

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

December 04, 2017 - Number 231

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Florida

WATER

St. Johns River WMD/Water Shortage Plan

Florida WATER

Notice of the St. Johns River Water Management District announces workshops on Nov. 15, 2017, proposed amendments to regulations under FAC 40C-21 to revise the district's water shortage plan. The amendments may address noticing of declaration of a water shortage and associated water use restrictions, hydrologic indicators used to declare a water shortage or to change phases of a declared water shortage, and water use restrictions implemented during phases of a water shortage. The workshops are scheduled for Jan. 17 and 18, 2018, in Palatka and Maitland, respectively. Contact: Kraig McLane; SJRWMD; 386-329-4374; kmclane@sjrwmd.com

—State Publication Date: 11/30/2017. Citations: FAC 40C-21.001, .051, .221, .231, .251, .271, .291, .331, .371, .391, .401, .421, .511, .531, .551, .571, .601, .621, .631, .641, .651

Regulatory Update

Mississippi

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Management

Mississippi HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality amends regulations under Title 11, Part 3, Chapter 1, regarding hazardous waste management. The rule makes technical and administrative corrections and adds references relating to implementation of the EPA e-manifest system. The rule is effective Dec. 30, 2017. Contact: Ted Lampton; DEQ; 601-961-5573; tlampton@mdeq.ms.gov

—State Publication Date: 11/30/2017. Citations: 11 Miss. Admin. Code Part 3, Chapter 1 (amended)

Regulatory Update

Oregon

AIR

Cleaner Air Oregon

Oregon AIR

Proposed rule of the Department of Environmental Quality would amend regulations under OAR 340-012 through -246 and the state implementation plan to add public health-based protection from emissions of air toxics to the existing air permitting regulatory framework. The rule would require commercial and industrial facilities to report emissions from 601 chemicals. The rule also would require facilities to calculate and report the risk posed by their emissions where people would be exposed and prohibit operation of facilities whose risks are above the risk action levels and exceeding a proposed upper risk limit. In addition, the rule would revise standards for art glass manufacturers to align with program standards. Comments are due Dec. 22, 2017. Contact: Joe Westersund; DEQ; 503-229-6403; westersund.joe@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-012-0030 (amended); OAR 340-012-0053 (amended); OAR 340-012-0054 (amended); OAR 340-012-0135 (amended); OAR 340-012-0140 (amended); OAR 340-200-0020 (amended); OAR 340-200-0035 (amended); OAR 340-200-0040 (amended); OAR 340-209-0020 (amended); OAR 340-209-0040 (amended); OAR 340-209-0050 (amended); OAR 340-210-0010 (amended); OAR 340-216-0020 (amended); OAR 340-216-0030 (amended); OAR 340-216-0040 (amended); OAR 340-216-0069 (new); OAR 340-216-0090 (amended); OAR 340-216-8010 (amended); OAR 340-216-8020 (amended); OAR 340-216-8030 (amended); OAR 340-218-0010 (amended); OAR 340-218-0020 (amended); OAR 340-218-0030 (amended); OAR 340-218-0110 (amended); OAR 340-218-0190 (amended); OAR 340-218-0200 (amended); OAR 340-220-0010 (amended); OAR 340-220-0020 (amended); OAR 340-220-0050 (amended); OAR 340-244-8990 (new); OAR 340-244-9000 (amended); OAR 340-245-0005 (new); OAR 340-245-0010 (new); OAR 340-245-0020 (new); OAR 340-245-0022 (new); OAR 340-245-0030 (new); OAR 340-245-0040 (new); OAR 340-245-0050 (new); OAR 340-245-0060 (new); OAR 340-245-0070 (new); OAR 340-245-0080 (new); OAR 340-245-0090 (new); OAR 340-245-0100 (new); OAR 340-245-0200 (new); OAR 340-245-0210 (new); OAR 340-245-0220 (new); OAR 340-245-0230 (new); OAR 340-245-0240 (new); OAR 340-245-0250 (new); OAR 340-245-0300 (new); OAR 340-245-0310 (new); OAR 340-245-0320 (new); OAR 340-245-0330 (new); OAR 340-245-0340 (new); OAR 340-245-0400 (new); OAR 340-245-0410 (new); OAR 340-245-0420 (new); OAR 340-245-0500 (new); OAR 340-245-8010 (new); OAR 340-245-8020 (new); OAR 340-245-8030 (new); OAR 340-245-8040 (new); OAR 340-245-8050 (new); OAR 340-245-8060 (new); OAR 340-245-9000 (new); OAR 340-245-9010 (new); OAR 340-245-9015 (new); OAR 340-245-9020 (new); OAR 340-245-9030 (new); OAR 340-245-9050 (new); OAR 340-245-9060 (new); OAR 340-245-9070 (new); OAR 340-245-9080 (new); OAR 340-246-0010 (amended); OAR 340-246-0090 (amended); OAR 340-246-0190 (amended)

Regulatory Update

AIR

Open Burning/Clackamas County

Oregon AIR

Final rule of the Department of Environmental Quality amends regulations under OAR 340-264 to correct an obsolete reference in open burning provisions for Clackamas County. The rule is effective Oct. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-264-0120 (amended)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW

Oil and Hazardous Materials Emergency Response/Recovered Spill Materials
Oregon COMMUNITY RIGHT-TO-KNOW

Final rule of the Department of Environmental Quality amends regulations under OAR 340-142 to correct a reference in provisions concerning the disposal of recovered spill materials. The rule is effective Oct. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-142-0080 (amended)

Regulatory Update

SOLID WASTE

Recycling and Waste Reduction
Oregon SOLID WASTE

Final rule of the Department of Environmental Quality amends regulations under OAR 340-090 to make technical corrections to general requirements for recycling and waste reduction. The rule is effective Oct. 27, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-090-0030 (amended)

Regulatory Update

WATER

Onsite Wastewater Treatment Systems
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-041 to delete duplicate language related to tables for onsite wastewater treatment systems. The rule is effective Nov. 1, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-071-0800 (amended)

Regulatory Update

WATER

Onsite Wastewater Treatment Systems
Oregon WATER

Notice of the Department of Environmental Quality announces a correction to a Nov. 1, 2017, final rule that amended regulations under OAR 340-071 to delete duplicate language related to tables for onsite wastewater treatment systems. The notice corrects a rule reference in the tables. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/29/2017. Citations: OAR 340-071-0800 (amended)

Regulatory Update

WATER
Water Quality Standards/Ammonia Criteria
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-041 to correct an obsolete reference in Table 30 relating to the saltwater ammonia criteria calculator. The rule is effective Oct. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-041-8033 (amended)

Regulatory Update

WATER
Water Quality Standards/Umpqua Basin
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-041 to correct a note referring to tables related to beneficial uses to be protected in the Umpqua Basin. The rule is effective Nov. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/30/2017. Citations: OAR 340-041-0320 (amended)

Regulatory Update

WATER
Water Quality/Issuance and Appeal of Certification Decisions
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-048 to correct a reference related to issuance and appeal of certification decisions for water quality requirements and standards. The rule is effective Oct. 27, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-048-0045 (amended)

Regulatory Update

Texas

AIR

Alternative Fueling Facilities Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 to remove obsolete provisions regarding the Alternative Fueling Facilities Program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.660 - .662 (repealed)

Regulatory Update

AIR

Clean Fleet Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Clean Fleet Program. The rule would reduce the number of vehicles a grant under the program covers for an eligible entity from 20 to 10 and require a qualifying vehicle to be certified to the appropriate current federal emissions standards as determined by the commission. The rule also would clarify that the executive director may, rather than shall, waive specified eligibility requirements on a finding of good cause. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.650 - .653 (amended)

Regulatory Update

AIR

Clean Fleet Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 to remove the expiration date for the Clean Fleet Program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.658 (repealed)

Regulatory Update

AIR

Clean School Bus Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Clean School Bus Program. The rule would add the replacement of a pre-2007 model year school bus to the list of eligible projects and clarify that the requirement for a school bus proposed for retrofit be used on a regular, daily route to and from a school only applies during the school year. The rule also would remove provisions addressing projects to replace equipment or repower, add requirements for a school bus that has been proposed for replacement, and require a school bus proposed for purchase to replace a pre-2007 model year school bus to be of the current model year or the year before the current model year. In addition, the rule would clarify that the replacement school bus must be purchased and the grant recipient must agree to own and operate the school bus on a regular, daily route to and from a school during the school year for at least five years after a start date established by the commission. Finally, the rule would require a school bus replaced under the program to be rendered permanently inoperable or be permanently removed from the state to outside the U.S., Canada, or Mexico. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.644 (amended)

Regulatory Update

AIR

Clean School Bus Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 that set the expiration date for the Clean School Bus Program at Aug. 31, 2019, unless extended or reauthorized by the Legislature. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.648 (repealed)

Regulatory Update

AIR

Diesel Emissions Reduction Incentive Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Diesel Emissions Reduction Incentive Program. The rule would revise the definition of “small business” to apply to a business owned by a person who owns and operates no more than five vehicles and who has owned the vehicles for more than two years. The rule also would remove the engine model-year requirements for at least one of the on-road or nonroad diesels owned and operated by the small business and clarify that the executive director may, rather than shall, waive specified eligibility requirements on a finding of good cause. In addition, the rule would clarify that the small business incentives may be implemented either through a separate small business grant program or through special consideration to small businesses when implementing another specified program. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11,

2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.620, .622, .623 (amended)

Regulatory Update

AIR

Light-Duty Motor Vehicle Purchase or Lease Incentive Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would adopt regulations under 30 TAC 114 regarding the Light-Duty Motor Vehicle Purchase or Lease Incentive Program. The rule would establish eligibility requirements and other requirements for applying for and receiving an incentive for the lease or purchase of a new light-duty motor vehicle powered by compressed natural gas, liquefied petroleum gas, or hydrogen fuel cell, or other electric drive. The rule also would provide a \$5,000 incentive for the purchase or lease of an eligible new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas and a \$2,500 incentive for eligible new light-duty motor vehicles powered by a hydrogen fuel cell or other electric drive. In addition, the rule would establish requirements and procedures for manufacturers to submit a report on eligible vehicles and compressed natural gas and liquefied petroleum gas systems that the manufacturer intends to sell in the state. A concurrent proposed rule would repeal existing provisions under 30 TAC 114 related to the program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.610-.613 (new)

Regulatory Update

AIR

Light-Duty Motor Vehicle Purchase or Lease Incentive Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 regarding the Light-Duty Motor Vehicle Purchase or Lease Incentive Program. A concurrent proposed rule would establish new requirements and incentive amounts for the lease or purchase of a new light-duty motor vehicle powered by compressed natural gas, liquefied petroleum gas, or hydrogen fuel cell, or other electric drive. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.610 - .612, .616 (repealed)

Regulatory Update

AIR

Natural Gas Vehicle Grant Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations

under 30 TAC 114 to remove obsolete provisions addressing the Natural Gas Vehicle Grant Program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.670 - .672 (repealed)

Regulatory Update

AIR

New Source Review Permits/Consolidated Notices
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 39 regarding new source review case-by-case air quality permit applications that are subject to public participation requirements. The rule would establish content requirements for consolidated notices for permit and permit amendment applications that the executive director has declared administratively and technically complete and for which a draft permit was prepared within 15 days of receipt of the application. A concurrent proposed rule would consolidate notice of receipt of application and intent to obtain permit and notice of application and preliminary decision requirements to allow for one 30-day notice period during which comments and requests for a public meeting or contested case hearing may be submitted. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Jan. 3, 2018, in Austin. Comments are due Jan. 3, 2018. Contact: Janis Hudson; TCEQ, Environmental Law Division; 512-239-0466

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.39.H.39.411 (amended)

Regulatory Update

AIR

New Source Review Permits/Consolidated Notices
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 39 regarding new source review case-by-case air quality permit applications that are subject to public participation requirements. The rule would require owners and operators that submit applications declared by the executive director to be administratively and technically complete and for which a draft permit is prepared by the executive director within 15 days of receipt of the application to publish a consolidated notice of receipt of application and intent to obtain permit and notice of application and preliminary decision. The rule would provide one consolidated 30-day notice period during which comments and requests for a public meeting or contested case hearing may be submitted. A concurrent proposed rule would establish content requirements for consolidated notices. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Jan. 3, 2018, in Austin. Comments are due Jan. 3, 2018. Contact: Janis Hudson; TCEQ, Environmental Law Division; 512-239-0466

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.39.K.39.603 (amended)

Regulatory Update

AIR

New Source Review Permits/Consolidated Notices
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 55 regarding new source review case-by-case air quality permit applications that are subject to public participation requirements. The rule would provide that the close of the public comment period for a consolidated notice of receipt of application and intent to obtain permit (NORI) and notice of application and preliminary decision (NAPD) is 30 days after the last publication of the consolidated notice. A concurrent proposed rule would consolidate NORI and NAPD requirements to allow for one notice period during which comments and requests for a public meeting or contested case hearing may be submitted. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Jan. 3, 2018, in Austin. Comments are due Jan. 3, 2018. Contact: Janis Hudson; TCEQ, Environmental Law Division; 512-239-0466

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.55.E.55.152 (amended)

Regulatory Update

AIR

Seaport and Rail Yard Areas Emissions Reduction Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Drayage Trunk Incentive Program. The rule would rename the program as the Seaport and Rail Yard Areas Emissions Reduction Program. The rule also would require drayage trucks and cargo handling equipment to be powered by an electric motor or contain an engine certified to the current federal emissions standards applicable to that type of engine and to emit nitrogen oxides at a rate that is at least 25 percent less than the emissions rate of the engine on the truck or equipment being replaced in order to be eligible for purchase under the program. In addition, the rule would apply the same standards to engines and motors for repowering a drayage truck or cargo handling equipment and clarify that the nitrogen oxides emissions rate of the engines replaced or purchased must be based on the emissions standard or family emissions limit of the engine or a baseline emissions rate established by the commission for uncontrolled engines. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.680 - .682 (amended)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Aboveground Storage Tanks

Texas HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would revise the time frame for an inspection

from once a month to 30 days, replace “the effective date of this subchapter” with “June 25, 1990,” for general prohibitions and requirements, and remove the March 1, 1990, effective date in registration provisions. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.F.334.123 - .125, .127 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Underground and Aboveground Storage Tanks/Exclusions, Registration, Recordkeeping, Fees

Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding underground and aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would exclude certain listed USTs from certain operator training, on-site supervisor licensing, and contractor registration requirements. In addition, the rule would clarify the applicability of requirements for agency approval regarding certain regulated construction activities occurring over the Edwards Aquifer, classify a switch to a regulated substance containing greater than 10 percent ethanol or 20 percent biodiesel as a major construction activity, and establish a new exemption relating to reporting initiation or rescheduling of switching to biofuel. Finally, the rule would require operation and maintenance records to include reports from periodic testing and walkthrough inspection, clarify maximum fee amounts and the fee calculation methodology, and revise and add definitions. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.A.334.2, .4, .6, .7, .10, .19 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Underground and Aboveground Storage Tanks/Model Institutional Controls

Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding model institutional controls. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would remove a redundant reference. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.G.334.208

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Underground and Aboveground Storage Tanks/On-Site Supervisors, Contractors

Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding on-site supervisors and contractors for underground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would replace references to the Texas Natural Resource Conservation Commission with the TCEQ and to the Department of Health with the Department of State Health Services. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.I.334.407, .424 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Operators
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding underground storage tank facility operators to incorporate Oct. 13, 2015, revisions to the U.S. EPA's requirements for storage tanks and state program approval under 40 CFR 280 and 281. The rule would specify that notwithstanding the three-year retraining requirement, Class A and B operators must be retrained by April 1, 2019, with a course submitted to and approved by the agency after April 1, 2018. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.N.334.602, .603, .605 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Petroleum-Substance Contaminated Soil
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding the storage, treatment, and reuse procedures for petroleum-substance contaminated soil. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule would clarify that written notice will be provided with any offer to perform any services of storage, treatment, or reuse of petroleum-substance contaminated soil proposed after Dec. 27, 1996, instead of after the effective date of the rules. The rule also would replace references to the Texas Natural Resource Conservation Commission with the TCEQ. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.K.334.491, .496, .499 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Underground and Aboveground Storage Tanks/Release Reporting and Investigation
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding underground and aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for storage tanks and state program approval under 40 CFR 280 and 281. The rule would add liquid in the interstitial space that is not used for interstitial monitoring as an “unusual operating condition.” The rule also would reduce reporting requirements as long as owners and operators take prompt action to investigate and respond to suspected releases. In addition, the rule would add “including investigation of an alarm” to the conditions that require a suspected release investigation, clarify the monitoring period for inventory control, and describe instances when leaks found contained in secondary containment do and do not require agency notification. Finally, the rule would establish requirements for system tests following a suspected release and require repair, or replacement, or closure of systems when tests confirm a leak into the interstice or a release. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.D.334.72, .74 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Technical Standards
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding technical standards for underground and aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA requirements for storage tanks and state program approval under 40 CFR 280 and 281. The rule also would require UST systems to be maintained to prevent releases, specify options owners and operators may use to demonstrate agency compliance, and require the removal of liquid and debris found in sumps and spill prevention equipment within 96 hours only. In addition, the rule would clarify the applicability of the requirement to use double-wall tank and piping systems for any UST system situated on the regulated zones of the Edwards Aquifer, require certain equipment testing, and address release detection methods. Finally, the rule would address temporary and permanent removals from service. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.C.334.42, .45 - .48, .50 - .52, .54, .55 (amended)

Regulatory Update

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