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From: Bloomberg BNA
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EHS State Regulatory Alert

July 26, 2017 - Number 142

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Arizona

PESTICIDES

Department of Agriculture/Pest Management Arizona PESTICIDES

Final exempt rule of the Department of Agriculture, Pest Management Division, amends regulations under R3-8-101 through -606 (nonconsecutive) regarding pest management, which are recodified from R4-29-101 through -708 in a concurrent notice. The rule updates provisions to reflect the transfer of authority from the Office of Pest Management to the Pest Management Division. The rule addresses licensure for pest management, recordkeeping and reporting, disciplinary procedures, and supervision. The rule also adds and revises definitions. The rule is effective Aug. 29, 2017. Contact: Vince Craig; Department of Agriculture, Pest Management Division; 602-255-3663; vcraig@azda.gov

—Arizona Administrative Register (07/21/2017)

Regulatory Update

PESTICIDES

Groundwater Protection List Arizona PESTICIDES

Notice of the Department of Environmental Quality announces the availability of the draft 2017 groundwater protection list of agricultural use pesticides and active ingredients determined to have the potential to pollute groundwater, pursuant to regulations under R18-6-301. The draft list adds clopyralid monoethanolamine salt and pyraclostrobin to the 96 active ingredients in the 2016 list. Comments are due Aug. 20, 2017. Contact: David Haag; DEQ; 602-771-4669; haag.david@azdeq.gov

—Arizona Administrative Register (07/21/2017)

Regulatory Update

PESTICIDES

Pest Management

Arizona PESTICIDES

Notice of the Department of Agriculture, Office of Pest Management, announces the recodification of regulations under R4-29-101 through -708 (nonconsecutive) as R3-8-101 through 708 (nonconsecutive) regarding pest management. A concurrent final exempt rule updates the provisions to reflect the transfer of authority from the Office of Pest Management to the Pest Management Division. Contact: Vince Craig; Department of Agriculture, Pest Management Division; 602-255-3663; vcraig@azda.gov

—Arizona Administrative Register (07/21/2017)

Regulatory Update

California Regions

AIR

Adhesives and Sealants

California Regions AIR

Proposed rule of the South Coast Air Quality Management District amends regulations under Rule 1168 regarding volatile organic compound (VOC) emissions limits for adhesives and sealants. The rule updates current VOC limits, adds new product categories and VOC limits, and adds three-year sell-through/use-through provisions. The rule also clarifies that the limits apply to adhesives, adhesive primers, caulks, sealants, or sealant primers not regulated by the California Air Resources Board; applies the most restrictive requirements to products marketed for use under certain specified categories; and prohibits storage of noncompliant products on site unless they are stored for shipment outside of the district. In addition, the rule adds VOC content container labeling requirements, test methods, and reporting requirements and prohibits the use of most Group II exempt solvents, except cyclic, branched, or linear completely methylated siloxanes. Finally, the rule provides for a technology assessment for certain product categories; revises exemptions; and applies VOC limits to consumer products used during manufacturing. A workshop is scheduled for Aug. 17, 2017, in Diamond Bar. A concurrent meeting will address analysis of the proposal under the California Environmental Quality Act. Comments are due Aug. 31, 2017. Contact: Nicole Silva; South Coast AQMD, Planning, Rule Development and Area Sources; 909-396-3384; nsilva@aqmd.gov

—California Regions Regulations (07/21/2017)

Regulatory Update

Florida

WATER

Southwest Florida WMD/Guidance and Minimum Levels for Saddleback and Round Lakes
Florida WATER

Notice of the Southwest Florida Water Management District announces a workshop to discuss amendments to regulations under FAC 40D-8.624 regarding guidance and minimum levels for Saddleback and Round Lakes in Hillsborough County. The workshop is scheduled for Aug. 14, 2017, in Tampa. Contact: Jaime Swindasz; SWFWMD; 352-796-7211

—Florida Administrative Weekly (07/24/2017)

Regulatory Update

Illinois

GENERAL ENVIRONMENT AND SAFETY
Pollution Control Board/Administrative Citations
Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 108.200 through .502 (nonconsecutive) to clarify administrative citations under the Environmental Protection Act, the Public Water Supply Operations Act, and the Electronic Products Recycling and Reuse Act. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-3620; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pollution Control Board/Appeals of Final Decisions of State Agencies
Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 105.108 through .510 (nonconsecutive) and repeals regulations under 35 IAC 105, Appendix A, concerning appeals of final decisions of state agencies. The rule provides for judicial review of agency decisions, specifies that hearings may be held by videoconference, and specifies record filing format requirements. The rule also deletes provisions concerning agency leaking underground storage tanks final decisions that are reviewable. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pollution Control Board/Enforcement
Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 103.100 through .504 (nonconsecutive) concerning enforcement. The rule requires 30 days notice for settlements involving a National Pollutant Discharge Elimination System permit, clarifies orders on proposed stipulations and settlement agreements, and adds electronic funds transfers as an acceptable payment form for civil penalties. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pollution Control Board/Facility Siting Decisions
Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 107.100 through .502 (nonconsecutive) regarding petitions to review pollution control facility siting decisions. The rule specifies content and filing requirements for records. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pollution Control Board/General Rules
Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 101.106 through 101.1070 (nonconsecutive) and Appendix A, Illustration L, regarding the general rules of the board. The rule requires email service for attorneys that file an appearance before the board and updates requirements for electronic document filing. The rule also adds email addresses for the Illinois EPA and state Attorney General and specifies that up to two secondary e-mail addresses may be included for service by e-mail. In addition, the rule addresses board conflicts of interest, adds filing requirements, specifies procedures for the appearance of out-of-state attorneys, and clarifies how mistakes can be corrected during an appeal. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pollution Control Board/Hearings and Proceedings
Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 102.100 through 102.830 (nonconsecutive) and repeals regulations under 35 IAC 102.110 concerning regulatory and informational hearings and proceedings. The rule makes technical and editorial revisions and deletes provisions concerning the waiver of requirements. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; marie.tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pollution Control Board/Proceedings

Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 106.100 through .1180 (nonconsecutive) and repeals regulations under 35 IAC 106.204 through .740 (nonconsecutive) regarding proceedings pursuant to specific rules or statutory provisions. The rule provides for hearings held by videoconference and clarifies renewals of alternative thermal effluent limitations. The rule also deletes provisions concerning motions and responses, continuances, discovery and admissions, subpoenas, order and conduct of hearings, evidentiary matters, post-hearing procedures, and motions after entry of and relief from final orders. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; marie.tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pollution Control Board/Regulatory Relief Mechanisms

Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 104.100 through .428 (nonconsecutive) and adopts regulations under 35 IAC 104.419 concerning regulatory relief mechanisms. The rule specifies procedures for insufficient petitions, updates petition notice requirements, and clarifies written hearings requests to include hearings held by videoconference. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pollution Control Board/Tax Certifications

Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 125.100 through .216 (nonconsecutive) regarding tax certifications. The rule makes technical corrections and updates provisions to reflect legislative changes. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pollution Control Board/Trade Secrets, Other Nondisclosable Information

Illinois GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Board amends regulations under 35 IAC 130.100 through .406 (nonconsecutive) regarding identification and protection of trade secrets and other nondisclosable information. The rule makes technical changes and updates provisions to reflect legislative changes. The rule is effective July 5, 2017. Contact: Marie Tipsord; PCB; 312-814-4925; Marie.Tipsord@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

WATER

Primary Drinking Water Standards

Illinois WATER

Proposed rule of the Pollution Control Board amends regulations under 35 IAC 611.100 through .1060 (nonconsecutive); Appendices A, G, and H; and Table Z and repeals regulations under 35 IAC 611.521 through .528, Appendix D, and Table E regarding safe drinking water requirements. The rule updates provisions to align with federal standards under 40 CFR 141 through 143, as of Dec. 31, 2016, including adding 16 equivalent methods for analyzing contaminants in drinking water. The rule also deletes outdated provisions and makes technical revisions. Comments are due Sept. 4, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (07/21/2017)

Regulatory Update

Maryland

WATER

Susquehanna River Basin Commission/Meeting Actions

Maryland WATER

Notice of the Susquehanna River Basin Commission announces actions taken at its June 16, 2017, meeting in Entringen, Pa. The commission elected a chair and vice chair; adopted the fiscal year 2018-2019 water resources program, the FY 2018 regulatory program fee schedule, and the FY 2019 preliminary budget; authorized execution of a treasury management services agreement; and approved or ratified contracts, a grant agreement, and a bank loan payoff. The committee also approved a rulemaking action to address application requirements, standards for review of projects, mitigation of consumptive uses, registration of grandfathered projects, and hearings and enforcement actions. In addition, the commission denied and tabled two requests, extended the term of an emergency certificate with Susquehanna Nuclear LLC, adopted amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin, and provided a report on delegated settlements with two project sponsors. Finally, the commission approved 17 and tabled eight project applications, including two involving a diversion. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—Maryland Register (07/21/2017)

Regulatory Update

WATER

Susquehanna River Basin Commission/Review and Approval of Projects
Maryland WATER

Notice announces a June 29, 2017, final rule of the Susquehanna River Basin Commission that clarifies application requirements and standards for review of projects and provides for the registration of grandfathered projects. The rule also revises requirements for hearings and enforcement actions and updates definitions. The final rule includes numerous changes and clarifications to the rule as proposed. For example, the final rule allows the executive director to use past grandfathering determinations and allows the commission to waive certain registration information if a project is relying on a past grandfathering determination. The final rule does not finalize proposed changes to the consumptive use mitigation policy. The commission plans to reevaluate its policies and procedures for consumptive use and consumptive use mitigation in a more comprehensive fashion. The rule is effective July 1, 2017. Provisions concerning registration of grandfathered projects and grandfathered consumptive use are effective Jan. 1, 2018. Contact: Jason Oyler; Susquehanna River Basin Commission; 717-238-0423; joyler@srbc.net. Citations: 18 CFR 806.1 through 808.18

—Maryland Register (07/21/2017)

Regulatory Update

Minnesota

WATER

Wells and Borings/Bored Geothermal Heat Exchangers
Minnesota WATER

Notice announces the intention of the Department of Health, Environmental Health Division, to amend regulations under MNR 4725 regarding bored geothermal heat exchangers. The amendments address licensure and permit requirements for individuals who construct, repair, or seal bored geothermal heat exchangers. The rule also addresses construction, location, and sealing requirements. The department originally requested comments on the amendments in an Aug. 5, 2013, notice. Comments are requested, but a due date is not specified. Contact: Nancy La Plante; DOH, Environmental Health Division; 651-201-3651; nancyjo.laplante@state.mn.us

—Minnesota State Register (07/24/2017)

Regulatory Update

Nevada

OCCUPATIONAL SAFETY AND HEALTH

OCCUPATIONAL SAFETY AND HEALTH

Occupational Safety and Health/Entertainment Construction

Nevada OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Business and Industry, Division of Industrial Relations, to amend regulations under NAC 618.990, .9917, and .9927 and adopt regulations under NAC 618 to establish OSHA-10 and OSHA-30 continuing education requirements for workers whose primary occupation is to perform work on entertainment sites, including the construction, installation, maintenance, operation, repair or removal of certain specified sites and equipment. A comment due date is not specified. Contact: DBI, Division of Industrial Relations; 775-684-7270

—Nevada Register (07/24/2017)

Regulatory Update

Ohio

GENERAL ENVIRONMENT AND SAFETY

Environmental Review Appeals Commission/Notice of Public Meetings

Ohio GENERAL ENVIRONMENT AND SAFETY

Final rule of the Environmental Review Appeals Commission amends regulations under OAC 3746-15-01 regarding notice of public meetings. The rule replaces an outdated mailing address with a references to the commission's website. The rule is effective Aug. 1, 2017. Contact: Julie Slane; ERAC; 614-466-8950; Julie.A.Slane@erac.state.oh.us

—Ohio Regulations (07/24/2017)

Regulatory Update

WATER

Water Pollution and Soil Erosion/Civil Penalties

Ohio WATER

Final rule of the Department of Agriculture rescinds and readopts regulations under OAC 901:13-1-99 concerning civil penalties for unlawful surface application of manure in the Western Basin. The rule establishes the amount of civil penalties for violations of any provision of Ohio Revised Code Chapter 939 or OAC 901:13-1. The rule is effective July 28, 2017. Contact: David Miran; Department of Agriculture; 614-728-6390; david.miran@agri.ohio.gov

—Ohio Regulations (07/24/2017)

Regulatory Update

WATER

Water Quality Standards
Ohio WATER

Proposed rule of the Ohio EPA amends regulations under OAC 3745-1-04 and rescinds and readopts regulations under OAC 3745-1-01 concerning applicability of water quality standards and criteria applicable to all waters. The rule adds criteria covering harbor or navigation maintenance activities to reflect the 2020 ban on open lake disposal. The rule also clarifies provisions concerning pesticide applications, updates cross-references, and reflects the recently updated E. coli number under OAC 3745-1-37. A hearing is scheduled for Aug. 23, 2017, in Columbus. Comments are due Aug. 23, 2017. Contact: Emily DeLay; OEPA, Division of Surface Water; 614-728-2396; Emily.DeLay@epa.ohio.gov

—Ohio Regulations (07/24/2017)

Regulatory Update

Rhode Island

GENERAL ENVIRONMENT AND SAFETY
Department of Health/Lead Poisoning Prevention Fees
Rhode Island GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Health amends regulations under 216-RICR-10-5-2 regarding the fee structure for licensing, laboratory, and administrative services provided by the department. The rule revises several fees related to lead training courses and lead professional licensure related to lead poisoning prevention regulations under 216-RICR-50-15-3, which are proposed concurrently. A hearing is scheduled for Aug. 3, 2017, in Providence. Comments are due Aug. 21, 2017. Contact: Paula Pullano; DOH, Division of Policy, Information, and Communications; 401-222-1042; paula.pullano@health.ri.gov

—Rhode Island Regulations (07/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Lead Poisoning Prevention
Rhode Island OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Health repeals regulations under R23-24.6-PB regarding lead poisoning prevention. A concurrent proposed rule adopts regulations under 216-RICR-50-15-3 to update the standards for lead poisoning prevention. A hearing is scheduled for Aug. 3, 2017, in Providence. Comments are due Aug. 21, 2017. Contact: Paula Pullano; DOH, Division of Policy, Information, and Communications; 401-222-1042; paula.pullano@health.ri.gov

—Rhode Island Regulations (07/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Lead Poisoning Prevention

Rhode Island OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Health adopts regulations under 216-RICR-50-15-3 regarding lead poisoning prevention. The rule updates provisions to align with federal standards, revise fees and fee categories, and adds a penalty matrix. The rule addresses standards for childhood lead poisoning screening, environmental lead inspections, and environmental lead testing methods. The rule also addresses licensure and certification requirements for lead professionals and training courses, hazard reduction, and safe work practices. In addition, the rule recodifies provisions under R23-24.6-PB, which are repealed in a concurrent proposed rule. A hearing is scheduled for Aug. 3, 2017, in Providence. Comments are due Aug. 21, 2017. Contact: Paula Pullano; DOH, Division of Policy, Information, and Communications; 401-222-1042; paula.pullano@health.ri.gov

—Rhode Island Regulations (07/23/2017)

Regulatory Update

Tennessee

OCCUPATIONAL SAFETY AND HEALTH

Occupational Safety and Health Standards for General Industry, Construction, Agriculture

Tennessee OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Workforce Development, Division of Occupational Safety and Health, amends regulations under RRT 0800-01-01-.06, -06-.02, -07-.01, and -07-.02 regarding occupational safety and health standards for general industry, construction, and agriculture. The rule updates references to federal standards under 29 CFR 1910, 1926, and 1928, as of July 1, 2017. The rule is effective July 23, 2017. Contact: Larry Hunt; DLWD, Division of Occupational Safety and Health; 615-741-7036; larry.hunt@tn.gov

—Tennessee Administrative Register (07/24/2017)

Regulatory Update

Wyoming

WATER

State Engineer/Water Well Permit Application Fees

Wyoming WATER

Proposed rule of the State Engineer's Office amends regulations under Chapter 1 regarding fees. The rule reassigns responsibility for payment of water right adjudication advertisement fees from the county where the water right is located to the appropriator who holds the water right. The rule is currently in effect as an emergency rule. Comments and hearing requests are due Sept. 12,

2017. Contact: Nancy McCann; State Engineer's Office; 307-777-5958; nancy.mccann@wyo.gov

—Wyoming Regulations (07/24/2017)

Regulatory Update

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