of property. Contact: James Barbee; Department of Agriculture; 775-353-3601

—Nevada Register (10/08/2017)

Regulatory Update

New Hampshire

AIR

Regulated Toxic Air Pollutants

New Hampshire AIR

Proposed rule of the Department of Environmental Services amends and readopts regulations under NHAR Env-A 1401.01 through 1450.01, Table 1450-1, and adopts regulations under NHAR Env-A 1405.07 regarding regulated toxic air pollutants (RTAPs). The rule revises the list of RTAPs and their ambient air limits (AALs) to reflect updates by the American Conference of Governmental Industrial Hygienists and the EPA's Integrated Risk Information System. The rule adds 28 chemical substances to the RTAP list, removes 4 chemical substances, and revises the occupational exposure limit or reference concentration for 20 substances. The rule also adds definitions, adds and clarifies exemptions, aligns chemical classification criteria for health related assessments with EPA requirements, and corrects the table of RTAPs. A hearing is scheduled for Nov. 3, 2017, in Concord. Comments are due Nov. 10, 2017. Contact: Karla McManus; DES; 603-271-6854; karla.mcmanus@des.nh.gov

—New Hampshire Rulemaking Register (10/05/2017)

Regulatory Update

Pennsylvania

GENERAL ENVIRONMENT AND SAFETY

Environmental Hearing Board/Practice and Procedures

Pennsylvania GENERAL ENVIRONMENT AND SAFETY

Final rule of the Environmental Hearing Board amends regulations under 25 PAC 1021.21 through .201 (nonconsecutive) and adopts regulations under 25 PAC 1021.13 and .153 regarding practice and procedures of the board. The rule clarifies provisions concerning electronic filing and service to reflect the electronic registration form. The rule also specifies that when a filing deadline falls on a Saturday, Sunday, or legal holiday, the document filing and motion response deadline is the next business day. In addition, the rule establishes the format and time period for filing requests for certification of interlocutory orders for appeal and addresses filing of requests for certification of such orders. Finally, the rule provides for the institution of appeals filing of a notice of appeal or complaint depending on the underlying statute, eliminates the 20-day time frame for filing a petition for review with the Commonwealth Court, and clarifies that the board makes the determination of a dismissal with or without prejudice on a case-by-case basis. The rule is effective Oct. 7, 2017. Contact: Maryanne Wesdock; EHB; 412-565-5245; mwesdock@pa.gov

—Pennsylvania Bulletin (10/07/2017)

Regulatory Update

Tennessee

HAZARDOUS WASTE MANAGEMENT

Testing and Cleaning Clandestine Drug Manufacturing Sites

Tennessee HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environment and Conservation, Division of Remediation, repeals and readopts regulations under RRT 0400-15-02-.01 through .09 concerning standards for testing and cleaning clandestine drug manufacturing sites. The rule updates standards for sampling, testing, and remediation of quarantined methamphetamine manufacturing sites and addresses qualifications for cleanup professionals. The rule also provides for maintenance of the list of contaminated sites and the list of qualified professionals and establishes listing fees for certified industrial hygienists. In addition, the rule addresses standards for determining whether a space is safe for human use, variances for property owners to preform remediation, and certificates for demolition for disposal of construction or demolition debris. Hearings are scheduled for Jan 8, 9, and 16, 2018, in Nashville, Jackson, and Knoxville, respectively. Comments are due Feb. 10, 2018. Contact: Tim Stewart; TDEC, Division of Remediation; 615-741-4998; Tim.stewart@tn.gov

—Tennessee Administrative Register (10/05/2017)

Regulatory Update

Texas

AIR

Emissions Banking and Trading

Texas AIR

Final rule of the Texas Commission on Environmental Quality amends regulations under 30 TAC 101.300, .302, .303, .304, and .306 regarding emissions banking and trading to align credit generation from area or mobile sources with the requirements of the Clean Air Act. The rule restricts credit generation from inelastic sources and prohibits credit generation from activities that do not result in actual emissions reductions. The rule also requires credited reductions to be certified through federally enforceable documentation procedures. In addition, the rule addresses the uncertainty in the emission calculations techniques for area and mobile sources. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Oct. 12, 2017. Contact: Guy Hoffman; TCEQ, Air Quality Planning; 512-239-1981; guy.hoffman@tceq.texas.gov

—Texas Register (10/06/2017)

Regulatory Update

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