



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

11 September 2009

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

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

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Acronyms

AAM = <i>Alabama Administrative Monthly</i>	NESHAP = National Emission Standards for Hazardous Air Pollutants
ADEM = Alabama Department of Environmental Management	NMAC = New Mexico Administrative Code
ANSI = American National Standards Institute	NO ₂ = Nitrogen dioxide
ARB = Air Resources Board	OAC = Ohio Administrative Code
ASME = American Society of Mechanical Engineers	OEHHA = Office of Environmental Health Hazard Assessment
AUST = Alabama Underground Storage Tanks	OEPA = Ohio Environmental Protection Agency
CAA = Clean Air Act	OSHA = Occupational Safety and Health Administration
CAS = Chemical Abstract Service	PBR = Permit-by-Rule
CCR = <i>California Code of Regulations</i> ;	PEIS = Programmatic Environmental Impact Statement
CDAWG = California Desert Air Working Group	PHG = Public Health Goal
CDPHE = Colorado Department of Public Health and Environment	PM = Particulate matter
CFR = <i>Code of Federal Regulations</i>	PPE = Personal protective equipment
CO ₂ = Carbon monoxide	RFP = Reasonable Further Progress
COMAR = <i>Code of Maryland Regulations</i>	RIN = Regulatory Identification Number
CRNR = California Regulatory Notice Register	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
CWA = Clean Water Act	SIP = State Implementation Plan
<i>E. coli</i> = <i>Escherichia coli</i>	SNUR = Significant New Use Rule
ECHA = European Chemicals Agency	SO ₂ = Sulfur dioxide
EIS = Environmental Impact Statement	SPM = Special purpose monitor(s)
EPA = U.S. Environmental Protection Agency	SSM = Startup, shutdown, and malfunction
FAA = Federal Aviation Administration	SVHC = Substances of Very High Concern
FAW = Florida Administrative Weekly	TAC = Texas Administrative Code
FDEP = Florida Department of Environmental Protection	TCEQ = Texas Commission Environmental Quality
FR = <i>Federal Register</i>	TEF = Toxicity Equivalency Factors
HFE = Hydrofluoroether	TSCA = Toxic Substances Control Act
HM-ACCESS = Hazardous Materials–Automated Cargo Communication for Efficient and Safe Shipments	U.S. = United States
KSC = Kennedy Space Center	UST = Underground Storage Tanks
LAC = Louisiana Administrative Code	Va.R. = <i>Virginia Register</i>
MACT = Maximum achievable control technology	VAC = Virginia Administrative Code
Md.R. = <i>Maryland Register</i>	VOC = Volatile organic compound
MDE = Maryland Department of the Environment	VDEQ = Virginia Department of Environmental Quality
MVEB = Motor Vehicle Emissions Budget	
NAAQS = National Ambient Air Quality Standards	
NASA = National Aeronautics and Space Administration	

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
FED09112009-1	CAA NAAQS for PM	09/10/2009	74 FR 46589	Notice	<p>Release of Draft Documents Related to the Review of the National Ambient Air Quality Standards for Particulate Matter (PM)</p> <p>Notice of availability of two draft assessment documents: Risk Assessment to Support the Review of the PM Primary National Ambient Air Quality Standards--External Review Draft and Particulate Matter Urban-Focused Visibility Assessment--External Review Draft. Documents describe the quantitative analyses being conducted as part of the review of the NAAQS for PM. Comments due 10/15/2009.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED09112009-2	Commercial Space Transportation Experimental Permit Application Process	09/10/2009	74 FR 46641	Notice	<p>Federal Aviation Administration Office of Commercial Space Transportation; Notice of Availability of the Final Programmatic Environmental Impact Statement for Streamlining the Processing of Experimental Permit Applications</p> <p>Announces the availability of the Final PEIS for Streamlining the Processing of Experimental Permit Applications. Under the Proposed Action evaluated in the PEIS, the FAA would issue experimental permits for the launch and reentry of reusable suborbital rockets from both FAA-licensed and non-licensed launch sites using the PEIS as the basis for determining the potential environmental consequences. The PEIS examines the potential environmental impacts of issuing an experimental permit for the operation of reusable suborbital rockets anywhere in the U.S. and abroad, and the potential site-specific impacts of permitted launches from seven FAA-licensed commercial launch sites and one federal range:</p> <ul style="list-style-type: none"> ▪ California Spaceport, California ▪ Mojave Air and Space Port, California ▪ Kodiak Launch Complex, Alaska ▪ Mid-Atlantic Regional Spaceport, Virginia ▪ Space Florida Launch Complex-46 at Cape Canaveral Air Force Station, Florida ▪ Oklahoma Spaceport, Oklahoma ▪ Spaceport America, New Mexico ▪ Shuttle Landing Facility at John F. Kennedy Space Center, Florida (federal range) <p>The final PEIS is posted on the FAA website.</p>	
FED09112009-3	Commercial Space Transportation NEPA	09/11/2009	74 FR 46770	Notice	<p>Environmental Impact Statements; Notice of Availability</p> <p>Notice of receipt of EISs. Includes the following:</p> <ul style="list-style-type: none"> ▪ EIS No. 20090316, Final EIS, PROGRAMMATIC--Streamlining the Processing of Experimental Permit Applications, Issuing Experimental Permits for the Launch and Reentry of Useable Suborbital Rockets, Wait Period Ends 10/13/2009 	
FED09112009-4	CWA Water Quality Criteria--Acrolein	09/10/2009	74 FR 46587	Notice	<p>National Recommended Final Water Quality Criteria for Acrolein</p> <p>Announces the availability of final national recommended water quality criteria for the protection of aquatic life for acrolein.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED09112009-5	Environmental Modeling	09/01/2009	74 FR 45241	Notice	<p>U.S. Geological Survey</p> <p>Federal Interagency Steering Committee on Multimedia Environmental Modeling</p> <p>Announces the annual public meeting of the federal Interagency Steering Committee on Multimedia Environmental Modeling to discuss the latest developments in environmental modeling applications, tools, and frameworks, as well as new operational initiatives. The goal of the Committee is to coordinate the research and development of multimedia environmental models, software, and related databases, including development, enhancements, applications and assessments of site-specific, generic, and process-oriented multimedia environmental models as they pertain to human and environmental health risk assessment. Meeting to be held 10/13/2009 through 10/15/2009 in Rockville, Maryland.</p>	
FED09112009-6	Hazardous Materials Transportation	09/08/2009	74 FR 46292	Notice	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Materials—Automated Cargo Communication for Efficient and Safe Shipments (HM-ACCESS) Initiative; Public Meeting</p> <p>Notice of a public meeting to receive input and guidance for the upcoming Proof-of-Concept Study on the use of electronic tracking and hazard communications technologies instead of paper hazardous materials shipping documents. The study will be conducted as part of the Hazardous Materials-Automated Cargo Communication for Efficient and Safe Shipments (HM-ACCESS) Initiative. Meeting to be held 10/13/2009 and 10/14/2009 in Washington, D.C.</p>	
FED09112009-7	Marine Debris	09/03/2009	74 FR 45555	Final Rule	<p>National Oceanic and Atmospheric Administration, Coast Guard</p> <p>Definition of Marine Debris for Purposes of the Marine Debris Research, Prevention, and Reduction Act [15 CFR Part 909, 33 CFR Part 151]</p> <p>Defines “marine debris” for purposes of the Marine Debris Research, Prevention, and Reduction Act as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes. Effective 10/05/2009. [RIN 0648-AV68; 1625-AB24]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED09112009-8	Occupational Safety Personal Protective Equipment	09/09/2009	74 FR 46350	Final Rule	Occupational Safety and Health Administration Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment [29 CFR Parts 1910, 1915, 1917, and 1918] Revises the PPE standards regarding requirements for eye- and face-protective devices, head protection, and foot protection. Updates references to national consensus standards, amends provision that requires safety shoes to comply with a specific American National Standards Institute standard, and amends a provision that requires filter lenses and plates in eye-protective equipment to meet a test for transmission of radiant energy. Effective 10/09/2009. [RIN 1218-AC08]	
FED09112009-9	Ships Vessel Response Plans	08/31/2009	74 FR 44969	Proposed Rule	U.S. Coast Guard Nontank Vessel Response Plans and Other Vessel Response Plan Requirements [33 CFR Parts 151, 155, and 160] Proposes regulations requiring owners or operators of nontank vessels to prepare and submit oil spill response plans. Nontank vessels are defined as self-propelled vessels of 400 gross tons or greater that operate on the navigable waters of the U.S., carry oil of any kind as fuel for main propulsion, and are not tank vessels. The proposed rule would specify the content of a response plan and address the requirement to plan for responding to discharges and potential discharges. Would update the international Shipboard Oil Pollution Emergency Plan requirements that apply to certain nontank vessels. Would also require vessel owners and operators to submit their vessel response plan control number as part of already required notice of arrival information. Comments due 11/30/2009. [RIN 1625-AB27]	NASA Centers and Programs that own, operate, or require the use of nontank vessels should be aware of this proposal.
FED09112009-10	Ships Vessel Response Plans	08/31/2009	74 FR 45003	Final Rule	U.S. Coast Guard Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions; Final Rule [33 CFR Parts 154 and 155] Revises requirements for oil-spill removal equipment associated with vessel response plans and marine transportation-related facility response plans. Effective 09/30/2009. [RIN 1625-AA26, Formerly RIN 2115-AG05]	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED09112009-11	Species Bald and Golden Eagles	09/11/2009	74 FR 46835	Final Rule	U.S. Fish and Wildlife Service Eagle Permits; Take Necessary To Protect Interests in Particular Localities [50 CFR Parts 13 and 22] Finalizes permit regulations to authorize limited take of bald eagles and golden eagles when associated with otherwise lawful activities. Also establishes permit provisions for intentional take of eagle nests under particular, limited circumstances. Effective 11/10/2009. [RIN 1018-AV81]	
FED09112009-12	Technology Innovation Program	09/04/2009	74 FR 45823	Notice	National Institute of Standards and Technology Technology Innovation Program Seeks White Papers Solicits white papers that will be used to identify and select areas of Critical National Need and the associated technical challenges to be addressed in future Technology Innovation Program competitions. The Technology Innovation Program was established to support, promote, and accelerate innovation through high-risk, high-reward research in areas of Critical National Need. An area of critical national need is an area that justifies government attention because the magnitude of the problem is large and the associated societal challenges that need to be overcome are not being addressed, but could be addressed through high-risk, high-reward research. White papers will be accepted 11/09/2009 to 09/30/2010.	
FED09112009-13	Toxic Substances Dioxins and Dioxin-Like Compounds	09/02/2009	74 FR 45437	Notice	Notice of Availability of the External Peer Review Draft of Recommended Toxicity Equivalency Factors for Human Health Risk Assessments of Dioxin and Dioxin-Like Compounds Announces a public comment period for the external peer review draft of " Recommended Toxicity Equivalency Factors (TEFs) for Human Health Risk Assessments of Dioxin and Dioxin-Like Compounds ," a draft guidance document. EPA currently is addressing several issues related to dioxins and dioxin-like chemicals in the environment . Comments due 10/02/2009.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED09112009-14	Toxic Substances Formaldehyde	08/31/2009	74 FR 44845	Notice	National Institute of Environmental Health Sciences; National Institutes of Health National Toxicology Program: Report on Carcinogens; Availability of the Draft Background Document for Formaldehyde; Request for Comments on the Draft Background Document; Announcement of the Formaldehyde Expert Panel Meeting Announces the availability of and invites comments on the draft background document for formaldehyde. An expert panel meeting will be held to peer review the document and to make a recommendation regarding the listing status (known to be a human carcinogen, reasonably anticipated to be a human carcinogen, or not to list) for formaldehyde in the 12th Edition of the Report on Carcinogens. The document can be found on the National Toxicology Program website . Comments due 10/16/2009. Expert panel meeting to be held 11/02/2009 through 11/04/2009 in Durham, North Carolina.	
FED09112009-15	TSCA SNUR-Elemental Mercury	09/11/2009	74 FR 46707	Proposed Rule	Elemental Mercury Used in Flow Meters, Natural Gas Manometers, and Pyrometers; Proposed Significant New Use Rule [40 CFR Part 721] Proposes a SNUR for elemental mercury used in flowmeters, natural gas manometers, and pyrometers. Would require persons who intend to manufacture, import, or process elemental mercury for an activity that is designated as a significant new use to notify EPA at least 90 days before beginning that activity. Comments due 11/10/2009. [RIN 2070-AJ36]	NASA Facilities and Programs should be aware of this proposed rule.

1.2 Other News and Developments

1.2.1 EPA Seeks Public Input on National Enforcement Priorities through Online Forum

The [U.S. Environmental Protection Agency](#) has launched an [online discussion forum](#) to receive public input on future priorities for [EPA's national enforcement program](#).

The public will be able to [provide feedback](#) on potential new areas of enforcement focus through the EPA website until 1 December 2009. All ideas will be evaluated and considered for recommendation to the EPA Administrator about the future direction of EPA's national enforcement and compliance priorities.

The current enforcement priorities through 2010 focus on significant environmental problems, including pollution from stormwater runoff, air toxics, concentrated animal feeding operations, and mineral processing.

1.2.2 European Union: New Public Consultation on 15 Potential Substances of Very High Concern

The European Chemicals Agency (ECHA) has published on its website proposals to identify chemicals as [Substances of Very High Concern](#) (SVHCs). Comments will be taken into account when deciding whether the substances will be added to the [Candidate List](#) from which substances are selected for authorization.

Comments on the 15 proposed SVHCs are due 15 October 2009. Comments are particularly solicited that focus on the hazardous properties that qualify the chemicals as SVHCs. In addition, parties can provide comments and further information about the uses, exposures, and availability of safer alternative substances or techniques, although these aspects mainly will be considered at the next stage of the process, which also will include a new round of public consultation.

1.2.3 Startup, Shutdown and Malfunction Exemption in Limbo

As a result of recent litigation the U.S. Court of Appeals for the District of Columbia (DC Circuit) vacated the "general duty clause" of the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories Subpart A (40 CFR 63.6 (f)(1) and (h)(1)). The ruling concluded that even during periods of startup, shutdown, and malfunction (SSM), an affected source must comply with applicable emissions standards associated with the relevant source category.

On 22 July 2009, EPA clarified that this vacatur only affected facilities subject to NESHAPs that incorporate sections (f)(1) and (h)(1) by reference. NESHAP subparts that have direct regulatory text that exempts or excuses SSM events are unaffected by this action.

Since the court ruling, there have been numerous stays on the determination. Currently, the "General Duty Clause" is still in effect.

If the SSM exemption vacatur is made final, industrial sources will be required to demonstrate ongoing compliance with emissions standards, even during SSM events.

1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2009 will be held on the following Wednesdays at 12 p.m. CT:

- 16 September
- 7 October
- 21 October
- 4 November
- 18 November
- 2 December

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
AL09112009-1	Solid Waste	08/31/2009	AAM Vol. XXVII, No. 11, p. 392	Proposed Rule Hearing	Alabama Department of Environmental Management 335-ADEM 13-Solid Waste Program 13-Statewide Solid Waste Reduction Goal Proposes ADEM Chapter 335-13-13, which would establish a statewide solid waste reduction and recycling goal. Comments due 10/05/2009. A list of specific changes can be found in the Division 13 document. Comments due 10/05/2009. A public hearing will be held 09/23/2009 at ADEM, Montgomery, Alabama.	
AL09112009-2	USTs	08/31/2009	AAM Vol. XXVII, No. 11, p. 391	Notice Hearing	Alabama Department of Environmental Management 335-ADEM 6-Water Quality Program 16-Administrative Guidelines and Procedures for the Alabama Underground Storage Tanks (AUST) Trust Fund Proposes to revise the division 335-6 Code to establish the annual Trust Fund Charge and scope of Trust Fund coverage, effective 01/01/2010. A list of specific changes can be found in the Division 6 document. Comments due 10/05/2009. The public hearing will be held 09/23/2009 at ADEM, Montgomery, Alabama.	
AL09112009-3	Water Quality	08/31/2009	AAM Vol. XXVII, No. 11, p. 389	Notice Hearing	Alabama Department of Environmental Management 335-ADEM 6-Water Quality Program 10-Water Quality Criteria Proposes to amend rule 335-6-10-.09 to change the bacterial indicator organisms and associated criteria for non-coastal waters from fecal coli form to E. coli to be consistent with EPA's recommendations for protection against water-borne illnesses. A list of specific changes can be found in the Division 6 document. Comments due 10/14/2009. The public hearing will be held 10/14/2009 at ADEM, Montgomery, Alabama.	
AL09112009-4	Water Quality	08/31/2009	AAM Vol. XXVII, No. 11, p. 390	Notice Hearing	Alabama Department of Environmental Management 335-ADEM 6-Water Quality Program 11-Water Use Classification Proposes to upgrade select use classifications in rule 335-6-11-.02. A list of specific changes can be found in the Division 6 document. Comments due 10/14/2009. The public hearing will be held 10/14/2009 at ADEM, Montgomery, Alabama.	

2.2 California State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA09112009-1	Air Opacity Testing Diesel Trucks	09/04/2009	CRNR 2009.36z, p.1497	Final Rule	Air Resources Board Smoke Opacity Inspection Intervals, Standards, and Test Procedures [13 CCR 2193] Change without regulatory effect corrects a reference to the test procedure for determining the opacity of smoke from a diesel truck under the periodic smoke inspection program.	
CA09112009-2	Air Refrigerants	09/11/2009	CRNR 2009.37z, p.1567	Final Rule	Air Resources Board Small Containers of Automotive Refrigerant [17 CCR 95360, 95361, 95362, 95363, 95364, 95365, 95366, 95367, 95368, 95369, 95370] Limits sales of small containers of automotive refrigerant that have high global warming potential by restricting the containers to approved designs, establishing a deposit and refund system, requiring the recovery of residual refrigerant from the small containers, and establishing record-keeping and periodic reporting requirements. Effective 10/01/2009.	
CA09112009-3	Fire Commercial Modulars	09/04/2009	CRNR 2009.36z, p.1498	Final Rule	Department of Housing and Community Development Manufactured Home/Commercial Modular Fire Construction Standards [25 CCR 4200, 4202, 4204-6, 4208, 4210, 4212, 4214, and 4216] Makes permanent the prior emergency regulatory actions that incorporate by reference the new building standards and applies them to commercial modulars built or installed in a Wildland–Urban Interface Fire Area.	
CA09112009-4	Occupational Safety Foot Protection	09/11/2009	CRNR 2009.37z, p.1569	Notice	Occupational Safety and Health Standards Board Foot Protection [8 CCR 3385] Revises the name of a document incorporated by reference to specify that ANSI Z41–1999 American National Standard for Personal Protection–Protective Footwear is one of two standards applicable to protective footwear purchased on or before 01/26/2007. Effective 09/30/2009.	
CA09112009-5	Occupational Safety Medical Access	09/11/2009	CRNR 2009.37z, p.1569	Final Rule	Occupational Safety and Health Standards Board Medical Services and First Aid [8 CCR 3400] Amends regulation to add further clarification as to what is required of employers with respect to employee access to prompt medical treatment for injury or illness. Effective 09/26/2009.	
CA09112009-6	Pesticides Forms	09/04/2009	CRNR 2009.36z, p.1499	Notice	Department of Pesticide Regulation Miscellaneous [3 CCR 6400, 6502, 6620, 6626(a)–(c), 6627, 6670, 6672, 6736, and incorporated by reference forms] Change without regulatory effect that amends six forms and updates the references.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA09112009-7	Proposition 65	09/11/2009	CRNR 2009, 37z, p.1562	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Correction to the List of Chemicals as Known to the State of California to Cause Cancer or Reproductive Toxicity</p> <p>On the list of chemicals known to the State of California to cause cancer or reproductive toxicity, corrects the CAS number associated with 1,3,5-triglycidyl-s-triazinetriene to be listed now as 2451-62-9. Effective 09/11/2009.</p>	
CA09112009-8	Proposition 65	09/11/2009	CRNR 2009, 37z, p.1544	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Chemicals as Known to the State to Cause Cancer or Reproductive Toxicity</p> <p>Updates list of chemicals known to the state to cause cancer or reproductive toxicity. A complete, updated Proposition 65 list is available for download as a pdf file here. Effective 09/11/2009.</p>	
CA09112009-9	Species California Condor	09/04/2009	CRNR 2009, 36z, p. 1496	Notice	<p>Fish and Game Commission</p> <p>Decision Not to Proceed with Methods Authorized for Taking Resident Small Game and Migratory Upland Game Birds within the Range of the California Condor Originally published on June 12, 2009, CRNR 2009, 24Z</p> <p>The Fish and Game Commission decided not to proceed with this proposed regulation at the 08/06/2009 meeting. (Refer to CA061909-6.)</p>	
CA09112009-10	Species California Tiger Salamander	09/04/2009	CRNR 2009, 36z, p. 1499	Final Rule	<p>Fish and Game Commission</p> <p>Incidental Take of California Tiger Salamander During Candidacy [14 CCR 749.4]</p> <p>Readopts for 90 days the emergency regulation. Effective 08/24/2009.</p>	
CA09112009-11	Species Hybrids	09/11/2009	CRNR 2009, 37z, p.1524	Proposed Rule	<p>Fish and Game Commission</p> <p>Hybrid Animals and Plants [14 CCR 200, 203, 205, and 2120]</p> <p>Proposes to create a general section regulating hybrid plants and animals. A hybrid of two or more species is not a specific species, and therefore, is not addressed within most regulations or code sections referring to limits, seasons, take, and possession. Comments due 10/01/2009.</p>	
CA09112009-12	Toxic Substances Dioxin	09/11/2009	CRNR 2009, 37z, p.1543	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Air Toxics Hot Spots Program–Toxicity Equivalency Factor Scheme for Dioxins</p> <p>OEHHA has released the draft Use of the Toxicity Equivalency Factor (TEF_{WHO-97} and TEF_{WHO-05}) Scheme for Estimating Toxicity of Mixtures of Dioxin-Like Chemicals. This is a revision to the previous version, which appears as Appendix C of the Technical Support Document for Cancer Potency Factor. Comments due 10/05/2009. Further information is available on OEHHA's website.</p>	

2.2.1 Upcoming Workshop and Training Opportunities

[Air Resources Board](#) has provided [notice](#) that it is hosting a workshop to discuss ARB's Enforcement Program. The workshop is 12 October 2009, and [additional information will be made available](#).

Upcoming regulatory agency training opportunities include the following:

Date:	Topic:	Location:
10/8 - 10/9	Annual Periodic Inspection Class for Gasoline Service Station Owners/Operators	Diamond Bar
10/23	Daily Self-Inspection Class for Gasoline Service Station Owners/Operators	Diamond Bar

Upcoming trade and other organizational training courses are listed below:

Date:	Topic:	Location:
9/21	Universal Waste Update	Buena Park
9/22 - 9/24	Pacific Southwest Organic Residuals Symposium	Davis
9/30	Underground Storage Tanks--The Basics	Huntington Beach
10/8 - 10/9	Balancing Environmental Needs and Economic Realities	San Diego
10/21 - 10/22	2009 CDAWG Conference	Death Valley
10/28 - 10/29	P2 Solutions to Climate Change and Sustainability	San Diego

2.3 Colorado State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA-related operations in Colorado.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CO09112009-1	Radiation Control	09/10/2009	CO Register Vol. 32, No. 9	Notice	Colorado Department of Public Health and Environment 6 CCR 1007-1 Hazardous Waste Announces revisions to 6 CCR 1007-1 Parts 08-10 Radiation Control --Rad Safety Reqs--Analytical X-Ray Equip; Rad Safety Reqs--Particle Accelerators Not Used in Healing Arts; Notices; Instructions, and Reports to Workers; Inspections. A hearing will be held on 10/21/2009 at CDPHE in Denver, Colorado.	
CO09112009-2	Waste Hazardous Waste	09/10/2009	CO Register Vol. 32, No. 9	Final Rule	Colorado Department of Public Health and Environment 6 CCR 1007-3 Hazardous Waste Announces revisions to 6 CCR 1007-3 Parts 101 , 260 , 261 , 262 , 264 , and 265 Hazardous Waste. Effective 09/30/2009.	
CO09112009-3	Water Quality	09/10/2009	CO Register Vol. 32, No. 9	Final Rule	Colorado Department of Public Health and Environment 5 CCR 1002 Water Quality Control Commission Announces revisions to 5 CCR 1002-38 Regulation Number 38, Classification and Numeric Standards South Platte River Basin, Laramie River Basin, Republic River Basin, Smoky Hill River Basin. Effective 01/01/2010.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CO09112009-4	Water Quality	09/10/2009	CO Register Vol. 32, No. 9	Proposed Rule	<p>Colorado Department of Public Health and Environment</p> <p>5 CCR 1002 Water Quality Control Commission</p> <p>Announces revisions to 5 CCR 1002 Numeric Standards for Arkansas River Basin, Regulation #32 (5 CCR 1002-32); in the Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); in the Classifications and Numeric Standards for San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); in the Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); in the Classifications and Numeric Standards for Rio Grande River Basin, Regulation #36 (5 CCR 1002-36); in the Classifications and Numeric Standards for Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and in the Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38). A hearing will be held on 12/14/2009 at CDPHE in Denver, Colorado.</p>	

2.4 Florida State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL09112009-1	Air General Provisions	09/11/2009	FAW Notice #7570770	Proposed Rule	<p>Chapter 62–FDEP 204–Air Pollution Control–General Provisions</p> <p>Proposes rule amendments to adopt-by-reference recent federal air pollution regulations at 40 CFR Parts 52 and 89, as described below:</p> <ul style="list-style-type: none"> ▪ 40 CFR 50, National Primary and Secondary Ambient Air Quality Standards: <ul style="list-style-type: none"> ▪ Lead air quality measurements will be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period. ▪ Lead NAAQS will apply until EPA approves an implementation plan providing for attainment and/or maintenance of the lead NAAQS. ▪ Update treatment of air quality monitoring data influenced by exceptional events. ▪ Update lead NAAQS and lead arithmetic mean concentration measurement requirements over a 3-month period. ▪ 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Subpart F, Procedural Requirements: <ul style="list-style-type: none"> ▪ Compounds used in aerosol coating products are to be counted toward a product’s reactivity limit. ▪ Add HFE 7300 to list of organic compounds that have negligible photochemical reactivity. ▪ 40 CFR 52, Approval and Promulgation of Implementation Plans, Subpart K, Florida: Correct typographical errors. ▪ 40 CFR 53, Ambient Air Monitoring Reference and Equivalent Methods: Update test procedures for methods for lead. ▪ 40 CFR 58, Ambient Air Quality Surveillance: <ul style="list-style-type: none"> ▪ Plans establishing lead monitoring sites must be submitted to EPA no later than 07/01/2009 as part of the annual network plan. ▪ Designations of nonattainment areas for the CO, SO₂, NO₂, or 24-hour PM₁₀ NAAQS will no longer be solely based on data from the SPM. ▪ Updated quality assurance requirements, network design criteria, and uniform air quality index and daily reporting requirements for air quality monitoring. ▪ 40 CFR 60, Standards of Performance for New Stationary Sources: <ul style="list-style-type: none"> ▪ Update rule applicability requirements and definitions for electric utility steam generators constructed after 09/19/1978. ▪ Update opacity and continuous emissions monitoring, compliance, reporting, and record-keeping standards for generators. ▪ Add equipment leak monitoring work practice and detection leak sensitivity levels. 	KSC should be aware of these proposed amendments.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL09112009-1 (continued)					<ul style="list-style-type: none"> Update list of standard test methods and amended procedures for determining emissions concentrations from stationary sources, performance specifications, and quality assurance. 40 CFR 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Corrected typographical errors, Subpart A, General Provisions and Subpart H, National Emissions Standards for Organic Hazardous Air Pollutants for Equipment Leaks: Update control device and work practice requirements for equipment leaks. 40 CFR 65, Consolidated Federal Air Rule, Subpart A, General Provisions: Update monitoring, record-keeping, and reporting waivers and alternatives, and alternative work practices for equipment leaks. <p>Comments due 10/02/2009.</p>	
FL09112009-2	Radiation	09/11/2009	FAW Notice #7606854	Notice Meeting	<p>Chapter 64E--Advisory Council on Radiation Protection, Bureau of Radiation Control</p> <p>Announces a meeting to discuss and make recommendations on issues relating to radiation; the meeting will be held 10/13/2009.</p>	
FL09112009-3	Species Gopher Tortoise	09/09/2009	74 FR 46401	Notice	<p>U.S. Fish and Wildlife Service</p> <p>Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List the Eastern Population of the Gopher Tortoise (<i>Gopherus polyphemus</i>) as Threatened [50 CFR Part 17]</p> <p>Announces initiation of a status review to evaluate whether listing the gopher tortoise in the eastern portion of the range is warranted. Solicits scientific and commercial data and other information regarding the status of and threats facing the gopher tortoise throughout all of its range.</p> <p>Comments due 11/09/2009.</p>	
FL09112009-4	Water Upper St. John's River Basin	09/11/2009	FAW Notice #7616263	Notice Meeting	<p>Chapter 62--FDEP</p> <p>Presents draft verified lists of impaired waters and proposed waters for delisting for water bodies and water segments within the Upper St. Johns River Basin. The draft verified lists and proposed waters for delisting will be placed on the FDEP's Watershed Assessment website by 09/18/2009. The meeting will be held 10/01/2009 in Palm Bay, Florida. Comments due 10/18/2009.</p>	

2.5 Louisiana State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA09112009-1	Administrative Corrections	09/20/2009	MM010	Final Rule	Louisiana Department of Environmental Quality Miscellaneous Corrections [LAC 33:V.105, 321, 1513, 1529, 3005, and 3105; VII.715 and 1101; IX.5903; and XI.1121] Corrects errors that have been found in the Environmental Quality regulations. Language found to be redundant or not required by federal regulations has been deleted, some wording has been restructured, and instances of improper regulation citations have been corrected. The rule also deletes information in LAC 33:V.3015, Table 2, to reflect a change in 40 CFR 261, Appendix VIII. Effective 09/20/2009.	
LA09112009-2	Tanks UST Operators	09/20/2009	UT017	Proposed Rule	Louisiana Department of Environmental Quality Training Requirements for Underground Storage Tank System Operators [LAC 33:XI.601, 603, 605, 607, 609, and 611] Requires training for all operators of UST facilities by August 8, 2012. Defines the classes of operators (Class A, Class B, and Class C), lists the acceptable training and certification processes for each class, establishes a phase-in schedule for operators to attend training, and requires that UST owners maintain documentation of certification of operators. A public hearing will be held on 10/29/2009 in Baton Rouge, Louisiana. Comments due 11/05/2009.	
LA09112009-3	Waste Hazardous Waste	09/20/2009	HW105ft	Proposed Rule	Louisiana Department of Environmental Quality Integration of MACT Standards [LAC 33:V.3105] Clarifies compliance monitoring provisions and corrects typographical error in the regulations. Public hearing scheduled 10/29/2009 in Baton Rouge, Louisiana. Comments due 10/29/2009.	
LA09112009-4	Water Antidegradation	09/20/2009	0909Pot1	Notice	Louisiana Department of Environmental Quality Solicitation of Comments on the Development of Antidegradation Implementation Procedures [LAC 33:IX.1109.A and 1119] Requests public comment regarding the development of Antidegradation Implementation Procedures, which may be incorporated into the Water Quality Management Plan. Comments due 10/23/2009.	

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
MD09112009-1	Air Quality Transportation Conformity	09/04/2009	74 FR 45853	Notice	U.S. Environmental Protection Agency Adequacy Status of the Metropolitan Washington DC Area (DC-MD-VA) Area 8-Hour Ozone Non-Attainment Area's Reasonable Further Progress Plan Vehicle Emission Budgets for Transportation Conformity Purposes Announces finding that the Motor Vehicle Emissions Budgets (MVEBs) in the 2008 Reasonable Further Progress (RFP) Plan are adequate for transportation conformity purposes. The Metropolitan Washington, D.C., area must use the MVEBs from the 2008 RFP Plan for future conformity determinations for the 8-hour ozone standard. Effective date 09/21/2009.	
MD09112009-2	Hazardous Materials Pesticide Control	09/11/2009	36:19 Md.R. 1476	Proposed Rule	U.S. Department of Agriculture Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses MDE proposes to amend COMAR 15.05.01.08 to alter licensing, permit, or certification requirements for wildlife control licenses under the Pesticide Applicators Law. This amendment will eliminate overlapping licensing requirements. Comments due 10/13/2009.	
MD09112009-3	Occupational Safety Elevators, Escalators, and Chairlifts	09/11/2009	36:19 Md.R. 1452	Proposed Rule Notice of Emergency Action	Department of the Environment Elevator, Escalator, and Chairlift Safety Emergency amendments to Regulations .01, .01-1, .04-1, and .05 and adoption of Regulations .07 and .08 under COMAR 09.12.81 to implement Ch. 145, Acts of 2009, which requires: 1) elevator unit owners to hire an authorized third-party qualified elevator inspector to perform periodic annual inspections on privately owned elevator units; 2) state inspectors to conduct final inspections on new and altered elevator units; 3) 5-year inspections; 4) periodic annual inspections of publicly owned elevator units; 5) investigations of accidents and complaints; 6) incorporation by reference of ASME A17.1-2007/CSA B44-07 Safety Code for Elevators and Escalators and ASME A17.2-2007 Guide for Inspection of Elevators, Escalators, and Moving Walks. Effective date 07/01/2009. Comments due 10/13/2009. This rule is also presented as a Notice of Emergency Action effective between 08/21/2009 and 02/16/2010 (13:19 Md.R. 1433).	

2.7 Mississippi State Regulatory Review

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

2.8 New Mexico State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM09112009-1	Air Quality	08/31/2009	NM Register Vol. XX, p. 1059	Notice	<p>Environmental Improvement Board</p> <p>20.2 NMAC Air Quality</p> <p>Announces a public hearing to discuss revisions to the New Mexico Air Quality regulations as follows:</p> <ul style="list-style-type: none"> ▪ Proposal to revise: <ul style="list-style-type: none"> ▪ 20.2.100 NMAC–Greenhouse Gas Reporting–General Provisions ▪ 20.2.101 NMAC–Greenhouse Gas Reporting–Verification Requirements ▪ 20.2.102 NMAC–Greenhouse Gas Reporting–General Stationary Combustion ▪ 20.2.103 NMAC–Greenhouse Gas Reporting–Electricity Generation ▪ 20.2.104 NMAC–Greenhouse Gas Reporting–Refineries ▪ 20.2.105 NMAC–Greenhouse Gas Reporting–Petrochemical Manufacturing ▪ 20.2.106 NMAC–Greenhouse Gas Reporting–Cement Production ▪ 20.2.107 NMAC–Greenhouse Gas Reporting–Lime Manufacturing ▪ 20.2.108 NMAC–Greenhouse Gas Reporting–Coal Storage ▪ Proposal to Repeal: <ul style="list-style-type: none"> ▪ 20.2.87 NMAC–Greenhouse Gas Emissions Reporting <p>A hearing will be held on 11/03/2009 at the State Capitol in Santa Fe, New Mexico.</p>	
NM09112009-2	Species Wright's Marsh Thistle	09/10/2009	74 FR 46542	Notice	<p>U.S. Fish and Wildlife Service</p> <p>Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List <i>Cirsium wrightii</i> (Wright's marsh thistle) as Threatened or Endangered with Critical Habitat [50 CFR Part 17]</p> <p>Announces a 90-day finding on a petition to list Wright's marsh thistle as threatened or endangered. The petition has been found to provide substantial scientific or commercial information indicating that listing this species may be warranted. Notice initiates a status review of the species to determine if the petitioned action is warranted. Comments due 11/09/2009.</p>	

2.9 Ohio State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH09112009-1	Waste Hazardous Waste	09/01/2009	Public Notice	Draft Rules	<p>Division of Hazardous Waste Management, OEPA</p> <p>Draft Amendments to OAC Hazardous Waste Rules</p> <p>Announces the availability of 213 draft hazardous waste rules for review and comment. Includes rules that are amended, new, or rescinded either to bring them into equivalence with their recently amended federal counterpart provisions, or to make corrections necessary for internal consistency. In addition, rules are revised to reduce certain requirements and promote recycling or easier management. Further details regarding the draft revisions, including the letter to interested parties and an article in the Spring Notifier, are available on the OEPA website. Comments due 10/15/2009.</p>	
OH09112009-2	Water Wastewater Permits	09/02/2009	Public Notice	Draft Rule	<p>Division of Surface Water, OEPA</p> <p>Draft Amendments to OAC Chapter 3745-42 Permits to Install and Plan Approvals for Water Pollution Control</p> <p>Proposal addressing application requirements and criteria for issuing wastewater permits to install. Also includes a new rule that expands on the meaning of best available technology. Further details regarding the draft revisions, including the letter to interested parties and fact sheet, are available on the OEPA website. Comments due 11/02/2009.</p>	

2.10 Texas State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX09112009-1	Air Portable Facilities	09/11/2009	34 TexReg 6281	Proposed Rule	<p>Texas Commission on Environmental Quality</p> <p>Control of Air Pollution by Permits for New Construction or Modification--Definition of Portable Facilities [30 TAC §§116.20 and new §116.178]</p> <p>Proposes modifications to place existing guidance into rules that would define the public notice requirements for the movement of portable facilities. Current regulations state that the requirements for public notice do not apply to the relocation or change of location of a portable facility to a site where a portable facility has been located at any time during the previous 2 years. However, there is no specific definition of "portable." This rulemaking would define "portable" and allow a facility to relocate, with approval from the executive director, to a site that has undergone public notice. Also proposes to specifically define several terms and add clarifications to assist permit holders in understanding when public notice is required for movement of facilities, what the public notice requirements are, how TCEQ distinguishes a portable facility from other types of facilities, and the period of time in which a facility can be considered temporary. Public hearing scheduled for 10/13/2009 in Austin, Texas. Comments due 10/14/2009.</p>	
TX09112009-2	Air Portable Fuel Containers	09/11/2009	34 TexReg 6279	Proposed Rule	<p>Texas Commission on Environmental Quality</p> <p>Control of Air Pollution from VOCs--Portable Fuel Containers [30 TAC §§115.620 - 115.622, 115.626, 115.627, and 115.629]</p> <p>Proposes to repeal the portable fuel container regulations, which have become unnecessary with implementation of the national portable fuel container standards (72 FR 8247, 02/26/2007). The repealed sections will be submitted to EPA as a revision to the SIP. Public hearing to be held 10/06/2009 in Austin, Texas. Comments due 10/12/2009.</p>	

2.10.1 EPA Proposes to Disapprove Texas Changes to Air Permitting Program

EPA has [proposed to reject portions of the Texas air permitting program](#) regarding modification of existing qualified facilities, Flexible Permits, and New Source Review Reform. Notices will soon be published in the *Federal Register*.

2.10.2 TCEQ Accepting Nominations for Texas Environmental Excellence Awards

TCEQ is now accepting nominations for the 2010 [Texas Environmental Excellence Awards](#). The annual awards recognize achievements that significantly reduce waste, conserve natural resources, and prevent pollution. Award categories include Agriculture, Civic/Nonprofit, Education, Government, Individual, Innovative Technology, Large Business/Nontechnical,

Large Business/Technical, Small Business, and for the second consecutive year, Water Conservation. Deadline for applications is 16 October.

2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA-related operations in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT09112009-1	Species Goose Creek Milkvetch	09/10/2009	74 FR 46521	Notice	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants: 12-Month Finding on Petition to List <i>Astragalus anserinus</i> (Goose Creek milkvetch) as Threatened or Endangered [50 CFR Part 17] Announces a finding that evidence warrants listing the Goose Creek milkvetch as a threatened or endangered candidate species under the Endangered Species Act. The only known locations of Goose Creek milkvetch in Utah are located in Box Elder County.	

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 Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA09112009-1	Air SIP	09/04/2009	74 FR 45766	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Variance for Rocket Testing Operations Atlantic Research Corporation's Orange County Facility [40 CFR Part 52] EPA is approving revisions to the SIP to include 9VAC5-220, "Variance for Rocket Motor Test Operations at Atlantic Research Corporation Orange County Facility," as well as a variance for opacity for the rocket motor test operations at the Aerojet Corporation facility in Orange County. Effective 11/03/2009 unless written comments are received by 10/05/2009.	
VA09112009-2	Energy Renewable-Wind	08/31/2009	25:26 Va.R. 4466	Proposed Rule	Virginia Department of Environmental Quality 9 VAC 15-40 Proposed rule will implement new regulations requiring VDEQ to develop PBRs for wind energy projects not exceeding 100 megawatts. Additionally, permitting authority will move from the State Corporation Commission to the VDEQ. Comments due 09/30/2009.	
VA09112009-3	Fire Ants	08/31/2009	25:26 Va.R. 4469	Final Rule	Board of Agriculture and Consumer Services 2 VAC 5-315 Establishes regulated areas under the Fire Ant Quarantine, including the City of Hampton and the County of York. Effective 08/31/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA09112009-4	Water Dredged Material	09/10/2009	VDEQ website	Public Notice	Virginia Department of Environmental Quality State Program General Permit 07-SPGP-01 The annual review report for 07-SPGP-01, which permits the discharge of dredged or fill material in nontidal waters associated with certain residential, commercial, and industrial developments, as well as linear transportation projects, is available for review. Comments due 10/09/2009.	
VA09112009-5	Water Water Quality	08/31/2009	25:26 Va.R. 4466	Proposed Rule	State Water Control Board 9 VAC 25-720 Proposed rule will amend the water quality management regulation to include regulating flow or other qualities of a point source that cause pollution downstream of the point source. Comments due 10/09/2009.	