



SMG Reg Watch

March 2017 / Scott R. Smith and Josiah Frey

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

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QUESTIONS, COMMENTS, ADDITIONAL INFORMATION

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Scott's Thoughts

After the Congressional health care debacle, I've pretty much written off this Congress unless or until I can see them getting their act together. For that reason, I think my focus is going to be on actions of the Administrative Branch in the form of regulations, Executive Orders and

Memoranda of Understanding between agencies. I will keep an eye on legislation but not both eyes. It used to be if you did not vote with leadership on key legislation, bad things happened to you. That could mean restricting funding for your district, removal of uncooperative members from leadership positions, even moving their office to the basement or other unmentionable locations. It will be interesting to see where some of the Congressmen will be receiving their mail and phone calls. It definitely makes for uncomfortable visits from people back home. It will be interesting to see if there is any personnel fallout from last week's debacle in the era of political correctness.

You are hearing a lot about the cuts in "President Trump's budget". While the Executive Branch's budget gets a lot of press and could be considered part of the Washington circus, it's really part of the side show, not the main event. Chief executives' budgets are politely "considered" but rarely carry much weight. The media sharks, because they don't have anything else to write about, are filling newspaper columns and the air waves with budget tripe that will likely prove to be not that accurate. If you are really interested, watch the budget committees in the House where the heavy lifting on spending starts. The House has a Committee on Appropriations with Subcommittees on specific cabinets. For example, there is a Subcommittee on Interior and Environment and another on Labor, Health and Human Services and

Education. These committees in the House and Senate are where the real work is done. You can follow their work on the internet.

Keep in mind that the next Congressional train wreck will probably happen somewhere around the April 28th expiration of the current Budget Continuing Resolution. Right now it's not clear if the spending bills will be passed individually, through an omnibus, or more likely, through several minibus packages. The process will probably be complicated by an anticipated military supplemental amount and initial request of \$12-\$15 billion for the border wall. Have you heard the old adage that you don't want to see how sausage and laws are made?

On a brighter note, on February 28th, the White House issued an Executive Order titled, [‘Restoring the Rule of Law, Federalism and Economic Growth by Reviewing the “Waters of the United States” Rule’](#). This EO directs EPA to review the 2015 final rule and determine whether it promotes economic growth, minimizes regulatory uncertainty and shows due regard for the roles of the Congress and States under the Constitution. EPA is further directed to “publish for notice and comment” a proposed rule rescinding or revising the rule, as appropriate and consistent with law. This part of the law is going to remain an area of uncertainty until Congress revises and clarifies the portion of the Clean Water Act that deals with this issue.

On March 2, 2017, EPA Administrator Pruitt, [withdrew the Information Collection Request](#) that the Obama EPA issued last November that would have forced the oil

and natural gas industry to produce substantial amounts of detailed information about methane emissions from existing oil and gas operations.

To show that the Obama Administration's regulatory train still has some steam left, EPA issued the new [2017 Construction General Stormwater Permit \(CGP\) and a Stormwater Pollution Prevention Plan \(SWPPP\)](#). The rule was issued January 19, 2017 and the requirements took effect February 16, 2017 for Alabama, Florida, Louisiana, Mississippi, South Carolina, Tennessee and Texas. The remaining states will continue to use their current permit until it expires. Be careful, you will probably find that your state will try to slide some of the new federal provisions into their permit when the time comes. This issue will be covered in more detail in SMG's new publication, “Under the Microscope” in the next couple of weeks.

The Obama Administration's Risk Management Program Final Rule has been [delayed by EPA until June 19, 2017](#). Apparently, “numerous procedural flaws” existed in the rulemaking that prevented effective public comment. Watch for a new Notice of Proposed Rulemaking to allow public comment on issues that have been raised regarding the rule.

The latest provisions of the [Army Corps of Engineers Nationwide Permits](#) took effect March 19, 2017. The Nationwide Permits are a streamlined permitting process that authorizes certain categories of activities that have minimal individual and cumulative impact to wetlands and other waters of the

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United States subject to a pre-determined set of General Conditions. The Corps made significant modifications to the following NWP: NWP 12 Utility Line Activities; NWP 13 Bank Stabilization; NWP21 Surface Coal Mining Activities; and NWP 48 Commercial Shellfish Aquaculture Activities. The Corps also made significant updates to certain General Conditions contained in the NWP. Some of those include: GC 18 Endangered Species; GC 19 Migratory Birds and Bald Eagles; GC 23 Mitigation; and GC 32 Pre-Construction Notification. You need to look over this document for changes or clarifications that might impact your industry. Also, remember that states can make the provisions of this permit more restrictive, so keep an eye on your state Division of Water. Kentucky has already weighed in and have made some changes, one of which is discussed in a SMG blog titled [“Proposed 2017 Kentucky Water Quality Certification Limitation.”](#)

Normally EPA Regional Administrators are appointed during the spring of a new administration. These appointments are going to be very interesting under this Administration. To make sure this administration has appropriate control over the various EPA Regions, they have issued a memorandum entitled, “Delegation of Authority”. The memo states that because presidentially appointed Assistant Administrators and Regional Administrators have yet to assume their duties, “for the next 30 days, the Administrator wishes to retain approval authority for Agency actions having significant regulatory and enforcement effect.” EPA will require that any significant regional decisions or agency actions be

directed to agency headquarters if they would, “limit the flexibility of the States, limit energy resource use, impose significant costs on industry or commerce or otherwise likely result in significant public attention on the proposed decisions or final agency actions.” Yes, there is a new sheriff in town.

The Rusty Patched Bumble Bee is back. US Fish and Wildlife Service published their final rule listing the bee as endangered under the Endangered Species Act. Its range includes Indiana, Kentucky, Tennessee and West Virginia. Keep your eyes peeled for the bee and its habitat. This rule was delayed but [went into effect on March 21, 2017.](#)

In addition to the above “Scott’s Thoughts” SMG staff 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:

- [OSHA Walking-Working Surfaces Final Rule](#)
- [Changes: Louisville Air Emission Inventory Forms](#)
- [HAULED WASTES – POTW Pretreatment Program](#)
- [Changes in Kentucky SARA Title III Emergency Plans](#)
- [2017 ASCE Infrastructure Report Card-What It Means For Kentucky](#)
- [Upcoming Change to NetDMR Reporting](#)

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State Regulation Review

On February 10, 2017, the [Administrative Regulation Review Subcommittee](#) deferred the newly proposed Coal Combustion residuals surface impoundments regulation ([401 KAR 4:070](#)) until the next meeting on March 6th. However, the Administrative Regulation Review Subcommittee did approve changes to Sections 1-4, 6, and 7 of [401 KAR 46:120](#) regarding the coal combustion residuals (CCR) permit-by-rule

On February 10, 2017, the Administrative Regulation Review Subcommittee approved amendments to Section 1 and Section 2 of the special waste permit-by-rule ([401 KAR 45:060](#)).

On February 10, 2017, the Administrative Regulation Review Subcommittee approved amendments to the Kentucky Emergency Response Commission Tier 2 reporting and fee schedule requirements ([106 KAR 1:081](#)).

On February 10, 2017, the Division of Occupational Safety and Health Compliance amended [803 KAR 2:303](#) to adopt into Kentucky regulations the federal revisions in [29 CFR Part 1910, Subpart D](#) pertaining to walking-working surfaces filed in the Federal Register on November 18, 2016.

On March 22, 2017, the [EPA officially delegated](#) the Underground Injection Control (UIC) Class II injection well program to the Kentucky Division of Oil and Gas. This delegation of authority became effective March 21, 2017.

On March 19, 2017 Kentucky Division of Water, Water Quality Certification Program [issued the 2017 General Water Quality Certifications](#) for the 2017 U.S. Army Corps of Engineers Nationwide Permits. Of note is the change to General Condition #3 which precludes an applicant from a General Water Quality Certification when constructing in-stream stormwater detention basins. More information can be found in the [February 22, 2017 SMG blog](#) on the topic.

Federal Regulation Review

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AIR

EPA, [Granting Petitions To Add n-Propyl Bromide to the List of Hazardous Air Pollutants](#)

Notice, Extension of Comment Period. On January 9, 2017, the Environmental Protection Agency (EPA) published a draft notice of the rationale for granting petitions to add n-propyl bromide (nPB), also known as 1-bromopropane (1-BP) (Chemical Abstract Service No. 106-94-5), to the list of hazardous air pollutants contained in section 112(b)(1) of the Clean Air Act. The EPA is extending the comment period on the draft notice that was scheduled to close on March 10, 2017, by 90 days until June 8, 2017. The EPA is making this interim extension as an initial response to allow adequate

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consideration of a request to extend the comment period by more than 6 month.

DATES: Comments must be received on or before June 8, 2017.

EPA, [Notice Regarding Withdrawal of Obligation to Submit Information](#)

Notice. The Environmental Protection Agency (EPA) is providing notice that it is withdrawing its requests that owners and operators in the oil and natural gas industry provide information on equipment and emissions at existing oil and gas operations.

DATES: Posted on March 2, 2017.

EPA, [Air Plan Approval and Designation of Areas; KY; Redesignation of the Campbell County, 2010 1-Hour SO₂](#)

Final rule. The Environmental Protection Agency (EPA) is approving two separate but related submissions (one of which includes multiple components) provided by the Commonwealth of Kentucky, through the Kentucky Division of Air Quality (KDAQ), in relation to attainment of the 2010 Sulfur Dioxide (SO₂) national ambient air quality standards (NAAQS) for the Kentucky portion of the Campbell-Clermont, Kentucky-Ohio 2010 1-hour SO₂ nonattainment area (hereafter referred to as the “Campbell-Clermont, KY-OH Area” or “Area”). On March 31, 2015, KDAQ submitted a request for EPA to determine that the Campbell-Clermont, KY-OH Area attained the 2010 1-hour SO₂ NAAQS. Subsequently, on February 22, 2016, KDAQ submitted a request for EPA to redesignate the Campbell County portion of Kentucky that is within the Campbell-Clermont, KY-OH Area to attainment for the 2010 1-hour SO₂ NAAQS, and to approve a

State Implementation Plan (SIP) revision containing a maintenance plan, base year inventory, and reasonably available control measures (RACM) determination for the Kentucky portion of the Area. EPA is approving the Commonwealth's RACM determination; the base year emissions inventory for the Kentucky portion of the Area; the Commonwealth's request for a clean data determination; and the Commonwealth's plan for maintaining attainment of the 2010 1-hour SO₂ NAAQS; and is redesignating the Kentucky portion of the Area to attainment for the 2010 1-hour SO₂ NAAQS.

DATES: This rule will be effective on March 10, 2017

EPA, [Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date](#)

Final rule; delay of effective date. By a letter dated March 13, 2017, the Administrator announced the convening of a proceeding for reconsideration of the final rule that amends the chemical accident prevention provisions addressing Risk Management Programs under the Clean Air Act published in the Federal Register on January 13, 2017. The effective date of these regulations had been March 21, 2017. By this action, the EPA is administratively staying and delaying the effective date of this rule for 90 days. Thus, the January 13, 2017 rule will become effective on June 19, 2017.

DATES: This final rule will become effective June 19, 2017.

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EPA, [Further Delay of Effective Dates for Five Final Regulations Published by the Environmental Protection Agency Between December 12, 2016 and January 17, 2017](#)

Final rule; further delay of effective dates.

In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” and the Federal Register document published by EPA on January 26, 2017, EPA is further delaying the effective dates for the five regulations listed in the table below.

Federal Register citation	Title
82 FR 2760	Addition of a Subsurface Intrusion Component to the Hazard Ranking System
81 FR 89674	Formaldehyde Emission Standards for Composite Wood Products
82 FR 5182	Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter
82 FR 952	Pesticides; Certification of Pesticide Applicators
82 FR 2230	Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits; Procedures for Decisionmaking

DATES: This new effective date of each regulation is May 22, 2017.

EPA, [Notice of Intention To Reconsider the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles](#)

Notice. EPA announces its intention to reconsider the Final Determination of the Mid-Term Evaluation of greenhouse gas (GHG) standards for model year (MY) 2022–2025 light-duty vehicles and to coordinate its reconsideration with the parallel process to be undertaken by the DOT’s NHTSA regarding Corporate Average Fuel Economy (CAFE) standards for cars and light trucks for the same model years.

DATES: Published March 22, 2017. EPA must make a CAFE determination by April 1, 2018.

EPA, [Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Compliance Assurance Monitoring Program](#)

Notice. The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), “Compliance Assurance Monitoring Program” (EPA ICR No. 1663.09, OMB Control No. 2060-0376) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2017. Public comments were previously requested via the Federal Register (81 FR 44860) on July 11, 2016 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

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

DATES: Comments may be submitted on or before May 1, 2017.

EPA, [Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for the Graphic Arts Industry \(Renewal\)](#)

Notice. The Environmental Protection Agency has submitted an information collection request (ICR), “NSPS for the Graphic Arts Industry (40 CFR part 60, subpart QQ) (Renewal)” (EPA ICR No. 0657.12, OMB Control No. 2060-0105), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through February 28, 2017. Public comments were previously requested via the Federal Register (81 FR 26546) on May 3, 2016 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 neither conduct nor 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 may be submitted on or before May 1, 2017.

EPA, [Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Benzene Emissions From Benzene Storage Vessels and Coke Oven By-Product Recovery Plants \(Renewal\)](#)

Notice. The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Benzene Emissions from Benzene Storage Vessels and Coke Oven By-Product Recovery Plants (40 CFR part 61, subparts L and Y) (Renewal)” (EPA ICR No. 1080.15, OMB Control No. 2060-0185), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2017. Public comments were previously-requested via the Federal Register (81 FR 26546) on May 3, 2016 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 May 1, 2017.

EPA, [Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Group IV Polymers and Resins \(Renewal\)](#)

Notice. The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Group IV Polymers and Resins (40 CFR part 63,

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subpart JJJ) (Renewal)” (EPA ICR No. 2457.03, OMB Control No. 2060-0682), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2017. Public comments were previously requested via the Federal Register (81 FR 26546) on May 3, 2016 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 neither conduct nor 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 May 1, 2017.

EPA, [Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Sewage Sludge Incineration Units \(Renewal\)](#)

Notice. The Environmental Protection Agency has submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of an existing ICR, which is currently approved through March 31, 2017. Public comments were previously requested via the Federal Register on May 3, 2016 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

neither conduct nor 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 May 1, 2017.

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” (EPA ICR No. 2227.05, OMB Control No. 2060-0610) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2017. Public comments were previously requested via the Federal Register (81 FR 26546) on May 3, 2016 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 May 1, 2017.

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EPA, [Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for VOC Emissions From Petroleum Refinery Wastewater Systems \(Renewal\)](#)

Notice. The Environmental Protection Agency has submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of an existing ICR, which is currently approved through March 31, 2017. Public comments were previously requested via the Federal Register on May 3, 2016 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 neither conduct nor 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 May 1, 2017.

WATER

EPA & U.S. Army Corps of Engineers, [Intention To Review and Rescind or Revise the Clean Water Rule](#)

Notice of Intent. In accordance with a Presidential directive, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) announces its intention to review and rescind or revise the Clean Water Rule.

DATES: Published March 6, 2017.

EPA, [Extension of Comment Period To Review Materials To Inform the Derivation of a Water Concentration Value for Lead in Drinking Water](#)

Notice, Extension of Comment Period. The U.S. Environmental Protection Agency (EPA) is extending the comment period to “Review Materials to Inform the Derivation of a Water Concentration Value for Lead in Drinking Water.” In response to a stakeholder request, EPA is extending the comment period for an additional 30 days, from March 6, 2017, to April 5, 2017.

DATES: Comments must be received on or before April 5, 2017.

WASTE

EPA, [Financial Responsibility Requirements Under CERCLA § 108\(b\) for Classes of Facilities in the Hardrock Mining Industry; Extension of Comment Period](#)

Proposed Rule; Extension of Comment Period. The Environmental Protection Agency (EPA) is extending the comment period for the proposed rule entitled “Financial Responsibility Requirements under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry.” That proposed rule was published on January 11, 2017, and the public comment period was scheduled to end on March 13, 2017. However, a number of parties have requested additional time to review the proposed rule and supporting information, and to develop and submit comments. Therefore, in response, EPA is extending the comment period an additional 120 days, so that comments are now due on or before July 11, 2017.

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DATES: Comments on the proposed rule must be received on or before July 11, 2017.

EPA, [Kentucky Wood Preserving Site Winchester, Clark County, Kentucky, Notice of Settlement](#)

Notice of Settlement. Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with CSX Transportation, Inc. concerning the Kentucky Wood Preserving Site located in Winchester, Clark County, Kentucky. The settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

DATES: The Agency will consider public comments on the settlement until April 24, 2017.

OTHER

OSHA, [Risk Evaluation Scoping Efforts Under TSCA for Ten Chemical Substances; Reopening of Comment Period](#)

Notice; Reopening of comment period. EPA issued a notice in the Federal Register on January 19, 2017, concerning a February 14, 2017 public meeting and solicitation of comments to receive input and information to assist the Agency in its efforts to establish the scope of risk evaluations under development for the ten chemicals substances designated on December 19, 2016 for risk evaluations. The comment period closed on March 1, 2017. This document reopens the comment period related to the public meeting and for dockets for each of the ten chemical substances for which risk evaluations have begun for 14

days, from March 1, 2017, to March 15, 2017. EPA is reopening the comment period in response to a request from the interested public.

DATES: Comments must be received by March 15, 2017.

EPA, [Addition of Natural Gas Processing Facilities to the Toxics Release Inventory \(TRI\); Extension of Comment Period](#)

Proposed Rule; Extension of Comment Period. EPA issued a proposed rule in the Federal Register of Friday, January 6, 2017, concerning the Agency's addition of natural gas processing facilities to the Toxics Release Inventory (TRI). This document extends the comment period for 60 days, from March 7, 2017 to May 6, 2017. This action is in response to stakeholders' requests to extend the comment period.

DATES: Comments on the proposed must be received by May 6, 2017.

Pipeline and Hazardous Materials Safety Administration, [Hazardous Materials: Volatility of Unrefined Petroleum Products and Class 3 Materials](#)

Advanced Notice of Proposed Rulemaking; Extension of Comment Period. PHMSA is extending the comment period for an advance notice of proposed rulemaking that was published in the Federal Register on January 18, 2017. In response to stakeholder requests, the comment period will be extended for an additional 60 days, from March 20, 2017 to May 19, 2017.

On January 18, 2017, PHMSA published an advance notice of proposed rulemaking (ANPRM) titled, "Hazardous Materials: Volatility of Unrefined Petroleum Products

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and Class 3 Materials,” addressing the volatility of unrefined petroleum products and potentially all Class 3 flammable liquids transported by means other than pipeline. See (82 FR 5499). The ANPRM informed stakeholders of a possible change to the Hazardous Materials Regulations based on a petition for rulemaking submitted by the Attorney General of the State of New York regarding vapor pressure limits for crude oil. **DATES:** Comments must be received on or before May 19, 2017.

OSHA, [Occupational Exposure to Beryllium; Further Delay of Effective Date](#)

Final Rule; Further Delay of Effective Date. On January 9, 2017, the Occupational Safety and Health Administration (OSHA) published a rule entitled “Occupational Exposure to Beryllium” with an effective date of March 10, 2017 (“Beryllium Final Rule”). OSHA subsequently delayed the effective date of the Beryllium Final Rule to March 21, 2017 (February 1, 2017) and proposed to further delay the effective date to May 20, 2017 (March 2, 2017). This action finalizes that proposal. The additional time will allow OSHA the opportunity for further review of the new Beryllium Final Rule, including review of concerns that commenters raised, and is consistent with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review.”

DATES: Final rule is delayed to May 20, 2017.

MSHA, [Agency Information Collection Activities; Submission for OMB Review; Comment Request; Health Standards for Diesel Particulate Matter Exposure in Underground Coal Mines](#)

Notice. The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, “Health Standards for Diesel Particulate Matter Exposure in Underground Coal Mines,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: Comments must be received on or before April 20, 2017.

Pipeline and Hazardous Materials Safety Administration, [Hazardous Materials: Harmonization With International Standards \(RRR\)](#)

Final Rule. PHMSA is issuing a final rule to amend the Hazardous Materials Regulations (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport

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of Dangerous Goods—Model Regulations. Additionally, PHMSA is adopting several amendments to the HMR that result from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

DATES: This rule is effective March 30, 2017, except for instruction 22, which is effective January 2, 2019.

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