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Environmental Asset Services (EAS) / Environmental, Health, and Safety (EHS)

Update Period: January 1 – January 31, 2018

U.S. Regulatory Updates – January

EAS/EHS tracks emerging local, regional and national regulations related to environmental, health, and safety issues. The purpose of these updates is to communicate changes in a timely manner so we can help clients systematically anticipate and comply with evolving EHS policy decisions. This regulatory update does not include all changes for a monthly period, but provides general highlights on regulations of most interest or impact. The specific requirements for each facility will vary.

To better understand how these regulations could affect your operations, or if you have questions regarding this update, please contact:

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Regulatory Area	Affected Entities	Regulation Name	Description
Air (National Ambient Air Quality Standards [NAAQS])	Facilities subject to the 2015 Ozone National Ambient Air Quality Standards (NAAQS)	<u>83 FR 651</u> EPA Responses to Certain State Designation Recommendations for the 2015 Ozone National Ambient Air Quality Standards: Notice of Availability and Public Comment Period <i>40 CFR Part 81</i>	Proposed Rule 1/5/18 The Environmental Protection Agency (EPA) is announcing the availability for public comment of certain state and tribal area designation recommendations for the 2015 Ozone NAAQS. These include EPA intended designations for the affected areas.
Air (NAAQS)	Facilities subject to the 2010 Sulfur Dioxide (SO ₂) NAAQS	<u>83 FR 1098</u> Air Quality Designations for the 2010 Sulfur Dioxide (SO ₂) Primary National Ambient Air Quality Standard – Round 3 <i>40 CFR Part 81</i>	Final Rule 1/9/18 The EPA is finalizing air quality designations for the 2010 SO ₂ NAAQS as either Nonattainment, Attainment/Unclassifiable, or Unclassifiable based on application of the nationwide analytical approach and technical analysis for each area. <i>Effective date is 4/9/18.</i>
Air (Hazardous Air Pollutants [HAPs])	Facilities classified as major sources of HAPs under the Clean Air Act Rule	<u>US EPA Memo</u> Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act	Memorandum 1/25/18 The EPA is issuing a guidance memo reversing its “Once In Always In” policy for major sources under the Clean Air Act. With the new guidance, sources of HAPs previously classified as “major sources” may be reclassified as “area sources” when the facility limits its potential to emit below major source thresholds.
Air (National Emission Standards for Hazardous Air Pollutants [NESHAPs])	Hazardous waste treatment, storage and disposal facilities; Resource Conservation and Recovery Act (RCRA) exempt hazardous wastewater treatment and waste recycling facilities; Nonhazardous wastewater treatment facilities other	<u>83 FR 3986</u> National Emission Standards for Hazardous Air Pollutants (NESHAP): Off-Site Waste and Recovery Operations (OSWRO) <i>40 CFR Part 63 Subpart PP</i>	Final Rule 1/29/18 The EPA is finalizing amendments to the NESHAP for OSWRO to remove the additional monitoring requirements (generated from the 2105 amendments) for pressure relief devices on containers. <i>Effective date is 1/29/18.</i>

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	<p>than publicly-owned treatment works;</p> <p>Used solvent recovery plants;</p> <p>Used oil re-refineries</p>		
Hazardous Waste	Hazardous waste generators and waste treatment, storage, and disposal facilities (TSDFs)	<p>83 FR 420</p> <p>Hazardous Waste Management System; User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations</p> <p>40 CFR Parts 260, 262, 263, 264, 265, 271</p>	<p>Final Rule 1/3/18</p> <p>The EPA is finalizing the user fees methodology for electronic and paper hazardous waste manifests to be submitted to the eManifest System, which is expected to launch by 6/30/18. The final rule also:</p> <ul style="list-style-type: none"> - announces that responsibility of user fees for each electronic and paper manifest used and submitted will be on TSDFs and corresponding receiving facilities for state-only regulated wastes under RCRA manifests - allows changes to transporters designated on a manifest while shipment is en route - describes how data corrections may be made to existing manifest records - allows the use of mixed paper and electronic manifest to track shipment in certain cases <p><i>Effective date is 6/30/18.</i></p>
Natural Resources (Threatened and Endangered Species)	Activities that disturb or impact the natural environment	<p>83 FR 257</p> <p>Endangered and Threatened Wildlife and Plants; Endangered Species Status for Black Warrior Waterdog and Designation of Critical Habitat</p> <p>50 CFR Part 17</p>	<p>Final Rule 1/3/18</p> <p>The United States Fish and Wildlife Service (USFWS) amended the List of Endangered and Threatened Wildlife by adding the Black Warrior Waterdog as an endangered species and designation of a critical habitat.</p> <p><i>Effective date is 2/2/18.</i></p>
Natural Resources (Threatened and Endangered Species)	Activities that disturb or impact the natural environment	<p>83 FR 330 83 FR 490</p> <p>Endangered and Threatened Wildlife and Plants</p> <p>50 CFR Part 17</p>	<p>Proposed Rules 1/3/18 and 1/4/18</p> <p>The USFWS is proposing amendments to the List of Endangered and Threatened Wildlife by adding animal species to the List. Affected species include:</p> <ul style="list-style-type: none"> - Panama City Crayfish: Threatened Species - Barrens topminnow: Endangered Species <p><i>Comments are due 3/5/18. Requests for public hearings are due by 2/20/18.</i></p>
Natural Resources (Threatened and Endangered Species)	Activities that disturb or impact the natural environment	<p>83 FR 2916</p> <p>Endangered and Threatened Wildlife and Plants</p> <p>50 CFR Part 223</p>	<p>Final Rule 1/22/18</p> <p>The National Oceanic and Atmospheric Administration announced the listing of the giant manta ray (<i>Manta birostris</i>) as threatened and its habitat as not determinable under the Endangered Species Act (ESA).</p> <p><i>Effective date is 2/21/18.</i></p>
Natural Resources	Oil, gas, timber, mining, chemical or other facilities whose activities may result in 'incidental' taking of migratory birds	<p>Office of the Solicitor Memo</p> <p>The Migratory Bird Treaty Act Does Not Prohibit Incidental Take</p>	<p>Memorandum 12/22/17</p> <p>The United States Department of the Interior's Office of the Solicitor issued its opinion that the Migratory Bird Treaty Act (MTBA) does not prohibit the accidental or "incidental" taking or killing of migratory birds. Office of the Solicitor concludes that the MTBA's prohibition only</p>

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			applies to direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control.

About Jacobs

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