



SMG Reg Watch

August 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 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

The Kentucky Energy and Environment Cabinet has been busy rewriting many of their regulations. They are in the process of modifying regulations from the Division of

Water regarding public water supply rules at [401 KAR 8:020](#) and [401 KAR 100](#). These changes relate to submetering and design, construction and approval of facilities and approval timetable for 401 KAR Chapter 8. Changes are also being contemplated for regulations regarding area solid waste management plans under [401 KAR 49:011](#).

The Department for Natural Resources, Division of Forestry wants to make some changes to their regulations regarding timber sales found at 402 KAR 3:010 and best management practices for timber harvesting operations at 402 KAR 3:030. Here is a link for Chapter 402, <http://www.lrc.ky.gov/kar/TITLE402.HTM>.

There are also considerable proposed regulatory changes for mine permits, bond and insurance requirements, inspection and enforcement, performance standards for surface mining and underground mining activities and a proposed rule change for special performance standards. These proposed changes can be found at 405 KAR Chapters 8, 10, 12, 16, 18 and 20. Here's the link to Title 405, <http://www.lrc.ky.gov/kar/TITLE405.HTM>.

There are also changes being proposed in the mine safety, miner training, education and certification programs. Those proposed

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changes can be found at 805 Chapter 7 and 8. <http://www.lrc.ky.gov/kar/TITLE805.HTM>

The massive rewrite of Kentucky's hazardous waste regulations can be found at 401 Chapters 31, 32, 33, 34, 35, 36, 37, 38, 39, 43, 44, 45 and 48. These changes are substantial and include rules on used oil standards for solid waste facilities, hazardous waste permitting and many others. The entire package amends five and repeals 161 existing regulations. This means there is a lot of consolidation and new material. The changes are to be consistent with and not more stringent than the federal regulations. If you want to review these changes to Title 401, start with this link <http://www.lrc.ky.gov/kar/TITLE401.HTM>.

Many of these regulations needed updating because they haven't been reviewed for several years. Comments have been received on the proposed hazardous waste regulations and the Statement of Consideration is due September 15. Those will be interesting to review because it will be a compilation of comments and the agency's responses. Stay tuned.

The vehicle greenhouse gas emission standards and corporate average fuel economy standards which were developed by EPA under the past administration are now being re-evaluated. These standards did not receive the regulated community's attention like Waters of the US but they are important to us because they impact future vehicle costs. The comment period is currently running on the Draft Technical Assessment Report on this issue. The report is interesting; what we have experienced in

the areas of air and water, is now being experienced by the automotive industry. The draft technical report appears to have overstated both what is feasible and what can be accomplished in the timeframe of the standards under review. The disconnection appears to stem largely from inaccuracies in the underlying modelling techniques. Not a surprise to me. This is another mess that needs to be corrected using real information and should not be framed as a political policy statement. The request for comment on reconsideration of the final determination of the Mid-Term Evaluation of Greenhouse Gas Emissions appears in the [August 21, 2017 Federal Register](#). The comment period closes October 5, 2017.

On August 15, EPA released the [Interim Final Guidance](#) that the agency describes as helping "states develop and submit permit programs for safe management of Coal Combustion Residuals to EPA for review and approval." Congress passed The Water Resource Development Act of 2016 that gave states the authority to operate programs addressing coal combustion residuals and requires EPA to determine that these programs are at least as protective as the federal requirements. EPA is currently seeking comments on the Guidance.

The long arm of the administrative branch is reaching out again in NYC. Recently, [heating regulations](#) went into effect beginning October 1. The minimum nighttime temperature in apartments has been increased to 62 degrees regardless of the outdoor temperatures. There are of course penalties. They are \$250-\$500 per day for

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each initial heat violation and \$500-\$1,000 per day for subsequent violations.

President Trump issued an [Executive Order on August 15](#) to streamline federal review of major infrastructure projects. His federal permitting goals include: require one federal decision record for each major infrastructure project; require federal agency decisions within 90 days of completing the federal decision record and setting a two-year average target for agencies to complete the permitting process for infrastructure projects. Another set of good ideas. I hope he can ensure that the agencies will be this responsive. If we are going to get these projects completed in our lifetime, the agencies must get their approvals or denials done in a much more timely manner.

On August 11, EPA published the [final TSCA Inventory Notification Rule](#) in the Federal Register. It has been referred to as the “Inventory Reset Rule”. These regulations, which were effective immediately, create new reporting obligations for companies that manufacture or import chemical products. Companies that process chemicals to manufacture articles or to create formulated chemical products are also affected by the rule.

EPA was forced to [withdraw their extension of the 2015 ozone National Ambient Air Quality Standards](#). EPA must now designate areas as being in attainment or nonattainment with the new, 70 ppb ozone standard by October 1, 2017. If you want to read some real science fiction, read EPA’s justification for the new standard. I’m sure

there will be legal and regulatory maneuvering on this issue in the months to come. It’s a bad rule with poor justification. Let’s just fix it.

Landfilling of organic waste will no longer be a significant option in California by 2025. The [regulations](#) will become final by mid-2018. The cost of developing organic waste reduction or recycling programs has been estimated to exceed \$1 billion in the Los Angeles Region alone. The California definition of organic waste includes but is not limited to food, green waste, landscape and pruning waste, certain textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate and sludges.

In addition to “Scott’s Thoughts” SMG staff provides brief blog updates several times each week. Blogs can be found on our website. SMG Blog entries of note for this month are hyperlinked below:

- [Wastewater Discharges from Wine Industry](#)
- [MSECA meeting on IDEM Programs & Policies](#)
- [Stormwater](#)

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State Regulation Review

On August 15, the Kentucky Department of Natural Resources proposed amendments to administrative regulations including amendments to [402 KAR 3:010](#) regarding timber sales and [402 KAR 3:030](#) regarding timber harvesting best management practices. A public hearing on the administrative regulations is scheduled for September 21, 2017. Comments may be sent to Michael.mullins@ky.gov by September 30, 2017.

Also on August 15th, the Kentucky Department for Natural Resources proposed amendments to mine permitting administrative regulations including [405 KAR 7:001](#), [405 KAR 7:095](#), [405 KAR 8:001](#), [405 KAR 8:010](#), [405 KAR 8:040](#), [405 KAR 8:050](#), [405 KAR 10:001](#), [405 KAR 12:001](#), [405 KAR 16:001](#), [405 KAR 16:110](#), [405 KAR 18:001](#), [405 KAR 18:010](#), [405 KAR 18:040](#), [405 KAR 18:060](#), [405 KAR 18:110](#), [405 KAR 18:260](#), [405 KAR 20:001](#), [405 KAR 20:080](#), and [405 KAR 20:090](#). A public hearing on the administrative regulations is scheduled for September 27, 2017. Comments may be sent to Michael.mullins@ky.gov by September 30, 2017.

Federal Regulation Review

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AIR

EPA, [Applicability Determination Index \(ADI\) Data System Recent Posting: Agency Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program](#)

Notice of Availability. This action announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and/or the Stratospheric Ozone Protection Program.

DATES: Published in the Federal Register on August 4, 2017.

EPA, [Air Plan Approval; Kentucky; Regional Haze Progress Report](#)

Proposed Rule. The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky through the Kentucky Energy and Environment Cabinet, Division of Air Quality (KDAQ) on September 17, 2014. Kentucky's

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September 17, 2014, SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze (regional haze plan). EPA is proposing to approve Kentucky's determination that the Commonwealth's regional haze plan is adequate to meet these RPGs for the first implementation period covering through 2018 and requires no substantive revision at this time.

DATES: Comments must be received on or before September 6, 2017.

EPA, [National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations](#)

Proposed Rule. This action proposes amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations (OSWRO). The proposed amendments address an issue related to monitoring pressure relief devices (PRDs) on containers. This issue was raised in a petition for reconsideration of the amendments to the OSWRO NESHAP finalized in 2015 based on the residual risk and technology review (RTR). Among other things, the 2015 amendments established additional monitoring requirements for all PRDs, including PRDs on containers. For PRDs on containers, these monitoring requirements were in addition to the inspection and monitoring requirements for containers and their closure devices, which include PRDs

that were already required by the OSWRO NESHAP. This proposed action would remove the additional monitoring requirements for PRDs on containers that resulted from the 2015 amendments because we have determined that they are not necessary. This action, if finalized as proposed, would not substantially change the level of environmental protection provided under the OSWRO NESHAP. The proposed amendments would reduce capital costs related to compliance to this industry by \$28 million compared to the current rule. Total annualized costs, at an interest rate of 7 percent, would be reduced by \$4.2 million per year. These costs are associated with a present value of \$39 million dollars, discounted at 7 percent over 15 years.

DATES: Comments must be received on or before September 21, 2017.

EPA, [Air Plan Approval; Kentucky; Infrastructure Requirements for the 2012 PM2.5](#)

Final rule. The Environmental Protection Agency (EPA) is taking final action to approve portions of the State Implementation Plan (SIP) submission, submitted on February 8, 2016, by the Commonwealth of Kentucky, through the Energy and Environment Cabinet, Department for Environmental Protection, through the Kentucky Division for Air Quality (KDAQ), to demonstrate that the State meets the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2012 Annual Fine Particulate Matter (PM2.5) national ambient air quality standard (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated

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by EPA, which is commonly referred to as an “infrastructure” SIP. KDAQ certified that the Kentucky SIP contains provisions that ensure the 2012 Annual PM2.5 NAAQS is implemented, enforced, and maintained in Kentucky. EPA has determined that portions of Kentucky's SIP satisfy certain infrastructure elements for the 2012 Annual PM2.5 NAAQS.

DATES: This rule will be effective September 7, 2017.

EPA, [Withdrawal of Extension of Deadline for Promulgating Designations for the 2015 Ozone National Ambient Air Quality Standards](#)

Withdrawal of extension of deadline for promulgating designations. The Environmental Protection Agency (EPA) is announcing that it is withdrawing the 1-year extension of the deadline for promulgating initial area designations for the ozone national ambient air quality standards (NAAQS) that were promulgated in October 2015. Thus, unless and until the Administrator takes additional final action, the 2-year deadline for promulgating designations provided in the Clean Air Act (CAA) applies.

DATES: The deadline for the EPA to promulgate initial designations for the 2015 ozone NAAQS is October 1, 2017.

EPA, [Air Plan Approval; KY; Miscellaneous Source Specific Revisions for Jefferson County](#)

Proposed rule. The Environmental Protection Agency (EPA) is proposing to approve revisions to the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the

Kentucky Division for Air Quality (KDAQ), on March 21, 2011, October 29, 2013, October 28, 2016, and March 24, 2017. The proposed revisions were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District (District), which has jurisdiction over Jefferson County, Kentucky. The revisions include changes to Jefferson County Regulations regarding Reasonably Available Control Technology (RACT) for two major sources of nitrogen oxides (NOX) and the removal of a volatile organic compounds (VOC) bubble rule.

DATES: Comments must be received on or before September 11, 2017.

EPA, [Revisions to Procedure 2-Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources](#)

Final rule. The Environmental Protection Agency (EPA) is finalizing revisions to Procedure 2 that were proposed in the Federal Register on November 21, 2016. Procedure 2 includes quality assurance/quality control (QA/QC) procedures for particulate matter (PM) continuous emission monitoring systems (CEMS) used for compliance determination at stationary sources. The QA procedures specify the minimum requirements necessary for the control and assessment of the quality of PM CEMS data submitted to the EPA and other regulatory authorities. This action establishes consistent requirements for ensuring and assessing the quality of PM data measured by CEMS that meet initial acceptance requirements in Performance Specification (PS) 11 of appendix B to part 60.

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DATES: This final rule is effective on September 13, 2017.

EPA, [Request for Comment on Reconsideration of the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-Duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards](#)

Request for comment. In a March 22, 2017, Federal Register document, the Environmental Protection Agency (EPA) announced its intention to reconsider the Final Determination of the Mid-term Evaluation of greenhouse gas emissions standards for model year 2022-2025 light-duty vehicles and to coordinate its reconsideration with the parallel rulemaking process to be undertaken by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) regarding Corporate Average Fuel Economy (CAFE) standards for cars and light trucks for the same model years. In this document, EPA is announcing that it is reconsidering whether the light-duty vehicle greenhouse gas standards previously established for model years 2022-2025 are appropriate under section 202(a) of the Clean Air Act and invites stakeholders to submit any comments, data, and information they believe are relevant to the Administrator's reconsideration of the January 2017 Mid-term Evaluation Final Determination and in particular, highlight any new information. As part of a 2012 joint final rulemaking by the EPA and NHTSA, the Mid-term Evaluation process was codified in EPA regulation for greenhouse gas emission standards for model years 2017-2025 light-

duty vehicles, which requires EPA to determine no later than April 1, 2018, whether the standards for model years 2022-2025 are appropriate.[1] In accord with this schedule, as noted in the March 22, 2017, document and this document, EPA intends to make a Final Determination regarding the appropriateness of the model year 2022-2025 standards no later than April 1, 2018. In this document, EPA is also requesting comment on the separate question of whether the light-duty vehicle greenhouse gas standards established for model year 2021 remain appropriate, regardless of the agency's decision on the MTE.

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

EPA, [National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry: Alternative Monitoring Method](#)

Final rule. The U.S. Environmental Protection Agency (EPA) published a direct final rule in the Federal Register on June 23, 2017 titled National Emission Standards for Hazardous Air Pollutants (NESHAP) From the Portland Cement Manufacturing Industry: Alternative Monitoring Method. This final rule removes the provisions that were added in the June 23, 2017, direct final rule and restores the provisions that were deleted in that rule.

DATES: Effective August 22, 2017.

EPA, [Public Hearing for Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-Duty Vehicles](#)

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Announcement of public hearing. The Environmental Protection Agency (EPA) is announcing a public hearing to be held in Washington, DC on September 6, 2017 for the notice “Request for Comment on Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards” announced August 10, 2017 and projected to be published on August 21, 2017. In the document signed on August 10, 2017, EPA announced that it is reconsidering whether the light-duty vehicle greenhouse gas standards previously established for model years 2022-2025 are appropriate under section 202(a) of the Clean Air Act and invited stakeholders to submit any comments, data, and information they believe are relevant to the Administrator's reconsideration of the January 2017 Mid-term Evaluation Final Determination and in particular, highlight any new information. EPA also requested comment on the separate question of whether the light-duty vehicle greenhouse gas standards established for model year 2021 remain appropriate, regardless of the agency's decision on the Mid-term Evaluation.

DATES: This public hearing will be held on September 6, 2017 at the Renaissance Washington, DC Downton Hotel, 999 Ninth Street NW., Washington, DC.

EPA, [National Emission Standards for Hazardous Air Pollutants: Manufacture of Amino/Phenolic Resins](#)

Proposed rule. On October 8, 2014, the Environmental Protection Agency (EPA)

finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Manufacture of Amino/Phenolic Resins (APR). Subsequently, the EPA received three petitions for reconsideration of the final rule. The EPA is reconsidering and requesting public comment on issues related to the maximum achievable control technology (MACT) standards for continuous process vents (CPVs) at existing affected sources. The EPA is proposing to revise the MACT standard for back-end CPVs at existing affected sources based on hazardous air pollutant (HAP) emissions test data for back-end CPVs at existing sources for this source category submitted by petitioners. The EPA is also soliciting comments regarding the need to revise the standard for front-end CPVs at existing sources, and to extend the compliance date for the proposed revised emission limit for back-end CPVs at existing sources. Additionally, the EPA is proposing requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof tanks is undergoing planned routine maintenance. The EPA is seeking comments only on the four issues specifically addressed in this notice: proposed revised back-end CPV MACT standards for existing sources, whether the EPA should modify the front-end CPV MACT standards for existing sources, whether the EPA should extend the compliance date for the proposed revised back-end CPV MACT standards for existing sources, and the proposed work practice standards for storage vessels during planned routine maintenance of emission control systems. In this rulemaking, the EPA is not reopening or

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requesting comment on any other aspects of the 2014 final amendments to the NESHAP for the Manufacture of APR, including other issues raised in petitions for reconsideration of the 2014 rule. The EPA estimates this proposal, if finalized as proposed, would reduce compliance costs to this industry by \$2.1 million per year, compared to a revised cost estimate of the MACT standard as amended in 2014.

DATES: Comments must be received on or before October 23, 2017.

EPA, [Air Plan Approval; Kentucky; Revisions to Jefferson County Emissions Monitoring and Reporting](#)

Final rule. On March 22, 2011, and April 20, 2011, the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (KDAQ), submitted revisions to the Kentucky State Implementation Plan (SIP) on behalf of the Louisville Metro Air Pollution Control District (District). The Environmental Protection Agency (EPA) is approving the April 20, 2011, submittal and the portions of the March 22, 2011, submittal concerning changes to the District's stationary source emissions monitoring and reporting requirements because the Commonwealth has demonstrated that these changes are consistent with the Clean Air Act (CAA or Act).

DATES: This rule will be effective September 27, 2017.

EPA, [National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Rotary Spin Lines Technology Review](#)

Proposed rule. In this action, the Environmental Protection Agency (EPA) is

proposing amendments to previous proposals to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Wool Fiberglass Manufacturing source category. In the July 29, 2015, final rulemaking, the EPA deferred action on previously proposed formaldehyde, methanol and phenol emission limits from rotary spin (RS) lines at wool fiberglass manufacturing facilities. In this action, the EPA is proposing to readopt the existing emission limits for formaldehyde, to establish emission limits for methanol, and to establish a work practice standard for phenol emissions from bonded RS lines at wool fiberglass manufacturing facilities. In addition, the EPA is proposing amendments to the emission limits promulgated on July 29, 2015, for formaldehyde, methanol, and phenol from flame attenuation (FA) lines at wool fiberglass manufacturing facilities. The EPA is only taking comments on the specific proposed requirements and revisions set forth in this proposed rulemaking, which are based on information contained in this proposal. The EPA is not taking comment on any aspect of previous rulemakings, including the November 25, 2011, April 15, 2013, and November 13, 2014, proposals.

DATES: The EPA must receive written comments on this proposed rule on or before October 13, 2017.

EPA, [Air Plan Approval; Kentucky; Louisville Miscellaneous Rule Revisions](#)

Final rule On August 29, 2012, the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (KDAQ), submitted changes to the Kentucky State Implementation Plan (SIP) on behalf of the

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Louisville Metro Air Pollution Control District (District or Jefferson County). The Environmental Protection Agency (EPA) is approving several changes that modify the District's air quality regulations as incorporated into the SIP. The changes to the regulatory portion of the SIP that EPA is approving pertain to definitional changes, administrative amendments, open burning, standards of performance, and volatile organic compounds (VOCs). EPA is approving these changes because the Commonwealth and Jefferson County have demonstrated that these changes are consistent with the Clean Air Act (CAA or Act).

DATES: This rule is effective October 2, 2017.

WATER

EPA/USACE, [Definition of "Waters of the United States"-Recodification of Pre-Existing Rules; Extension of Comment Period](#)

Proposed rule; Extension of comment period. The U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army are extending the comment period for the proposed rule "Definition of 'Waters of the United States'—Recodification of Pre-existing Rules." The agencies are extending the comment period for 30 days in response to stakeholder requests for an extension, from August 28, 2017 to September 27, 2017.

DATES: The comment period for the proposed rule published on July 27, 2017, at 82 FR 34899, is extended. Comments must be received on or before September 27, 2017.

EPA/USACE, [Definition of "Waters of the United States"-Schedule of Public Meetings](#)

Announcement of public meeting dates. The Environmental Protection Agency (EPA) and the U.S. Department of the Army (the agencies) will hold ten teleconferences to hear from stakeholders their recommendations to revise the definition of "Waters of the United States" under the Clean Water Act (CWA). Nine of the teleconferences will be tailored to a specific sector, i.e., agriculture (row crop, livestock, silviculture); conservation (hunters and anglers); small entities (small businesses, small organizations, small jurisdictions); construction and transportation; environment and public advocacy (including health and environmental justice); mining; industry (energy, chemical, oil/gas); scientific organizations and academia; and stormwater, wastewater management, and drinking water agencies. One of the teleconferences will be open to the public at large. The teleconferences will run throughout the fall on Tuesdays from 1:00 p.m.-3:00 p.m. eastern time, beginning on September 19, 2017. In addition, the agencies will hold an in-person meeting with small entities on October 23, 2017 from 9:00 a.m.-11 a.m., and will accept written recommendations from any member of the public.

DATES: Written recommendation must be received on or before November 28, 2017.

EPA, [Clean Water Act Methods Update Rule for the Analysis of Effluent](#)

Final rule. This rule modifies the testing procedures approved for analysis and sampling under the Clean Water Act. The changes adopted in this final rule fall into the

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following categories: New and revised EPA methods (including new and/or revised methods published by voluntary consensus standard bodies (VCSB), such as ASTM International and the Standard Methods Committee); updated versions of currently approved methods; methods reviewed under the alternate test procedures (ATP) program; clarifications to the procedures for EPA approval of nationwide and limited use ATPs; and amendments to the procedure for determination of the method detection limit to address laboratory contamination and to better account for intra-laboratory variability.

DATES: This regulation is effective on September 27, 2017.

WASTE

EPA, [Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings](#)

Proposed rule; reopening of comment period. The U.S. Environmental Protection Agency (EPA) is announcing a reopening of the public comment period for the Notice of Proposed Rulemaking (NPRM) requesting public comment and information on revisions to the EPA's "Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings."

DATES: The comment period for the NPRM, published January 19, 2017 (82 FR 4408), is reopened. Written comments must be received on or before October 16, 2017.

EPA, [Certain New Chemicals or Significant New Uses; Statements of Findings for June 2017](#)

Notice. Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the Federal Register a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from June 1, 2017 to June 30, 2017.

DATES: Published in the Federal Register on August 9, 2017.

EPA, [TSCA Inventory Notification \(Active-Inactive\) Requirements](#)

Final Rule: The 2016 amendments to the Toxic Substances Control Act (TSCA) require EPA to designate chemical substances on the TSCA Chemical Substance Inventory as either "active" or "inactive" in U.S. commerce. To accomplish that, EPA is establishing a retrospective electronic notification of chemical substances on the TSCA Inventory that were manufactured (including imported) for nonexempt commercial purposes during the 10-year time period ending on June 21, 2016, with provision to also allow notification by processors. EPA will use these notifications to distinguish active substances from inactive substances. EPA will include the active and inactive designations on the TSCA Inventory and as part of its regular publications of the Inventory. EPA is also establishing procedures for forward-looking

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electronic notification of chemical substances on the TSCA Inventory that are designated as inactive, if and when the manufacturing or processing of such chemical substances for nonexempt commercial purposes is expected to resume. On receiving forward-looking notification, EPA will change the designation of the pertinent chemical substance on the TSCA Inventory from inactive to active. EPA is establishing the procedures regarding the manner in which such retrospective and forward-looking activity notifications must be submitted, the details of the notification requirements, exemptions from such requirements, and procedures for handling claims of confidentiality.

DATES: This final rule is effective on August 11, 2017.

EPA, [Release of Interim Final Guidance for State Coal Combustion Residuals Permit Programs; Comment Request](#)

Notice of availability; request for comment. The Environmental Protection Agency (EPA) is announcing the availability of and requests comment on a document titled Coal Combustion Residuals State Permit Program Guidance Document; Interim Final. As a result of the Water Infrastructure Improvements for the Nation (WIIN) Act signed by the President on December 16, 2016, States may submit coal combustion residuals (CCR) programs to EPA for review and approval. This document describes EPA's interpretations of the WIIN Act provisions and the way in which EPA generally intends to review State programs.

DATES: Comments must be received on or before September 14, 2017.

EPA, [Community Right-To-Know; Adopting 2017 North American Industry Classification System \(NAICS\) Codes for Toxics Release Inventory \(TRI\) Reporting](#)

Direct final rule. EPA is updating the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) 2017 NAICS code revision. As a result of this action, facilities would be required to use 2017 NAICS codes when reporting to TRI beginning with TRI reporting forms that are due on July 1, 2018, covering releases and other waste management quantities for the 2017 calendar year. EPA is also modifying the list of exceptions and limitations associated with NAICS codes in the CFR for TRI reporting purposes by deleting the descriptive text. EPA believes that these amendments are non-controversial and does not expect to receive any adverse comments. However, in addition to this direct final rule, elsewhere in this issue of the Federal Register, EPA is issuing the same amendment as a Notice of Proposed Rulemaking that will be used in the event that adverse comment is received. If EPA receives no adverse comment, the Agency will not take further action on the proposed rule and the direct final rule will become effective as provided in this action. If EPA receives relevant adverse comment, the Agency will publish a timely withdrawal in the Federal Register informing the public that this direct final action will not take effect and directing them to the Notice of Proposed Rulemaking. EPA would then address all relevant adverse public comments in a subsequent final rule.

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DATES: This final rule is effective on November 15, 2017 without further notice, unless EPA receives adverse comment by September 18, 2017.

EPA, [AES Filing Compliance Date for Hazardous Waste Exports](#)

Notice of announcement of compliance date. This action announces that the Automated Export System (AES) filing compliance date for export shipments of hazardous waste and certain other materials is December 31, 2017. Under the “Hazardous Waste Export-Import Revisions” final rule published on November 28, 2016, that became effective on December 31, 2016, Environmental Protection Agency (EPA) provided flexibility to the regulated community by establishing a transition period prior to the required filing of EPA information into the AES for these export shipments. EPA had stated in the final rule that during the transition period, either paper processes or electronic processes at the port could be used until a future AES filing compliance date, which would be announced in a separate Federal Register action. EPA is making this announcement of the AES filing compliance date of December 31, 2017 in this action. On or after this AES filing compliance date, all exporters of manifested hazardous waste, universal waste, and spent lead-acid batteries for recycling or disposal, and all exporters of cathode ray tubes for recycling will be required to file EPA information in the AES or AESDirect for each export shipment. Paper processes will no longer be allowed on or after the compliance date.

DATES: The AES filing compliance date is December 31, 2017.

OTHER

EPA, [Pesticides; Technical Amendment to Data Requirements for Antimicrobial Pesticides](#)

Proposed rule. EPA is proposing a correction pertaining to the “200 ppb (parts per billion) level” described in the antimicrobial pesticides data requirements regulation to clarify that the 200 ppb level is based on total estimated daily dietary intake for an individual and not on the amount of residue present on a single food, as is incorrectly implied by the current regulatory text. This change is intended to enhance understanding of the data required to support an antimicrobial pesticide registration and does not alter the burden or costs associated with these previously-promulgated requirements. Through this action, EPA is not proposing any new data requirements or any other revisions (substantive or otherwise) to existing requirements.

DATES: Comments must be received on or before October 17, 2017.

EPA, [Potassium Salts of Naphthalenesulfonic Acids Formaldehyde Condensates; Exemption From the Requirement of a Tolerance](#)

Final rule. This regulation establishes an exemption from the requirement of a tolerance for residues of naphthalenesulfonic acids formaldehyde condensates, potassium salts (CAS Reg. No. 67828-14-2) when used as an inert ingredient (surfactant and related adjuvant of surfactants) applied to growing crops and raw agricultural commodities after harvest by amending an existing exemption for

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similar substances. Monsanto Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting this amendment. This regulation eliminates the need to establish a maximum permissible level for residues of naphthalenesulfonic acids formaldehyde condensates, potassium salts, when used consistent with the terms.

DATES: This regulation is effective August 21, 2017.

USFWS, [Amenity Fees at Clarks River National Wildlife Refuge, KY](#)

Notice of intent to implement fees. We, the U.S. Fish and Wildlife Service (Service), announce our intent to implement amenity fees at Clarks River National Wildlife Refuge (Refuge), located in Kentucky, as authorized by the Federal Lands Recreation Enhancement Act (REA). We will implement annual hunting and fishing fees and special permit fees for commercial recreational activities. Under REA provisions, the Refuge will identify and post the specific fees.

DATES: Submit your written comments on this action no later than February 20, 2018.

DOE, [Unified Agenda of Federal Regulatory and Deregulatory Actions](#)

Semi-annual regulatory agenda. The Department of Energy (DOE) has prepared and is making available its portion of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) pursuant to Executive Order 12866, "Regulatory Planning and Review," and the Regulatory Flexibility Act.

DATES: Published in the Federal Register on February 24, 2017.

USDA, [Semiannual Regulatory Agenda, Spring 2017](#)

Semiannual regulatory agenda. This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (EO) 13771 "Enforcing the Regulatory Reform Agenda," 12866 "Regulatory Planning and Review," and 13563 "Improving Regulation and Regulatory Review." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96-354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with EO 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at www.reginfo.gov. Because publication in the Federal Register is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

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(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

DATES: Published in the Federal Register on February 24, 2017.

EPA, [Spring 2017 Regulatory Agenda](#)

Semiannual regulatory flexibility agenda and semiannual regulatory agenda. The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at <http://www.reginfo.gov> and at www.regulations.gov to update the public. This document contains information about:

- Regulations in the semiannual regulatory agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

DATES: Published in the Federal Register on February 24, 2017.

DOI, [Semiannual Regulatory Agenda](#)

Semiannual regulatory agenda. This notice provides the semiannual agenda of Department of the Interior (Department) rules scheduled for review or development between spring 2017 and spring 2018. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

DATES: Published in the Federal Register on February 24, 2017.

DOL, [Semiannual Agenda of Regulations](#)

Semiannual Regulatory Agenda. The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual

regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the Federal Register. This Federal Register Notice contains the regulatory flexibility agenda.

DATES: Published in the Federal Register on February 24, 2017.

Executive Order, [Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects](#)

DATES: Executive Order 13807 dated August 15, 2017 published in the Federal Register on August 24, 2017.

OSHA, [Cranes and Derricks in Construction: Operator Certification Extension](#)

Notice of proposed rulemaking. Under OSHA's standard for cranes and derricks used in construction work, crane operators are to be certified by November 10, 2017. Until that date, employers also have duties under the standard to ensure that crane operators are trained and competent to operate the crane safely. The Agency delayed the deadline for operator certification by three years to November 10, 2017, and extended the existing employer duties for the same period. The Agency is proposing to delay the deadline and extend the existing employer duty to ensure that operators of equipment covered by this standard are competent to operate the equipment safely for one year to November 17, 2018.

DATES: Submit comments by September 29, 2017.

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