



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

8 February 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 Lead, Sharon Scroggins/MSFC at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

AAM = <i>Alabama Administrative Monthly</i>	Md.R. = <i>Maryland Register</i>
ADEM = Alabama Department of Environmental Management	MSFC = Marshall Space Flight Center
ANPRM = Advance Notice of Proposed Rulemaking	NAAQS = National Ambient Air Quality Standards
ARB = Air Resource Board	NASA = National Aeronautics and Space Administration
CAA = Clean Air Act	NEPA = National Environmental Protection Agency
CAAWG = Clean Air Act Working Group	NESHAP = National Emission Standards for Hazardous Air Pollutants
CAIR = Clean Air Interstate Rule	nm = Nanometer
CalEPA = California Environmental Protection Agency	NMSP = Nanoscale Materials Stewardship Program
CARROT = Climate Action Registry Reporting Online Tool	NOx = Nitrogen oxide
CCAR = California Climate Action Registry	NPDES = National Pollutant Discharge Elimination System
CCR = <i>California Code of Regulations</i>	NPRM = Notice of Proposed Rulemaking
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act	NRF = National Response Framework
CFR = <i>Code of Federal Regulations</i>	NSRL = No significant risk levels
COMAR = <i>Code of Maryland Regulations</i>	OAC = Ohio Administrative Code
CRNR = <i>California Regulatory Notice Register</i>	OEHHA = Office of Environmental Health Hazard Assessment
CRO = Cessation of Regulated Operations	OEPA = Ohio Environmental Protection Agency
DAPC = Division of Air Pollution Control	OWB = Outdoor wood-fired boiler
DSW = Division of Surface Water	PFAC = Perfluoroalkyl carboxylates
EIS = Environmental Impact Statement	PFAS = Perfluoroalkyl sulfonates
EPA = U.S. Environmental Protection Agency	PFOA = Perfluorooctanoic acid
ERP = Environmental Review Program	PHG = Public Health Goal
F.A.C. = Florida Administrative Code	RIN = Regulatory Identification Number
FAW = <i>Florida Administrative Weekly</i>	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
FDEP = Florida Department of Environmental Protection	SIP = State implementation plan
FIP = Federal Implementation Plan	SJRWMD = St. John's River Water Management District
FR = <i>Federal Register</i>	SNUR = Significant New Use Rule
F.S. = Florida Statutes	SO ₂ = Sulfur dioxide
GHG = Greenhouse gas	TAC = TAC = Texas Administrative Code
GSE = Ground support equipment	TCEQ = Texas Commission on Environmental Quality
GVP = General Verification Protocol	TexReg = Texas Register
HAP = Hazardous air pollutant	TMDL = Total maximum daily load
HCFC = Hydrochlorofluorocarbon	TSCA = Toxic Substances Control Act
HTML = HyperText Markup Language	U.S. = United States
IPCC = Intergovernmental Panel on Climate Change	VOC = Volatile organic compound
MADL = Maximum allowable dose level	

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
Fed020808-1	CAA NAAQS–Ozone Early Action Compact Areas	02/06/2008	73 FR 6863	Proposed Rule	<p>Final 8-Hour Ozone National Ambient Air Quality Standards Designations for the Early Action Compact Areas [40 CFR Part 81]</p> <p>Proposes to designate 13 Early Action Compact Areas as attainment for the 8-hour ozone NAAQS. The states in which these areas are located have submitted reports indicating that the areas are in attainment for the 8-hour ozone NAAQS based on ambient air monitoring data from 2005, 2006, and 2007. EPA plans to revoke the 1-hour ozone NAAQS for each of these areas 1 year after the effective date of the designations for the 8-hour ozone NAAQS, and to modify the 1-hour ozone NAAQS tables in the regulations to reflect the changes. Includes the following two areas that may be of interest to NASA facilities:</p> <ul style="list-style-type: none"> ▪ Northern Shenandoah Valley Region, Winchester City, Frederick Region (Frederick County, Virginia), adjacent to Washington, D.C.-Maryland-Virginia. ▪ Washington County (Washington County, Hagerstown, Maryland), adjacent to Washington, D.C.-Maryland-Virginia. <p>More information can be found on the Ozone Early Action Compact website. Comments due 02/21/2008.</p>	
Fed020808-2	CAA NESHAP–Iron and Steel Foundries, Major Sources	02/07/2008	73 FR 7210	Final Rule	<p>National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [40 CFR Part 63]</p> <p>Issues amendments to the NESHAP for iron and steel foundries. Adds alternative compliance options for cupolas at existing foundries and clarifies several provisions to increase operational flexibility and improve understanding of the requirements. Effective 02/07/2008 [RIN 2060-AM85].</p>	
Fed020808-3	Climate Change	02/08/2008	73 FR 7265	Notice	<p>Department of State</p> <p>Evaluation of the Intergovernmental Panel on Climate Change</p> <p>Requests public comment regarding the activities, products, and process of the IPCC to assess and enhance the IPCC's level of scientific credibility and relevance for the evolving needs of decision-makers. The resulting comments will be used to evaluate the scope and nature of the IPCC's activities in the upcoming years. Comments due 02/29/2008.</p> <p>Further information on the IPCC may be found on its website.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed020808-4	Emergency Response	01/28/2008	73 FR 4887	Notice	Federal Emergency Management Agency National Response Framework Notice of the availability of the final NRF (draft published 09/11/2007, 72 FR 51833), which replaces the National Response Plan. The NRF uses the comprehensive framework of the National Incident Management System and serves as a guide to how the nation conducts all-hazards incident management. Further information is available on the NRF Resource Center website . Effective 03/22/2008.	
Fed020808-5	Hazardous Materials Lead and Lead Compounds	01/29/2008	73 FR 5109	Final Rule	Health and Safety Data Reporting: Addition of Certain Chemicals [40 CFR Part 716] Requires manufacturers (including importers) of consumer products intended for use by children who also manufacture (including import) lead or lead compounds to report certain unpublished health and safety data to EPA. Effective 02/28/2008 [RIN 2070-AB11].	
Fed020808-6	Hazardous Materials Nanoscale Materials	01/28/2008	73 FR 4861	Notice	Nanoscale Materials Stewardship Program Describes the design and format of EPA's Nanoscale Materials Stewardship Program. Invites interested parties to participate in a "basic" program by submitting existing data regarding the engineered nanoscale materials they manufacture, import, process, or use. Also invites interested parties to participate in an "in-depth" program to test engineered nanoscale materials. EPA intends to publish a summarized interim report approximately 1 year after the initiation of the program, which will be based on data reported during the first 6 months of the basic program. EPA will then develop a more detailed report that reflects its evaluation of the program approximately 2 years after initiation of the program. Initial inputs due 07/28/2008, although further inputs may be submitted after this requested deadline.	
Fed020808-7	Hazardous Materials Transportation	01/28/2008	73 FR 4699	Final Rule	Pipeline and Hazardous Materials Safety Administration, Department of Transportation Hazardous Materials; Miscellaneous Amendments [49 CFR Parts 171, 172, 173, 175, 177, 178, 180] Amends the Hazardous Materials Regulations to update, clarify, or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce. Includes the following changes: <ul style="list-style-type: none"> ▪ New proper shipping name and identification number for fuel blends composed of ethanol and gasoline. ▪ Updated references to consensus standards. ▪ Revised and clarified certain hazard communication requirements. ▪ Clarified transportation requirements applicable to dry ice, detonator assemblies, and explosives. ▪ Expanded exceptions from regulation for small quantities of hazardous materials. Effective 10/01/2008. Voluntary compliance authorized as of 01/28/2008 [RIN 2137-AE10].	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed020808-8	NEPA	02/01/2008	73 FR 6180	Notice	Environmental Impact Statement and Regulations; Availability of EPA Comments Announces availability of EPA comments pursuant to the ERP on draft EISs. Includes the following: <ul style="list-style-type: none"> EIS No. 20070349, ERP No. D-NAS-A12044-00, Programmatic-Constellation Program, Develop the Flight Systems and Earth-based Ground Infrastructure for Future Missions, International Space Station, The Moon, Mars, and Beyond, Brevard and Volusia Counties, Florida; Hancock County, Mississippi; Orleans Parish, Louisiana; Harris County, Texas; Madison County, Alabama; Cuyahoga and Erie Counties, Ohio; Hampton, Virginia; Santa Clara County, California; Dona Ana and Otero Counties, New Mexico; and Box Elder and Davis Counties, Utah. Summary: EPA does not object to the proposed action. Rating: Lack of Objections. 	The Constellation Program should be aware of this finding.
Fed020808-9	Oil Pollution Act	02/05/2008	73 FR 6642	Proposed Rule	U.S. Coast Guard, Department of Homeland Security Financial Responsibility for Water Pollution (Vessels) and Limits of Liability (Vessels and Deepwater Ports) [33 CFR Part 138] Proposes to amend regulatory requirements for vessel operators to establish and maintain evidence of financial responsibility under the Oil Pollution Act and CERCLA. Amendments also would implement changes in the administration of the certificate of financial responsibility program, and would clarify the current rule. Comments due 05/05/2008 [RIN 1625-AA98].	
Fed020808-10	TSCA	01/28/2008	73 FR 5079	Notice	Sixty-First Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments Announces availability of the Sixty-First Report of the TSCA Interagency Testing Committee . Revises the TSCA Section 4(e) Priority Testing List by adding 4 cresols and removing 35 High Production Volume Challenge Program orphan chemicals. Requests that EPA add the 4 cresols to the TSCA Section 8(d) Health and Safety Data Reporting rule. Comments due 02/27/2008.	

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/MSFC.

Significant Dates	Subject Action [RIN]	Type of Action	Comments
NPRM 05/2008 Final Action 05/2009	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations. Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.

Significant Dates		Subject Action [RIN]	Type of Action	Comments
ANPRM	03/29/2007	72 FR 14734	NESHAP: Risk and Technology Review, Phase II [2060-AN85]	Possible space vehicle operational or materials impacts.
NPRM	11/2007			Evaluation of residual risk remaining after the implementation of numerous NESHAPs, including those regulating the Aerospace and Chrome Electroplating source categories. This rulemaking represents a relatively low risk of EPA imposing limits on HAP and VOC levels contained in coatings, cleaning solvents, and other materials used on flight hardware. Potential further restrictions on the chrome electroplating or other source categories also could affect vendor facilities.
Final	11/2008			
NPRM	07/16/2007	72 FR 38951	National VOC Rule for Aerosol Coatings [2060-AN69]	Possible space vehicle materials impacts.
Final Action	12/2007			The rule would impose limits on VOC content for aerosol coatings. The limits would apply to coating manufacturers, and could be a driver for formulation changes to reduce VOC content.
NPRM	01/03/2007	72 FR 69	NESHAP General Provisions—Once In, Always In [2060-AM75]	Possible impacts to facilities, including space flight support facilities.
Final Action	12/2007			Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.
NPRM	05/2008		HCFC Labeling [2060-AO68]	Administrative requirement for certain space vehicle materials.
Final Action	05/2009			Would require containers of materials containing HCFCs to bear warning statements.
NPRM	02/2008		Area Sources: Metal Fabrication and Finishing [2060-AO27]	Possible space vehicle materials or supply chain impacts
Final Action	06/2008			Will set air emissions reduction requirements, possibly including usage limitations, for area sources of HAPs in nine source categories: 1) Electrical and Electronic Equipment Finishing Operations; 2) Fabricated Metal Products; 3) Fabricated Plate Work (Boiler Shops); 4) Fabricated Structural Metal Manufacturing; 5) Heating Equipment, except Electric; 6) Industrial Machinery and Equipment: Finishing Operations; 7) Iron and Steel Forging; 8) Primary Metal Products Manufacturing; and 9) Valves and Pipe Fittings. The rule is expected to target emissions of cadmium, chromium, manganese, nickel, and lead in abrasive blasting, welding, painting, plating, machining, and grinding operations.
NPRM	01/2008		Area Sources: Plating and Polishing [2060-AM37]	Possible space vehicle materials or supply chain impacts.
Final Action	06/2008			Will set air emissions reduction requirements, possibly including usage limitations, for area sources of HAPs in the plating and polishing industry.
NPRM	03/07/2006	71 FR 11483	SNUR: Perfluorinated Polymers [2070-AD58]	Possible space vehicle materials impacts.
Final Action	04/2008			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 Requests Data on Nanoscale Materials

EPA is working to identify the human health and environmental risks and benefits of nanoscale chemical products under its NMSP. Engineered nanoscale materials range in size from 1 to 100 nm and may have very different properties than the same materials at a larger scale. EPA is requesting that manufacturers, importers, processors, and users of engineered nanoscale materials report key information about these materials to EPA within the next 6 months. EPA will evaluate the information it receives to help ensure the safe manufacture and use of these nanoscale materials.

EPA also will work with manufacturers, importers, processors and users of nanoscale materials to develop test data to provide a scientific basis for assessing the hazards, exposures, and risks of nanoscale materials. The NMSP will support EPA's chemical programs under TSCA.

The NMSP includes, but is not limited to, existing chemical nanoscale materials manufactured or imported for commercial purposes as defined by TSCA. The NMSP will help provide a firmer scientific foundation for regulatory decisions by encouraging the development of key scientific information and the use of risk management practices in developing and commercializing nanoscale materials.

Additional information, including a data submission form, is available on EPA's [NMSP website](#).

1.3.2 EPA Publishes Guidebook to Help Water Utilities Improve Energy Management

EPA published a new guidance document, [Ensuring a Sustainable Future: An Energy Management Guidebook for Wastewater and Water Utilities](#), to help operators of water treatment plants to systematically evaluate their current energy costs and practices, to set measurable performance improvement goals, and to monitor and measure their progress over time.

The guidance follows the successful Plan-Do-Check-Act methodology of environmental management and was developed with the help of facilities that are successfully confronting their own energy challenges using this approach. The guidance document and other resources are available on EPA's [Sustainable Infrastructure for Water and Wastewater](#) website.

1.3.3 EPA Announces Decrease in PFOA

Eight major companies have reported significant drops in the release of PFOA and related chemicals, putting the industry on target to meet a 95-percent reduction goal in PFOA emissions and product content by 2010. Further reductions are anticipated by 2015. PFOA is a processing aid used in the manufacture of fluoropolymers, which are used to provide non-stick surfaces on cookware and waterproof, breathable clothing. The aerospace and space vehicle industries historically have used fluoropolymers and fluoroelastomeric materials in numerous applications.

In early 2006, EPA launched the 2010/15 PFOA Stewardship Program, in which eight companies voluntarily agreed to reduce facility emissions and product content of PFOA and related chemicals globally by 95 percent no later than 2010 and to eliminate emissions and product content of these chemicals by 2015. The companies include Arkema, Asahi, Ciba, Clariant, Daikin, DuPont, 3M/Dyneon, and Solvay Solexis.

These companies reported 2000 baseline information in October 2006. In October 2007, they provided the first reports of progress toward meeting their commitments. Three companies reported greater than 98-percent reductions in emissions of PFOA in the U.S. There also has been considerable progress in the development of substitutes and alternatives, with companies submitting more than 50 chemical alternatives to EPA for review to date.

More information is available on EPA's [PFOA website](#).

1.3.4 EPA Publishes New Greenhouse Gas Savings Calculator

EPA published a new GHG Equivalencies Calculator to convert the commonly used GHG units of "million metric tons of carbon dioxide equivalents," into familiar terms such as the greenhouse gas emissions that would result from the following:

- Driving a certain number of cars for a year
- Using a certain amount of gasoline or barrels of oil
- Using a certain number of tanker trucks' worth of gasoline
- Growing trees across a certain number of acres for a year
- Recycling a certain quantity of waste instead of sending it to the landfill

Users can enter savings in emissions, electricity consumption, gallons of gasoline, or number of vehicles into the calculator and determine up to 13 different ways to express the magnitude of the savings. The calculator uses the latest emission factors, approaches, and statistics available through 2007. The calculator is available on EPA's [Clean Energy website](#).

1.3.5 The Climate Registry Publishes Draft Verification Protocol

On 1 February 2008, The Climate Registry published Draft 4 of its GVP, presenting the requirements for its GHG emissions reporting program. The Registry developed this GVP to provide Registry-approved verification bodies with clear instructions for executing a standardized approach to the independent verification of annual GHG emissions. The Climate Registry is a collaboration between states, provinces, and tribes aimed at developing and managing a common GHG emissions reporting system that is capable of supporting various GHG emission reporting and reduction policies for its member states and tribes and reporting entities. The Climate Registry is accepting comments on the GVP until 14 March 2008. The GVP and requirements for submitting comments are available at [The Climate Registry's website](#).

1.4 Clean Air Act Working Group Updates

1.4.1 Clean Air Act Working Group Telecons for 2008

The CAAWG will hold telecons on the following Wednesdays in 2008 at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT:

- 20 February
- 19 March
- 16 April
- 21 May
- 18 June
- 16 July
- 20 August
- 19 November

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 Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL020808-1	Water NPDES	01/31/2008	AAM Vol. XXVI, No. 4, p. 134	Proposed Amendments Hearing Notice	335-ADEM 6-Water Quality Program 6-National Pollutant Discharge Elimination System (NPDES) Proposes to make amendments to the following rules: <ul style="list-style-type: none"> ▪ 335-6-6-.02 Definitions-Adding definitions for "Load Application," "Total Maximum Daily Load," and "Wasteload Allocation." ▪ 335-6-6.14(3) Establishing Limitations, Standards, and Other Permit Conditions-Updating federal regulation references and recognizing TMDLs established pursuant to the Federal Water Pollution Control Act. ▪ 335-6-6-.16(a) Schedules of Compliance-Providing permit schedules of compliance in the event of adoption of a new water quality standard or establishment of a TMDL. Hearings will be held at the ADEM Headquarters, Montgomery, Alabama, and are scheduled for: <ul style="list-style-type: none"> ▪ 03/06/2008 at 10:00 a.m. ▪ 03/19/2008 at 1:00 p.m. 	
AL020808-2	Water NPDES	01/31/2008	AAM Vol. XXVI, No. 4, p. 135	Proposed Amendments Hearing Notice	335-ADEM 6-Water Quality Program 10-Water Quality Criteria Proposes to make the following amendments to Rule 335-6-10-.07 Toxic Pollutant Criteria Applicable to State Waters : <ul style="list-style-type: none"> ▪ Addition of a relative source contribution factor to the equations used to calculate human health criteria for noncarcinogenic pollutants ▪ Addition of the relative source contribution factors to Appendix A ▪ Revisions to the risk level used to calculate human health criteria for all carcinogens except arsenic ▪ Clarifications to the factors used in Equations 16 and 17 and Equations 18 and 19. A hearing is scheduled for 03/19/2008 at 10:00 a.m. at the ADEM Headquarters, Montgomery, Alabama.	
AL020808-3	Water NPDES	01/31/2008	AAM Vol. XXVI, No. 4, p. 136	Proposed Amendments Hearing Notice	335-ADEM 6-Water Quality Program 11-Water Use Classifications for Interstate and Intrastate Waters Proposes to amend Rule 335-6-11-.01 The Use Classification System by clarifying ADEM's process for reviewing and making changes to assigned use classifications for any usage with an associated degree of quality considered to be less than that applicable to the classification of "Fish and Wildlife." A hearing is scheduled for 03/19/2008 at 10:00 a.m. at the ADEM Headquarters, 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 Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA020808-1	Air Mobile Sources	02/08/2008	CRNR 2008, 6z, p. 162	Notice Public Hearing	California Air Resources Board, CalEPA Zero-Emission Vehicle Regulations [13 CCR 1900, 1961, 1962, 1962.1] Announces a hearing to be held on 03/27/2008 at the CalEPA ARB building in Sacramento, California. The Initial Statement of Reasons and the proposed regulatory language are available for public review. Comments due 03/26/2008. Further information is available on the Zero Emission Vehicle Program website .	
CA020808-2	Endangered Species	01/31/2008	73 FR 5920	Final Rule	U.S. Fish and Wildlife Service , Department of the Interior Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Tidewater Goby (<i>Eucyclogobius newberryi</i>) [50 CFR Part 17] Revises the critical habitat designation for the tidewater goby (<i>Eucyclogobius newberryi</i>) under the Endangered Species Act. The final revised critical habitat designation includes areas in Del Norte, Humboldt, Mendocino, Sonoma, Marin, San Mateo, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, and Los Angeles counties. Effective 03/03/2008 [RIN 1018-AU81].	
CA020808-3	Hazardous Materials Proposition 65-Copper	02/08/2008	CRNR 2008, 6z, p. 178	Notice	Office of Environmental Health Hazard Assessment, CalEPA Announcement of Publication of the Final Public Health Goal for Copper in Drinking Water Announces the availability of the final technical support document and responses to comments for the PHG for copper in drinking water.	
CA020808-4	Hazardous Materials Proposition 65-Safe Harbor Levels	02/01/2008	CRNR 2008, 5z, p. 141	Notice	Office of Environmental Health Hazard Assessment, CalEPA Notice of New Practice Regarding the Development of Proposition 65 Safe Harbor Levels for Newly Listed Chemicals Announces a new practice regarding the development of safe harbor levels for newly listed chemicals. After a chemical is added to the Proposition 65 list, OEHHA will develop and release a draft safe harbor level for public comment within 1 year of the chemical's listing. Further information is available on the OEHHA website .	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA020808-5	Hazardous Materials Proposition 65-Safe Harbor Levels	02/01/2008	CRNR 2008, 5z, p. 142	Notice	Office of Environmental Health Hazard Assessment, CalEPA Notice of Release of an Updated Report on Proposition 65 Safe Harbor Levels Adopted in Regulation and Under Development Announces availability of an update to the document, Proposition 65 Safe Harbor Levels: No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity . The document lists current NSRLs and MADLs adopted in or proposed for adoption into regulation. It also lists the priority for development of NSRLs and MADLs for listed chemicals. OEHHA anticipates proposing NSRLs or MADLs for the chemicals in the first priority group within the next year, and for second-priority chemicals within the next 2 to 5 years. It is unlikely that safe harbors would be released for chemicals in a lower group within the next 5 years.	
CA020808-6	Landscaping Disease Control	02/08/2008	CRNR 2008, 6z, p. 181	Notice	Department of Food and Agriculture Oak Mortality Disease Control [3 CCR 3700(c)] This is the certification of an emergency action that adds <i>Garrya elliptica</i> (silk tassel tree, coast silk tassel) and <i>Mahonia aquifolium</i> (Oregon grape) to the list of hosts or potential carriers of the disease.	
CA020808-7	Landscaping Noxious Weeds	02/08/2008	CRNR 2008, 6z, p. 181	Notice	Department of Food and Agriculture Noxious Weed Species [3 CCR 4500] Removes 10 plants from the list of noxious weed species. Effective 02/27/2008.	
CA020808-8	Water Landscape Use	02/08/2008	CRNR 2008, 6z, p. 174	Proposed Rule	Department of Water Resources Model Water Efficient Landscape Ordinance [23 CCR 490-5] Proposes a Model Ordinance that would apply to all local agencies, including chartered cities and counties, that have not adopted the Model Ordinance or other ordinance that is at least as effective as the Model Ordinance. The Notice of Proposed Action , the Initial Statement of Reasons , and the text of the proposed regulation are available on the Department's website. Public hearings are being conducted on 03/25/2008 in Sacramento, California, and 03/27/2008 in Chino, California. Comments due 03/27/2008.	

2.2.1 CCAR Terminology Change from Certification to Verification

[California Climate Action Registry](#) protocols currently use the term "certification" to refer to the process of confirming that GHG emissions submitted to CCAR meets the guidelines in the protocols. Additionally, CCAR refers to "certification" activities that are performed by a CCAR approved "certifier." The January/February 2008 issue of the CCAR newsletter, [Climate Action News](#), indicates that CCAR will begin to shift the terminology from "certification" and "certifier" to "verification" and "verifier". The implementation will begin in protocols currently in development then move to CARROT, CCAR's online GHG reporting tool, with the expectation that all existing protocols will be updated to include the terms "verification" and "verifier" in place of "certification" and "certifier" by June 2008.

2.2.2 California Air Resource Board Publishes Draft Voluntary Action Policy on Greenhouse Gases

During the CARB October 2007 meeting, the provisions of AB 32 related to voluntary early actions were discussed and the Board directed staff to develop a policy statement for early voluntary GHG reductions. The staff has published the [draft policy on early voluntary GHG reductions](#), which it plans to present to the Board on 28 February 2008. Included in the policy is a direction for the staff to implement regulations, to the extent feasible, to encourage and reward voluntary reductions of GHG emissions. Comments are due by 19 February 2008.

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
FL020808-1	Air Permit Renewals	02/01/2008	FAW Notice #5138689	Notice of Change	Chapter 62–FDEP 4–Permits–Renewals Announces that changes have been made to the proposed rule, FAW Notice #4945174 . Renewals of permits issued pursuant to Chapter 62-213, F.A.C., would be processed in accordance with that chapter and not with Rule 62-213.420, F.A.C.	
FL020808-2	Air Stationary Sources	02/01/2008	FAW Notice #5134130	Notice of Change	Chapter 62–FDEP 210–Stationary Sources–General Requirements Changes have been made to the proposed rule, FAW Notice #4945271 . The changes to rule section 62-210.900, F.A.C., include changes within the Application for Air Permit and a change to the title of the Mercury Budget Part Form and Instructions.	
FL020808-3	Air Stationary Sources	02/01/2008	FAW Notice #5134809	Notice Workshop	Chapter 62–FDEP 210–Stationary Sources–General Requirements Announces a workshop on Rules 62-210.370, Emissions Computation and Reporting, and 62-210.900, Forms and Instructions, F.A.C., to discuss the proposed revisions to annual reporting of air pollutant emissions from permitted facilities. The workshop will be held on 02/19/2008 at FDEP, Tallahassee, Florida.	
FL020808-4	Electric and Magnetic Fields	02/08/2008	FAW Notice #5206007	Notice of Change	Chapter 62–FDEP 814–Electric and Magnetic Fields Changes have been made to the proposed rule, FAW Notice #5060119 . The changes to rule Section 62-814, F.A.C., include the deletion of 62-814.100(c), standards for electrical facilities, and revising the <i>Table of New Transmission Line and Substation Standards</i> in 62-814.450.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL020808-5	Energy and Climate Change	02/08/2008	FAW Notice #5238987	Notice Meetings	<p>Chapter 62–Governor’s Action Team on Energy and Climate Change</p> <p>The following are teleconference meetings of the technical workgroups associated with the Governor’s Action Team on Energy and Climate Change to continue the discussion of policy issues regarding the development of a comprehensive Energy and Climate Change Action Plan that will address statewide GHG reductions specified in Executive Order 07-127:</p> <ul style="list-style-type: none"> 02/27/2008 Energy Supply and Demand Technical Workgroup 02/21/2008 Agriculture, Forestry and Waste Technical Workgroup 02/27/2008 Transportation and Land Use Technical Workgroup 02/29/2008 Cap and Trade Technical Workgroup 02/28/2008 Government Policy Coordination Technical Workgroup 02/29/2008 Adaptation Technical Workgroup <p>Teleconference call in numbers and codes are available in the FAW notice.</p>	
FL020808-6	Hazardous Waste	02/08/2008	FAW Notice #4992122	Proposed Rule	<p>Chapter 62–FDEP 730–Hazardous Waste</p> <p>Proposed rule amendments would incorporate by reference the changes made to the federal hazardous waste regulations between 07/01/2006 and 06/30/2007. FDEP is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, every year FDEP must adopt changes that make state rules equivalent to and consistent with the existing federal regulations, 40 CFR 261.</p>	
FL020808-7	Water Conservation Conserve Florida	02/01/2008	FAW Notice #5171281	Notice Meeting	<p>Chapter 62–Conserve Florida</p> <p>FDEP and other participants in the Conserve Florida statewide water conservation program for public water supply utilities are meeting to discuss the renewal of a contract with the University of Florida for the continued hosting and operation of the statewide water conservation clearinghouse called for in Section 373.227(2)(f), F.S. The meeting will be held 02/19/2008 at the Orlando Utility Commission, Orlando, Florida.</p>	
FL020808-8	Water Florida Oceans and Coastal Council	02/08/2008	FAW Notice #5185831	Notice Meeting	<p>Chapter 62–Florida Oceans and Coastal Council</p> <p>Announces a meeting of a working group to discuss whether the Council should participate in an existing forum or initiate a Council-sponsored forum for the purpose of engaging the public and governmental officials on topics of Council business. The meeting will be held as a conference call on 02/14/2008.</p>	
FL020808-9	Water SJRWMD	02/08/2008	FAW Notice #5196889	Final Rule	<p>Chapter 40C–SJRWMD 2–Permitting of Consumptive Uses of Water</p> <p>The final rule intends to provide a balanced regulatory approach for protecting the public interest against excessive stress on the water resources of the Central Florida Coordination Area. Provides for allocations of available groundwater and expeditious development of supplemental water supply projects to avoid the adverse effects of competition, as well as harm to the water resources. Effective 02/13/2008.</p>	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL020808-10	Water SJRWMD	02/08/2008	FAW Notice #5196792	Final Rule	Chapter 40C–SJRWMD 2–Permitting of Consumptive Uses of Water Adopts by reference Parts I, II, and III, the “Water Conservation Public Supply” requirements and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” requirements in the document entitled “ Applicant’s Handbook, Consumptive Uses of Water. ” Effective 02/13/2008.	
FL020808-11	Water SJRWMD	02/08/2008	FAW Notice #5197762	Notice Meeting	Chapter 40C–St. John’s River Water Management District Announces a meeting to review land management and land acquisition activities in the Southern Region. The meeting will be held 02/21/2008 at the Vero Beach City Commission Building, Vero Beach, Florida.	
FL020808-12	Water Stormwater	02/08/2008	FAW Notice #5193203	Notice Meeting	Chapter 62–FDEP 347–Stormwater Permitting The Technical Advisory Committee announces a meeting to consider development of a new Chapter 62-347, F.A.C., to update the design and performance standards for stormwater treatment systems, with particular emphasis on reducing nutrient discharges. The meeting will be held 03/05/2008 at the FDEP Headquarters, Tallahassee, Florida.	
FL020808-13	Water Water Quality Standards	02/01/2008	FAW Notice #5181175	Notice Meeting	Chapter 62–Numeric Nutrient Criteria Technical Advisory Committee Announces a meeting to discuss numeric nutrient criteria for rivers, streams, and lakes. The Technical Advisory Committee was formed to aid the FDEP in establishing numeric nutrient criteria to be incorporated into existing surface water quality standards located in Subsection 62-302.530(48), F.A.C. The meeting will be held 02/25/2008 at FDEP Headquarters, Tallahassee, Florida.	

2.4 Hawai’i State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Hawai’i.

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 Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD020808-1	Air VOCs	02/01/2008	35:3 Md.R. 287	Emergency Action	<p>Department of the Environment</p> <p>Volatile Organic Compounds from Specific Processes [COMAR 26.11.19]</p> <p>Temporarily adopts new Regulation .32 under COMAR 26.11.19 to establish VOC emission limits and standards for the commercial application of coatings and non-coating materials to wood products. Directly affects commercial wood coating facilities that emit 20 pounds or more of VOCs per operating day. Emergency status began 01/11/2008. Emergency status expires 07/09/2008.</p>	
MD020808-2	Air VOCs	02/01/2008	35:3 Md.R. 287	Emergency Action	<p>Department of the Environment</p> <p>Volatile Organic Compounds from Adhesives and Sealants [COMAR 26.11.35]</p> <p>Temporarily establishes emissions limits for adhesive application and manufacturing operations under COMAR 26.11.19.30 and VOC standards for more than 40 categories of adhesives, sealants, adhesive primers, sealant primers, and cleaning solvents under new chapter COMAR 26.11.35. New rules would apply to anyone who uses or applies adhesives and sealants for facilities maintenance within Maryland. Emergency status began 01/11/2008. Emergency status expires 07/09/2008.</p>	

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
OH020808-1	Air Emission Reporting	02/06/2008	Public Notice	Final Rule	Public Interest Center, OEPA Emission Statements and Fee Emission Reports [OAC 3745-24 and 3745-78] Adopts OAC Rules 3745-24-01 , "Definitions," 3745-24-03 , "Deadlines for the Submission of the Emission Statements," 3745-78-01 , "Definitions," and 3745-78-02 , "Fee Emission Reports." The rule changes extend the filing deadline for fee emission reports and emissions statements during the calendar year 2008. Additional information is available on the DAPC website . Effective 02/16/2008.	NASA facilities should consider reviewing for applicability.
OH020808-2	Air Particulate Matter	02/05/2008	Public Notice	Draft Rule	Division of Air Pollution Control, OEPA New Draft Rules in OAC Chapter 3745-115 [OAC 3745-115] OEPA has completed initial draft language for new OAC Chapter 3745-115, "Outdoor Wood-Fired Boilers." These rules are intended to regulate emissions of particulate matter from OWBs as part of Ohio's SIP. Additional information is available on the DAPC website . Comments due 03/07/2008.	
OH020808-3	Air SIP-CAIR	02/01/2008	73 FR 6034	Final Rule	U.S. Environmental Protection Agency Approval of Implementation Plans; Ohio; Clean Air Interstate Rule [40 CFR Parts 52 and 97] Approves a revision to the Ohio SIP to incorporate provisions related to the implementation of EPA's CAIR and the CAIR FIP concerning SO ₂ , NO _x annual, and NO _x ozone season emissions for the State of Ohio. Approves Ohio's abbreviated SIP revision that addresses the methodology used to allocate annual and ozone season NO _x allowances to affected electric generating units, and the opt-in provisions, under the CAIR trading programs and the CAIR FIP. Effective 02/01/2008.	
OH020808-4	Air SIP-NO _x	02/04/2008	73 FR 6427	Direct Final Rule	U.S. Environmental Protection Agency Revised Oxides of Nitrogen (NO _x) Regulation, Phase II, and Revised NO _x Trading Rule [40 CFR Part 52] Approves a revision to the Ohio NO _x SIP containing provisions to control emissions of NO _x from large internal combustion engines, to make corrections to typographical errors in the previously approved Phase I NO _x SIP, and to expand the definition of NO _x budget unit. This approval requires reductions in NO _x emissions from large internal combustion engines, based on cost-effective control measures. Comments due 03/05/2008. Effective date is 04/04/2008, if no adverse comments are received.	
OH020808-5	Air Stationary Sources	02/08/2008	Public Notice	Final Rule	Division of Air Pollution Control, OEPA Control of Emissions of Organic Materials from Stationary Sources [OAC 3745-21-07] Adopts amended OAC Rule 3745-21-07 , which regulates emissions of organic materials from stationary sources that are not regulated by OAC Rules 3745-21-09 , or 3745-21-12 to 3745-21-16 or 3745-21-18 of the Administrative Code. Additional information is available on the DAPC website . Effective 02/18/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH020808-6	Hazardous Waste	02/08/2008		Quarterly Newsletter	Division of Hazardous Waste Management, OEPA The Winter 2008 Notifier newsletter is now available. This issue includes the following articles: <ul style="list-style-type: none"> ▪ Ohio EPA Focuses on CRO Program Outreach ▪ Fluorescent Lamp Questions Answered ▪ Resources for Your Business on Ohio EPA's Web Site ▪ When to Report a Spill or Release of Hazardous Waste to Ohio EPA 	
OH020808-7	Water Permit to Install	02/04/2008	Public Notice	Final Rule	Division of Surface Water (DSW), OEPA Permit to Install Rule [OAC 3745-42-02] Exempts certain reconstruction/site preparation activities from needing a permit to install. Additional information is available on the DSW website . Effective 03/01/2008.	
OH020808-8	Water Water Quality	02/08/2008	Public Notice (p. 8)	Notice	Division of Surface Water (DSW), OEPA Black River Watershed Total Maximum Daily Load Report OEPA DSW is providing for public review and comment the Black River Watershed TMDL Report Document. The Document addresses impairments in the Black River watershed that appear on the Ohio 2006 303(d) list (assessment units 04110001 020, 030, 040, and 050). The impaired waters are located in several counties, including Cuyahoga. Comments due 03/17/2008.	
OH020808-9	Water Water Quality	02/08/2008	Public Notice (p. 11)	Notice	Division of Surface Water (DSW), OEPA Water Quality of Huron River to Lake Erie OEPA DSW has received an application for the modification of an NPDES permit from the Erie County Department of Environmental Services. The County is requesting to incorporate mercury variance final effluent limits at the Huron Basin Wastewater Treatment Plant. The proposed discharges are to the Huron River to Lake Erie. The discharges from this facility, if approved, could result in degradation to, or lowering of, the water quality of the Huron River to Lake Erie. However, the chemical-specific water quality criteria in OAC 3745-1 would not be exceeded. Comments due 04/03/2008.	

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
TX020808-1	Energy Codes	02/01/2008	33 TexReg 946	Adopted Rule	Comptroller of Public Accounts Texas Building Energy Performance Standards [34 TAC 19] Outlines a process the State Energy Conservation Office will use to solicit comments from the public after publication of new editions of the International Energy Conservation Code and the International Residential Code. The comments will be considered during the development of recommendations on the adoption of these energy codes for use in Texas. Effective 02/04/2008.	
TX020808-2	Landscaping Irrigation	02/01/2008	33 TexReg 899 33 TexReg 998	Proposed Rule	Landscape Irrigation [30 TAC 344] Would establish the duties and responsibilities of irrigators, irrigation technicians, and irrigation inspectors; provide clarification for better enforcement; reflect the change in the agency name; update statutory references; and correct grammar and cross-references. Earliest possible date of adoption 03/02/2008. Comments due 03/03/2008. Public hearing to be held 02/26/2008 in Austin, Texas.	
TX020808-3	Landscaping Irrigation Systems-Occupational Licenses	02/01/2008	33 TexReg 866 33 TexReg 997	Proposed Rule	Occupational Licenses And Registrations [30 TAC 30] Proposes to create two new license classifications, irrigation technician and landscape irrigation inspector. Proposed amendments specify the requirements for individuals to obtain and maintain an occupational license to sell, design, install, maintain, alter, repair, or service an irrigation system, provide consulting services relating to an irrigation system, connect an irrigation system to any water supply, or inspect irrigation systems and perform other enforcement duties as an employee or as a contractor of a water purveyor. Earliest possible date of adoption 03/02/2008. Comments due 03/03/2008. Public hearing to be held 02/26/2008 in Austin.	
TX020808-4	Water Water Quality Management Plan	02/08/2008	33 TexReg 1172	Notice	Notice of Availability of the Draft January 2008 Update to the Water Quality Management Plan for the State of Texas Announces the availability of the draft January 2008 Update to the Water Quality Management Plan for the State of Texas. Comments due 03/10/2008.	

2.10.1 TCEQ Comments to EPA Regarding the Houston-Galveston-Brazoria Nonattainment Reclassification

TCEQ's comments to EPA regarding the EPA proposal ([72 FR 74252](#), 12/31/2007) to reclassify the Houston-Galveston-Brazoria as an 8-hour ozone nonattainment area are now available on the [TCEQ SIP website](#). EPA proposed a range of dates from 15 December 2008 to 15 April 2010 for the state to submit a revised SIP. In the letter dated 30 January 2008, TCEQ is recommending 15 April 2010 as the appropriate deadline for submittal of the revised SIP.

2.10.2 El Paso Carbon Monoxide Maintenance Plan SIP Revision

On 30 January 2008, TCEQ adopted a revision to the SIP incorporating the El Paso maintenance plan for carbon monoxide. A discussion of the revision is posted on the [TCEQ SIP website](#).

2.11 Virginia State Regulatory Review

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