



SMG Reg Watch

October 2015 / 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 koria@smithmanage.com.

QUESTIONS, COMMENTS, ADDITIONAL INFORMATION

Scott R. Smith, scottr.smith@smithmanage.com or koria@smithmanage.com

Scott's Thoughts

SMG provides brief blog updates several times each week. Blogs are written by SMG employees, and can be found on our website. SMG Blog Entries of Note for this month are hyperlinked below:

- [Proposed Rule: EPA RCRA Hazardous Waste Generator Rules](#)
- [New Ozone Air Quality Requirements](#)
- [More Ozone Overkill](#)
- [Hazardous Material Tank Permits](#)
- [Beryllium Proposed Rule](#)

- [Peracetic Acid as a Wastewater Disinfectant Alternative](#)
- [What is a HAB and what's the big deal about it?](#)
- [Water Police: Coming To A Neighborhood Near You?](#)
- [First Wood Burning Stove Ban](#)
- [Determination of Pollutants of Concern](#)

Kentucky's election for governor is Tuesday and I want to encourage you to vote. The next governor will play an important role in education, taxes, health care and other key factors that impact our business and our families. I hope you will take the time to determine which candidate best represents your interests.

SMG is a member of the Kentucky Chamber of Commerce, a non-partisan organization that advocates for a good business climate in Kentucky. They've developed a voter guide that compares the candidates making it easy for you to see which candidate would best represent your views. This guide is non-partisan and simply details the positions of each candidate based on what they've said they will do.

There are two versions of the voter guide. [Click here for the interactive version](#) with video of the candidates and much more. [Click here to download a printable version](#) (best on tablets and phones). Don't forget to vote Tuesday. Polls are open between 6 a.m. and 6 p.m. You can [find where you are registered to vote here](#).

State Regulation Review

The following have been proposed:

ENERGY AND ENVIRONMENT CABINET:

Department for Environmental Protection:

Division for Air Quality: New Source Standards

[401 KAR 59:174](#). Stage II controls at gasoline dispensing facilities.

Department for Natural Resources: Division of Forestry: Forestry

[402 KAR 3:050](#). Bad actor notice provisions.

Department for Natural Resources: Division of Oil and Gas: Oil and Gas

[805 KAR 1:100](#). Commission's rules of procedure; spacing of deep well drilling; wildcat wells and pooling of interests.

In addition, on November 1, 2015, Kentucky Division of Waste Management should release a proposed regulation regarding the Division of Waste Management's ability to invoke a requirement to preclude delivery of fuel to stations who are in violation of certain UST regulatory requirements.

Federal Regulation Review

EPA, Stormwater Management in Response to Climate Change Impacts: Lessons From the Chesapeake Bay and Great Lakes Regions

Notice of public comment period and letter peer review. The Environmental Protection Agency (EPA) is announcing a 30-day public comment period for the draft document titled, "Stormwater Management in Response to Climate Change Impacts: Lessons from the Chesapeake Bay and Great Lakes Regions" (EPA/600/R-15/087). EPA is also announcing that Versar, Inc., an EPA contractor for external scientific peer review, will select three independent experts from a pool of six to conduct a letter peer review of the same draft

document. The document was prepared by the National Center for Environmental Assessment within EPA's Office of Research and Development. This document describes insights gained from a series of EPA and National Oceanic and Atmospheric Administration (NOAA) sponsored workshops with communities in the Chesapeake Bay and Great Lakes regions to address climate change in stormwater adaptation efforts. EPA intends to forward the public comments that are submitted in accordance with this document to the external peer reviewers for their consideration during the letter peer review. When finalizing the draft documents, EPA intends to consider any public comments received in response to this notice. EPA is releasing this draft document for the purposes of public comment and peer review. This draft document is not final as described in EPA's information quality guidelines and does not represent and should not be construed to represent Agency policy or views. The draft document is available via the Internet on EPA's Risk Web page under the Recent Additions at <http://www.epa.gov/risk>.

DATES: The 30-day public comment period begins October 7, 2015, and ends November 6, 2015. Technical comments should be in writing and must be received by EPA by November 6, 2015.

EPA, Approval and Promulgation of Implementation Plans; Kentucky: New Sources in or Impacting Nonattainment Areas

Final rule. The Environmental Protection Agency (EPA) is taking final action to approve the Commonwealth of Kentucky's September 23, 2011, State Implementation Plan (SIP) revision, submitted through the Kentucky Division for Air Quality (KY DAQ), which modifies the SIP by making changes to Kentucky regulation, "*Review of new sources in or impacting upon nonattainment areas.*" EPA has determined that Kentucky's requested SIP revision meets the applicable provisions of the Clean Air Act (CAA or

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



Act) and EPA regulations regarding Nonattainment New Source Review (NNSR) permitting.

DATES: This rule is effective November 9, 2015.

EPA, [Greenhouse Gas Reporting Rule: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems](#)

Final rule. The Environmental Protection Agency (EPA) is finalizing revisions and confidentiality determinations for the petroleum and natural gas systems source category of the Greenhouse Gas Reporting Rule. These revisions include the addition of calculation methods and reporting requirements for greenhouse gas (GHG) emissions from gathering and boosting facilities, completions and workovers of oil wells with hydraulic fracturing, and blowdowns of natural gas transmission pipelines between compressor stations. The revisions also include the addition of well identification reporting requirements to improve the EPA's ability to verify reported data and enhance transparency. This action also finalizes confidentiality determinations for new data elements contained in these amendments.

DATES: This final rule is effective on January 1, 2016.

EPA, [National Ambient Air Quality Standards for Ozone](#)

Final rule. Based on its review of the air quality criteria for ozone (O3) and related photochemical oxidants and national ambient air quality standards (NAAQS) for O3, the Environmental Protection Agency (EPA) is revising the primary and secondary NAAQS for O3 to provide requisite protection of public health and welfare, respectively. The EPA is revising the levels of both standards to 0.070 parts per million (ppm), and retaining their indicators (O3), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours). The EPA is making corresponding revisions in data handling conventions for O3 and changes to the

Air Quality Index (AQI); revising regulations for the prevention of significant deterioration (PSD) program to add a transition provision for certain applications; and establishing exceptional events schedules and providing information related to implementing the revised standards. The EPA is also revising the O3 monitoring seasons, the Federal Reference Method (FRM) for monitoring O3 in the ambient air, Federal Equivalent Method (FEM) analyzer performance requirements, and the Photochemical Assessment Monitoring Stations (PAMS) network. Along with exceptional events schedules related to implementing the revised O3 standards, the EPA is applying this same schedule approach to other future new or revised NAAQS and removing obsolete regulatory language for expired exceptional events deadlines. The EPA is making minor changes to the procedures and time periods for evaluating potential FRMs and equivalent methods, including making the requirements for nitrogen dioxide (NO2) consistent with the requirements for O3, and removing an obsolete requirement for the annual submission of Product Manufacturing Checklists by manufacturers of FRMs and FEMs for monitors of fine and coarse particulate matter. For a more detailed summary, see the Executive Summary below.

DATES: The final rule is effective on December 28, 2015.

OSHA, [The 1,3-Butadiene Standard; 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 the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the 1,3-Butadiene (BD) Standard (29 CFR 1910.1051).

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DATES: Comments must be submitted (postmarked, sent, or received) by December 28, 2015.

[EPA, Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations](#)

Notice of public hearings. The Environmental Protection Agency (EPA) is announcing four public hearings to be held on the proposed “Federal Plan Requirements for Greenhouse Gas Emissions from Electric Utility Generating Units Constructed on or before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations.”

DATES: The EPA will be holding four public hearings on the proposed federal plan to accept oral comments. The hearings will be held:

1. November 12–13, 2015 in Pittsburgh, PA.
2. November 16–17, 2015, in Denver, Colorado.
3. November 18–19, 2015 in Washington, DC.
4. November 19–20, 2015 in Atlanta, Georgia.

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