



National Aeronautics and  
Space Administration

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

# Regulatory Tracking Summary

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*26 February 2010*

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](mailto:sharon.scroggins@nasa.gov)).

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## Acronyms

ADEM = Alabama Department of Environmental Management	NASA = National Aeronautics and Space Administration
ANSI = American National Standards Institute	NEPA = National Environmental Policy Act
ASHRAE = American Society of Heating, Refrigerating and Air-Conditioning Engineers	NESHAP = National Emissions Standards for Hazardous Air Pollutions
BAT = Best available technology	NIOSH = National Institute for Occupational Safety and Health
CAA = Clean Air Act	NPDES = National Pollutant Discharge Elimination System
CAS = Chemical Abstract Service	NSPS = New Source Performance Standards
CCR = <i>California Code of Regulations</i> ; also <i>Colorado Code of Regulations</i>	NSR = New Source Review
CDPHE = Colorado Department of Public Health and Environment	OAC = Ohio Administrative Code
CEQ = Council on Environmental Quality	OEPA = Ohio Environmental Protection Agency
CEQA = California Environmental Quality Act	PAH = Polycyclic aromatic hydrocarbon
CFR = <i>Code of Federal Regulations</i>	PEIS = Programmatic Environmental Impact Statement
CI = Compression ignition	PEL = Permissible exposure limit
COMS = Continuous opacity monitoring system	PM = Particulate matter
CRNR = California Regulatory Notice Register	PSD = Prevention of significant deterioration
DAR = Division of Administrative Rules	RICE = Reciprocating internal combustion engine
DSW = Division of Surface Water	RIN = Regulatory Identification Number
EIS = Environmental Impact Statement	ROD = Record of Decision
EPA = U.S. Environmental Protection Agency	RPF = Relative potency factor
EPCRA = Emergency Planning and Community Right-to-Know Act	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
FEMP = Federal Energy Management Program	TAC = Texas Administrative Code
FONSI = Finding of no significant impact	TCEQ = Texas Commission on Environmental Quality
FR = <i>Federal Register</i>	TMDL = Total maximum daily load
GHG = Greenhouse gas	TRI = Toxic release inventory
GWP = Global Warming Potential	TSCA = Toxic Substances Control Act
HAP = Hazardous air pollutant	UAC = Utah Administrative Code
HGB = Houston-Galveston-Brazoria	UDEQ = Utah Department of Environmental Quality
IRIS = Integrated Risk Information System	U.S. = United States
KSC = Kennedy Space Center	UDWQ = Utah Division of Water Quality
lb/acre/yr = Pounds per acre per year	Va.R. = <i>Virginia Register</i>
LDEQ = Louisiana Department of Environmental Quality	VAC = Virginia Administrative Code
MADL = Maximum allowable dose level	VOC = Volatile organic compound
NAAQS = National Ambient Air Quality Standards	WFF = Wallops Flight Facility

## 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
FED02262010-1	Accountability Grants and Cooperative Agreements	02/18/2010	<a href="#">75 FR 7315</a>	Proposed Guidance	Office of Management and Budget Guidance for Reporting and Use of Information Concerning Recipient Integrity and Performance [2 CFR Subtitle A, Chapter I, Parts 25, 27, 35, 77, and 180]  Proposes guidance to federal agencies related to grants. Would establish a government-wide data system to contain information related to the integrity and performance of certain entities awarded federal grants and contracts; also proposes guidance on use of the information by federal officials making awards. Also would apply to cooperative agreements. Comments due 04/19/2010.	
FED02262010-2	Air Compliance Assurance Monitoring	02/24/2010	<a href="#">75 FR 8333</a>	Notice	Agency Information Collection Activities: Proposed Collection; Comment Request; Compliance Assurance Monitoring Program  Announces plans to submit a request to renew an existing approved Information Collection Request regarding the Compliance Assurance Monitoring Program. Soliciting comments on the program. Comments due 04/26/2010.	
FED02262010-3	Air NAAQS-Lead	02/26/2010	<a href="#">75 FR 8934</a>	Notice	Integrated Science Assessment for Lead  Announces preparation of an Integrated Science Assessment as part of the review of the NAAQS for lead. Interested parties are invited to assist by submitting research studies that have been published, accepted for publication, or presented at a public scientific meeting. Communications and information due 04/30/2010.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02262010-4	Air NAAQS-PM	02/23/2010	<a href="#">75 FR 8062</a>	Notice	<p>Science Advisory Board Staff Office; Notification of a Public Meeting and Public Teleconference(s) of the Clean Air Scientific Advisory Committee Particulate Matter Review Panel</p> <p>Announces a public meeting of the <a href="#">Clean Air Scientific Advisory Committee</a> Particulate Matter Review Panel to review EPA's <a href="#">Particulate Matter (PM) Urban-Focused Visibility Assessment-Second External Review Draft</a> (January 2010) and <a href="#">Quantitative Health Risk Assessment for Particulate Matter--Second External Review Draft</a> (February 2010). Also announces a teleconference to review EPA's <a href="#">Policy Assessment for the Review of Particulate Matter National Ambient Air Quality Standards--First External Review Draft</a> (February 2010). Public meeting scheduled for 03/10/2010 and 03/11/2010 in Durham, North Carolina. Teleconference scheduled for 04/08/2010.</p>	
FED02262010-5	Air NSPS and NESHAP Alternative Test Methods	02/22/2010	<a href="#">75 FR 7593</a>	Notice	<p>Recent Postings of Broadly Applicable Alternative Test Methods</p> <p>Announces the broadly applicable <a href="#">alternative test method approval decisions</a> made under and in support of NSPS and NESHAP in 2009. Source owners and operators may voluntarily use these broadly applicable alternative test methods subject to their specific applicability. Use of these broadly applicable alternative test methods does not change the applicable emission standards.</p>	
FED02262010-6	Energy Smart Grid	02/19/2010	<a href="#">75 FR 7526</a>	Notice	<p>Office of Science and Technology Policy</p> <p>Consumer Interface With the Smart Grid</p> <p>Requests input from the public regarding the consumer interface with the Smart Grid. Comments due 03/12/2010.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02262010-7	Hazardous Materials Activated Phosphors	02/24/2010	<a href="#">75 FR 8266</a>	Notice	Final Clarification for Chemical Identification Describing Activated Phosphors for TSCA Inventory Purposes [40 CFR Subchapter R]  Clarifies which activated phosphors that are not on the Section 8(b) Chemical Substance Inventory will be considered to be new chemical substances subject to applicable notification requirements under TSCA Section 5. EPA previously erroneously indicated that activated phosphors (otherwise known as doped phosphors) constitute mixtures of phosphors and dopants for purposes of the TSCA Inventory and were not separately reportable as chemical substances under TSCA Section 5(a) new chemical notification requirements. Effective 08/24/2011. [RIN 2070-AJ21]	
FED02262010-8	Hazardous Materials TRI-Hydrogen Sulfide	02/26/2010	<a href="#">75 FR 8889</a>	Notice	Hydrogen Sulfide; Community Right-to-Know Toxic Chemical Release Reporting [40 CFR Part 372]  Announces that EPA is considering whether to lift the Administrative Stay of the TRI reporting requirements for hydrogen sulfide. Hydrogen sulfide was added to the EPCRA Section 313 list of toxic chemicals on 12/01/1993. However, on 08/22/1994, EPA issued an Administrative Stay of the reporting requirements for hydrogen sulfide to evaluate issues brought to the Agency's attention after promulgation of the final rule. Although the final rule listing hydrogen sulfide under Section 313 of EPCRA remained in force, the stay deferred the reporting requirements for hydrogen sulfide. After further evaluation, including a consideration of additional information that has become available since the stay was put in place regarding the human health and environmental effects of hydrogen sulfide, EPA believes that the Administrative Stay should be lifted. Comments due 04/26/2010. [RIN 2025-AA27]	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02262010-9	Nanotechnology	02/26/2010	<a href="#">75 FR 9007</a>	Notice	<p>Office of Science and Technology Policy</p> <p>National Science and Technology Council, Committee on Technology Capstone Workshop Risk Management Methods &amp; Ethical, Legal, and Societal Implications of Nanotechnology: Public Meeting</p> <p>Announces a <a href="#">workshop</a> to provide an open forum to discuss the state-of-the-art of the science related to environmental, health, and safety aspects of nanomaterials in two areas: Risk Management Methods and Ethical, Legal, and Societal Implications of Nanotechnology. Workshop scheduled for 03/30/2010 and 03/31/2010 in Arlington, Virginia.</p>	
FED02262010-10	Natural Resources NEPA– Categorical Exclusions	02/23/2010	<a href="#">75 FR 8045</a>	Notice	<p>Council on Environmental Quality</p> <p>National Environmental Policy Act (NEPA) Draft Guidance, Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act</p> <p>Announces availability for comment of draft guidance that clarifies the rules for categorical exclusions and ensures that there is a concise public record when agencies apply them. Draft guidance is available on the <a href="#">CEQ website</a>. Comments due 04/09/2010.</p>	
FED02262010-11	Natural Resources NEPA–Climate Change and Greenhouse Gas Emissions	02/23/2010	<a href="#">75 FR 8046</a>	Notice	<p>Council On Environmental Quality</p> <p>National Environmental Policy Act (NEPA) Draft Guidance, Consideration of the Effects of Climate Change and Greenhouse Gas Emissions</p> <p>Announces availability for comment of draft guidance on when and how federal agencies must consider the impacts of proposed federal actions on global climate change, as well as the expected environmental effects from climate change. Draft guidance proposes the following:</p> <ul style="list-style-type: none"> <li>▪ How federal agencies should analyze the environmental impacts of GHG emissions and climate change when they describe the environmental impacts of a proposed action under NEPA.</li> <li>▪ Practical tools for agency reporting, including a presumptive threshold of 25,000 metric tons of carbon dioxide equivalent emissions from the proposed action to trigger consideration of a quantitative analysis.</li> <li>▪ Suggestions to agencies on how to assess the effects of climate change on the proposed action, and, in turn, on the design of agency actions.</li> </ul> <p>The draft guidance is available on the <a href="#">CEQ website</a>. Comments due 05/24/2010.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02262010-12	Natural Resources NEPA–Mitigation and Monitoring	02/23/2010	<a href="#">75 FR 8046</a>	Notice	Council on Environmental Quality National Environmental Policy Act (NEPA) Draft Guidance, "NEPA Mitigation and Monitoring"  Announces availability for comment of draft guidance that clarifies the appropriateness of FONSI and specifies the need for ongoing monitoring of environmental mitigation commitments. Clarifies that the environmental impacts of a proposed action could be mitigated to the point when the agency may make a FONSI determination, and thereby ease the NEPA review requirements. When the FONSI depends on successful mitigation, however, such mitigation requirements should be made public and be accompanied by monitoring and reporting. Guidance also addresses monitoring and reporting of mitigation commitments agencies make in an EIS and in the ROD that follows. The draft guidance is available on the <a href="#">CEQ website</a> . Comments due 05/24/2010.	
FED02262010-13	Occupational Safety Asbestos	02/18/2010	<a href="#">75 FR 7284</a>	Notice	National Institute for Occupational Safety and Health  NIOSH Current Intelligence Bulletin–Asbestos Fibers and Other Elongate Mineral Particles: State of the Science and Roadmap for Research, Version 4  Announces a revised draft document available for public comment entitled, " <a href="#">NIOSH Current Intelligence Bulletin–Asbestos Fibers and Other Elongate Mineral Particles: State of the Science and Roadmap for Research, Version 4</a> ." NIOSH is undertaking a reappraisal of how to ensure appropriate protection of workers from exposure to asbestos fibers and other elongate mineral particles. Purpose of the draft Roadmap is to outline major areas of controversy and to recommend a research framework that can serve as a guide for the development of specific research programs. Goal of the research is to provide answers to current scientific questions, to reduce scientific uncertainties, and to provide a sound scientific foundation for future policy development so that optimal health protection can be ensured. Comments due 04/16/2010.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02262010-14	Toxic Substances Inorganic Arsenic	02/19/2010	<a href="#">75 FR 7477</a>	Notice	Draft Toxicological Review of Inorganic Arsenic: In Support of the Summary Information on the Integrated Risk Information System  Announces a public comment period for the draft document titled, " <a href="#">Toxicological Review of Inorganic Arsenic: In Support of the Summary Information on the Integrated Risk Information System (IRIS)</a> ." Comments due 04/20/2010.	
FED02262010-15	Toxic Substances Polycyclic Aromatic Hydrocarbons	02/26/2010	<a href="#">75 FR 8937</a>	Notice	Development of a Relative Potency Factor Approach for Polycyclic Aromatic Hydrocarbon Mixtures  Announces a public comment period and a public listening session for the external review draft document titled, " <a href="#">Development of a Relative Potency Factor (RPF) Approach for Polycyclic Aromatic Hydrocarbon (PAH) Mixtures</a> ." Comments due 04/27/2010. Listening session scheduled for 04/07/2010.	
FED02262010-16	Water Water Resources Planning	02/23/2010	<a href="#">75 FR 8106</a>	Notice	Bureau of Reclamation  Change in Discount Rate for Water Resources Planning  Notice that the interest rate to be used by federal agencies in the formulation and evaluation of plans for water and related land resources is 4.375 percent for fiscal year 2010.	

## 1.2 Other News and Developments

### 1.2.1 EPA Launches Rulemaking Gateway

EPA launched a new website on 18 February 2010. The online [Rulemaking Gateway](#) is intended to provide information to the public regarding the status of EPA's priority rules, providing users with earlier and more concise information about agency regulations. It also allows users to search for EPA rules that relate to specific interests and provides brief overviews of specific EPA rules. The website provides more ways to search rules based upon rulemaking phase (such as pre-proposal or proposal), the topics to which they relate (such as air or water), and the impacts they might have (such as impacts on small businesses or environmental justice).

In addition, EPA has established a Rulemaking Gateway [discussion forum](#) to allow the public to suggest enhancements to the site. The forum will be open through 16 July 2010, after which EPA plans to make any needed enhancements based on public input.

### 1.2.2 Final NESHAP for Reciprocating Internal Combustion Engines

On 17 February 2010, EPA issued a pre-publication version of the final rule that regulates HAP emissions from existing diesel-powered stationary reciprocating internal combustion engines (RICE) or compression ignition (CI) engines that either are located at area sources of HAP emissions or that have a site rating of less than or equal to 500 brake horsepower and

are located at major sources of HAP emissions. In addition, EPA is promulgating a NESHAP for existing non-emergency stationary CI engines greater than 500 brake horsepower that are located at major sources of HAP emissions.

To meet the emissions requirements, owners and operators of the largest types of engines will need to install emissions controls for engine exhaust systems. Emergency engines covered by this rule will need to comply with operating requirements that will limit emissions.

EPA plans to issue final emissions standards for similar existing stationary engines that burn gasoline, natural gas, and landfill gas, known as spark ignition engines, by 10 August 2010.

The final rule can be found on EPA's [website](#). Additionally, RRAC PC is developing a regulatory summary regarding the proposed rule. The summary will be available on the [RRAC website](#).

### **1.2.3 Free Greenhouse Gas Accounting and Reporting Training**

The FEMP is offering a free federal GHG accounting and reporting training session to federal energy and environmental professionals on 6 May 2010, via satellite or through streaming video. The 90-minute training session will provide an update about the new GHG regulatory requirements and guidance, as well as strategies, models, and technology tools to measure GHG emissions. For more information and to register online, visit the FEMP [website](#).

### **1.2.4 EPA Administrator's Letter to Congress on Greenhouse Gas Rulemakings**

On 22 February 2010, the EPA Administrator provided a [letter](#) to Congress documenting EPA's plans to comply with *Massachusetts v. EPA*, the U.S. Supreme Court case that ruled EPA must regulate GHGs as air pollutants under the CAA. In the letter, EPA addressed anticipated actions based on EPA's proposed rule ([74 FR 55292](#), 29 October 2009), titled "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule."

The RRAC PC is developing a regulatory summary regarding EPA's letter to Congress. The summary will be available on the [RRAC website](#).

### **1.2.5 Seminars on Green-Building Standard Offered**

ASHRAE announced the availability of updated online seminar programs reviewing the requirements of the recently published, landmark green-building Standard 189.1. The initial seminar program on the requirements of the standard, "Understanding Standard 189.1P for High-Performance, Green Buildings," is scheduled for 15 March 2010. The 14 online, instructor-led seminars will run from March until May. A full list of seminars and registration information can be found on the [ASRAE website](#).

### 1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2010 will be held on the following Wednesdays at 12 p.m. CT:

- 17 March
- 7 April
- 28 April
- 19 May
- 9 June
- 30 June
- 21 July
- 11 August
- 1 September
- 22 September
- 24 November
- 15 December

## 2.0 State Regulatory Reviews

The following sections provide details about 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
AL02262010-1	Solid Waste	02/14/2010	<a href="#">Public Hearing 422</a>	Proposed Rule	<p>Alabama Department of Environmental Protection 335-ADEM 13-Solid Waste Program</p> <p>Proposes the following amendments:</p> <ul style="list-style-type: none"> <li>Changes and additions to the definitions included in the Solid Wastes and Recyclable Materials Management Act and to clarify existing requirements regarding the closure of unauthorized solid waste dumps.</li> <li>Establish the registration, record keeping, reporting, and facility design and operation requirements necessary for facilities engaged in the receipt, storage, and processing of recyclable materials at the point where these materials initially are diverted from the solid waste stream.</li> </ul> <p>A list of specific changes can be found in the <a href="#">Division 13</a> document. A <a href="#">public hearing</a> is scheduled for 04/02/2010 at ADEM, Montgomery, Alabama.</p>	
AL02262010-2	Water Draft 303(d) List of Impaired Waters	01/31/2010	<a href="#">Public Notice 214</a>	Notice of Availability	<p>Alabama Department of Environmental Protection 335-ADEM 6-Water Quality Program</p> <p>Announces availability of the Proposed Section 303(d) List of Impaired Waters for 2010. Section 303(d) of the Clean Water Act requires that each state shall identify those waters within its boundaries for which controls of pollutant sources are not stringent enough to implement water quality standards applicable to such waters. In addition, each state shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters. For each water body identified on the list, the state is required to establish a TMDL for each pollutant at a level necessary to implement applicable water quality standards. ADEM has developed the <a href="#">Draft 2010 Section 303(d) List</a> and is now making it available for public review and comment. Comments due 03/01/2010.</p>	

## 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
CA02262010-1	Air Automotive Refrigerants	02/19/2010	<a href="#">CRNR 2010, 8z, p. 309</a>	Final Rule	<a href="#">Air Resources Board</a> Small Containers of Automotive Refrigerant [17 CCR 95362, 95365-8] Establishes mechanism to adjust the deposit required on sales of small containers of automotive refrigerant having a global warming potential value greater than 150. Effective 03/10/2010.	
CA02262010-2	Air Emission Standards	02/23/2010	<a href="#">75 FR 8056</a>	Notice	<a href="#">U.S. Environmental Protection Agency</a> Notice of Decision Granting Authorization of California's New Nonroad Compression Ignition Engine Emission Standards Authorizes proposed California emission standards and accompanying test procedures for new nonroad CI engines. Also confirms that one sub-set of California's amended regulations falls within-the-scope of a previous authorization. Comments due 04/26/2010.	
CA02262010-3	CEQA	02/26/2010	<a href="#">CRNR 2010, 9z, p. 341</a>	Final Rule	<a href="#">Natural Resources Agency</a> Proposed Amendments to the CEQA Guidelines [14 CCR 15064.4, 15183.5, 15364.5 AMEND: 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15183, Appendix F, Appendix G] Updates the CEQA Guidelines and, in particular, supplements them to address analysis and any needed mitigation of GHG emissions during environmental review. Effective 03/18/2010.	
CA02262010-4	Occupational Safety Airborne Contaminants	02/19/2010	<a href="#">CRNR 2010, 8z, p. 310</a>	Final Rule	<a href="#">Occupational Safety and Health Standards Board</a> Airborne Contaminants [8 CCR 5155] Establishes new PELs and amends existing PELs. Among other substances, includes exposure limits for n-propyl bromide, methyl n-butyl ketone, and refractory ceramic fibers. Effective 08/03/2010. <a href="#">A complete list of contaminants addressed by this rule is posted on the OSHSB website.</a>	
CA02262010-5	Occupational Safety Welding	02/26/2010	<a href="#">CRNR 2010, 9z, p. 319</a>	Proposed Rule	<a href="#">Occupational Safety and Health Standards Board</a> General Industry Safety Orders–Acetylene (Horcher) –Update of Welding Fire Prevention and Suppression Procedures [8 CCR 4650, 4797, 4823, 4848] Proposes to update state regulations to reflect recent OSHA revisions to the Federal Acetylene Standard. Would also make other updates, including changes to state welding fire prevention and suppression procedures to incorporate recent changes to the National Fire Prevention Association Standard 51B. Public hearing to be held 04/15/2010.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA02262010-6	Proposition 65 Acrylamide	02/26/2010	<a href="#">CRNR 2010, 9z, p. 329</a>	Proposed Rule	<a href="#">Office of Environmental Health Hazard Assessment</a> Maximum Allowable Dose of Level (MADL) for Acrylamide [27 CCR 25805] Proposes to establish a specific regulatory level having no observable effect for acrylamide. The proposed MADL is 140 micrograms per day. This level is 700 times greater than 0.2 micrograms per day, which is the cancer No Significant Risk Level for acrylamide set under Section 25705(c). Comments due 04/27/2010.	
CA02262010-7	Proposition 65 Metam Potassium	02/26/2010	<a href="#">CRNR 2010, 9z, p. 336</a>	Proposed Rule	<a href="#">Office of Environmental Health Hazard Assessment (OEHHA)</a> Notice of Intent to List Metam Potassium Proposal to list the chemical Metam potassium as known to the state to cause cancer. Comments due 03/29/2010.	
CA02262010-8	Proposition 65 p-Chloroaniline and p-Chloroaniline Hydrochloride	02/19/2010	<a href="#">CRNR 2010, 8z, p. 305</a>	Proposed Rule	<a href="#">Office of Environmental Health Hazard Assessment</a> Proposed Adoption of No Significant Risk Levels for p-chloroaniline and p-chloroaniline hydrochloride [27 CCR 25705] Proposes to list the subject substances as posing no significant risk. Comments due 04/05/2010.	
CA02262010-9	Water San Francisco Bay Conservation	02/19/2010	<a href="#">CRNR 2010, 8z, p. 310</a>	Final Rule	<a href="#">San Francisco Bay Conservation and Development Commission</a> San Francisco Waterfront Special Area Plan [14 CCR 11960] Amends the San Francisco Waterfront Special Area Plan to revise the Open Water Areas Policies and the Plan Implementation Requirements of the Special Area Plan to allow a project and to define the requirements of an alternative fill removal program. Effective 02/03/2010.	

## 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
CO02262001-1	Water Surface Water	02/25/2010	<a href="#">CO Register Vol. 33, No. 05</a>	Proposed Rule	Colorado Department of Public Health and Environment (CDPHE) 5 CCR 1002 <a href="#">Water Quality Control Commission</a> Proposes revisions to <a href="#">5 CCR 1002-31</a> Regulation Number 31, The Basic Standards and Methodologies for Surface Water. A hearing is scheduled for 06/07/2010 at CDPHE in Denver, Colorado.	

## 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
FL02242010-1	Air NAAQS-Ozone	02/19/2010	<a href="#">FAW Notice #8339010</a>	Final Rule	Chapter 62–FDEP 296–Stationary Sources–Emission Standards  Eliminates obsolete language in three rule sections regarding rule applicability in ozone nonattainment areas. The language is not needed because Florida no longer has any ozone nonattainment areas. Effective 03/11/2010.	
FL02242010-2	Remediation	02/26/2010	<a href="#">FAW Notice #8232795</a>	Notice Auction	Chapter 62–Bureau of Petroleum Storage Systems  Announces a sealed bid public auction of used petroleum remediation equipment. The list of equipment, bid form, and instructions can be found at the following website: <a href="http://www.dep.state.fl.us/waste/categories/pcp/pages/announcements.htm">http://www.dep.state.fl.us/waste/categories/pcp/pages/announcements.htm</a> . The public bid opening will be conducted on 03/22/2010 in Tallahassee, Florida.	
FL02242010-3	Water Florida Oceans and Coastal Council	02/19/2010	<a href="#">FAW Notice #7912889</a>	Notice Meeting	Chapter 62–Florida Oceans and Coastal Council  The Florida Oceans and Coastal Council will hold a public meeting to further its duties under the Oceans and Coastal Resources Act on 03/08/2010.	
FL02242010-4	Water Florida Oceans and Coastal Council	02/26/2010	<a href="#">FAW Notice #8320968</a>	Notice Meeting	Chapter 62–Florida Oceans and Coastal Council  The Florida Oceans and Coastal Council will hold a public meeting to further its duties under the Oceans and Coastal Resources Act on 03/11/2010.	
FL02242010-5	Water Restricted Areas	02/25/2010	<a href="#">75 FR 8570</a>	Proposed Rule	U.S. Army Corps of Engineers; Department of Defense  Atlantic Ocean off John F. Kennedy Space Center (KSC), Florida; Restricted Area [33 CFR Part 334]  Proposes to revise its regulations to establish a new restricted area in the Atlantic Ocean off the coast of KSC, Florida. KSC is NASA's main launch facility and NASA needs to have the capability to secure the KSC shoreline. The proposed amendment will allow the KSC Director to restrict passage of persons, watercraft, and vessels in waters contiguous to this facility during launch operations and whenever there is a perceived threat to the facility. Comments due 03/29/2010.	<b>KSC</b> should be aware of this action.
FL02242010-6	Water SJRWMD	02/19/2010	<a href="#">FAW Notice #8289443</a>	Notice Workshop	Chapter 40C–Projects & Land Committee  Announces an informational workshop on Water Conservation scheduled for 03/08/2010 in Palatka, Florida.	
FL02242010-7	Water SJRWMD	02/19/2010	<a href="#">FAW Notice #8291674</a>	Notice Meeting	Chapter 40C–SJRWMD  Announces a public meeting to discuss regulatory and non-regulatory matters. Scheduled for 03/09/2010 in Palatka, Florida.	
FL02242010-8	Water SJRWMD	02/19/2010	<a href="#">FAW Notice #8291189</a>	Notice Meeting	Chapter 40C–Projects & Land Committee  Announces a business meeting following the conclusion of the Governing Board Workshop to discuss agenda items, followed by Committee recommendations to be approved by the full Governing Board. Scheduled for 03/08/2010 in Palatka, Florida.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL02242010-9	Water SJRWMD-Permits	02/19/2010	<a href="#">FAW Notice #8292256</a>	Notice Meeting	Chapter 40C–SJRWMD Announces a meeting to receive public comments about pending applications for individual consumptive use permits and environmental resource permits. Scheduled for 03/29/2010 in Palatka, Florida.	

## 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
LA02262010-1	Water TMDLs	02/25/2010	<a href="#">75 FR 8698</a>	Notice	U.S. Environmental Protection Agency <a href="#">Clean Water Act Section 303(d)</a> : Availability of Ten Total Maximum Daily Loads (TMDLs) in Louisiana Announces the availability for comment on the administrative record files and the calculations of 10 TMDLs prepared by EPA Region 6. It covers waters in the State of Louisiana's Atchafalaya and Mississippi River Basins that were identified as impaired on the state's Section 303(d) list. EPA will review all data and information submitted during the public comment period and will revise the TMDLs where appropriate. EPA will then forward the TMDLs to the LDEQ. The LDEQ will incorporate the TMDLs into its current water quality management plan. Comments due 03/29/2010.	

## 2.6 Maryland State Regulatory Review

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

## 2.7 Mississippi State Regulatory Review

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

## 2.8 New Mexico State Regulatory Review

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

## 2.9 Ohio State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH02262010-1	Air SIP	02/25/2010	<a href="#">75 FR 8496</a>	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans; Ohio New Source Review (NSR) Rules [40 CFR Part 52]  Approves revisions to the PSD and nonattainment NSR construction permit programs in the Ohio SIP. Implements the NSR Reform provisions. This action affects major stationary sources in Ohio that are subject to or potentially subject to the PSD and NSR construction permit programs. Effective 03/29/2010.	
OH02262010-2	Water NPDES Permitting	02/24/2010	<a href="#">OEPA DSW News</a>	Proposed Rule	Division of Surface Water (DSW), OEPA <a href="#">Proposed Amendments to OAC Chapter 3745-38</a>  Proposes revisions to the general NPDES permitting program. The chapter details: procedures OEPA must follow in the issuance, modification, and revocation of general permits; procedures for granting and terminating authorizations to discharge; and requirements applicable to entities seeking general permit coverage. Further details regarding the proposed rule, including the <a href="#">Public Notice</a> , <a href="#">Letter to Interested Parties</a> , <a href="#">Fact Sheet</a> , and <a href="#">Response to Comments</a> , are available on the OEPA <a href="#">website</a> . Comments due 03/31/2010.	

### 2.9.1 New Guidance Issued for the Best Available Technology 10 ton per year Exemption

OEPA issued a [guidance memo](#) describing changes to the Best Available Technology (BAT) program resulting from the 2 February 2010 [ruling](#) in the U.S. District Court for the Southern District of Ohio in [Sierra Club v. Christopher Korleski, Director of Ohio EPA](#). The ruling stated that the approved Ohio SIP currently does not contain an exemption for new or modified sources emitting less than 10 tons per year of NAAQS pollutants. As a result, the new policy indicates that a case-by-case determination of BAT must be completed for such new or modified sources of less than 10 tons per year of NAAQS pollutants until the exemption becomes approved as part of the SIP.

## 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
TX02262010-1	Air Portable Facilities	02/26/2010	<a href="#">35 TexReg 1749</a>	Adopted Rule	Texas Commission on Environmental Quality Control of Air Pollution by Permits for New Construction or Modification—Definition of Portable Facilities [30 TAC §§116.20 and new §116.178]  Adopts modifications to place existing guidance into rules that define the public notice requirements for the movement of portable facilities. Previous 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.” Defines “portable” and allows a facility to relocate, with approval from the executive director, to a site that has undergone public notice. Also specifically defines several terms and adds 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. Effective 03/03/2010.	
TX02262010-2	Air Portable Fuel Containers	02/26/2010	<a href="#">35 TexReg 1747</a>	Adopted Rule	Texas Commission on Environmental Quality Control of Air Pollution from Volatile Organic Compounds [30 TAC 115]  Removes standards for portable fuel containers that have become unnecessary with the EPA's implementation of the federal portable fuel container rule ( <a href="#">72 FR 8432</a> , 02/26/2007), which established a national standard for gasoline, diesel, and kerosene portable fuel containers. Effective 03/04/2010.	

### 2.10.1 Houston-Galveston-Brazoria SIP Revisions and Associated Rule Revisions

On 10 March 2010, the executive director will recommend to the commissioners adoption of several [SIP revisions and associated rule revisions](#) for the Houston-Galveston-Brazoria (HGB) nonattainment area for the 1997 8-hour ozone standard:

- [HGB Attainment Demonstration SIP Revision for the 1997 Eight-Hour Ozone Standard](#)
- [HGB Reasonable Further Progress SIP Revision for the 1997 Eight-Hour Ozone Standard](#)
- [Volatile Organic Compounds Control Technique Guidelines Update](#)
- [Highly Reactive Volatile Organic Compounds Emissions Cap and Trade Program Cap Reduction and Allowance Reallocation](#)
- [Mass Emissions Cap and Trade Program Cap Integrity for the HGB Eight-Hour Ozone Nonattainment Area](#)

## 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
UT02262010-1	Water Water Quality Definitions	02/15/2010	<a href="#">UT Bull. Vol. 2010-4; DAR File No. 33232</a>	Proposed Rule	Utah Division of Water Quality; Utah Department of Environmental Quality Water Quality; Definitions [UAC R317-1-1] Proposes changing the definitions of "assimilative capacity" and "existing use" in the proposed rule published in <a href="#">UT Bull. Vol. 2009-24</a> based on public comments received. Comments due 03/17/2010.	
UT02262010-2	Water Water Quality Standards	02/15/2010	<a href="#">UT Bull. Vol. 2010-4; DAR File No. 33233</a>	Proposed Rule	Utah Division of Water Quality; Utah Department of Environmental Quality Water Quality; Standards of Quality for Waters of the State [UAC R317-2] Proposes revisions to the proposed rule published in <a href="#">UT Bull. Vol. 2009-24</a> based on public comments received. Comments due 03/17/2010.	

## 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
VA02262010-1	Air SIP	02/24/2010	<a href="#">75 FR 8249</a>	Direct Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans; Virginia; Opacity Source Surveillance Methods [40 CFR 52] Revisions update regulations to allow the use of data from a "continuous monitoring by transmitter" or COMS, as long as the device meets Performance Standard 1 in <a href="#">40 CFR Part 60, Appendix B</a> . Device also must be properly maintained and the rule prohibits the alteration of previous data. Effective 04/26/2010.	
VA02262010-2	Air SIP	02/25/2010	<a href="#">75 FR 8493</a>	Direct Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans; Virginia; Revisions to the Definition of Volatile Organic Compound and Other Terms [40 CFR 52] Approves revisions to the Virginia SIP consisting of revising 22 definitions, including that for VOCs. Effective 04/26/2010.	
VA02262010-3	Natural Resources NEPA-Wallops Flight Facility	02/26/2010	<a href="#">75 FR 8936</a>	Notice	Environmental Impacts Statements; Notice of Availability Announces weekly receipt of EIS that includes the following: <ul style="list-style-type: none"> <li>EIS No. 20100054 Draft EIS, NASA, VA, WFF, Shoreline Restoration and Infrastructure Protection Program, Implementation, Wallops Island, Virginia. Comment period ends: 04/12/2010. Contact: Joshua A. Bundick, 757-824-2319.</li> </ul>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA02262010-4	Natural Resources NEPA–Wallops Flight Facility	02/26/2010	<a href="#">75 FR 8997</a>	Notice	National Aeronautics and Space Administration National Environmental Policy Act; Wallops Flight Facility Shoreline Restoration and Infrastructure Protection Program  Notice that NASA has prepared and issued the <a href="#">Draft Programmatic Environmental Impact Statement (PEIS)</a> for the proposed Shoreline Restoration and Infrastructure Protection Program at WFF. Comments due 04/15/2010. Public meeting to be held 03/16/2010 in Wallops Island, Virginia.	WFF should be aware of this action.
VA02262010-5	Water Storm Water	02/15/2010	<a href="#">26:12 Va.R. 1876</a>	Proposed Rule	Virginia Soil and Water Conservation Board Virginia Storm Water Management Program [9VAC 50-60]  Solicits comments only on changes made to the original proposed rule, which were approved 09/24/2008, adopted 12/09/2009, and published 01/04/2010 ( <a href="#">26:9 Va.R.1220</a> ). Changes include the following: <ul style="list-style-type: none"> <li>▪ Statewide phosphorus loading of 0.45 lb/acre/yr for new development activities statewide</li> <li>▪ On previously developed lands, total phosphorus load must be reduced to a load that is: <ul style="list-style-type: none"> <li>▪ At least 20% for land-disturbing activities greater than 1 acre</li> <li>▪ At least 10% for land-disturbing activities less than 1 acre</li> </ul> </li> <li>▪ Control measures must be installed on a site with any waste load allocation</li> <li>▪ Water quantity requirements for both channel protection and flood protection criteria</li> <li>▪ Grandfathering provisions</li> <li>▪ Minimum criteria and ordinance requirements for a Board-authorized qualifying local program</li> <li>▪ Definitions</li> </ul> Additionally, this action suspends the effective date and extends the public comment period. Comments due 03/17/2010.	
VA02262010-6	Water Water Quality	02/15/2010	<a href="#">26:12 Va.R. 1978</a>	Notice	State Water Control Board Water Quality Standards [9VAC 25-260]  Provides effective date for EPA-approved regulations. Effective 02/01/2010.	