



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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*02 January 2009*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

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## Acronyms

ADEM = Alabama Department of Environmental Management	NMAC = New Mexico Administrative Code
AED = Automated external defibrillation	NPDES = National Pollutant Discharge Elimination System
AOR = Annual Operating Report	NPRM = Notice of Proposed Rulemaking
BMP = Best management practice	NSPS = New Source Performance Standards
CAA = Clean Air Act	NSR = New Source Review
Cal/EPA = California Environmental Protection Agency	OAC = Ohio Administrative Code
CCR = <i>California Code of Regulations</i>	ODS = Ozone depleting substance
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act	OEHHA = Office of Environmental Health Hazard Assessment
CEQA = California Environmental Quality Act	OEPA = Ohio Environmental Protection Agency
CFR = <i>Code of Federal Regulations</i>	PAL = Plantwide applicability limitation
CO <sub>2</sub> = Carbon dioxide	PFAC = Perfluoroalkyl carboxylate
CRNR = <i>California Regulatory Notice Register</i>	PHG = Public Health Goal
CSO = Combined Sewer Overflow	PM = Particulate matter
CWA = Clean Water Act	POTW = Publicly owned treatment works
DAR = Division of Administrative Rules	PSD = Prevention of significant deterioration
DARM = Division of Air Resource Management	RACT = Reasonably available control technology
DOT = U.S. Department of Transportation	RCRA = Resource Conservation and Recovery Act
DSW = Division of Surface Water	RfD = Reference dose
EAOR = Electronic Annual Operating Report	RIN = Regulatory Identification Number
ECF = Emission-comparable fuel	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
EPA = U.S. Environmental Protection Agency	SCAQMD = South Coast Air Quality Management District
ERC = Emissions reduction credit	SIP = State Implementation Plan
FAA = Federal Aviation Administration	SJRWMD = St. Johns River Water Management District
F.A.C. = Florida Administrative Code	SNAP = Significant New Alternatives Policy
FAW = <i>Florida Administrative Weekly</i>	TBD = To be determined
FDEP = Florida Department of Environmental Protection	TCEQ = Texas Commission on Environmental Quality
FR = <i>Federal Register</i>	TMDL = Total maximum daily load
GDF = Gasoline Dispensing Facility	TNT = 2,4,6-Trinitrotoluene
GSA = General Services Administration	TRI = Toxic release inventory
GSE = Ground support equipment	UAC = Utah Administrative Code
HCFC = Hydrochlorofluorocarbon	USACE = U.S. Army Corps of Engineers
H&S = Health and safety	U.S. = United States
HAP = Hazardous air pollutant	U.S.C. = United States Code
HTML = HyperText Markup Language	USP = Unified Strategic Plan
MACT = Maximum achievable control technology	Va.R. = <i>Virginia Register</i>
MDE = Maryland Department of the Environment	VAC = Virginia Administrative Code
NAAQS = National Ambient Air Quality Standards	VDEQ = Virginia Department of Environmental Quality
NASA = National Aeronautics and Space Administration	VOC = Volatile organic compound
NESHAP = National Emission Standards for Hazardous Air Pollutants	VPDES = Virginia Pollutant Discharge Elimination System

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-1	CAA Air Emissions Reporting	12/17/2008	<a href="#">73 FR 76539</a>	Final Rule	Air Emissions Reporting Requirements [40 CFR Part 51]  Finalizes changes to EPA's emission inventory reporting requirements. This action consolidates, reduces, and simplifies the current requirements; adds limited new requirements; allows states to better track changes in source emissions, shutdowns, and startups over time by using the 40 CFR 70 definition of major source for point source reporting; deletes a requirement for states to report biogenic emissions; offers states the option of reporting emission model inputs in lieu of reporting emissions for certain source categories; and accelerates the reporting of emissions data to EPA by state and local agencies. Effective 12/17/2008. [RIN 2060-AN20]	
FED010209-2	CAA Ambient Air Monitoring	12/18/2008	<a href="#">73 FR 77024</a>	Notice	Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of a New Reference Method  Notice of designation of a new reference method for measuring mass concentrations of coarse particulate matter (PM10-2.5) in the ambient air.	
FED010209-3	CAA Applicability Determination Index	12/31/2008	<a href="#">73 FR 80392</a>	Notice	Recent Posting to the Applicability Determination Index Database System of 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  Announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the NSPS, NESHAP, and Stratospheric Ozone Protection programs recently posted to the <a href="#">Applicability Determination Index</a> database.	
FED010209-4	CAA NAAQS-Lead	12/19/2008	<a href="#">73 FR 77517</a>	Correction	National Ambient Air Quality Standards for Lead [40 CFR Part 58]  Corrects a typographical error in the final rule ( <a href="#">73 FR 66963</a> , 11/12/2008) revising the NAAQS for lead. [RIN 2060-AN83]	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-5	CAA NAAQS-Ozone	12/16/2008	<a href="#">73 FR 76219</a>	Withdrawal	<p>The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule To Support Initial Area Designations for the 2008 Ozone NAAQS</p> <p>Withdraws amendment (<a href="#">73 FR 58042</a>, 10/06/2008) to Exceptional Events Rule because EPA received adverse comments.</p>	
FED010209-6	CAA NAAQS-PM	12/19/2008	<a href="#">73 FR 77686</a>	Notice	<p>Draft Integrated Science Assessment for Particulate Matter</p> <p>Announces the availability of document titled, "<a href="#">First External Review Draft Integrated Science Assessment for Particulate Matter.</a>" The document was prepared as part of the review of the NAAQS for PM. Comments due 03/13/2009.</p>	
FED010209-7	CAA NESHAP- Ferroalloys Production Area Sources	12/23/2008	<a href="#">73 FR 78637</a>	Final Rule	<p>Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; and NESHAP for Area Sources: Ferroalloys Production Facilities [40 CFR Part 63]</p> <p>Issues final NESHAP for area source ferroalloys production facilities. Revises the area source category list by changing the name of the ferroalloys production category to clarify that it includes all types of ferroalloys. Also adds two additional products (calcium carbide and silicon metal) to the source category. Effective 12/23/2008. [RIN 2060-AO13]</p>	
FED010209-8	CAA NESHAP- Residual Risk	12/16/2008	<a href="#">73 FR 76220</a>	Final Rule	<p>National Emission Standards for HAP Emissions: Group I Polymers and Resins (Polysulfide Rubber Production, Ethylene Propylene Rubber Production, Butyl Rubber Production, Neoprene Production); NESHAP for Epoxy Resins Production and Non-nylon Polyamides Production; National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT Standards (Acetal Resins Production and Hydrogen Fluoride Production) (Risk and Technology Review) [40 CFR Part 63]</p> <p>Announces decision not to revise HAP emission standards regulating eight industrial source categories evaluated in a residual risk and technology review. The source categories are as follows:</p> <ul style="list-style-type: none"> <li>▪ Butyl Rubber Production</li> <li>▪ Ethylene-Propylene Rubber Production</li> <li>▪ Polysulfide Rubber Production</li> <li>▪ Neoprene Production</li> <li>▪ Epoxy Resins Production</li> <li>▪ Non-nylon Polyamides Production</li> <li>▪ Acetal Resins Production</li> <li>▪ Hydrogen Fluoride Production</li> </ul> <p>Also contains comments and responses on residual risk and technology review. Effective 12/16/2008. [RIN 2060-AO16]</p>	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-9	CAA NSR-regulated Pollutants	12/31/2008	<a href="#">73 FR 80300</a>	Notice	<p>CAA PSD Construction Permit Program; Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program</p> <p>Notice of an interpretive memorandum issued by the EPA Administrator entitled, "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal PSD Permit Program" (available on <a href="#">EPA's website</a>). Memo contains EPA's definitive interpretation of "regulated NSR pollutant" and is intended to resolve any ambiguity in the definition, which includes "any pollutant that otherwise is subject to regulation under the Act." As of the date of the memorandum, EPA interprets this definition of "regulated NSR pollutant" to exclude pollutants for which EPA regulations only require monitoring or reporting, but to include all pollutants subject to a provision or regulation under the CAA that requires actual control of emissions of that pollutant.</p> <p><b>This memo provides EPA's interpretation that CO<sub>2</sub> is not a "regulated NSR pollutant" at the time the memo was released. See related item in Section 1.3.</b></p>	
FED010209-10	CAA NSR and PSD- Fugitive Emissions	12/19/2008	<a href="#">73 FR 77881</a>	Final Rule	<p>PSD and Nonattainment NSR: Reconsideration of Inclusion of Fugitive Emissions [40 CFR Parts 51 and 52]</p> <p>Finalizes revisions to the NSR Improvement rules. Requires that fugitive emissions be included in determining whether a physical or operational change results in a major modification only for sources in certain source categories. Elaborates on guiding principles for determining fugitive emissions for purposes of NSR and Title V permitting. Makes the following changes:</p> <ul style="list-style-type: none"> <li>▪ Minor change in the provisions for PALs to preserve the existing treatment of fugitive emissions for PALs.</li> <li>▪ Modification to paragraphs that explain how to calculate whether a significant emissions increase will occur as the result of a physical or operational change.</li> <li>▪ Minor revision in the provisions on monitoring and reporting for physical and operational changes that are found not to be major modifications.</li> <li>▪ Editorial revisions</li> </ul> <p>Effective 01/20/2009. [RIN 2060-AM91]</p>	
FED010209-11	CAA ODS-Air Conditioning and Refrigeration	12/23/2008	<a href="#">73 FR 78705</a>	Proposed Rule	<p>Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-charged Appliances [40 CFR Part 82]</p> <p>Proposes to ban the sale or distribution of air-conditioning and refrigeration appliances containing HCFC 22, HCFC 142b, or blends containing one or both of these substances, beginning 01/01/2010. Proposes to extend these requirements to air-conditioning and refrigeration appliances that are suitable only for use with newly produced HCFC 22, HCFC 142b, or blends containing one or both of these controlled substances as the refrigerant; and to pre-charged appliance parts. A hearing has been requested and will be held 01/07/2009. Comments due 02/06/2009. [RIN 2060-AH67]</p>	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-12	CAA ODS-HCFC Allowances	12/23/2008	<a href="#">73 FR 78680</a>	Proposed Rule	<p>Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export [40 CFR Part 82]</p> <p>Proposes to apportion baselines and allocate production and consumption allowances for the following Class II ODSs (HCFCs) for the control period of 2010 through 2014:</p> <ul style="list-style-type: none"> <li>▪ HCFC 22</li> <li>▪ HCFC 142b</li> <li>▪ HCFC 123</li> <li>▪ HCFC 124</li> <li>▪ HCFC 225ca</li> <li>▪ HCFC 225cb</li> </ul> <p>Also proposes to amend production allowances for export to developing countries and to clarify the ban on the introduction of ODSs into interstate commerce. A hearing has been requested and will be held 01/07/2009. Comments due 03/09/2009. [RIN 2060-AO76]</p> <p><a href="#">A regulatory alert was prepared on this rulemaking and is available on the RRAC PC website.</a></p>	
FED010209-13	CAA ODS-SNAP	01/02/2009	<a href="#">74 FR 21</a>	Determination of Acceptability	<p>Protection of Stratospheric Ozone: Notice 23 for Significant New Alternatives Policy Program</p> <p>Expands the list of acceptable ODS substitutes under the SNAP program. The determinations concern new substitutes for use in the refrigeration and air conditioning, fire suppression and explosion protection, and foam blowing sectors. Effective 01/02/2009.</p>	<a href="#">NASA Facilities and Programs</a> should note the designations of additional materials as acceptable ODS substitutes.
FED010209-14	CAA VOC Emission Standards- Aerosol Coatings	12/24/2008	<a href="#">73 FR 78994</a>	Final Rule	<p>National Volatile Organic Compound Emission Standards for Aerosol Coatings [40 CFR Part 59]</p> <p>Because of the receipt of adverse comment, withdraws direct final rule (<a href="#">73 FR 66184</a>, 11/07/2008) to amend the national VOC emission standards for aerosol coatings. Issues final amendment to extend the compliance date from 01/01/2009 to 07/01/2009. Also changes the submittal date for initial notification reports to the compliance date, as opposed to 90 days prior to the compliance date. Effective 12/24/2008. [RIN 2060-AP33]</p>	
FED010209-15	CERCLA All Appropriate Inquiries	12/23/2008	<a href="#">73 FR 78651</a>	Final Rule	<p>Amendment to Standards and Practices for All Appropriate Inquiries Under CERCLA [40 CFR Part 312]</p> <p>Amends the All Appropriate Inquiries Rule to reference ASTM International's E2247-08 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property" and allow for its use to satisfy the statutory requirements for conducting all appropriate inquiries under CERCLA. Effective 03/23/2009 unless adverse comments are received by 01/22/2009. [RIN 2050-AG47]</p>	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-16	Climate Studies	12/29/2009	<a href="#">73 FR 79448</a>	Notice	<p>National Oceanic and Atmospheric Administration</p> <p>Cooperative Institute for Satellite Climate Studies</p> <p>Rescinds notice of availability of funds (<a href="#">73 FR 58560</a>, 10/07/2008). Replaces with revised notice of funding availability. Invites applications for a Cooperative Institute that will focus on the following</p> <ul style="list-style-type: none"> <li>▪ Climate and satellite research and applications</li> <li>▪ Climate and satellite observations and monitoring</li> <li>▪ Climate research and modeling</li> </ul> <p>The proposed Cooperative Institute should be composed of two or more member institutions. Notice provides requirements for the proposed Cooperative Institute and includes details for the technical program, evaluation criteria, and competitive selection procedures. Proposals due 02/03/2009.</p>	
FED010209-17	Commercial Space Transportation	12/29/2008	<a href="#">73 FR 79471</a>	Notice	<p>Environmental Impact Statements and Regulations; Availability of EPA Comments</p> <p>Notice of availability of EPA comments on draft EIS. Includes the following:</p> <ul style="list-style-type: none"> <li>▪ EIS No. 20080463, ERP No. F-FAA-G52000-NM, Spaceport America Commercial Launch Site, Proposal to Develop and Operate, Issuance of License, Sierra County, New Mexico.</li> </ul>	
FED010209-18	Commercial Space Transportation	12/29/2008	<a href="#">73 FR 79539</a>	Notice	<p>Federal Aviation Administration</p> <p>Office of Commercial Space Transportation; Notice of Approval on a Record of Decision for the Spaceport America Commercial Launch Site, Sierra County, NM</p> <p>Announces the availability of the Record of Decision for the Spaceport America Commercial Launch Site, Sierra County, New Mexico. Provides the final environmental determination and approval to support the issuance of a Launch Site Operator License to the New Mexico Spaceport Authority to operate Spaceport America.</p>	
FED010209-19	CWA Dredged Material	12/30/2008	<a href="#">73 FR 79641</a>	Final Rule	<p>Revisions to the Clean Water Act Regulatory Definition of "Discharge of Dredged Material"; Final Rule [33 CFR Part 323, 40 CFR Part 232]</p> <p>Promulgates a final rule to amend the definition of "discharge of dredged material." Responds to a court decision by deleting invalidated language from the regulation. Effective 12/30/2008. [RIN 2040-AE96]</p>	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-20	CWA NPDES General Permit for Vessels	12/29/2008	<a href="#">73 FR 79473</a>	Notice	Final NPDES General Permit for Discharges Incidental to the Normal Operation of a Vessel  Notice of availability of NPDES Vessel General Permit to cover discharges incidental to the normal operation of vessels. Applies to all vessels operating in a capacity as a means of transportation, except recreational vessels, that have discharges incidental to their normal operations into waters of the U.S. The permit addresses 26 vessel discharge streams by establishing effluent limits, including BMPs. Also includes monitoring and reporting requirements. Imposes additional requirements for eight specific types of vessels, including barges. To obtain authorization, the owner or operator of a vessel that is either 300 or more gross tons or has the capacity to hold or discharge more than 8 cubic meters of ballast water is required to submit a Notice of Intent to receive permit coverage, beginning 06/19/2009 but no later than 09/19/2009. Vessels that are less than 300 gross tons or are able to carry or discharge no more than 8 cubic meters of ballast water capacity automatically will be authorized upon permit issuance to discharge according to the permit requirements. Effective 12/19/2008.	<a href="#">NASA Facilities and Programs</a> that operate such vessels should be aware of the permit requirements.
FED010209-21	CWA Water Quality Criteria-Acrolein	12/17/2008	<a href="#">73 FR 76644</a>	Notice	National Recommended Draft Water Quality Criteria for Acrolein  Announces availability of draft national recommended water quality criteria for the protection of aquatic life for acrolein. The water quality criteria provide guidance to EPA and states in adopting water quality standards and federal regulations. Comments due 03/17/2009.	
FED010209-22	Emergency Response National Incident Management System	12/22/2008	<a href="#">73 FR 78377</a>	Notice	Federal Emergency Management Agency  Requests comments on the National Incident Management System Guideline for the Credentialing of Personnel. Provides guidance on how to best credential the personnel who respond to incidents, including large-scale terrorist attacks and catastrophic natural disasters that require inter-state deployable mutual aid. Comments due 01/21/2009.	
FED010209-23	Emergency Response National Incident Management System	12/22/2008	<a href="#">73 FR 78378</a>	Notice	Federal Emergency Management Agency  National Incident Management System Intelligence/Investigations Function Guidance Document  Requests comments on the National Incident Management System Intelligence/Investigations Function Guidance Document. The document provides guidance for Incident Command System practitioners on using and integrating the Intelligence/Investigations Function while adhering to the concepts and principles of the National Incident Management System. Comments due 01/21/2009.	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-24	Endangered Species Act 5-Year Reviews	12/16/2008	<a href="#">73 FR 76373</a>	Notice	<p>U.S. Fish and Wildlife Service</p> <p>Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Reviews of 7 Listed Species</p> <p>Notice of initiation of 5-year reviews of the following endangered species:</p> <ul style="list-style-type: none"> <li>▪ Appalachian monkeyface (<i>Quadrula sparsa</i>)</li> <li>▪ Northeast population of the roseate tern (<i>Sterna dougalli dougalli</i>)</li> <li>▪ Shale barren rock-cress (<i>Arabis serotina</i>)</li> </ul> <p>and the following threatened species:</p> <ul style="list-style-type: none"> <li>▪ Cheat Mountain salamander (<i>Plethodon nettingi</i>)</li> <li>▪ Madison cave isopod (<i>Antrilana lira</i>)</li> <li>▪ Sensitive joint-vetch (<i>Aeschynomene virginica</i>)</li> <li>▪ Virginia sneezeweed (<i>Helenium virginicum</i>)</li> </ul> <p>Requests any new information regarding these species that may have a bearing on their classification as endangered or threatened. Comments due 02/17/2009.</p>	
FED010209-25	Endangered Species Act Interagency Cooperation	12/16/2008	<a href="#">73 FR 76272</a>	Final Rule	<p>U.S. Fish and Wildlife Service, National Marine Fisheries Service, National Oceanic and Atmospheric Administration</p> <p>Interagency Cooperation under the Endangered Species Act [50 CFR Part 402]</p> <p>Amends regulations governing interagency cooperation under the Endangered Species Act. Clarifies several definitions, provides assistance as to when consultation under Section 7 is necessary, and establishes timeframes for the informal consultation process. Effective 01/15/2009.</p>	
FED010209-26	Explosives	12/31/2008	<a href="#">73 FR 80428</a>	Notice	<p>Bureau of Alcohol, Tobacco, Firearms and Explosives</p> <p>Publishes 2008 List of Explosive Materials, list of explosives determined to be regulated under 18 U.S.C. 841(c). No new terms have been added, and no materials listed have been revised or removed since the list was last published. Effective 12/31/2008.</p>	
FED010209-27	Hazardous Materials Transportation Rail Transportation	12/19/2008	<a href="#">73 FR 77531</a>	Final Rule	<p>Transportation Security Administration</p> <p>Rail Transportation Security [49 CFR Parts 1520 and 1580]</p> <p>Extends the effective date of one section of the Rail Transportation Security final rule (<a href="#">73 FR 72129</a>, 11/26/2008) from 12/26/2008 to 04/01/2009. The extension is to allow affected freight railroad carriers, rail hazardous materials shippers, and rail hazardous materials receivers additional time to conduct training and to implement procedures to come into compliance with the chain-of-custody and control requirements of the rule. [RIN 1652-AA51]</p>	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-28	Hazardous Substances Lead-containing Paint	12/19/2008	<a href="#">73 FR 77492</a>	Final Rule	Consumer Product Safety Commission Ban of Lead-containing Paint and Certain Consumer Products Bearing Lead-containing Paint [16 CFR Part 1303]  Amends regulations concerning the ban of lead-containing paint and certain consumer products bearing lead-containing paint. Includes paint and similar surface-coating materials, toys and other articles intended for use by children, and certain furniture articles that bear lead-containing paint. Changes the percent lead limit from 0.06 percent to 0.009 percent. Also provides that any ban or rule promulgated under 16 CFR 1303.1 will be considered a regulation promulgated under or for the enforcement of Section 2(q) of the Federal Hazardous Substances Act. Effective 08/14/2009.	
FED010209-29	Marine Mammal Protection Act Incidental Takes	12/19/2009	<a href="#">73 FR 77577</a>	Proposed Rule	National Marine Fisheries Service Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Space Vehicle and Test Flight Activities from Vandenberg Air Force Base, California [50 CFR Part 216]  Proposes regulations to govern the take of marine mammals incidental to launching space launch vehicles, intercontinental ballistic and small missiles, and aircraft and helicopter operations at Vandenberg Air Force Base. Comments due 01/05/2009. [RIN 0648-AX08]	
FED010209-30	RCRA Comparable Fuel Exclusion	12/19/2008	<a href="#">73 FR 77953</a>	Final Rule	Expansion of RCRA Comparable Fuel Exclusion [40 CFR Part 261]  Adds a new exclusion to the rules implementing RCRA Subtitle C. Establishes a new category of excluded fuel. Excluded fuels are energy-rich hazardous secondary materials that have the same hazardous constituent concentrations as fossil fuels that would be burned in their place. These fuels are excluded from the hazardous waste regulations. The newly excluded hazardous secondary materials are called "emission-comparable fuel" (ECF). ECF is a hazardous secondary material that, when generated, is handled in such a way that it is not discarded in any phase of management, but rather is handled as a valuable commodity. ECFs are excluded from the RCRA hazardous waste regulations if they meet prescribed specifications and conditions respecting storage and burning. Will allow entities managing hazardous secondary materials classified as hazardous waste fuels under current rules to manage these fuels without being subject to full RCRA Subtitle C regulations so long as they satisfy the conditions on ECFs set out in this rule. Specifies conditions on burning ECFs and conditions for tanks and containers storing ECF. Effective 01/20/2009. [RIN 2050-AG24]	

RRAC PC Tracking No.	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED010209-31	RCRA Solid Waste	01/02/2009	<a href="#">74 FR 41</a>	Proposed Rule	<p>Identification of Nonhazardous Materials that are Solid Waste [40 CFR Part 257]</p> <p>Seeks comments regarding which nonhazardous materials are or are not solid waste under RCRA. Also seeks comments about a number of specific questions concerning the meaning of "solid waste" under RCRA, as it applies to nonhazardous waste programs. Comments due 02/02/2009. [RIN 2050-AG44]</p>	
FED010209-32	Technology Innovation Program Areas of Critical National Need	12/16/2008	<a href="#">73 FR 76339</a>	Notice	<p>National Institute of Standards and Technology</p> <p>Technology Innovation Program Seeks White Papers</p> <p>Solicits white papers that will be used to identify and select areas of critical national need to be addressed in future Technology Innovation Program competitions. White papers may discuss any critical national need area of interest to the submitter, or may address any of the following topic areas:</p> <ul style="list-style-type: none"> <li>▪ Civil infrastructure</li> <li>▪ Energy</li> <li>▪ Manufacturing</li> <li>▪ Nanomaterials/nanotechnology</li> <li>▪ Personalized medicine</li> <li>▪ Sustainable chemistry</li> </ul> <p>For detailed instructions about how to prepare and submit white papers, refer to "A Guide for Preparing and Submitting White Papers on Areas of Critical National Need," available on the <a href="#">National Institute of Standards and Technology website</a>. Due dates for submission of white papers are 01/15/2009, 03/09/2009, 05/11/2009, and 07/13/2009.</p>	
FED010209-33	Toxic Materials Dioxin	12/29/2008	<a href="#">73 FR 79483</a>	Notice	<p>Scientific Workshop to Inform EPA's Response to National Academy of Science Comments on the Health Effects of Dioxin in EPA's 2003 Dioxin Reassessment</p> <p>Announces a public, scientific workshop, including a public review of the <a href="#">recent scientific literature on 2,3,7,8-Tetrachlorodibenzo-p-Dioxin dose-response</a>, to assist EPA in responding to the National Academy of Sciences report, "Health Risks from Dioxin and Related Compounds: Evaluation of the EPA Reassessment" (National Academy of Sciences, 2006). Members of the public may attend the workshop as observers and may participate in open comment periods. As part of the <a href="#">registration</a> process, members of the public may choose to submit a poster citation and abstract limited to 250 words. Poster abstracts due 01/23/2009. Workshop to be held 02/18/2009 through 02/20/2009 in Cincinnati, Ohio.</p>	

## 1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC currently is tracking for possible program-related impacts. Questions about any of these actions or suggestions for additions to this list should be directed to [Sharon Scroggins](#).

Significant Dates <i>italic = target date</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	<i>03/2009</i>	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	<i>09/2009</i>			Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM	<i>TBD</i>	HCFC Labeling [2060-AO68]	Pre-rule	Administrative requirement for certain space vehicle materials.
Final Action	<i>TBD</i>			Would require containers of materials containing HCFCs to bear warning statements.
NPRM	<i>03/2009</i>	NESHAP: Risk and Technology Review, Phase II Group 2B [2060-AO92]	Pre-rule	Possible space vehicle materials or operations impacts.
Final Action	<i>06/2010</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on operations subject to the Aerospace NESHAP, including coating, stripping, and cleaning of space flight hardware.
NPRM	10/10/2008	NESHAP: Risk and Technology Review, Phase II Group 2A [2060-AO91]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Includes the manufacture of various types of elastomers, such as Hypalon™. Proposes no further restrictions on covered sources; however, public comments could influence addition of restrictions during comment period.
NPRM	10/06/2008	Area Source NESHAP for Miscellaneous Chemical Manufacturing [2060-AM19]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Will impose requirements on area sources that manufacture chemicals; could drive reformulations to avoid regulatory requirements.
NPRM	01/03/2007	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	<i>05/2009</i>			Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.
NPRM	03/07/2006	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	<i>08/2009</i>			Rule could limit new U.S. production of any new materials or significant uses of perfluorinated polymers including those containing PFASs: PFACs: fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.

## 1.3 Significant News and Other Developments

### 1.3.1 EPA Makes Decision to Designate Areas Not Meeting Standards for Fine Particle Pollution

EPA announced [nonattainment designations under the 2006 24-hour NAAQS for fine particles or "PM2.5."](#) The determinations are based on recommendations from the states, monitoring data, and technical analyses showing areas that potentially contribute to fine particle concentrations. The designations generally become effective 90 days after publication in the FR. Once nonattainment designations take effect, the state and local governments will have until April 2012 to develop implementation plans outlining how areas will attain and maintain the standards by reducing air pollutant emissions contributing to PM2.5 concentrations.

The following counties of interest to NASA have been designated as nonattainment under the 24-hour NAAQS for PM2.5:

- Prince George's County, Maryland–EPA intends to modify the Baltimore nonattainment area to add Montgomery and Prince George's Counties as nonattainment for the 2006 PM2.5 standard
- Cuyahoga County, Ohio–Cleveland-Akron-Lorain, Ohio, Nonattainment Area
- Part of Box Elder and all of Davis Counties, Utah–Salt Lake City, Utah, Nonattainment Area
- Part of Los Angeles and San Bernadino Counties, California–Los Angeles, California, Nonattainment Area
- Santa Clara County, California–San Francisco Bay Nonattainment

### 1.3.2 EPA NSR Interpretation Memorandum

On 18 December 2008, EPA released a [memorandum](#) intended to clarify the Agency's interpretation of the term "regulated NSR pollutants" with respect to federal PSD permits. Under the NSR program, PSD permits are issued to certain types of air pollutant sources in areas that already meet national air quality standards. According to the memorandum, the definition of "regulated NSR pollutant" excludes pollutants for which EPA regulations only require monitoring or reporting. In other words, "regulated NSR pollutant" only includes those pollutants for which there is an emissions control standard in place under the CAA.

The interpretation was issued in response to recent litigation regarding the question of whether CO<sub>2</sub> must be considered a regulated NSR pollutant since CO<sub>2</sub> emissions must be monitored and reported under certain CAA provisions, such as Title IV. EPA stated in the memorandum that the wording of the existing regulation ([40 CFR 52.21\(b\)\(50\)](#)) was intended to include as regulated NSR pollutants only those pollutants otherwise subject to substantive control requirements, rather than monitoring or reporting requirements only.

Further information is available on EPA's [NSR website](#).

## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking No	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL010209-1	Administration Forms	12/31/2008	<a href="#">AAM Vol. XXVII, No. 3, p. 22</a>	Final Rule	335-ADEM 1-General Administration 1-Organization Final rule that amends <a href="#">335-1-1-.07 Departmental Forms, Instructions, and Procedures</a> to add two new forms that will create an application for grants under the Alabama Recycling Fund and a new form for NPDES General Permit Number ALG640000. ADEM also will modify 18 existing forms and delete 3 forms. A list of specific changes can be found in the <a href="#">Summary of Reasons</a> document.	
AL010209-2	Administration Unified Strategic Plan	12/31/2008	<a href="#">AAM Vol. XXVII, No. 3, p. 84</a>	Proposed Rule Hearing	335-ADEM 1-General Administration 1-Organization Proposes to revise <a href="#">335-1-1-.03 Organization and Duties of the Commission</a> to establish a process for updating the USP, the plan under which the Commission and ADEM will operate. A list of specific changes can be found in the <a href="#">Divisions 1 and 2</a> document. A <a href="#">public hearing</a> will be held 02/04/2009 at ADEM, Montgomery, Alabama.	
AL010209-3	Air NESHAPs	12/31/2008	<a href="#">AAM Vol. XXVII, No. 3, p. 123</a>	Final Rule	335-ADEM 3-Air Division 11-National Emission Standards for Hazardous Air Pollutants  Final rule that amends the following: <ul style="list-style-type: none"> <li>▪ <a href="#">335-3-11-.01 - General</a></li> <li>▪ <a href="#">335-3-11-.06 - National Emission Standards for Hazardous Air Pollutants for Source Categories</a></li> </ul> Amendments include the following: <ul style="list-style-type: none"> <li>▪ Incorporating by reference changes to the federal NESHAPs allowing EPA to delegate administrative enforcement of these regulations to ADEM.</li> <li>▪ Incorporating regulations in 40 CFR Part 63, Subpart EEE, NESHAP for Hazardous Waste Combustors, which will clarify several compliance and monitoring provisions, and also correct several omissions and typographical errors.</li> </ul> A list of specific changes can be found in the <a href="#">Summary of Reasons</a> document.	
AL010209-4	Air NESHAPs, NSPS	12/31/2008	<a href="#">AAM Vol. XXVII, No. 3, p. 123</a>	Final Rule	335-ADEM 3-Air Division Appendix C-EPA Regulations Reference Documents for NSPS and NESHAPs  Final rule amends <a href="#">Appendix C-EPA Regulations Reference Documents for NSPS and NESHAPs</a> to reflect the amendments in Chapter 335-3-10.	

Tracking No	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL010209-5	Air NSPS	12/31/2008	<a href="#">AAM Vol. XXVII, No. 3, p. 122</a>	Final Rule	335-ADEM 3-Air Division 10-Standards of Performance for New Stationary Sources  Final rule that amends the following: <ul style="list-style-type: none"> <li>• <a href="#">335-3-10-01 - General</a></li> <li>• <a href="#">335-3-10-02 - Designated Standards of Performance</a></li> <li>• <a href="#">335-3-10-03 - Appendices to 40 CFR 60</a></li> </ul> Amendments include the following: <ul style="list-style-type: none"> <li>▪ Incorporating by reference changes to the federal NSPS allowing EPA to delegate administrative enforcement of these regulations to ADEM.</li> <li>▪ Correcting errors and clarifying provisions for five continuous instrumental test methods.</li> </ul> A list of specific changes can be found in the <a href="#">Summary of Reasons</a> document.	
AL010209-6	Environmental Management Commission  Unified Strategic Plan	12/31/2008	<a href="#">AAM Vol. XXVII, No. 3, p. 85</a>	Proposed Rule  Hearing	335-ADEM 2-Environmental Management Commission-2 Petitions for Rulemaking  Proposes to revise <a href="#">335-2-2-.05 Consideration of Petition</a> to include consideration of the relevance and relation of a proposed rule to the most recent USP as an item that the Commission may take into account when it considers petitions for rulemaking. A list of specific changes can be found in the <a href="#">Divisions 1 and 2</a> document. A <a href="#">public hearing</a> will be held 02/04/2009 at ADEM, Montgomery, Alabama.	

## 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the CRNR are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA010209-1	Air SIP	12/18/2008	<a href="#">73 FR 76947</a>	Direct Final Rule	<a href="#">U.S. Environmental Protection Agency</a>  Revisions to the California State Implementation Plan, South Coast Air Quality Management District [40 CFR Part 52]  Final approval of revisions to the SCAQMD portion of the California SIP. These revisions concern the District's analysis of whether certain rules met RACT under the 8-hour ozone NAAQS. Effective 01/20/2009.	
CA020209-2	CEQA Filing Fees	12/19/2008	<a href="#">CRNR 2008, 51z, p. 2164</a>	Proposed Action	<a href="#">Department of Fish and Game</a>  Collection of CEQA Filing Fees and No Effect [14 CCR 753.5]  Proposed amendments for <a href="#">filing fee</a> regulations to conform with Senate Bill 1535, which eliminates a fee exemption for projects with a <i>de minimus</i> effect on fish and wildlife. Public hearing scheduled 02/02/2009 in Sacramento, California.	
CA010209-3	Endangered Species  California Brown Pelican	12/19/2008	<a href="#">CRNR 2008, 51z, p. 2167</a>	Proposed Action	<a href="#">California Fish and Game Commission</a>  Delisting of Endangered Animals [14 CCR 670.5]  Proposed amendments in regulations to <a href="#">remove</a> the California Brown Pelican from List of Endangered Species. A public hearing is scheduled 02/06/2009 in Sacramento, California.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA010209-4	Energy Alternative and Renewable Fuels and Vehicles	01/02/2009	<a href="#">CRNR 2009, 1z, p. 28</a>	Proposed Action	California Energy Commission Adoption of Regulations to Define the Administration of the Alternative and Renewable Fuel and Vehicle Technology Program [Docket No.: 08-OIR-1] Proposes new regulations to define the administration of the Alternative and Renewable Fuel and Vehicle Technology Program. Related documents are available on the Energy Commission <a href="#">website</a> for this rulemaking. A public hearing is scheduled on 02/25/2009 at 10 a.m. at the California Energy Commission Building in Sacramento, California. Comments due 02/16/2009.	
CA010209-5	Energy Geothermal	12/19/2008	<a href="#">CRNR 2008, 51z, p. 2161</a>	Proposed Action	<a href="#">Department of Conservation</a> Geothermal Augmentation [14 CCR 1900] Proposed amendments and <a href="#">new regulations</a> include clarification of observation well definition and requirements for well and operator identification or spill contingency plans. Comments due 02/02/2009.	
CA010209-6	Proposition 65	12/19/2008	<a href="#">CRNR 2008, 51z, p. 2173</a>	Final Rule	<a href="#">Office of Environmental Health Hazard Assessment</a> Chemicals Known to the State to Cause Cancer or Reproductive Toxicity [27 CCR 25302] Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the governor revise and republish at least once per year the <a href="#">list of chemicals</a> known to the state to cause cancer or reproductive toxicity. Effective 12/19/2008.	
CA010209-7	Proposition 65 CrVI, TNT	12/19/2008	<a href="#">CRNR 2008, 51z, p. 2190</a>	Final Rule	<a href="#">Office of Environmental Health Hazard Assessment</a> Chemicals Listed Effective December 19, 2008, as Known to the State to Cause Cancer or Reproductive Toxicity [27 CCR 25305(a)(1), 25305(b)(1)] OEHHA is <a href="#">adding</a> TNT and chromium (hexavalent compounds) to the <a href="#">list of chemicals</a> known to the state to cause cancer or reproductive toxicity. Effective 12/19/2008. <a href="#">CrVI was already on the Proposition 65 list as a carcinogen. In this action, it is being designated for reproductive toxicity as well. TNT is being designated for carcinogenicity.</a>	
CA010209-8	Proposition 65 2,4-d	01/02/2009	<a href="#">CRNR 2009, 1z, p. 34</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> <a href="#">Announcement of publication of the final public health goal for 2,4-dichlorophenoxyacetic acid (2,4-d) in drinking water</a> Announces availability of the final technical support document and responses to comments for the PHG for the herbicide 2,4-dichlorophenoxyacetic acid (2,4-D) in drinking water.	
CA010209-9	Proposition 65 Methanol	01/02/2009	<a href="#">CRNR 2009, 1z, p. 34</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> <a href="#">Notice of Intent to list Methanol [27 CCR 25306]</a> Notice of intent to list methanol under Proposition 65. Comments due 02/02/2009.	
CA010209-10	Safety Health Studios	12/19/2008	<a href="#">CRNR 2008, 51z, p. 2192</a>	Final Rule	<a href="#">Emergency Medical Services Authority</a> Lay Rescuer Automated External Defibrillation [22 CCR 100031, 100032, 100033, 100034, 100035, 100036, 100037, 100038, 100039, 100040, 100042, and 100043, Repeal 100041] Amendments to H&S Code 104113 mandate "health studios" to have and maintain an AED on location from 07/01/2007 through 07/01/2012, and that employees be trained to use it; amended regulations comply with H&S Code. Effective 01/08/2009.	

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL010209-1	Air Emissions Inventory	12/19/2008	<a href="#">FAW Notice #6522491</a>	Notice Workshop	Chapter 62–FDEP–Division of Air Resource Management Announces a workshop on the AOR for regulated industries and consultants. The 2008 AOR reporting requirements will be reviewed, and an overview and training on the EAOR software will be provided. The workshop will be held 01/13/2009 in Tampa, Florida.	
FL010209-2	Air Vehicle Idling	12/19/2008	<a href="#">FAW Notice #6393578</a>	Proposed Rule	Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction 421–Clean Diesel Rebate Program Proposes to assist persons affected by previously adopted Rule 62-285.420, F.A.C., Heavy-duty Vehicle Idling Reduction. The rule would establish a rebate funding process for idle-reduction equipment on heavy-duty diesel trucks. A copy of the proposed form for applying for the rebate is available on the <a href="#">FDEP website</a> . Comments due 01/09/2009.	
FL010209-3	Endangered Species Florida Panther	12/18/2008	<a href="#">73 FR 77052</a>	Notice Document Availability	U.S. Fish and Wildlife Service, Department of Interior Notice of Availability of the Florida Panther Recovery Plan Announces availability of the third revision of the Florida Panther Recovery Plan. The plan includes specific recovery objectives and criteria to be met in order to reclassify the Florida panther ( <i>Puma concolor coryi</i> ) to threatened status and eventually to delist this species under the Endangered Species Act of 1973, as amended (Act). Further information about the Florida Panther and copies of the plan can be obtained at the U.S. Fish and Wildlife Service <a href="#">Endangered Species Program website</a> or the FWS <a href="#">South Florida Ecological Services Office website</a> .	
FL010209-4	Hazardous Waste Reporting	12/15/2008	<a href="#">FAW Notice #6598830, #6598927, #6599121, and #6599024</a>	Final Rule	Chapter 62–FDEP 730–Hazardous Waste Amendments to Form 62-730.900(1)(b), 8700-12FL–Florida Notification of Regulated Waste Activity include transfer facility notification and clarify other reporting requirements. The affected rules include the following: <ul style="list-style-type: none"> <li>▪ 62-730.150 General</li> <li>▪ 62-730.171 Transfer Facilities</li> <li>▪ 62-730.186 Universal Pharmaceutical Waste</li> <li>▪ 62-730.900 Forms</li> </ul> Effective 01/04/2009.	
FL010209-5	Storm Water Permitting	12/19/2008	<a href="#">FAW Notice #6523849</a>	Proposed Rule Change Notice	Chapter 62–FDEP 621–Generic Permits Proposes to make the following amendments as first announced in <a href="#">FAW Notice #6164367</a> : <ul style="list-style-type: none"> <li>▪ Revise FDEP Forms 62-621.300(4)(b), 62-621.300(5)(b), and 62-621.300(6) to allow applicants to submit the form(s) using FDEP's electronic permitting application</li> <li>▪ Provide minor clean up of existing language in the forms and document number 62-621.300(4)(a), "Generic Permit for Storm Water Discharge from Large and Small Construction Activities."</li> </ul> Draft text is available in the <a href="#">FAW Notice</a> .	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL010209-6	Universal Waste Reporting	12/15/2008	<a href="#">FAW Notice #6599218</a> and <a href="#">#6599315</a>	Final Rule	Chapter 62–FDEP 737–The Management of Spent Mercury-containing Lamps and Devices Destined for Recycling  Amendments to the rule include deleting Form 62-737.900(1), "Universal Waste Mercury-containing Lamp and Device Transporter and Handler Registrations Form and Instructions," effective 05/20/1998, and incorporating Form 62-730.900(1)(b), "8700-12FL–Florida Notification of Regulated Waste Activity." The affected rules include the following: <ul style="list-style-type: none"> <li>62-737.400 Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices</li> <li>62-737.900 Forms</li> </ul> Effective 01/04/2009.	
FL010209-7	Used Oil Reporting	12/15/2008	<a href="#">FAW Notice #6598345</a> , <a href="#">#6598636</a> , <a href="#">#6598442</a> , and <a href="#">#6598539</a>	Final Rule	Chapter 62–FDEP 710–Used Oil Management  Amendments to the rule include deleting Form 62-710.901(1), "Application for Registration of Used Oil and Used Oil Filter Handlers," effective 05/09/2005, and incorporating Form 62-730.900(1)(b), "8700-12FL–Florida Notification of Regulated Waste Activity." The affected rules include the following: <ul style="list-style-type: none"> <li>62-710.210 Documents Incorporated by Reference</li> <li>62-710.500 Registration and Notification</li> <li>62-710.850 Management of Used Oil Filters</li> <li>62-710.901 Forms</li> </ul> Effective 01/04/2009.	
FL010209-8	Water SJRWMD - Consumptive Use	12/19/2008	<a href="#">FAW Notice #6542667</a>	Notice Development of Rulemaking	Chapter 40C–SJRWMD 2–Permitting of Consumptive Uses of Water  Proposes amendments related to the use of water for irrigation in both the General Permit by Rule for small water uses and the conditions for issuance of permits applicable to applicants who require a consumptive use permit from SJRWMD and do not qualify for the General Permit by Rule. Draft text is available in the <a href="#">FAW Notice</a> .	
FL010209-9	Water SJRWMD - Consumptive Use	12/26/2008	<a href="#">FAW Notice #6563910</a>	Proposed Rule Change Notice	Chapter 40C–SJRWMD 2–Permitting of Consumptive Uses of Water  Proposes to amend the sections of Chapter 40C-2, F.A.C., that regulate small uses of irrigation below the consumptive use permit thresholds. Draft text is available in the <a href="#">FAW Notice</a> .	
FL010209-10	Water SJRWMD	12/19/2008	<a href="#">FAW Notice #6521812</a>	Notice Meeting	Chapter 40C–SJRWMD  Announces a public meeting to discuss regulatory and non-regulatory matters, scheduled for 01/13/2009 at SJRWMD Headquarters, Palatka, Florida.	
FL010209-11	Water SJRWMD	12/19/2008	<a href="#">FAW Notice #6542764</a>	Notice Meeting	Chapter 40C–SJRWMD  Announces a business meeting of the Projects and Land Committee on 01/12/2009 at the SJRWMD Headquarters, Palatka, Florida.	
FL010209-12	Water Surface Water Quality Standards	12/19/2008	<a href="#">FAW Notice #6527826</a>	Notice Rule Development Workshops	Chapter 62–FDEP  Announces a workshop to present background information for the revision of criteria for transparency and proposed criteria for nitrate-nitrite in springs as part of the current Triennial Review of the state's surface water quality standards. The workshops will be held 01/07 and 01/08/2009 in Orlando, Florida.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL010209-13	Water TMDLs	12/31/2008	<a href="#">FAW Notice #6585153</a>	Proposed Rule	Chapter 62–FDEP 304.520–Indian River Lagoon TMDLs TMDLs and their allocations will be established for the pollutants identified as causing impaired waters in the Indian River Lagoon Basins. Comments due 01/21/2009.	

## 2.4 Hawaii State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Hawaii.

## 2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

## 2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD010209-1	Permits Turnaround Times	12/19/2008	<a href="#">35:26 Md.R. 2295</a>	Special Document	Maryland Department of the Environment Proposed Calendar Year 2009 Standard Permit Application Turnaround Times Documents MDE's annual review of standard permit application turnaround times for all types of permit applications. The permit types for 2009 include the following: General Permit to Construct, Air Permit to Construct, Title V Permit, Radiation Machine Permits, Oil Operations Permit, Wastewater Discharge Permits, Voluntary Cleanup Program, and General Permit for Construction Activity. Comments due 01/15/2009.	
MD010209-2	Waste Management	12/19/2008	<a href="#">35:26 Md.R. 2299</a>	General Notices	Maryland Department of the Environment Waste Management Administration Public Meeting A public meeting of the Controlled Hazardous Substances Council will be held 01/08/2009 in Baltimore, Maryland.	

## 2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

## 2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in New Mexico.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM010209-1	Air Quality Generating Facilities	12/15/2008	<a href="#">NM Register</a> Vol. XIX, p. <a href="#">1223</a>	Final Amendment	New Mexico Environmental Improvement Board <a href="#">20.2 NMAC Air Quality</a> Revisions to the New Mexico <a href="#">Air Quality</a> regulations, as follow: <ul style="list-style-type: none"> <li>▪ Adopted: <ul style="list-style-type: none"> <li>▪ <a href="#">20.2.89 NMAC</a>—Qualified Generating Facility Certification Effective 12/20/2008.</li> </ul> </li> </ul>	
NM010209-2	Air Quality Permit Fees	12/31/2008	<a href="#">NM Register</a> Vol. XIX, p. <a href="#">1312</a>	Final Amendment	New Mexico Environmental Improvement Board <a href="#">20.2 NMAC Air Quality</a> Revisions to the New Mexico <a href="#">Air Quality</a> regulations, as follow: <ul style="list-style-type: none"> <li>▪ Adopted: <ul style="list-style-type: none"> <li>▪ <a href="#">20.2.71 NMAC</a>—Operating Permit Emissions Fees Effective 01/09/2009.</li> </ul> </li> </ul>	
NM010209-3	Petroleum Storage Tanks	12/31/2008	<a href="#">NM Register</a> Vol. XIX, p. <a href="#">1297</a>	Notice	New Mexico Environmental Improvement Board <a href="#">20.5 NMAC Petroleum Storage Tanks</a> Announces a public hearing to discuss revisions to the New Mexico <a href="#">Petroleum Storage Tanks</a> regulations, as follow: <ul style="list-style-type: none"> <li>▪ Proposal to revise: <ul style="list-style-type: none"> <li>▪ <a href="#">20.5.17 NMAC</a> – Corrective Action Fund Administration The hearing will be held on 03/11/2009 at NMED in Santa Fe, New Mexico.</li> </ul> </li> </ul>	

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH010209-1	Air ERC Banking Program	12/29/2008	<a href="#">Public Notice</a>	Final Rule	Division of Air Pollution Control, OEPA Notice of Adoption of ERC Banking Program [OAC <a href="#">3745-111</a> ] Adopts new OAC Chapter, "ERC Banking Program," which establishes a voluntary emissions reduction credit banking program for the purpose of emission offsets. The ERC banking program is intended to provide a more efficient way to generate, transfer, and use ERCs in Ohio nonattainment areas. Effective 01/08/2009.	
OH010209-2	Air Mercury Monitoring and Reporting	12/16/2008	<a href="#">Public Notice</a>	Final Rule	Division of Air Pollution Control, OEPA Notice of Adoption of Clean Air Mercury Rule "Monitoring and Reporting" [OAC <a href="#">3745-108-07</a> ] Adopts amended OAC rule 3745-108-07 "Monitoring and Reporting", which is part of the Clean Air Mercury Rules program. The adopted amendment delays the deadline to submit certifications of the operation of, and quarterly reports for, their mercury monitoring programs for 2 years to 01/01/2011. Effective 12/26/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH010209-3	Water Maps	12/18/2008	<a href="#">Notice</a>	Notice	Division of Surface Water, OEPA DSW Releases New Interactive Maps Announces the release of new user-friendly, interactive maps. These maps can be found at <a href="http://www.epa.state.oh.us/dsw/gis/">www.epa.state.oh.us/dsw/gis/</a> and include the following: <ul style="list-style-type: none"> <li>▪ Biological monitoring and assessment data</li> <li>▪ CSO outfalls</li> <li>▪ Individual NPDES Permits</li> <li>▪ Fields Approved for Biosolids Application</li> </ul>	
OH010209-4	Water NPDES	12/17/2008	<a href="#">Notice</a>	Annual Report	Division of Surface Water, OEPA Annual Sewage Sludge Report Form [OAC 3745-01] The Annual Sewage Sludge Report is due to OEPA by 01/31/2009 as required in Part II of most NPDES permits issued to POTWs. See the OEPA website for more information.	
OH010209-5	Water Water Quality: Cleveland Harbor	12/19/2008	<a href="#">Public Notice</a> p. 1	CWA Section 401 Certification Application Review	Public Notice of Receipt of 401 Application and Public Hearing: Cleveland Harbor (Outer Harbor and Cuyahoga River Channels) Cuyahoga County, Ohio OEPA has received an application for a CWA Section 401 Certification for a USACE dredging project in Cleveland Harbor. The application was submitted by the USACE, Buffalo District. The project is located within the limits of the federal navigation channels in the Outer Harbor and Cuyahoga River. A public hearing is scheduled for 02/05/2009. Comments due 02/12/2009.	

## 2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register* published in HTML file format. Current and historical versions of the *Texas Register* in HTML and Adobe Acrobat (pdf) file format can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX010209-1	Real Property Airport Property Release	12/18/2008	<a href="#">73 FR 77100</a>	Proposed Rule	Federal Aviation Administration Notice of Request to Release Airport Property at Ellington Field, Houston, TX Invites public comment on the request to release property at Ellington Field. The City of Houston has requested the release of 12 acres of non-aeronautical use airport property. The land was part of two GSA deeds of property and a sale to the City in 1984. The funds generated by the release will be used for upgrading, maintenance, operation, and development of the airport. Comments due 01/20/2009.	<a href="#">JSC</a> should be aware of this action.

### 2.10.1 Recent TCEQ Publications

TCEQ recently revised a guidance document for pollution prevention planning, "[A Guide to Pollution Prevention Planning](#)." The guide details the steps in the pollution prevention planning process for facilities that must comply under the Waste Reduction Policy Act, including small- and large-quantity generators and those who report on the TRI Form R.

## 2.10.2 Title V Deviation Report and Permit Compliance Certification Forms

TCEQ recently announced updates to [Title V Permit compliance forms](#), multiple versions of which have been posted on TCEQ's website. TCEQ also noted that current versions of the Deviation Report and Permit Compliance Certification forms were updated in June 2008, and announced that older versions of these forms will no longer be accepted after 1 June 2009.

## 2.10.3 TCEQ Guidance Regarding Vacated MACT Standards

Recent court rulings have vacated several MACT standards, including the standard for Industrial, Commercial and Institutional Boilers and Process Heaters (40 CFR Part 63, Subpart DDDDD). When a MACT standard is vacated, it is treated as if it was never promulgated. When EPA fails to promulgate a MACT standard according to schedule, then sources that are subject to the requirements of the intended industry source category must obtain a case-by-case MACT control (in a permit). TCEQ recently released [guidance](#) for affected sources under these rules.

## 2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Utah.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT010209-1	Water Water Rights	01/01/2009	<a href="#">UT Bull. Vol. 2009-1; DAR File No. 32201</a>	Proposed Rule	Utah Division of Water Rights, Department of Natural Resources  Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights [UAC R655-14]  Proposes to increase the time for filing hearing requests and establish maximum caps on penalty assessments. Comments due 02/02/2009.	

## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA010209-1	Water	12/22/2008	<a href="#">25:8 Va.R 1642</a>	Public Notice	Virginia Department of Environmental Quality Announces availability of guidance for nominating specific water bodies in the Commonwealth of Virginia for inclusion in VDEQ's Water Quality Monitoring Plan. Nominations due 04/30/2009.	
VA010209-2	Water	12/22/2008	<a href="#">VDEQ website</a>	Notice of Availability	Virginia Department of Environmental Quality Announces availability of the Final 2008 305(b)/303(d) <a href="#">Water Quality Assessment Integrated Report</a> , which summarizes the water quality conditions in Virginia from 01/01/2001 through 12/31/2006..	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA010209-3	Water	12/22/2008	<a href="#">25:8 Va.R 1508</a>	Proposed Rule	State Water Control Board 9 VAC 25-260-275 Proposes additional water quality protection standards and applies to new or expanding VPDES permit applications for discharging to or affecting waters of the Eastern Shore of Virginia. Comments due 02/20/2009.	<b>LaRC</b> should be aware of this action.