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EHS State Regulatory Alert

December 06, 2017 - Number 233

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California Regions

AIR

Definitions

California Regions AIR

Proposed rule of the Mojave Desert Air Quality Management District would amend regulations under Rule 102 to update definitions. The rule would align definitions with concurrent proposals to update reasonably available control technology state implementation plan requirements concerning gasoline transfer and dispensing, organic liquid loading, storage of organic liquids, wood products coating operations, boilers and process heaters, and Portland cement kilns. A hearing is scheduled for Jan. 22, 2018, in Victorville. Comments are due Jan. 18, 2018. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661

—State Publication Date: 11/28/2017.

Regulatory Update

AIR

Wood Products Coating Operations

California Regions AIR

Proposed rule of the Mojave Desert Air Quality Management District would amend regulations under Rule 1114 regarding volatile organic compound (VOC) emissions from wood products coating operations. The rule would update requirements to reflect current federal reasonably available control technology and to satisfy a state requirement regarding local control measures for particulate matter. The rule would add to the list of application methods and separate stripper VOC limits from those for surface preparation and cleanup, add cleaning methods, and reduce the surface preparation and cleanup VOC limit to 25 grams per liter. The rule also would increase capture and control device efficiency to 90 percent and add a requirement for operation and maintenance plans. In addition, the rule would add recordkeeping requirements, revise definitions, and add and relocate referenced test methods. A hearing is scheduled for Jan. 22, 2018, in Victorville. Comments are due Jan. 18, 2018. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661

—State Publication Date: 11/20/2017.

Regulatory Update

WATER

NPDES General Permit/Limited Threat Discharges to Surface Water
California Regions WATER

Notice of the Central Valley Regional Water Quality Control Board announces additional proposed amendments to an Oct. 14, 2016, final order (R5-2016-0076) that revised the National Pollutant Discharge Elimination System (NPDES) general permit and waste discharge requirements for limited threat discharges to surface water. The final order addressed discharges of treated or untreated groundwater from cleanup sites, wastewater from superchlorination projects, and other limited threat wastewaters to surface waters and revised permit eligibility requirements to allow usage by low-threat dischargers and hard rock mines. The order also established new discharge tiers and specified effluent limitations and monitoring and reporting requirements for permittees. The original proposed amendments would authorize the executive director to waive the salinity evaluation and minimization plan requirement, add effluent and receiving water temperature limitations, clarify screening levels for iron and manganese, and remove the requirement to submit acute whole effluent toxicity data with notice of intent applications for Tier 2 discharges. The additional amendments now being proposed address discharges of treated groundwater from petroleum fuel pollution remediation projects. A hearing is scheduled for Feb. 1-2, 2018, in Rancho Cordova. Comments are due Jan. 2, 2018. Contact: Jim Marshall; Central Valley RWQCB; 916-464-4772; james.marshall@waterboards.ca.gov

—State Publication Date: 11/30/2017.

Regulatory Update

Illinois

OIL AND GAS INDUSTRY

Illinois Oil and Gas Act/Well Permitting

Illinois OIL AND GAS INDUSTRY

Proposed rule of the Department of Natural Resources would amend regulations under 62 IAC 240 regarding well spacing, transfer, permitting, and temporary abandonment requirements under the Oil and Gas Act. The rule would streamline the well transfer system, reduce paperwork required for transfers, and change the spacing of wells to increase flexibility in siting wells without requiring hearings. The rule also would clarify provisions regarding permitting and temporary abandonment. Comments are due Jan. 15, 2018. Contact: John Heidinger; DNR; 217-557-6379

—State Publication Date: 12/01/2017. Citations: 62 IAC 240.220 (amended); 62 IAC 240.320 (amended); 62 IAC 240.370 (amended); 62 IAC 240.400 (amended); 62 IAC 240.410 (amended); 62 IAC 240.455 (amended); 62 IAC 240.460 (amended); 62 IAC 240.465 (amended); 62 IAC 240.1130 (amended); 62 IAC 240.1132 (amended); 62 IAC 240.1400 (amended); 62 IAC 240.1420 (amended); 62 IAC 240.1425 (amended); 62 IAC 240.1430 (amended); 62 IAC 240.1440 (amended); 62 IAC 240.1450 (amended); 62 IAC 240.1460 (amended); 62 IAC 240.1465 (amended); 62 IAC 240.1470

(amended); 62 IAC 240.1480 (amended); 62 IAC 240.1485 (amended); 62 IAC 240.1490 (amended); 62 IAC 240.1650 (amended); 62 IAC 240.1835 (amended); 62 IAC 240.1910 (amended)

Regulatory Update

New Jersey

OCCUPATIONAL SAFETY AND HEALTH

Licensing of Crane Operators

New Jersey OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Workforce Development, Division of Public Safety and Occupational Safety and Health, readopts with amendments regulations under NJAC 12:121 concerning licensing of crane operators. The rule specifies that an application for renewal must be submitted at least 45 days prior to the permit's expiration date, updates the definition of "approved," and replaces outdated agency titles. The rule also removes obsolete provisions concerning the Crane Operators License Advisory Board and license expiration and renewal. The rule is effective Dec. 4, 2017. Contact: David Fish; DLWD; 609-292-2789; david.fish@dol.nj.gov

—State Publication Date: 12/04/2017. Citations: NJAC 12:121-2.1 (amended); NJAC 12:121-3.1 (amended); NJAC 12:121-4.2 (amended); NJAC 12:121-4.8 (amended); NJAC 12:121-7.1 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Safety and Health Standards for Public Employees

New Jersey OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Workforce Development, Division of Public Safety and Occupational Safety and Health, readopts with amendments regulations under NJAC 12:100 concerning safety and health standards for public employees. The rule clarifies the definition for "employer," updates web and mailing addresses, and replaces outdated agency references. The rule is effective Dec. 4, 2017. Contact: David Fish; DLWD; 609-292-2789; david.fish@dol.nj.gov

—State Publication Date: 12/04/2017. Citations: NJAC 12:100-2.1 (amended); NJAC 12:100-4.1 (amended); NJAC 12:100-10.1 (amended); NJAC 12:100-10.2 (amended); NJAC 12:100-13.2 (amended); NJAC 12:100-19.3 (amended)

Regulatory Update

Ohio

AIR

Asbestos Emission Control

Ohio AIR

Proposed rule of the Ohio EPA would amend regulations under OAC 3745-20 to clarify the limits, testing, reporting, and recordkeeping requirements for asbestos emissions. The rule would address definitions, standards for demolition and renovation, facility inspections, notifications, asbestos waste handling, asbestos waste disposal sites, reporting requirements, and other standards for asbestos-containing materials. The rule also would add definitions for “annual notification or blanket notification” and “asbestos-contaminated debris.” A hearing is scheduled for Jan. 8, 2018, in Columbus. Comments are due Jan. 8, 2018. Contact: Paul Braun; OEPA, Division of Air Pollution Control; 614-644-3734; paul.braun@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-20-01 (amended); OAC 3745-20-02 (amended); OAC 3745-20-03 (amended); OAC 3745-20-04 (amended); OAC 3745-20-05 (amended); OAC 3745-20-06 (amended); OAC 3745-20-07 (amended); OAC 3745-20-08 (amended); OAC 3745-20-09 (amended); OAC 3745-20-10 (amended); OAC 3745-20-11 (amended); OAC 3745-20-12 (amended); OAC 3745-20-13 (amended); OAC 3745-20-14 (amended); OAC 3745-20-15 (amended)

Regulatory Update

AIR

Open Burning Standards

Ohio AIR

Proposed rule of the Ohio EPA would amend regulations under OAC 3745-19 to clarify requirements for open burning in restricted and unrestricted areas, types of open burning, and when permissions and notifications are required. The rule would clarify that smoke cannot cause visibility hazards and change the written permission requirement for recognized horticultural, silvicultural, and prairie management fires to a written notification requirement. The rule also would update the procedures and notification requirements for open burns and define “building materials.” A hearing is scheduled for Jan. 9, 2018, in Columbus. Comments are due Jan. 9, 2018. Contact: Paul Braun; OEPA, Division of Air Pollution Control; 614-644-3734; paul.braun@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-19-01 (amended); OAC 3745-19-03 (amended); OAC 3745-19-04 (amended); OAC 3745-19-05 (amended)

Regulatory Update

AIR

Particulate Matter Standards

Ohio AIR

Notice of the Ohio EPA announces changes to a June 5, 2017, proposed rule to amend regulations under OAC 3745-17 concerning standards for particulate matter. The rule would remove facilities and emission units that have been permanently shutdown and add an additional compliance option for certain facilities, including utilities, that are required to use a continuous opacity monitor to comply with visible emissions requirements. The rule also would add definitions to reflect exemptions for residential wood burning appliances and pellet stoves. The rule will be submitted to the EPA as a revision to the state implementation plan. The changes remove proposed revisions to the definition of “salvageable material” that would have specified that such material is intended for reuse or restoration. Contact: Michael Maleski; OEPA, Division of Air Pollution Control; 614-644-1961; michael.maleski@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-17-01 (amended); OAC 3745-17-03 (amended); OAC 3745-17-04 (amended); OAC 3745-17-07 (amended); OAC 3745-17-08 (amended); OAC 3745-17-09 (amended); OAC 3745-17-10 (amended); OAC 3745-17-11 (amended); OAC 3745-17-12 (amended); OAC 3745-17-13 (amended); OAC 3745-17-14 (amended)

Regulatory Update

SOLID WASTE

Construction and Demolition Debris

Ohio SOLID WASTE

Notice of the Ohio EPA announces changes to an Oct. 16, 2017, proposed rule to amend regulations under OAC 3745-400 regarding financial assurance requirements for construction and demolition debris facilities. The rule would allow the owner or operator of a facility to demonstrate that a cost estimate is based on the cost for a third party to conduct closure and post-closure care activities. The rule also would address extension of the post-closure care period, provide for evaluation of orders every five years, and allow owners or operators to request termination of orders. In addition, the rule would eliminate provisions concerning the five-year transition period ending January 2018 provided for owners and operators to fund an increase in the amount of their financial assurance. The changes clarify provisions for requests to terminate an order extending the post-closure care period. Contact: Michelle Mountjoy; OEPA, Division of Materials and Waste Management; 614-728-5372; michelle.mountjoy@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-400-17 (amended)

Regulatory Update

TOXIC SUBSTANCES

Childhood Lead Poisoning Prevention

Ohio TOXIC SUBSTANCES

Final rule of the Department of Health amends regulations under OAC 3701-30 concerning childhood lead poisoning prevention. The rule updates the definition of “public health lead investigator” to include licensed lead risk assessors who have completed approved training and a 40-hour internship under the supervision of a public health lead investigator. The rule is effective Feb. 1, 2018. Contact: Kaye Norton; Department of Health; 614-644-8184; Kaye.Norton@odh.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3701-30-01 (amended)

Regulatory Update

Oregon

OCCUPATIONAL SAFETY AND HEALTH

General Occupational Safety and Health Rules/Oxygen-Fuel Gas Welding

Oregon OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Consumer and Business Services, Occupational Safety and Health Division, amends regulations under OAR 437-002 to make editorial corrections to the oxygen-fuel gas welding rule. The rule is effective Oct. 18, 2017. Contact: Heather Case; DCBS, Occupational Safety and Health Division; 503-947-7449; heather.case@oregon.gov

—State Publication Date: 11/01/2017. Citations: OAR 437-002-2253 (amended)

Regulatory Update

TOXIC SUBSTANCES

Hazardous Substances/Disclosure of High-Priority Chemicals of Concern for Children
Oregon TOXIC SUBSTANCES

Final rule of the Oregon Health Authority amends regulations under OAR 333-016 regarding manufacturer disclosure of high-priority chemicals of concern for children's health used in children's products. The rule corrects Exhibit A related to practical quantification limits. The rule is effective Oct. 12, 2017. Contact: Brittany Hall; OHA; 503-449-9808; brittany.a.hall@state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 333-016-2035 (amended)

Regulatory Update

Utah

MINING

Boiler and Elevator Safety/Coal, Gilsonite, or Other Hydrocarbon Mining Certification
Utah MINING

Notice of the Labor Commission, Division of Boiler and Elevator Safety, announces the five-year review and continuation of regulations under R616-1 regarding coal, gilsonite, or other hydrocarbon mining certification. The action is effective Nov. 3, 2017. Contact: Pete Hackford; Labor Commission, Division of Boiler and Elevator Safety; 801-530-7605; phackford@utah.gov

—State Publication Date: 12/01/2017. Citations: R616-1

Regulatory Update

WATER

Construction of Public Drinking Water Facilities
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-105 regarding the construction of public drinking water facilities. The rule allows the director to authorize the engineering manager to approve engineering plans and modifications for public drinking water projects. The rule also specifies that the division, in place of the director, can require modifications to plans and specifications. The rule is effective Nov. 8, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; bernieclark@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-105-6 (amended)

Regulatory Update

WATER

Drinking Water Program/Administration

Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-100 regarding the administration of the drinking water program. The rule clarifies that all engineering plans and specifications for public drinking water projects must be approved in writing but removes the specification that approval must come from the director. The rule also removes the requirement that the department determine feasibility of adequate water supply for proposed public water systems if requested by the local health department. The rule is effective Nov. 8, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; bernieclark@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-100-5 (amended); R309-100-6 (repealed); R309-100-6 (renumbered and amended); R309-100-7 (renumbered and amended); R309-100-8 (renumbered and amended); R309-100-9 (renumbered and amended); R309-100-10 (renumbered and amended)

Regulatory Update

WATER

Drinking Water/Definitions

Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-110 regarding definitions relating to drinking water. The rule revises the definition of “plan approval” so the director can authorize the engineering manager to approve engineering plans and specifications for public drinking water projects. The rule is effective Nov. 8, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; bernieclark@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-110-4 (amended)

Regulatory Update

Washington

GENERAL ENVIRONMENT AND SAFETY

Department of Ecology/Public Records

Washington GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Ecology amends, adopts, and repeals regulations under WAC 173-03 to update the agency's public records procedures to reflect current practice and technology.

The rule also updates information relating to agency programs and staff. The rule is effective Dec. 16, 2017. Contact: Linda Anderson; Department of Ecology; 360-407-6040, linda.anderson@ecy.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 173-03-010 (amended); WAC 173-03-020 (amended); WAC 173-03-030 (amended); WAC 173-03-050 (amended); WAC 173-03-060 (amended); WAC 173-03-065 (new); WAC 173-03-070 (amended); WAC 173-03-075 (new); WAC 173-03-080 (amended); WAC 173-03-090 (amended); WAC 173-03-100 (amended); WAC 173-03-040 (repealed)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pollution Liability Insurance Agency/State Environmental Policy Act Washington GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Pollution Liability Insurance Agency to adopt regulations under WAC 374-100 to establish agency implementation procedures for the State Environmental Policy Act (SEPA). The rule also would incorporate by reference SEPA standards under WAC 197-11. Comments are requested, but a due date is not specified. Contact: Cassandra Garcia; PLIA; 360-407-0520; rules@plia.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 374-100 (new)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Division of Occupational Safety and Health/Change Log Revisions Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries, Division of Occupational Safety and Health, would amend regulations under WAC 296-59, -78, -115, -304, and -823 to make editorial revisions that are on the division's change log. The rule would update and clarify provisions concerning vessels and confined spaces, ski lift work platforms, vehicles, vessel inspection and certification, cleaning and other cold work, scaffold and staging, ladders, hazardous materials, and medical records. The rule is submitted for expedited amendment. Objections are due Jan. 23, 2018. Contact: Chris Miller; DLI; 360-902-5516; christopher.miller@lni.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 296-59-060 (amended); WAC 296-59-125 (amended); WAC 296-78-835 (amended); WAC 296-115-025 (amended); WAC 296-304-02005 (amended); WAC 296-304-05001 (amended); WAC 296-304-05003 (amended); WAC 296-304-06013 (amended); WAC 296-823-17005 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Electrical and Telecommunications Licenses/Scope of Work Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries would amend regulations under WAC 296-46B to update provisions concerning electrical and telecommunications license and

certificate types and scope of work. The rule would modify the scope of work for the residential specialty to allow electrical work in multifamily occupancies of buildings up to six stories. The rule also would modify the scope of work for the sign specialty to allow energy efficient retrofitting of exterior luminaries that are mounted on a pole or other structures. The proposal is issued in response to two rulemaking petitions. A hearing is scheduled for Jan. 3, 2018, in Tumwater. Comments are due Jan. 5, 2018. Contact: Steve Thornton; DLI; 360-902-6234

—State Publication Date: 12/06/2017. Citations: WAC 296-46B-920 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Manufactured Homes Installer Training and Certification Program

Washington OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industries amends regulations under WAC 296-1501 regarding the Manufactured Home Installer Training and Certification Program. The rule replaces the mandatory \$1,000 penalty for infractions with discretionary authority to issue a monetary penalty of up to \$250 for a first infraction and \$1,000 for subsequent infractions. The rule is effective Jan. 1, 2018. Contact: Craig Sedlacek; DLI; 360-902-5218

—State Publication Date: 12/06/2017. Citations: WAC 296-1501-0210 (amended); WAC 296-1501-3000 (amended)

Regulatory Update

RADIATION

Radiation Machine Registration Fees

Washington RADIATION

Notice announces the intention of the Department of Health to amend regulations under WAC 246-224 and -254 regarding radiation machine facility registration fees. The rule would remove the “flat” facility base fee and instead establish a fee per tube for every X-ray machine. The rule also would clarify the definition of “X-ray facility” and modify facility and machine registration standards. The current action replaces an Oct. 18, 2017, notice of intent, which is withdrawn concurrently. Comments are requested, but a due date is not specified. Contact: Michelle Austin; DOH; 360-236-3250; michelle.austin@doh.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 246-224 (amended); WAC 246-254 (amended)

Regulatory Update

RADIATION

Radiation Machine Registration Fees

Washington RADIATION

Notice of the Department of Health announces the withdrawal of an Oct. 18, 2017, notice of intent to amend regulations under WAC 246-224 and -254 regarding radiation machine facility registration fees. The rule would have allowed the department to remove the exception to the per tube fee for registrants with multiple facilities on a contiguous site under one administrative

control and a single business license with at least two full-time radiation safety personnel. The rule also would have eliminated the “flat” facility base fee for such registrants and instead established a fee per tube for every X-ray machine. In addition, the rule would have clarified the definition of “facility” and added a definition of “contiguous.” The agency has determined that additional sections may need to be revised and has issued a new proposed rulemaking notice concurrently. The withdrawal is dated Nov. 21, 2017. Contact: Michelle Austin; DOH; 360-236-3250; michelle.austin@doh.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 246-224-0010 (amended); WAC 246-224-0040 (amended); WAC 246-254-010 (amended); WAC 246-254-053 (amended)

Regulatory Update

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