



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

17 October 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

ANPRM = Advance Notice of Proposed Rulemaking	NASA = National Aeronautics and Space Administration
APC = Air Pollution Control	NESHAP = National Emission Standards for Hazardous Air Pollutants
ATSDR = Agency for Toxic Substances and Disease Registry	NIOSH = National Institute for Occupational Safety and Health
CAA = Clean Air Act	NO ₂ = Nitrogen dioxide
CAAWG = Clean Air Act Working Group	NO _x = Nitrogen oxides
Cal/EPA = California Environmental Protection Agency	NOAA = National Institute for Occupational Safety and Health
CCR = <i>California Code of Regulations</i>	NPRM = Notice of Proposed Rulemaking
CFR = <i>Code of Federal Regulations</i>	OAC = Ohio Administrative Code
COMAR = <i>Code of Maryland Regulations</i>	OEHA = Office of Environmental Health Hazard Assessment
COMS = Continuous opacity monitoring system	OEPA = Ohio Environmental Protection Agency
CRNR = <i>California Regulatory Notice Register</i>	OMB = Office of Management and Budget
CTG = Control Techniques Guidelines	PFAC = Perfluoroalkyl carboxylate
CWA = Clean Water Act	PFAS = Perfluoroalkyl sulfonate
DAPC = Division of Air Pollution Control	PM = Particulate matter
DART = Developmental and Reproductive Toxicant	ppb = Parts per billion
DNS = Domain Name and Addressing System	PTI = Permit to install
DNSSEC = Domain Name and Addressing System Security Extensions	RCRA = Resource Conservation and Recovery Act
EPA = U.S. Environmental Protection Agency	RIN = Regulatory Identification Number
F.A.C. = Florida Administrative Code	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
FAW = <i>Florida Administrative Weekly</i>	SIP = State Implementation Plan
FDEP = Florida Department of Environmental Protection	SJRWMD = St. Johns River Water Management District
FR = <i>Federal Register</i>	SNUR = Significant New Use Rule
GHG = Greenhouse gases	SJV = San Joaquin Valley
GSE = Ground support equipment	SOP = Standard operating procedure
HAP = Hazardous air pollutant	TCEQ = Texas Commission on Environmental Quality
HCFC = Hydrochlorofluorocarbon	TMDL = Total maximum daily load
HGB = Houston-Galveston-Brazoria	U.S. = United States
hp = Horsepower	UDEQ = Utah Division of Environmental Quality
ICR = Information Collection Request	UST = Underground storage tank
IAEA = International Atomic Energy Agency	Va.R. = <i>Virginia Register</i>
IRIS = Integrated risk information system	VAC = Virginia Administrative Code
LAC = Louisiana Administrative Code	VDEQ = Virginia Department of Environmental Quality
LDEQ = Louisiana Department of Environmental Quality	VOC = Volatile organic compound
µg/m ³ = Micrograms per cubic meters	
Md.R. = <i>Maryland Register</i>	
MDE = Maryland Department of the Environment	
MDEQ = Mississippi Department of Environmental Quality	
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
Fed101708-1	CAA Continuous Emissions Monitoring Systems	10/09/2008	73 FR 59955	Proposed Rule	<p>Performance Specification and Quality Assurance Requirements for Continuous Parameter Monitoring Systems and Amendments to Standards of Performance for New Stationary Sources; NESHAP; and NESHAP for Source Categories [40 CFR Parts 60, 61, and 63]</p> <p>Proposes Performance Specification 17, "Specifications and Test Procedures for Continuous Parameter Monitoring Systems at Stationary Sources" and Procedure 4, "Quality Assurance Requirements for Continuous Parameter Monitoring Systems at Stationary Sources." Would establish procedures and requirements to ensure that continuous parameter monitoring systems are properly selected, installed, and placed into operation. Also proposes minor amendments to Procedure 1 of the "Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used for Compliance Determinations" to address continuous emissions monitoring systems that are used for monitoring multiple pollutants. Proposes minor changes to the General Provisions for the Standards of Performance for New Stationary Sources, the NESHAP, and the NESHAP for Source Categories to ensure consistency between the proposed specifications and requirements and the General Provisions and to clarify applicability. Also proposes amendments to the current national emission standards for closed vent systems, control devices, and recovery systems to ensure consistency with Performance Specification 17 and Procedure 4. Comments due 12/08/2008. Comments on the information collection provisions due 11/10/2008 [RIN 2060-AJ86].</p>	
Fed101708-2	CAA-NAAQS Nitrogen Dioxide	10/08/2008	73 FR 58950	Notice	<p>Draft Risk and Exposure Assessment Report for Nitrogen Dioxide (NO₂)</p> <p>Notice of availability of additional sections of a draft document titled, Risk and Exposure Assessment to Support the Review of the NO₂ Primary National Ambient Air Quality Standard: Second Draft. The additional sections being released, Chapter 8 and a revised Appendix B, are intended to convey the approach taken to characterize NO₂ exposures, to convey the approach taken to characterize health risks associated with those exposures, and to present the results of those analyses. Comments due 10/22/2008.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed101708-3	CAA-NAAQS Ozone	10/06/2008	73 FR 58042	Final Rule	<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 [40 CFR Part 50]</p> <p>Amends the Exceptional Events Rule. Provides a revised schedule to flag data and submit documentation related to exceptional events that influence ozone data that may affect designations under the recently revised ozone NAAQS. Effective 12/22/2008 unless adverse comment received by 11/20/2008 [RIN 2060-AP28].</p>	
Fed101708-4	CAA-NESHAP Chemical Manufacturing Area Sources	10/06/2008	73 FR 58351	Proposed Rule	<p>NESHAP for Chemical Manufacturing Area Sources [40 CFR Part 63]</p> <p>Proposes NESHAP for nine area source categories in the chemical manufacturing sector, as follows:</p> <ul style="list-style-type: none"> ▪ Agricultural Chemicals and Pesticides Manufacturing ▪ Cyclic Crude and Intermediate Production ▪ Industrial Inorganic Chemical Manufacturing ▪ Industrial Organic Chemical Manufacturing ▪ Inorganic Pigments Manufacturing ▪ Miscellaneous Organic Chemical Manufacturing ▪ Plastic Materials and Resins Manufacturing ▪ Pharmaceutical Production ▪ Synthetic Rubber Manufacturing <p>The proposed standards and associated requirements for the nine area source categories are combined in one subpart. Also proposes an alternative to the requirements for process vents emitting metal HAPs. Comments due 11/05/2008 unless a public hearing is requested by 10/16/2008. If a hearing is requested, comments due 11/20/2008 [RIN 2060-AM19].</p> <p>This rule applies to chemical manufacturers rather than end-users.</p>	NASA Programs should be aware of the proposed rules, which could affect supply chains or drive reformulations to avoid regulatory requirements.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed101708-5	CAA-NESHAP Residual Risk	10/10/2008	73 FR 60431	Proposed Rule	<p>NESHAP: Group I Polymers and Resins (Epichlorohydrin Elastomers Production, Hypalon™ Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production); Marine Vessel Loading Operations; Mineral Wool Production; Pharmaceuticals Production; and Printing and Publishing Industry [40 CFR Part 63]</p> <p>Requests public comments on the residual risk and technology reviews for the following nine industrial source categories regulated by five NESHAPs:</p> <ul style="list-style-type: none"> ▪ National Emissions Standards for Group I Polymers and Resins, which includes <ul style="list-style-type: none"> ▪ Epichlorohydrin Elastomers Production, Hypalon™ Production ▪ Nitrile Butadiene Rubber Production ▪ Polybutadiene Rubber Production ▪ Styrene Butadiene Rubber and Latex Production ▪ National Emission Standards for Marine Vessel Loading Operations ▪ NESHAP for Mineral Wool Production ▪ National Emission Standards for Pharmaceuticals Production ▪ National Emission Standards for the Printing and Publishing Industry <p>Proposes that no revisions to the five national emission standards regulating these nine source categories are required at this time. Comments due 11/24/2008. A public hearing will be held 10/27/2008 if requested by 10/20/2008 [RIN 2060-AO91].</p>	
Fed101708-6	CAA-VOCs Control Techniques Guidelines	10/07/2008	73 FR 58481	Final Rule	<p>Consumer and Commercial Products, Group IV: Control Techniques Guidelines in Lieu of Regulations for Miscellaneous Metal Products Coatings, Plastic Parts Coatings, Auto and Light-Duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, and Miscellaneous Industrial Adhesives [40 CFR Part 59]</p> <p>Finalizes control techniques guidelines for reducing emissions of VOCs in ozone NAAQS nonattainment areas from the following five Group IV product categories:</p> <ul style="list-style-type: none"> ▪ Miscellaneous metal products coatings ▪ Plastic parts coatings ▪ Auto and light-duty truck assembly coatings ▪ Fiberglass boat manufacturing materials ▪ Miscellaneous industrial adhesives <p>Provides guidelines for states to use concerning reasonably available control technology-level controls for these product categories. Effective 10/07/2008 [RIN 2060-AP01].</p>	NASA Programs should be aware of the proposed rules, which could affect supply chains or drive reformulations to avoid regulatory requirements.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed101708-7	Carcinogens Cobalt-Tungsten Carbide Powders and Hard Metals	10/10/2008	73 FR 60288	Notice	<p>National Institute of Environmental Health Sciences National Toxicology Program; Report on Carcinogens; Availability of the Draft Background Document for Cobalt-Tungsten Carbide Powders and Hard Metals; Request for Comments on the Draft Background Document; Announcement of the Cobalt-Tungsten Carbide Powders and Hard Metals Expert Panel Meeting</p> <p>Announces the availability of the draft background document for cobalt-tungsten carbide powders and hard metals. Also announces an expert panel meeting to peer review the draft document and make a recommendation regarding the listing status. Cobalt-tungsten carbide hard metals are used primarily in cutting tools. Occupational exposure to cobalt-tungsten carbide hard-metal particles can occur during hard-metal production, recycling of hard-metal products, and grinding and sharpening of hard-metal tools. The draft document and more information regarding the expert panel meeting can be found on the National Toxicology Program website. Comments due 11/24/2008. Expert panel meeting to be held 12/09/2008 to 12/10/2008 in Chapel Hill, North Carolina.</p>	
Fed101708-8	Climate Studies	10/07/2008	73 FR 58560	Notice	<p>NOAA Cooperative Institute for Satellite Climate Studies</p> <p>Invites applications for a Cooperative Institute that will focus on the following:</p> <ul style="list-style-type: none"> ▪ Climate and satellite research and applications ▪ Climate and satellite observations and monitoring ▪ Climate research and modeling. <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 01/05/2008</p>	
Fed101708-9	Climate Studies	10/06/2008	73 FR 58129	Notice	<p>NOAA Scientific Data Stewardship Project Office for 2009</p> <p>Notice of funding availability for the Scientific Data Stewardship Project Office for 2009. The Scientific Data Stewardship Project seeks to support the development and stewardship of Climate Data Records for the atmosphere, cryosphere, oceans, and land surface. The project is managed by NOAA, but is informed by other government agencies such that its results represent a government-wide contribution to climate change detection, assessment, understanding, adaptation and/or mitigation. The project is focused on the generalization and application of mature algorithms to multiple satellites and sensors, which together span climate-relevant time periods. It also supports development of Climate Information Records, defined as time series that provide specific information about complex environmental phenomena. Letters of Intent due 10/31/2008. Full proposals due 12/15/2008.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed101708-10	CWA National List of Beaches	10/06/2008	73 FR 58229	Notice	Beaches Environmental Assessment and Coastal Health Act Provides notice that the National List of Beaches has been updated. The National List of Beaches lists discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public, and specifies whether the waters are subject to a monitoring and notification program.	
Fed101708-11	Cyberspace Internet Domains	10/09/2008	73 FR 59608	Notice	National Telecommunications and Information Administration, Department of Commerce Enhancing the Security and Stability of the Internet's Domain Name and Addressing System Invites comments regarding the deployment of DNSSEC at the root zone level. The DNSSEC is a set of protocol extensions developed to protect the Internet from certain DNS related attacks. The DNS is a critical component of the Internet infrastructure and is used by almost every Internet protocol-based application to associate human readable computer hostnames with the numerical addresses required to deliver information on the Internet. The DNS was not originally designed with strong security mechanisms to ensure the integrity and authenticity of data. Comments due 11/24/2008.	
Fed101708-12	Cyberspace Security	10/14/2008	73 FR 60724	Notice	National Coordination Office for Networking Information Technology Research and Development; National Science Foundation Request for Input--National Cyber Leap Year Request for Information to identify ideas with the potential to reduce vulnerabilities to cyber exploitations by altering the cybersecurity landscape. Initiates the National Cyber Leap Year, which has two main goals: <ul style="list-style-type: none"> ▪ Construction of a national research and technology agenda that both identifies the most promising ideas and describes the strategy that brings those ideas to fruition ▪ Jumpstarting multi-disciplinary development efforts The Leap Year will run during fiscal year 2009 and will be made up of two stages, prospecting and focusing. Stage One canvasses the cybersecurity community for ideas. Stage Two is a series of workshops to develop the best ideas from Stage One. Responses due 12/15/2008.	
Fed101708-13	Explosives	10/06/2008	73 FR 58212	Notice	Department of Defense Revision of the "Department of Defense Ammunition and Explosives Safety Standards" Announces several changes to the " Department of Defense Ammunition and Explosives Safety Standards ."	
Fed101708-14	IRIS Perchloroethylene	10/16/2008	73 FR 61416	Notice	Draft Toxicological Review of Tetrachloroethylene (Perchloroethylene): In Support of the Summary Information in the IRIS Announces a peer-review panel meeting to review the draft document titled, " Toxicological Review of Tetrachloroethylene (Perchloroethylene): In Support of Summary Information on the IRIS ." Peer-review panel meeting to be held 11/13/2008 in Washington, D.C.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed101708-15	Meteorology Satellite Technology	10/07/2008	73 FR 58563	Notice	NOAA Cooperative Institute To Investigate the Use of Satellite Applications for Regional and Global-Scale Forecast Systems Invites applications for a Cooperative Institute that will collaborate with NOAA scientists to: <ul style="list-style-type: none"> ▪ Improve weather forecast and warning accuracy; ▪ Contribute to improvements in water resource forecasting capabilities; ▪ Provide integrated weather information to meet future aviation and surface transportation needs; ▪ Advance satellite sensor technology; ▪ Develop high-performance computing, visualization, and scientific workstation technologies; ▪ Enhance environmental literacy to improve understanding. The Cooperative Institute would also conduct research needed to develop multiscale (global to local) data assimilation techniques with a strong satellite data emphasis, and provide the scientific expertise and the necessary computing infrastructure to help NOAA move forward on these issues. Proposals due 01/05/2009.	
Fed101708-16	Nuclear Enforcement Policy	10/16/2008	73 FR 61442	Notice	Nuclear Regulatory Commission Corrects errors in the draft revised Enforcement Policy (09/15/2008, 73 FR 53286). Comments due 11/14/2008.	
Fed101708-17	Railroads	10/07/2008	73 FR 58702	Emergency Order	Federal Railroad Administration Emergency Order To Restrict On-Duty Railroad Operating Employees' Use of Cellular Telephones and Other Distracting Electronic and Electrical Devices Emergency order to restrict on-duty railroad operating employees from improperly using cellular telephones and other distracting electronic and electrical devices. Effective 10/27/2008.	
Fed101708-18	Safe Drinking Water Act Perchlorate	10/10/2008	73 FR 60262	Notice	Drinking Water: Preliminary Regulatory Determination on Perchlorate Presents supporting rationale and requests public comment on the preliminary regulatory determination for perchlorate. EPA has determined 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." EPA plans to publish a health advisory for perchlorate at the time the final regulatory determination is published to provide state and local public health officials with technical information they can use in addressing local contamination. Comments due 11/10/2008 [RIN 2040-ZA02].	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed101708-19	Safety Cranes and Derricks	10/09/2008	73 FR 59713	Proposed Rule	Occupational Safety and Health Administration Cranes and Derricks in Construction [29 CFR Part 1926] Proposes a rule to protect employees from the hazards associated with hoisting equipment when used to perform construction activities. Would require employers to: <ul style="list-style-type: none"> ▪ Determine whether the ground is sufficient to support the anticipated weight of hoisting equipment and associated loads. ▪ Assess hazards within the work zone that would affect the safe operation of hoisting equipment. ▪ Ensure that the equipment is in safe operating condition via required inspections. ▪ Ensure that employees in the work zone are trained to recognize hazards associated with the use of the equipment and any related duties that they are assigned to perform. Comments due 12/08/2008 [RIN 1218-AC01].	
Fed101708-20	Toxic Substances Dioxins and Dioxin-like Compounds	10/15/2008	73 FR 61133	Notice	Agency for Toxic Substances and Disease Registry Availability of an Update to the ATSDR Policy Guideline for Dioxins and Dioxin-like Compounds in Residential Soil Announces the availability of an Update to the Policy Guideline for Dioxins and Dioxin-Like Compounds in Residential Soil . The purpose of the update is to ensure that ATSDR health assessors evaluate dioxin levels that exceed the ATSDR established screening level of 0.05 ppb. The comparison value is not, however, a threshold for toxicity and should not be used to predict adverse health effects. This update does not signal a change in ATSDR's scientific assessment on dioxin toxicity or a change in the ATSDR minimal risk level. Moreover, the update does not change the assessment of risk associated with dioxin soil levels up to 1 ppb, the level EPA has set as a preliminary remediation goal for residential soils.	
Fed101708-21	Toxic Substances Hexavalent Chromium	10/17/2008	73 FR 61874	Notice	NIOSH Notice of Request for Public To Submit Comments and Attend Meeting Announces a draft document available for public comment entitled " NIOSH Criteria Document Update: Occupational Exposure to Hexavalent Chromium ." Draft document provides a review of the available literature and provides an update of NIOSH policies on occupational exposure to hexavalent chromium compounds. A public meeting to discuss and obtain comments on the document will be held 01/22/2009 in Cincinnati, Ohio. Comments due 01/31/2009.	
Fed101708-22	Toxic Substances Perchlorates	10/15/2008	73 FR 61133	Notice	Agency for Toxic Substances and Disease Registry Availability of Final Toxicological Profile for Perchlorates Announces the availability of the final toxicological profile for perchlorates .	

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 73 FR 44353	Regulation of Greenhouse Gases under the CAA [2060-AP12]	Pre-Rule	Potential for program impacts unknown at this time.
				Solicits input regarding the regulation of GHGs under the CAA.
NPRM	10/10/2008 73 FR 60431	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 73 FR 58351	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 72 FR 69	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 71 FR 11483	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.
NPRM	07/14/2008 73 FR 40230	Control Techniques Guidelines for Coating Operations [2060-AP01]	Final Rule	Possible space vehicle materials or supply chain impacts.
Final Action	10/07/2008 73 FR 58481			Sets guidelines for states to use in establishing VOC limits in ozone non-attainment areas for the following five product categories: <ul style="list-style-type: none"> ▪ Miscellaneous metal products coatings ▪ Plastic parts coatings ▪ Auto and light-duty truck assembly coatings ▪ Fiberglass boat manufacturing materials ▪ Miscellaneous industrial adhesives Could affect material formulations.

1.3 Significant News and Other Developments

1.3.1 EPA Issues Final Rule to Revise the Definition of Solid Waste to Encourage Recycling

EPA issued the prepublication version of the final rule to revise the definition of secondary hazardous materials under RCRA to encourage recycling activities. The rule excludes materials from the federal hazardous waste system that are:

- Generated and legitimately reclaimed under the control of the generator;
- Generated and transferred to another company for legitimate reclamation under specific conditions; or
- Determined by EPA or an authorized state to be non-wastes on a case-by-case basis via a petition process.

The rule also contains requirements for generators to determine which recycling activities are legitimate under the new exclusions and non-waste determinations. Additional information about this rulemaking is available on EPA's [website](#).

1.3.2 EPA Issues Final NAAQS for Lead

EPA issued a prepublication version of the final NAAQS for lead, strengthening the allowable lead level by 10 times to 0.15 $\mu\text{g}/\text{m}^3$. This is the first time EPA has strengthened the lead standard in 30 years. The previous level, 1.5 $\mu\text{g}/\text{m}^3$, was set in 1978 to reduce emissions of lead from leaded fuels.

The final rule includes a primary and secondary standard each at 0.15 $\mu\text{g}/\text{m}^3$ to protect health and the public welfare. EPA also is redesigning the nation's lead monitoring network, a necessary step to assess compliance with the new standard. EPA will designate nonattainment areas by October 2011. States will have 5 years to meet these new standards after the designations take effect. Additional information regarding the new lead standard is available on EPA's [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
AL101708-1	CAA SIP	10/15/2008	73 FR 60957	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans: Alabama: Approval of Revisions to the Visible Emissions Rule [40 CFR 52] Final action to approve revisions to the Visible Emissions portion of the Alabama SIP. Revises requirements for units that are required to operate COMS and that are not subject to any opacity limits other than those in the Alabama SIP. Effective 11/14/2008.	

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 Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA101708-1	Air Engine Emissions	10/07/2008	73 FR 58585	Notice	U.S. Environmental Protection Agency California State Nonroad Engine Pollution Control Standards; California Nonroad Compression Ignition Engines--In-use Fleets Announces opportunity for comment on rule recently adopted by CARB regarding NOx and PM emission standards for fleets that operate nonroad, diesel fueled equipment with engines 25 hp and greater. Comments due 11/28/2008.	
CA101708-2	Air SIP	10/16/2008	73 FR 61381	Proposed Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans: 1-Hour Ozone Extreme Area Plan for San Joaquin Valley [40 CFR Part 52] Proposes to approve SIP revisions applicable to the SJV, California 1-hour ozone nonattainment area. The requirements were applied to the SJV following its reclassification from severe to extreme for the 1-hour ozone national ambient air quality standard. Comments due 11/17/2008.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA101708-3	Endangered Species	10/17/2008	73 FR 61935	Final Rule	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Bernardino Kangaroo Rat (<i>Dipodomys merriami parvus</i>) [50 CFR Part 17] Designates approximately 7,779 acres of habitat in San Bernardino and Riverside counties as critical habitat for the San Bernardino kangaroo rat. Effective 11/17/2008.	
CA101708-4	Proposition 65	10/10/2008	CRNR 2008, 41z, p. 1804	Notice	Office of Environmental Health Hazard Assessment Meeting of the OEHHA Science Advisory Board's Carcinogen Identification Committee Meeting to consider the addition of N,N-Dimethylformamide and 2,4,6-Trinitrotoluene to the list of chemicals known to the state to cause cancer. Public meeting scheduled 11/05/2008 at Sacramento City Hall. N,N-Dimethylformamide is a solvent with a low evaporation rate that is used in the production of acrylic fibers, plastics, pharmaceuticals, pesticides, adhesives, synthetic leathers, fibers, films, and surface coatings. 2,4,6-Trinitrotoluene is used as an explosive material.	
CA101708-5	Proposition 65	10/10/2008	CRNR 2008, 41z, p. 1805	Notice	Office of Environmental Health Hazard Assessment Meeting of the OEHHA Science Advisory Board's DART Identification Committee Meeting to consider the addition of hexavalent chromium and chlorpyrifos to the list of chemicals known to the state to cause reproductive toxicity. Will also consider prioritization of trihalomethanes and particulate matter for developmental and reproductive toxicant identification review. The public meeting is scheduled 11/20/2008 at the Cal/EPA Headquarters in Sacramento, California. Hexavalent chromium is used in coatings and other materials as a corrosion inhibitor. Chlorpyrifos is used as an insecticide. Trihalomethanes are used as solvents and refrigerants. Particulate matter is emitted from combustion, road dust, and other sources.	
CA101708-6	Safety Fire Extinguishing	10/10/2008	CRNR 2008, 41z, p. 1820	Final Rule	CA Office of the State Fire Marshall Automatic Fire Extinguishing Systems [19 CCR 906.3] Corrects an error in the 03/21/2006 version of Form AES 2 by substituting the 06/17/2008, version.	
CA101708-7	Safety Fire Extinguishing	10/10/2008	CRNR 2008, 41z, p. 1820	Final Rule	CA Office of the State Fire Marshall Portable Fire Extinguisher Fees [19 CCR 560] Establishes or increases various Portable Fire Extinguisher Fees governing or renewing a Certificate of Registration for servicing and maintenance of portable fire extinguishers. Effective 10/01/2008.	
CA101708-8	Safety Ladders and Scaffolds	10/10/2008	CRNR 2008, 41z, p. 1820	Final Rule	Occupational Safety and Health Standards Board Outdoor Advertising Structures--Fall Protection [8 CCR 3412, 3413, 3414, and 3416] Updates the standards for ladders and associated lifelines and scaffolds used to prevent workers from falling from an outdoor billboard. Effective 10/31/2008.	

2.2.1 California Air Resources Board Course on Ultrafine Diesel Particles and Retrofit Technologies

The course is co-sponsored by Air Resources Board and South Coast Air Quality Management District and will be held 12 November through 14 November 2008.

This course will address the retrofit of diesel engines, diesel particulate filters and other retrofit technologies, and ultrafine PM and its associated health risks. Government employees, fleet owners, fleet managers, diesel equipment operators, and other interested parties are encouraged to attend.

Co-sponsored by Air Resources Board and South Coast Air Quality Management District, the course will be held 12 - 14 November 2008 in Diamond Bar, California. Additional information is available on the CARB [website](#).

2.2.2 Proposed AB 32 Scoping Plan Document

California's Global Warming Solutions Act of 2006 (AB 32) requires the Air Resources Board to prepare a Scoping Plan to achieve reductions in GHG emissions in California.

The Air Resources Board will conduct a [public hearing](#) to consider the approval of the AB 32 [Proposed Scoping Plan](#) to reduce GHG emissions in California. The public hearing will be 11 December 2008 at the California EPA offices, Sacramento, California.

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
FL101708-1	Air Greenhouse Gases	10/17/2008	FAW Notice #6267575	Notice	Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction; 400–Adoption of California Motor Vehicle Emissions Standards The rule adoption hearing for the subject rule, proposed 08/29/2008 (FAW Notice #6051944), has been rescheduled for 10/29/2008 at FDEP, Tallahassee, Florida. This proposed rule would require that new motor vehicles delivered to Florida for sale, lease, or rent meet emission standards, including a fleet-wide average emission standard for greenhouse gases.	
FL101708-2	Environmental Regulation Commission	10/17/2008	FAW Notice #6260688	Notice Meeting	Chapter 62–Environmental Regulation Commission Announces a regularly scheduled meeting for the purpose of rule adoptions and briefings. The meeting will be held on 10/29/2008 at FDEP, Tallahassee, Florida.	
FL101708-3	Hazardous Waste Reporting	10/10/2008	FAW Notice #6146034	Notice Rule Development	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.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL101708-4	Hazardous Waste Reporting	10/10/2008	FAW Notices #6312583, #6312777, and #6312874	Final Rule	Chapter 62–FDEP 730–Hazardous Waste Amendments establish criteria to determine whether certain types of changes related to a transfer facility or a hazardous waste treatment, storage, and disposal facility that receives waste generated offsite, including federal facilities, could increase the potential offsite impact, or risk of impact, from a release at that facility. Effective 10/28/2008.	
FL101708-5	Testing Quality Assurance	10/17/2008	FAW Notice #6292795	Proposed Rule Change Notice	Chapter 62–FDEP 160–Quality Assurance Proposes to update the FDEP's SOPs for Field Activities (DEP-SOP-001/01) and Laboratory Activities (DEP-SOP-002/01) first announced in FAW Notice #5801199 . Updates are intended to clarify or correct procedures in the original documents, and should have a minimal effect on a majority of laboratory or field operations. This also would clarify the process by which data usability is assessed in a new document. Draft text is available in the FAW Notice .	
FL101708-6	Used Oil Reporting	10/10/2008	FAW Notice #6147780	Notice Rule Development	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, and incorporate Form 62-730.900(b), 8700-12FL–Florida Notification of Regulated Waste Activity.	
FL101708-7	Water Springs	10/17/2008	FAW Notice #6271649	Notice Meeting	Chapter 62–Springs Task Force Announces a meeting to discuss issues related to the protection, assessment, and restoration of Florida's springs. The meeting will be held 10/30/2008 at Edward Ball Wakulla Springs State Park, Wakulla Springs, Florida.	
FL101708-8	Water Surface Water Quality Standards	10/17/2008	FAW Notice #6272037	Notice Workshop	Chapter 62–Surface Water Quality Standards Announces a workshop to present background information and to receive public comments on proposed revisions to Chapters 62-302 and 62-303, F.A.C., published in FAW Notice #5817010 and FAW Notice #5816913 , regarding the revision of human health-based water quality criteria as part of the current Triennial Review of state surface water quality standards. This workshop will focus solely on the proposed revisions to human health-based water quality criteria in Chapters 62-302, F.A.C., and the establishment of a fish tissue methylmercury criterion in Chapter 62-303, F.A.C. Additional public workshops addressing all surface water quality standards as part of the Triennial Review will be held in the future. The workshop will be held 11/18/2008 at FDEP, Tallahassee, Florida.	
FL101708-9	Water SJRWMD	10/10/2008	FAW Notice #6225671	Notice Meeting	Chapter 40C–SJRWMD Announces a public meeting to review land management and land acquisition activities in the Southern Region. The meeting will be held on 10/23/2008 at the Brevard County Government Center, Viera, 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 impact to NASA Centers and Programs in Louisiana.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA101708-1	Administrative Public Records	10/20/2008	0810Pot2	Notice	Louisiana Department of Environmental Quality Expanded Web Access to Public Records All public records in Louisiana's Electronic Document Management System , including items dated prior to 01/01/2000, will be made available to the public through the LDEQ web site beginning 01/01/2009.	
LA101708-2	Enforcement Penalties for Asbestos and Lead	10/20/2008	OS081	Proposed Rule	Louisiana Department of Environmental Quality Expedited Penalties for Asbestos and Lead [LAC 33:1.807] Makes additions to the list of violations that may qualify for expedited penalties in LAC 33:1.807 for certain asbestos and lead violations. Comments due 12/02/2008	
LA101708-3	Radiation Transportation Safety Standards	10/20/2008	RP048ft	Final Rule	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] Amends and reorganizes the radiation protection regulations in LAC 33:XV.Chapter 15 to mirror federal regulations.	
LA101708-4	Storage Tanks USTs- Containment	10/20/2008	UT014	Final Rule	Louisiana Department of Environmental Quality Secondary Containment for UST Systems (LAC 33:X1.103, 301, 303, 403, 507, 509, 701, 703, and 903) Requires owners or operators of UST systems to install secondary containment with new installations or replacements of tanks or piping, and to install under-dispenser containment and submersible pump containment.	
LA101708-5	Water Water Quality Management Plan	10/20/2008	0810Pot1	Notice	Louisiana Department of Environmental Quality Updates to the Water Quality Management Plan, Volume 4: Basin and Subsegment Boundaries Procedures have been initiated to amend Volume 4 of the Louisiana Water Quality Management Plan to update the subsegment descriptions and delineations to be consistent with Table 3 of LAC 33:IX.1123. Comments due 12/02/2008. Further information is posted on the LDEQ website .	

2.6 Maryland State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD101708-1	Safety Crane Safety	10/10/2008	35:21 Md.R 1838	Proposed Action	Department Of Labor, Licensing, and Regulation Crane Safety (COMAR 09.12.26) Proposes to adopt new regulations under a new chapter, COMAR 09.12.26 Crane Safety, to prevent adverse incidents related to the operation of cranes when used in construction, demolition, and maintenance. Public hearing is scheduled for 10/28/2008 in Baltimore, Maryland. Comments due 11/10/2008.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD101708-2	Storage Tanks USTs	10/10/2008	35:21 Md.R 1851	Proposed Action	Maryland Department of the Environment Oil Pollution and Tank Management (COMAR 26.10.02-06, .11, .14) Proposes to amend Oil Pollution and Tank Management regulations related to USTs, specifically addressing design, construction, installation, notification and inspection; general operating requirements; release detection; technician, remover and inspector certification; financial responsibility; and site cleanup reimbursement. Public hearing is scheduled for 10/30/2008 at MDE in Baltimore, Maryland. Comments due 11/10/2008.	

2.7 Mississippi State Regulatory Review

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

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MS101708-1	Air Air Quality	10/06/2008	Mississippi Administrative Bulletin #15678, Notice and Full Text	Proposed Rule	Mississippi Department of Environmental Quality APC-S1 : Air Emissions Regulations for the Prevention, Abatement, and Control of Air Contaminants Amendments involve adding definitions, adding clarifying language, and adopting federal regulations, by reference, to make the state regulations consistent with the federal requirements. An oral proceeding is scheduled for 11/03/2008 at the MDEQ offices in Jackson, Mississippi. Effective no earlier than 11/02/2008.	
MS101708-2	Storage Tanks USTs	10/09/2008	Mississippi Administrative Bulletin #15681, Notice and Full Text	Final Rule	Mississippi Department of Environmental Quality UST-2 : Underground Storage Tank Regulations Finalizes amendments to Mississippi Underground Storage Tank Regulations (UST-2), including changes needed to comply with the federal regulations and the mandates of the National Energy Policy Act of 2005 (EPACT, 42 U.S.C. 15801). Effective 10/01/2008.	

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 impact to NASA Centers and Programs in Ohio.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH101708-1	Air Emission Standards	10/14/2008	Public Notice	Draft Rules	<p>Division of Air Pollution Control, OEPA</p> <p>New and Amended Rules in OAC Chapter 3745-21, Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards [OAC Chapter 3745-21]</p> <p>Draft amendments are available for OAC Rule 3745-21. Amendments are based on CTGs issued by EPA in 2006 and 2007. The CTG-based rules are intended to address federal requirements and to assist in achieving and maintaining the ozone NAAQS. With the exception of OAC Rule 3745-21-25, the proposed rules under this Chapter will apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio, metropolitan area, including Cuyahoga County. OAC rule 3745-21-25 will apply statewide. Comments due 11/14/2008.</p>	NASA Facilities should be aware of the proposed rules.
OH101708-2	Air Permits	10/16/2008	Public Notice	Permit Revocation	<p>Division of Air Pollution Control, OEPA</p> <p>Final Issuance of Revocation of Permit to Install</p> <p>OEPA issued a final revocation of an Air PTI at Plum Brook Station. Requests for pertinent information concerning this action must be directed to Donald Waltermeyer at OEPA DAPC, Northwest District Office, 347 North Dunbridge Road or (419) 352-8461.</p>	Plum Brook Station should be aware of the revocation of this PTI.
OH101708-3	Water Antidegradation	10/15/2008	Notice Letter	Draft Rules	<p>Division of Surface Water, OEPA</p> <p>Draft Amendments to OAC 3745-1-05, Antidegradation [OAC 3745-1-05]</p> <p>Announces a review and update to OAC 3745-1-05, which addresses requirements for authorizing increased activity on a water body that may result in lowering of water quality, including an increase in the discharge of a regulated pollutant, or activities that may significantly alter the physical habitat. The draft rule and further information are available on the OEPA website. Comment deadline is to be determined.</p>	

2.10 Texas State Regulatory Reviews

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

2.10.1 EPA's 2008 8-Hour Ozone Standard

On 10 December 2008, the TCEQ commissioners are scheduled to consider a recommendation by the TCEQ executive director covering potential ozone nonattainment boundaries and designations for EPA's 2008 8-hour ozone standard ([73 FR 16435](#), 27 March 2008). Back-up material for the Agenda will be posted on the [Commissioners' Agenda Web page](#) by 5:00 p.m. on 21 November 2008. The state's recommendation is due to EPA by 12 March 2009.

2.10.2 2009 Texas Environmental Excellence Awards

The [Houston-Galveston-Brazoria \(HGB\) 8-Hour Ozone State Implementation Plan \(SIP\) Stakeholder Group](#) will hold a meeting on 3 November 2008 to discuss the initial 2018 HGB modeling results. The meeting will include updates regarding the development status of the HGB 1997 8-Hour Ozone Nonattainment Area Attainment Demonstration SIP revision and a report from the Houston-Galveston Area Council of Governments regarding the local meetings held to discuss potential mobile source control strategies.

2.11 Utah State Regulatory Review

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

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT101708-1	Administrative Environmental Fee Schedule	09/30/2008	UDEQ Website	Notice	Utah Department of Environmental Quality Announces the availability of a draft of the FY 2009/2010 Fee Schedule for environmental fees. A public hearing has been scheduled on 10/28/2008 at the UDEQ offices, Salt Lake City, Utah. Comments due 10/28/2008.	
UT101708-2	Endangered Species 5 Year Review	10/06/2008	73 FR 58261	Notice	U.S. Fish and Wildlife Service, Department of the Interior Endangered and Threatened Wildlife and Plants Lists [50 CFR 17.11 and 17.12] Initiates a 5-year review process of the status of three wildlife species and eight plant species in the Mountain-Prairie Region. Comments due 12/05/2008.	

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
VA101708-1	Environmental Laboratories	10/13/2008	25:3 Va.R 340	Notice of Suspension	Department of General Services 1VAC30-45, 1VAC30-46 Final stages of regulatory process are suspended due to requests for additional public comment. Opens an additional 30-day public comment period to address only those issues raised by persons requesting additional comment. Comments due 11/12/2008.	
VA101708-2	Wastewater Sewage	10/13/2008	25:3 Va.R 337	Proposed Rule	State Board of Health 12VAC5-610, 12VAC5-611 Proposes new performance-based regulations pertaining to locating, designing, constructing, and operating onsite sewage systems. Would repeal existing regulations. Comments due 11/12/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA101708-3	Water Surface Water	10/13/2008	VDEQ Public Notice	Notice	Virginia Department of Environmental Quality CWA Section 303(d), 62.1-44.19:7.C of the Code of Virginia VDEQ is seeking public comment on a water quality study performed to develop TMDLs for Pocomoke Sound and Pocomoke River in Accomack County. Comments due 12/11/2008.	
VA101708-4	Wastewater Waterworks	10/13/2008	25:3 Va.R 337	Proposed Rule	State Board of Health 12VAC5-590 Would provide additional enforcement tools for addressing chronically noncompliant waterworks. Comments due 11/12/2008.	