



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

14 November 2008

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).

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Acronyms

AAM = Alabama Administrative Code	NASA = National Aeronautics and Space Administration
ADEM = Alabama Department of Environmental Management	NESHAP = National Emission Standards for Hazardous Air Pollutants
ANPRM = Advance Notice of Proposed Rulemaking	NO ₂ = Nitrogen dioxide
CAA = Clean Air Act	NO _x = Nitrogen oxide
CAAWG = Clean Air Act Working Group	NPRM = Notice of Proposed Rulemaking
CAIR = Clean Air Interstate Rule	NRC = Nuclear Regulatory Commission
Cal/EPA = California Environmental Protection Agency	NSR = New Source Review
CAMR = Clean Air Mercury Rule	OAC = Ohio Administrative Code
CAS = Chemical Abstract Service	OEHHA = Office of Environmental Health Hazard Assessment
CASAC = Clean Air Scientific Advisory Committee	OEPA = Ohio Environmental Protection Agency
CCR = <i>California Code of Regulations</i>	OWTS = Onsite wastewater treatment system
CECBP = Contaminant Biomonitoring Program	PFAC = Perfluoroalkyl carboxylate
CFR = <i>Code of Federal Regulations</i>	PFAS = Perfluoroalkyl sulfonate
COMAR = <i>Code of Maryland Regulations</i>	PM-10 = Particulate matter of 10 microns or less
CRNR = <i>California Regulatory Notice Register</i>	ppm = Parts per million
DART = Developmental and Reproductive Toxicant	RIN = Regulatory Identification Number
DEQ = Department of Environmental Quality	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
EPA = U.S. Environmental Protection Agency	SGP = Scientific Guidance Panel
EPCRA = Emergency Planning and Community Right-to-Know Act	SIP = State Implementation Plan
ERC = Emissions reduction credit	SJV = San Joaquin Valley
F.A.C. = Florida Administrative Code	SJVAB = San Joaquin Valley Air Basin
FAW = <i>Florida Administrative Weekly</i>	SNUR = Significant New Use Rule
FDEP = Florida Department of Environmental Protection	SO ₂ = Sulfur dioxide
FR = <i>Federal Register</i>	SO _x = Sulfur oxide
GHG = Greenhouse gases	SWPPP = Storm Water Pollution Prevention Plan
GSE = Ground support equipment	TBD = To be determined
HCFC = Hydrochlorofluorocarbon	TCEQ = Texas Commission on Environmental Quality
HTML = HyperText Markup Language	TexReg = <i>Texas Register</i>
IAEA = International Atomic Energy Agency	TSCA = Toxic Substances Control Act
IRIS = Integrated risk information system	U.S. = United States
LAC = Louisiana Administrative Code	Va.R. = <i>Virginia Register</i>
µg/m ³ = Micrograms per square meter	VAC = Virginia Administrative Code
MB = Megabytes	VOC = Volatile organic compound
MCL = Maximum contaminant level	VPDES = Virginia Pollutant Discharge Elimination System
MDE = Maryland Department of the Environment	
Md.R. = <i>Maryland Register</i>	
NAAQS = National Ambient Air Quality Standards	

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 Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed111408-1	CAA NAAQS-Lead	11/12/2008	73 FR 66963	Final Rule	<p>National Ambient Air Quality Standards for Lead [40 CFR Parts 50, 51, 53, and 58]</p> <p>Revises the primary and secondary NAAQS for lead. Revises the primary standard to 0.15 µg/m³. Retains the current indicator of lead in total suspended particles. Revises the averaging time to a rolling 3-month period with a maximum (not-to-be-exceeded) form, evaluated over a 3-year period. Revises the secondary standard to be the same as the revised primary standard. Also revises the data-handling procedures, the treatment of exceptional events, and the ambient air monitoring and reporting requirements. Revises emissions inventory reporting requirements and provides guidance regarding the approach for implementing the revised primary and secondary standards. Effective 01/12/2009 [RIN 2060-AN83].</p> <p>For further information, please see the RRAC PC Regulatory Alert on this item.</p>	
Fed111408-2	CAA NAAQS-NO ₂	11/12/2008	73 FR 66895	Notice	<p>Science Advisory Board Staff Office; Clean Air Scientific Advisory Committee; Notification of a Public Advisory Committee Teleconference of the CASAC Oxides of Nitrogen Primary NAAQS Review Panel</p> <p>Announces a public teleconference to review EPA's completed Risk and Exposure Assessment to Support the Review of the NO₂ Primary NAAQS. Teleconference to be held on 12/05/2008.</p>	
Fed111408-3	CAA NAAQS-NO _x and SO _x	11/05/2008	73 FR 65849	Notice	<p>Science Advisory Board Staff Office; Clean Air Scientific Advisory Committee; NO_x and SO_x Secondary NAAQS Review Panel Teleconference</p> <p>Announces a public teleconference of the Clean Air Scientific Advisory Committee NO_x and SO_x Secondary NAAQS Review Panel to consider and discuss the working-draft report regarding peer review of EPA's Risk and Exposure Assessment for Review of the Secondary NAAQS for Oxides of Nitrogen and Oxides of Sulfur: First Draft. Teleconference to be held 11/19/2008.</p>	
Fed111408-4	CAA Testing Requirements	11/04/2008	73 FR 65554	Final Rule	<p>Stay of the Effectiveness of Requirements for Air Emission Testing Bodies [40 CFR Part 75]</p> <p>Final action to indefinitely stay the effectiveness of requirements for stack testers and stack testing companies. Effective 11/04/2008 [RIN 2060-AP39].</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed111408-5	CAA VOCs–Aerosol Coatings	11/07/2008	73 FR 66184	Direct Final Rule	<p>National Volatile Organic Compound Emission Standards for Aerosol Coatings [40 CFR Part 59]</p> <p>Finalizes revisions to on the National VOC Emission Standards for Aerosol Coatings, which establishes national reactivity-based emission standards for aerosol spray coatings. Moves the applicability and compliance dates for aerosol coatings from 01/01/2009 to 07/01/2009. Also makes initial notifications due on the compliance date rather than 90 days in advance of the compliance date, as originally required. Effective 12/29/2008 unless adverse comment received by 12/08/2008 [RIN 2060-AP33].</p> <p>Rule applies to manufacturing of aerosol spray coatings; could drive vendor formulation changes to facilitate regulatory compliance. See Section 1.3.1 below for further information.</p>	NASA Programs should already be aware of this potential materials obsolescence driver.
Fed111408-6	CERCLA Toxicological Profiles	11/06/2008	73 FR 66047	Notice	<p>Agency for Toxic Substances and Disease Registry</p> <p>Availability of Draft Toxicological Profiles</p> <p>Announces the availability of the 22nd set of toxicological profiles of priority hazardous substances, which consists of the following updated drafts prepared for review and comment:</p> <ul style="list-style-type: none"> ▪ Cadmium, CAS No. 007440-43-9 ▪ Chromium, CAS No. 007440-47-3 ▪ Manganese, CAS No. 007439-96-5 ▪ Radon, CAS No. 010043-92-2 <p>The toxicological profiles for formaldehyde and perfluoroalkyls are on a modified schedule pending additional review. Comments due 02/26/2009.</p>	
Fed111408-7	Energy National Priority Project Designation	11/13/2008	73 FR 67149	Notice	<p>Office of Energy Efficiency and Renewable Energy, Department of Energy</p> <p>National Priority Project Designation</p> <p>Guidelines for persons and organizations interested in requesting National Priority Project Designation. The President is authorized to annually recognize projects that are making the greatest strides in helping the United States reduce its dependence on fossil fuels and promote domestic energy security.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed111408-8	EPCRA Reporting	11/03/2008	73 FR 65451	Final Rule	<p>Emergency Planning and Community Right-to-Know Act; Amendments to Emergency Planning and Notification; Emergency Release Notification and Hazardous Chemical Reporting; Final Rule [40 CFR Parts 355 and 370]</p> <p>Finalizes changes to the Emergency Planning Notification, Emergency Release Notification, and Hazardous Chemical Reporting regulations. Includes the following:</p> <ul style="list-style-type: none"> ▪ Finalizes revisions for applying threshold quantity and the reporting of mixtures under EPCRA Sections 311 and 312. ▪ Removes the Tier I and II inventory forms and instructions from the CFR and makes minor changes to the forms and instructions. ▪ Codifies certain existing policies and interpretations. ▪ Re-writes the regulations in plain language, using a question-and-answer format. ▪ Re-numbers and re-organizes each section. ▪ Adds tables to improve the clarity and understanding of certain reporting requirements. Effective 12/03/2008 [RIN 2050-AE17]. <p>For further information, see RRAC PC Regulatory Summary on this item.</p>	
Fed111408-9	Flood Hazards Flood Elevation Determinations	11/14/2008	73 FR 67416	Final Rule	<p>Federal Emergency Management Agency</p> <p>Changes in Flood Elevation Determinations [44 CFR Part 65]</p> <p>Finalizes Modified Base (1 percent annual-chance) Flood Elevation for several communities. These elevation changes are used primarily to calculate flood insurance premium rates, but sometimes may also inform or drive emergency preparedness and management. Includes Huntsville, Alabama. Effective 09/15/2008.</p>	
Fed111408-10	National Infrastructure Protection Plan	11/14/2008	73 FR 67532	Notice	<p>National Protection and Programs Directorate, Department of Homeland Security</p> <p>Review and Revision of the National Infrastructure Protection Plan</p> <p>Notice that the Department of Homeland Security currently is revising, and solicits comments on, the 2006 National Infrastructure Protection Plan. The Plan sets forth a comprehensive risk management framework and clearly defines critical infrastructure protection roles and responsibilities.</p>	
Fed111408-11	National Primary Drinking Water Regulations	11/14/2008	73 FR 67456	Proposed Rule	<p>National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes in References to Analytical Methods [40 CFR Parts 141 and 143]</p> <p>Proposes to make a minor correction to the Stage 2 Disinfectants and Disinfection Byproducts Rule. Also proposes to make minor, unrelated changes by adding references to the list of methods approved under the Expedited Approval Process, removing references to outdated methods, and specifying a new source for the publication titled, "Technical Notes on Drinking Water Methods." Comments due 01/13/2009 [RIN 2040-AF00].</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed111408-12	Nuclear Electronic Submissions	11/12/2008	73 FR 66949	Notice	Nuclear Regulatory Commission Notice of Availability of an Updated Version of the Guidance for Electronic Submissions to the NRC Notice of availability of the Guidance for Electronic Submissions to the NRC (Revision 4). The document can be found on the NRC website under Submittal Instructions . Significant changes in this revision include the following: <ul style="list-style-type: none"> Modifies the recommended file size for documents submitted to the NRC via the Electronic Information Exchange from a maximum of 50 MB to a maximum of 15 MB. Provides information regarding a new Meta-System Help Desk. 	
Fed111408-13	Safe Drinking Water Act Perchlorate	11/12/2008	73 FR 66895	Notice	Drinking Water: Preliminary Regulatory Determination on Perchlorate Reopens the public comment period on the preliminary regulatory determination (73 FR 60262 , 10/10/2008) that a national primary drinking water regulation for perchlorate would not present "a meaningful opportunity for health risk reduction for persons served by public water systems." Comments due 11/28/2008 [RIN 2040-ZA02].	
Fed111408-14	TSCA Priority Testing List	11/03/2008	73 FR 65485	Notice	Sixty-Third Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments Notice of availability of 63rd Report of the Interagency Testing Committee to the Administrator of the EPA. Revises the TSCA Section 4(e) Priority Testing List by removing the following: <ul style="list-style-type: none"> Disodium tungstate dehydrate, CAS No. 10213-10-2 Disulfides, C5-12-alkyl, CAS No. 68513-62-2; a High Production Volume Challenge Program orphan chemical Comments due 12/03/2008.	
Fed111408-15	TSCA Significant New Use Rules	11/05/2008	73 FR 65743	Direct Final Rule	Significant New Use Rules on Certain Chemical Substances Promulgates significant new use rules for 56 chemical substances. Requires persons who intend to manufacture, import, or process any of these chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. Effective 01/05/2009 unless adverse comments are received by 12/05/2008.	

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>1/2009</i>	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	<i>1/2011</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>11/2008</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>06/2008</i>	NESHAP: Risk and Technology Review, Phase II Group 2B [2060-AO92]	Pre-rule	Possible space vehicle materials or operations impacts.
Final Action	<i>01/2009</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.
ANPRM	07/30/2008	Regulation of Greenhouse Gases under the CAA [2060-AP12]	Pre-Rule	Potential for program impacts unknown at this time.
	73 FR 44353			Solicits input regarding the regulation of GHGs under the CAA.
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.
Comments Due	11/24/2008			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.
Final Action	<i>10/2009</i>			
NPRM	10/06/2008	Area Source NESHAP for Miscellaneous Chemical Manufacturing [2060-AM19]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Comments Due	11/05/2008			Will impose requirements on area sources that manufacture chemicals; could drive reformulations to avoid regulatory requirements.
Final Action	<i>01/2009</i>			
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>10/2008</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 Assessment Includes Mercury-free Product Alternatives

EPA recently completed an assessment entitled, “[Initial Risk-Based Prioritization of Mercury in Certain Products](#)” under the [High Production Volume Challenge Program](#). The assessment concluded that economically feasible alternatives exist for many mercury-containing products. Product categories include switches, relays and contactors, flame sensors, button cell batteries, and certain measuring devices (such as non-fever thermometers, manometers, barometers, pyrometers, flowmeters, and hygrometers). EPA is considering management actions under the

TSCA to emphasize the use of mercury-free products and to continue reductions in mercury-containing products. On the basis of the potential for human and environmental exposure to mercury from the manufacturing, use, or disposal of mercury-containing products, EPA has designated this issue a “high-priority special concern.” More information regarding the mercury assessment is available at [EPA’s website](#).

1.3.2 EPA Delays Compliance Date on Emissions Standards for Aerosol Coatings

On 7 November 2008, EPA published a direct final rule ([FR 73 66209](#)) in the *Federal Register* pushing back the compliance date with its emissions standards for aerosol coatings by 6 months to 1 July 2009. The later date gives manufacturers, processors, distributors, suppliers, and importers of aerosol coatings for sale in the U.S. more time to petition EPA to add additional compounds to a table of VOCs likely to lead to ozone formation. The rule also removes the requirement that manufacturers have to notify EPA 90 days before the compliance date for the compounds to be listed. EPA will hold public hearings if adverse comments are received as a result of the rule; comments are due 8 December 2008. It is possible that this rule could result in formulation changes by manufacturers that are required to comply with emission standards.

1.3.3 EPA Extends Comment Period on Decision Not to Regulate Perchlorate

On 12 November 2008, EPA published a notice ([73 FR 66895](#)) in the *Federal Register* extending by 15 days the comment period on its preliminary regulatory determination that a national primary drinking water regulation for perchlorate is not needed. In response to multiple requests from the agency’s Science Advisory Board, the Children’s Health Protection Committee, and others, EPA extended the comment period through 28 November 2008.

1.3.4 Recycling Rates Increased in 2007

According to an EPA report on recycling, “[Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2007](#),” the municipal solid waste recycling rate increased in 2007 to 33.4 percent from 32.6 percent in 2006. Lead-acid batteries, paper products, major appliances, and aluminum cans had the highest recycling and recovery rates. More information regarding the report is available on the [EPA website](#).

1.4 Clean Air Act Working Group Updates

1.4.1 Clean Air Act Working Group Telecons

There will be no further CAAWG telecons in 2008. Telecons will resume in January 2009. Please send questions, comments, and suggestions for agenda topics to Sharon Scroggins (256-544-7932, sharon.scroggins@nasa.gov).

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
AL111408-1	Air CAIR	10/31/2008	AAM Vol. XXVII, No. 1, p. 16	Proposed Rule Hearing	335-ADEM 3-Air Division 5 - Control of Sulfur Compound Emissions Proposes to incorporate by reference provisions for the control of sulfur dioxide emissions from specified categories of stationary sources. The following rules will be considered for revision: <ul style="list-style-type: none"> 335-3-5-.06 CAIR SO₂ Trading Program General Provisions 335-3-5-.07 CAIR Designated Representative for CAIR SO₂ Sources 335-3-5-.11 CAIR SO₂ Allowance Tracking System 335-3-5-.13 Monitoring and Reporting 335-3-5-.14 CAIR SO₂ Opt-In Units A list of specific changes can be found in the Division 3 document. A public hearing will be held 12/10/2008 at ADEM, Montgomery, Alabama. Comments due 12/12/2008.	
AL111408-2	Air CAIR	10/31/2008	AAM Vol. XXVII, No. 1, p. 17	Proposed Rule Hearing	335-ADEM 3-Air Division 8-Control of Nitrogen Oxides Emissions Proposes to incorporate by reference provisions for the control of nitrogen oxide emissions from specified categories of stationary sources. The following rules will be considered for revision: <ul style="list-style-type: none"> 335-3-8-.16 CAIR NO_x Annual Trading Program 335-3-8-.17 CAIR Designated Representative for CAIR NO_x Sources 335-3-8-.18 CAIR Permits 335-3-8-.21 CAIR NO_x Allowance Tracking System 335-3-8-.23 CAIR Monitoring and Reporting 335-3-8-.25 CAIR NO_x Ozone Season Trading Program 335-3-8-.30 CAIR NO_x Ozone Season Allowance Tracking System 335-3-8-.32 CAIR NO_x Ozone Season Monitoring and Reporting A list of specific changes can be found in the Division 3 document. A public hearing will be held 12/10/2008 at ADEM, Montgomery, Alabama. Comments due 12/12/2008.	
AL111408-3	Air CAIR	10/31/2008	AAM Vol. XXVII, No. 1, p. 18	Proposed Rule Hearing	335-ADEM 3-Air Division 18-Acid Rain Program Proposes to amend 335-3-18-.01 General-Permits Regulation to adopt revisions to the Acid Rain Program. This incorporation would allow EPA to delegate administrative enforcement of these regulations to ADEM. A list of specific changes can be found in the Division 3 document. A public hearing will be held 12/10/2008 at ADEM, Montgomery, Alabama.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL111408-4	Air CAIR	10/31/2008	AAM Vol. XXVII, No. 1, p. 19	Proposed Rule Hearing	335-ADEM 3-Air Division 21-Control of Mercury Emissions Proposes to repeal 335-3-21 Control of Mercury Emissions in response to vacatur of the federal CAMR on 02/08/2008 by the U.S. Court of Appeals. A public hearing will be held 12/10/2008 at ADEM, Montgomery, Alabama. Comments due 12/12/2008.	
AL111408-5	Hazardous Waste	10/31/2008	AAM Vol. XXVII, No. 1, p. 20-29	Proposed Rule Hearing	335-ADEM 14-Hazardous Waste Program Proposes to adopt regulations reflecting changes made to related federal regulations from 07/01/2007 through 06/30/2008. The rules also would be revised to update and clarify existing requirements. The proposed amendments include the following: <ul style="list-style-type: none"> Reformatting of definitions. Addition of language to clarify certain regulations in the existing rules. Modification of the F019 listing to exclude wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process under certain conditions. Addition of requirements concerning the availability of records for review, corrective action cost estimates, and transporter permit applications. Correction of a number of typographical and citation errors in the existing regulations. The following rules will be considered for revision: <ul style="list-style-type: none"> 335-14-1 Hazardous Waste Management System: General 335-14-2 Identification and Listing of Hazardous Waste 335-14-3 Standards Applicable to Generators of Hazardous Waste 335-14-4 Standards Applicable to Transporters of Hazardous Waste 335-14-5 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal (TSD) Facilities 335-14-6 Interim Status Standards for Owners and Operators of Hazardous Waste TSD Facilities 335-14-7 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities 335-14-8 Permit Program 335-14-11 Standards for Universal Waste Management 335-14-17 Standards for the Management of Used Oil A public hearing will be held 12/11/2008 at ADEM, Montgomery, Alabama. Comments due 12/12/2008.	
AL111408-6	Water Toxic Pollutant Criteria	10/31/2008	AAM Vol. XXVII, No. 1, p. 52	Final Rule	335-ADEM 6-Water Quality Division 10-.07-Toxic Pollutant Criteria Applicable to State Waters, Appendix A Final changes to ADEM's Administrative Code to amend 335-6-10-.07 Toxic Pollutant Criteria Applicable to State Waters, Appendix A are intended to revise the reference doses for acrolein and phenol to be consistent with the values in EPA's IRIS. Effective 10/20/2008.	

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
CA111408-1	Air SIP	11/12/2008	73 FR 66759	Final Rule	<p>U.S. Environmental Protection Agency</p> <p>Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Revision of Designation; Redesignation of the San Joaquin Valley Air Basin PM-10 Nonattainment Area to Attainment; Approval of PM-10 Maintenance Plan for the San Joaquin Valley Air Basin; Approval of Commitments for the East Kern PM-10 Nonattainment Area [40 CFR Parts 52, 81]</p> <p>Approves request to revise the designation for the SJV serious nonattainment area for PM-10 by splitting the area into two separate nonattainment areas: SJVAB and East Kern. Also redesignates the SJVAB nonattainment area to attainment for the PM-10 NAAQS and approves the PM-10 maintenance plan, motor vehicle emissions budgets, and conformity trading mechanism for the area. Approves enforceable commitments by the Kern County Air Pollution Control District and the California Air Resources Board to install a PM-10 monitor in the East Kern nonattainment area and to address CAA requirements under Section 189(d) as necessary for the area. Effective 12/12/2008.</p>	
CA111408-2	Drinking Water Arsenic	11/07/2008	CRNR 2008, 45z, p. 1981	Final Rule	<p>California Department of Public Health</p> <p>Revised Drinking Water Standard for Arsenic [22 CCR 64413.1, 64414, 64431, 64432, 64432.2, 64432.8, 64433.3, 64445.1, 64447.2, and 64482]</p> <p>Lowers the allowable amount of arsenic in public water systems to 0.010 ppm, making the MCL the same as the primary federal arsenic in drinking water standard. Effective 11/28/2008.</p>	
CA111408-3	Proposition 65	11/07/2008	CRNR 2008, 45z, p. 1972	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Availability of Additional Information on Chlorpyrifos for the November 20, 2008, Meeting of the OEHHA Science Advisory Board's DART Identification Committee</p> <p>Announces availability of a report from U.S. EPA entitled, "Issue Paper on the Toxicity Profile of Chlorpyrifos". Chlorpyrifos is used as an insecticide. Hexavalent chromium (anti-corrosion coating and corrosion inhibitor) and trihalomethanes (solvents and refrigerants) also will be discussed at the meeting. Public meeting scheduled 11/20/2008 at the Cal/EPA Headquarters in Sacramento, California.</p>	
CA111408-4	Safety Fire Extinguishers	11/07/2008	CRNR 2008, 45z, p. 1973	Notice	<p>California Office of the State Fire Marshall</p> <p>Petition for Regulatory Change Regarding Non-rechargeable Portable Aerosol Fire Extinguisher [19 CCR 561.2 and 557]</p> <p>Denies proposed regulation request relating to certification and labeling of non-rechargeable portable aerosol fire extinguishers.</p>	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA111408-5	Safety Forestry	11/07/2008	CRNR 2008. 45z, p. 1980	Final Rule	California Board of Forestry and Fire Protection Emergency Notice for Fuel Hazard Reduction [14 CCR 1052.4] Deletes redundant language related to wildlife habitat protection, moves language regarding Public Resources Code Section 4291 to a separate subsection, and clarifies fuel removal spacing standards. Effective 11/21/2008.	
CA111408-6	Wastewater	11/07/2008	CRNR 2008. 45z, p. 1965	Proposed Action	State Water Resource Control Board Onsite Wastewater Treatment Systems [27 CCR 30000 to 30040] Proposes new regulations to establish requirements for discharges from OWTS (septic tanks) for protection of water quality. A public hearing is scheduled 02/09/2009 at the Cal/EPA in Sacramento, California. Comments due 02/09/2009.	NASA facilities with septic tanks should be aware of the proposal.

2.2.1 CECBP Scientific Guidance Panel Meeting

The Scientific Guidance Panel of the [California Environmental Contaminant Biomonitoring Program](#) has scheduled a meeting on 4 and 5 December 2008. The main topics on the agenda will be chemical selection and laboratory pilot projects. The meeting will be held at the Cal/EPA Building in Sacramento, California and is open to the public.

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
FL111408-1	Energy, Climate Change, and Economic Security Act	11/07/2008	FAW Notice #6370395	Notice Meeting	Chapter 62–2008 Florida Energy, Climate Change, and Economic Security Act Announces a meeting to discuss requirements for FDEP to perform an analysis regarding the efficacy and necessity of both statewide and local regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The meeting will be held 11/19/2008 at Orlando City Hall, Orlando, Florida.	
FL111408-2	Hazardous Waste Reporting	11/14/2008	FAW Notice #6369910	Proposed Rule	Chapter 62–FDEP 730–Hazardous Waste Form 62-730.900(1)(b), 8700-12FL–Florida Notification of Regulated Waste Activity is being revised to include transfer facility notification and to clarify other reporting requirements. Comments due 12/05/2008.	
FL111408-3	Universal Waste Reporting	11/14/2008	FAW Notice #8370298	Proposed Rule	Chapter 62–FDEP 737–The Management of Spent Mercury-containing Lamps and Devices Destined for Recycling Proposes to delete Form 62-737.900(1), Universal Waste Mercury-containing Lamp and Device Transporter and Handler Registrations Form and Instructions, effective 05/20/1998, and incorporate Form 62-730.900(1)(b), "8700-12FL–Florida Notification of Regulated Waste Activity." Comments due 12/05/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL111408-4	Used Oil Reporting	11/14/2008	FAW Notice #6370201	Proposed Rule	Chapter 62–FDEP 710–Used Oil Management Proposes to delete Form 62-710.901(1), Application for Registration of Used Oil and Used Oil Filter Handlers, effective 05/09/2005, and incorporate Form 62-730.900(1)(b) “8700-12FL–Florida Notification of Regulated Waste Activity.” Comments due 12/05/2008.	
FL111408-5	Water Consumptive Use	11/07/2008	FAW Notice #6384266	Notice Meeting	Chapter 62–FDEP Announces a meeting to continue the discussion on reclaimed water issues as they relate to consumptive use permitting. The meeting will be held 11/19/2008 at Orlando Utility Commission, Orlando, Florida.	
FL111408-6	Water Monitoring	11/07/2008	FAW Notice #6374275	Notice Meeting	Chapter 62–Florida Water Resources Monitoring Council Announces a meeting to discuss coordination and standardization of monitoring in Florida inland and coastal waters. The meeting will be held 11/19 and 11/20/2008 at Florida Fish and Wildlife Research Institute, St. Petersburg, Florida.	
FL111408-7	Water Surface Water Quality	11/14/1008	FAW Notice #6402696	Notice Workshop	Chapter 62–FDEP 302–Surface Water Quality Standards Announces a workshop to discuss proposed revisions to Chapter 62-302, F.A.C. regarding the criteria for specific conductance and proposed criteria for unionized ammonia in marine waters as part of the current Triennial Review of state surface water quality standards. This workshop will be held 12/09/2008 at FDEP, Tallahassee, Florida.	

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

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

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA111408-1	Radiation Transportation Safety Standards	11/20/2008	RP048ft	Final Rule Correction	Louisiana Department of Environmental Quality IAEA Transportation Safety Standards [LAC 33:XV.455, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, and 1599] The state radiation protection regulations in LAC 33:XV.Chapter 15 have been amended and reorganized to mirror the federal regulations. This version corrects a typographical error in the original notice.	

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
MD111408-1	Storm Water Storm Water Management Act of 2007	11/07/2008	35:23 Md.R. 2041	Notice	Department of the Environment Public Hearing on Regulations–Storm Water Management Act of 2007 Announces a meeting regarding MDE's proposal to amend Regulations .01 to .06, and .08 to .11 under COMAR 26.17.02 Storm Water Management , by mandate of the Storm Water Management Act of 2007, effective 10/1/2007. The Act requires MDE to adopt rules and regulations establishing criteria and procedures for storm water management that will promote the use of "environmental site design" to the maximum extent practicable. Provisions and regulations of the Storm Water Management Act are available on MDE's website: MDE SWM Act of 2007 . Public meeting is planned for 12/08/2008 at MDE's offices, Baltimore, Maryland.	GSFC should be aware of the proposed amendments.

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

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

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
OH111408-1	Air Emission Reduction Credit Banking Program	11/13/2008	Notice	Draft Rules	Division of Air Pollution Control, OEPA Draft Rules–ERC Banking Program [OAC 3745-111] OEPA has refiled new language for rules in OAC Chapter 3745-111, "ERC Banking Program" to establish a voluntary ERC banking program for the purpose of emission offsets. This program streamlines many procedural functions and creates an ERC banking system that publicly displays all available ERCs on the OEPA website so that facilities in need of emission offsets know what is available before applying for a permit subject to major NSR. Review the synopsis and responsive summary to comments for details regarding changes made to the proposed rule language. The re-filed rules are not effective at this time, but will become effective at a future date after review procedures are complete.	NASA facilities should be aware of the draft rules.

2.10 Texas State Regulatory Reviews

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
TX111408-1	Water Quality Water Quality Management Plan	11/07/2008	33 TexReg 9100	Notice	Texas Commission on Environmental Quality Notice of Availability of the Draft October 2008 Update to the Water Quality Management Plan for the State of Texas Announces the availability of the draft October 2008 Update to the Water Quality Management Plan for the State of Texas. Comments due 12/08/2008.	

2.10.1 TCEQ Expands Its Electronic Comment Options

The TCEQ has announced that electronically submitted comments will now be accepted in the permitting process. The electronic comment option, previously only offered for rulemaking, is now available for hearing requests, requests for reconsideration, requests for public meetings and withdrawals of these requests, and for any pending air, waste, water, and wastewater permit application. Electronic comments may be submitted through the [eComments](#) system, which accepts both text and certain electronic file attachments. Each submittal will receive an automatic e-mail from the TCEQ verifying receipt. Written public comments will continue to be accepted by mail, hand-delivery, courier, or fax.

2.10.2 Texas Emissions Reduction Plan Program Update

TCEQ's [Texas Emissions Reduction Plan Program](#) is expecting to open its next grant round on 1 December 2008. Applications will be accepted for both the Emissions Reduction Incentive Grant Program and the Rebate Grants Program. Application forms will be available when the grant round officially opens. Eligible counties for this grant cycle include Bastrop, Bexar, Brazoria, Caldwell, Chambers, Collin, Comal, Dallas, Denton, Ellis, Fort Bend, Galveston, Gregg, Guadalupe, Hardin, Harris, Harrison, Hays, Jefferson, Johnson, Kaufman, Liberty, Montgomery, Orange, Parker, Rockwall, Rusk, Smith, Tarrant, Travis, Upshur, Waller, Williamson, and Wilson.

[Workshops and Assistance Sessions](#) have been scheduled in each of the eligible areas. All events are free and no registration is required.

2.10.3 Revised TCEQ Guidance Memo Regarding Portable Facilities

TCEQ's Air Permits Division has revised the guidance memorandum regarding relocations and change of locations of portable facilities. The purpose of the memorandum is to provide guidance regarding the proper procedures for moving portable facilities and compliance with statutes relating to public notices. The guidance memorandum became effective on 10 September 2008, and is available on [TCEQ's Website](#).

2.11 Utah State Regulatory Review

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

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
VA111408-1	Administrative Public Participation	11/07/2008	25:5 Va.R. 800	Final Rule	State Air Pollution Control Board 9VAC5-5. Public Participation Guidelines; 9VAC5-170. Regulation for General Administration Promotes public involvement in the Air Pollution Control Board's regulatory development and change processes. Effective 01/01/2009.	
VA111408-2	Administrative Public Participation	11/07/2008	25:5 Va.R. 809	Final Rule	Department of Environmental Quality 9VAC15-10. Public Participation Guidelines 9VAC15-11. Public Participation Guidelines Promotes public involvement in DEQ's regulatory development and change processes. Effective 01/01/2009.	
VA111408-3	Administrative Public Participation	11/07/2008	25:5 Va.R. 813	Final Rule	State Water Control Board 9VAC25-10. Public Participation Guidelines 9VAC25-11. Public Participation Guidelines Promotes public involvement in the development, amendment, or repeal of the regulations of the State Water Control Board. Effective 01/01/2009.	
VA111408-4	Water Storm Water	11/07/2008	25:5 Va.R. 816	Proposed Rule Notice	State Water Control Board 9VAC25-151. General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity Proposes to amend and reissue the existing general permit for industrial activity storm water discharge. Includes significant revisions to the following: <ul style="list-style-type: none"> ▪ Registration Statement and SWPPP ▪ General permit, Part I A–Effluent Limitations, Monitoring Requirements, and Special Conditions ▪ General permit, Part III–Storm Water Pollution Prevention Plan ▪ General permit, Part IV–Sector Specific Permit Requirements Public hearing scheduled for 12/16/2008 in Glen Allen, Virginia. Comments due 01/09/2009.	NASA facilities should be aware of this proposal.