



## SMG Reg Watch

December 2013 / Scott R. Smith and Kori J. Andrews

Reg Watch is a periodic summary of regulations that we are currently tracking. The regulations we watch address energy, environmental, health, safety, educational issues relating to sustainability and public utilities.

This is not an all-encompassing list of all regulations being considered at the state or federal level. Contact me if you want to add additional issues, need copies of the proposed or final regulations or have questions about these or other regulations you've heard about.

### DO YOU KNOW SOMEONE WHO WANTS TO RECEIVE THESE UPDATES?

Contact us at [scottr.smith@smithmanage.com](mailto:scottr.smith@smithmanage.com).

### QUESTIONS, COMMENTS, ADDITIONAL INFORMATION

Scott R. Smith, [scottr.smith@smithmanage.com](mailto:scottr.smith@smithmanage.com) or [koria@smithmanage.com](mailto:koria@smithmanage.com)

### Scott's Thoughts

Here are SMG's blog entries of note for December. Blog entries are linked to this Reg Watch:

- [EPA releases its Draft FY 2014-18 Strategic Plan](#)
- [Funding available to Replace or Retrofit Nonroad Diesel Construction Engines](#)
- [DAQ Announces an Electronic Reporting Option](#)
- [EPA Releases a New Framework for Implementing the TMDL Program](#)
- [OSHA Publishes Plans for 2014](#)

### State Regulation Review

**The following regulations were reviewed by the Administrative Regulation Review Subcommittee on December 11, 2013.** The regulations look like they will be final in early February 2014

### **ENERGY AND ENVIRONMENT CABINET: Department for Environmental Protection: Division of Waste Management: Brownfield's Redevelopment**

401 KAR 102:005. Definitions for 401 KAR Chapter 102.

[401 KAR 102:010](#). Brownfield Redevelopment Program.

[401 KAR 102:020](#). General requirements for a Property Management Plan for Brownfield Redevelopment Program.

### Federal Regulation Review

#### Water

#### EPA, [Draft National Pollutant Discharge Elimination System \(NPDES\) General Permit for Stormwater Discharges From Industrial Activities; Extension of Comment Period](#)

#### **Notice; extension of public comment period.**

On September 27, 2013 the EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 published a request for comments on EPA's draft 2013 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP). As initially published in the **Federal Register**, written comments were to be submitted to the EPA on or before November 26, 2013 (a 60-day public comment period). Since publication, the EPA

has received a request for additional time to submit comments. Therefore, the EPA is extending the public comment period for 30 days until December 26, 2013.

**DATES:** The public comment period for the review published September 27, 2013 (79 FR 59672) is being extended for 30 days to December 26, 2013 in order to provide the public additional time to submit comments and supporting information.

### Air

#### EPA, [Prevention of Significant Deterioration for Particulate Matter Less Than 2.5 Micrometers—Significant Impact Levels and Significant Monitoring Concentration: Removal of Vacated Elements](#)

**Final rule.** On January 22, 2013, the United States Court of Appeals for the District of Columbia Circuit (the Court) granted a request from the EPA to vacate and remand to the EPA portions of two Prevention of Significant Deterioration (PSD) regulations, promulgated in 2010 under the authority of the Clean Air Act (CAA), regarding the Significant Impact Levels (SILs) for particulate matter less than 2.5 micrometers (PM2.5). The Court further vacated the portions of the PSD regulations establishing a PM2.5 Significant Monitoring Concentration (SMC). The EPA is amending its regulations to remove the vacated PM2.5 SILs and SMC provisions from the PSD regulations in the Code of Federal Regulations (CFR). This action is exempt from notice-and-comment rulemaking because it is ministerial in nature. The EPA will initiate a separate rulemaking in

the future regarding the PM2.5 SILs that will address the Court's remand.

**DATES:** This final rule is effective December 9, 2013.

#### EPA, [Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Small Industrial-Commercial- Institutional Steam Generating Units \(Renewal\)](#)

**Notice:** The Environmental Protection Agency has submitted an information collection request (ICR), "NSPS for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc) (Renewal)" (EPA ICR Number 1564.09, OMB Control Number 2060-0202), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through March 31, 2014. Public comments were previously requested via the **Federal Register** (78 FR 33409) on June 4, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A full description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before January 10, 2014.

#### EPA, [Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel](#)

**Lexington**  
1405 Mercer Road  
Lexington, KY 40511  
859-231-8936  
859-231-8997 fax

**Louisville**  
1860 B Williamson Court  
Louisville, KY 40223  
502-587-6482  
502-587-6572 fax



**[Standards—Petition for International Aggregate Compliance Approach](#)**

**Notice:** The Environmental Protection Agency is planning to submit an information collection request (ICR), “Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards—Petition for International Aggregate Compliance Approach” (EPA ICR No. 2398.03, OMB Control No. 2060–0655 to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through February 28, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before February 18, 2014.

**[EPA, Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Beryllium \(Renewal\)](#)**

**Notice:** The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Beryllium (40 CFR Part 61, Subpart C) (Renewal)” (EPA ICR No. 0193.11, OMB Control No. 2060–0092), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through March 31, 2014.

Public comments were previously requested via the **Federal Register** (78 *FR* 33409) on June 4, 2013, during a 60- day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public.

An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before January 23, 2014.

**[EPA, Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Stationary Spark Ignition Internal Combustion Engines \(Renewal\)](#)**

**Notice:** The Environmental Protection Agency has submitted an information collection request (ICR), “NSPS for Stationary Spark Ignition Internal Combustion Engines (40 CFR Part 60, Subpart JJJJ) (Renewal)” (EPA ICR No. 2227.04, OMB Control No. 2060–0610), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) This is a proposed extension of the ICR, which is currently approved through April 30, 2014. Public comments were previously requested via the **Federal Register** (78 *FR* 35023) on June 11, 2013, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required

**Lexington**  
1405 Mercer Road  
Lexington, KY 40511  
859-231-8936  
859-231-8997 fax

**Louisville**  
1860 B Williamson Court  
Louisville, KY 40223  
502-587-6482  
502-587-6572 fax



to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before January 23, 2014.

#### **Environmental Health and Safety**

##### **OSHA, Process Safety Management and Prevention of Major Chemical Accidents**

**Request for Information.** In response to Executive Order 13650, OSHA requests comment on potential revisions to its Process Safety Management (PSM) standard and its Explosives and Blasting Agents standard, potential updates to its Flammable Liquids standard and Spray Finishing standard, and potential changes to PSM enforcement policies. In this Request for Information (RFI), the Agency asks for information and data on specific rulemaking and policy options, and the workplace hazards they address. OSHA will use the information received in response to this RFI to determine what action, if any, it may take.

**DATES:** Submit comments and additional material on this Request for Information March 10, 2014. All submissions must bear a postmark or provide other evidence of the submission date. The following section describes the available methods for making submissions.

##### **OSHA, Standard on the Storage and Handling of Anhydrous Ammonia; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements**

**Request for Public Comments:** OSHA solicits public comments concerning its proposal to extend OMB approval of the information

collection requirements specified in the Storage and Handling of Anhydrous Ammonia Standard (29 CFR 1910.111). Paragraphs (b)(3) and (b)(4) of the Standard have paperwork requirements that apply to nonrefrigerated containers and systems and refrigerated containers, respectively; employers use these containers and systems to store and transfer anhydrous ammonia in the workplace.

**DATES:** Comments must be submitted (postmarked, sent, or received) by February 24, 2014.

#### **Waste**

##### **EPA, Agency Information Collection Activities; Proposed Collection; Comment Request; Land Disposal Restrictions**

**Notice:** The Environmental Protection Agency is planning to submit an information collection request (ICR), Land Disposal Restrictions (EPA ICR No. 1442.22, OMB Control No. 2050-0085) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through March 31, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before February 10, 2014.

#### **Other**

**Lexington**  
1405 Mercer Road  
Lexington, KY 40511  
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859-231-8997 fax

**Louisville**  
1860 B Williamson Court  
Louisville, KY 40223  
502-587-6482  
502-587-6572 fax



**USF&W, [Endangered and Threatened Wildlife and Plants; Listing the Northern Long-Eared Bat as an Endangered Species](#)**

**Proposed rule; extension of comment period.**

On October 2, 2013, we, the U.S. Fish and Wildlife Service (Service), announced a 12-month finding on a petition to list the eastern small-footed bat (*Myotis leibii*) and the northern long eared bat (*Myotis septentrionalis*) as endangered or threatened under the Endangered Species Act of 1973, as amended (Act) and to designate critical habitat. After review of the best available scientific and commercial information, F&W found that listing the eastern small-footed bat is not warranted but listing the northern long eared bat is warranted. Accordingly, F&W proposed to list the northern long-eared bat as an endangered species throughout its range under the Act. In the October 2, 2013, proposed rule, we also determined that critical habitat for the northern long-eared bat is not determinable at this time. We announce the extension of the comment period for our October 2, 2013, proposed rule to ensure the public has sufficient time to comment on the proposal for this wide-ranging species that involves many stakeholders. The Service seeks data and comments from the public on the October 2, 2013, proposed listing rule for the northern long-eared bat.

**DATES:** The comment period for the proposed rule published October 2, 2013 (78 FR 61046), is extended. F&W requests that comments on this proposal be submitted by the close of business on January 2, 2014.

**EPA, [Electronic Reporting Under the Toxic Substances Control Act](#)**

**Final Rule.** EPA is amending certain reporting requirements that were promulgated under the Toxic Substances Control Act (TSCA) to require the use electronic reporting. EPA is requiring the use of electronic reporting in order to minimize the paperwork burden associated with the underlying regulatory requirements and to minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information. This action will also improve the quality and use of information to strengthen decision making, accountability, and openness in government and society, as well as provide for the timely dissemination of public information and in a manner that promotes the utility of the information to the public and makes effective use of information technology.

**DATES:** This final rule is effective March 4, 2014.

**EPA, [Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Confidentiality Rules \(Renewal\)](#)**

**Notice:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), EPA announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted in the linked document, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before February 24, 2014.

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1405 Mercer Road  
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859-231-8997 fax

**Louisville**  
1860 B Williamson Court  
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502-587-6482  
502-587-6572 fax



**EPA, [Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA](#)**

**Final Rule:** The Environmental Protection Agency (EPA) today is taking final action to amend the standards and practices for conducting all appropriate inquiries under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to reference a standard practice recently made available by ASTM International, a widely recognized standards development organization. Specifically, this final rule amends the “All Appropriate Inquiries Rule” at 40 CFR Part 312 to reference ASTM International’s E1527–13 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and make clear that persons conducting all appropriate inquiries may use the procedures included in this standard to comply with the All Appropriate Inquiries Rule.

**DATES:** This rule is effective on December 30, 2013.

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