



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

3 December 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).

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Acronyms

AAC = Alabama Administrative Code	Md.R. = <i>Maryland Register</i>
ADEM = Alabama Department of Environmental Management	MW = Megawatt
APWL = Air Pollutant Watch List	NAAQS = National Ambient Air Quality Standards
BACT = Best available control technology	NASA = National Aeronautics and Space Administration
BAT = Best available technology	NEPA = National Environmental Policy Act
CAA = Clean Air Act	NPDES = National Pollutant Discharge Elimination System
CCR = <i>California Code of Regulations</i>	NSR = New Source Review
COMAR = <i>Code of Maryland Regulations</i>	OAC = Ohio Administrative Code
CEQ = Council on Environmental Quality	OEHHA = Office of Environmental Health Hazard Assessment
CFR = <i>Code of Federal Regulations</i>	OEPA = Ohio Environmental Protection Agency
CO ₂ e = Carbon dioxide equivalent	PM _{2.5} = Particulate matter less than 2.5 micrometers
CRNR = <i>California Regulatory Notice Register</i>	RIN = Regulatory Identification Number
CWA = Clean Water Act	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
CZM = Coastal Zone Management	SIP = State Implementation Plan
DAPC = Department of Air Pollution Control	SJRWMD = St. Johns River Water Management District
DAR = Division of Administrative Rules	SO ₂ = Sulfur dioxide
DfE = Design for the Environment	TCEQ = Texas Commission on Environmental Quality
DSW = Division of Surface Water	TMDL = Total maximum daily load
EPA = U.S. Environmental Protection Agency	U.S. = United States
EPCRA = Emergency Planning and Community Right-to-Know Act	VAC = Virginia Administrative Code
ER = Essential Requirements	Va.R. = <i>Virginia Register</i>
FAW = <i>Florida Administrative Weekly</i>	VCAPCD = Ventura County Air Pollution Control District
FERC = Federal Energy Regulatory Commission	VDEQ = Virginia Department of Environmental Quality
FR = <i>Federal Register</i>	VOC = Volatile organic compound
GHG = Greenhouse gas	WCI = Western Climate Initiative
GRC = Glenn Research Center	WQS = Water Quality Standards
MADL = Maximum allowable dose level	
MDE = Maryland Department of the Environment	

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 related operations.

Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED12032010-1	Air GHGs	11/30/2010	75 FR 74457	Final Rule	U.S. Environmental Protection Agency Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems [40 CFR Part 98] Requires monitoring and reporting, but not control, of GHG emissions from petroleum and natural gas systems' exploration and distribution systems. Applies to sources with carbon dioxide equivalent emissions above certain threshold levels. Effective 12/30/2010. [RIN 2060-AP99]	
FED12032010-2	Air GHGs	12/01/2010	75 FR 74773	Final Rule	U.S. Environmental Protection Agency Mandatory Reporting of Greenhouse Gases: Additional Sources of Fluorinated GHGs [40 CFR Part 98] Requires monitoring and reporting, but not control, of GHG emissions from additional sources of fluorinated GHGs, including electronics manufacturing, fluorinated gas production, electrical equipment use, and electrical equipment manufacture or refurbishment, as well as importers and exporters of pre-charged equipment and closed-cell foams. Requires monitoring and reporting of GHGs for these source categories only for sources with carbon dioxide equivalent emissions, imports, or exports above certain threshold levels. Effective 12/31/2010. [RIN 2060-AQ00]	NASA-related facilities should be aware of this action.
FED12032010-3	Air GHGs	12/01/2010	75 FR 75059	Final Rule	U.S. Environmental Protection Agency Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide [40 CFR Parts 72, 78, and 98] Requires GHG monitoring and reporting from facilities that conduct geologic sequestration of carbon dioxide and other facilities that conduct injection of carbon dioxide. Does not require control of GHGs. Effective 12/31/2010. [RIN 2060-AP88]	

Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED12032010-4	Air Motor Vehicles-- GHGs	11/30/2010	75 FR 74151	Proposed Rule	<p>U.S. Environmental Protection Agency; National Highway Traffic Safety Administration, Department of Transportation</p> <p>Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles [40 CFR Parts 85, 86, 1036, 1037, 1065, 1066, and 1068; 49 CFR Parts 523, 534, and 535]</p> <p>Proposes fuel consumption standards and carbon dioxide emissions standards for each of three regulatory categories of heavy-duty vehicles: combination tractors; heavy-duty pickup trucks and vans; and vocational vehicles, as well as gasoline and diesel heavy-duty engines. Also proposes hydrofluorocarbon emissions standards for air conditioning systems in tractors, pickup trucks, and vans, and nitrous oxide and methane emissions standards for all heavy-duty engines, pickup trucks, and vans. Requests comments about possible alternative approaches for model year 2012 through 2014 light-duty vehicles. Comments due 01/31/2011. [RIN 2060-AP61; RIN 2127-AK74]</p>	
FED12032010-5	Air NAAQS--Lead	11/22/2010	75 FR 71033	Final Rule	<p>U.S. Environmental Protection Agency</p> <p>Air Quality Designations for the 2008 Lead National Ambient Air Quality Standards [40 CFR Part 81]</p> <p>Establishes air quality designations for certain areas for the 2008 lead NAAQS. One of the areas designated as nonattainment is part of Cuyahoga County, Ohio, in the Cleveland, Ohio, area. Effective 12/31/2010. [RIN-2060-AP78]</p>	GRC should be aware of this action.
FED12032010-6	Air SIPs	11/24/2010	75 FR 71548	Notice	<p>U.S. Environmental Protection Agency</p> <p>Availability of Federally-Enforceable State Implementation Plans for All States [40 CFR Part 52]</p> <p>Announces that the federally enforceable SIP for each state is available for review and identifies the contact person for each regional office. EPA is required to assemble these documents and publish notice of the compilation every 3 years. Links to the documents are available in the FR notice.</p>	

Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED12032010-7	Procurement Biobased Products	11/23/2010	75 FR 71491	Proposed Rule	<p>Office of Energy Policy and New Uses, Department of Agriculture</p> <p>Designation of Biobased Items for Federal Procurement [7 CFR Part 2902]</p> <p>Proposes to amend the Guidelines for Designating Biobased Products for Federal Procurement to add the following items to the list of biobased products with federal procurement preference:</p> <ul style="list-style-type: none"> • Animal repellents • Bath products • Bioremediation materials • Compost activators and accelerators • Concrete and asphalt cleaners • Cuts, burns, and abrasions ointments • Dishwashing products • Erosion control materials • Floor cleaners and protectors • Hair care products • Interior paints and coatings • Oven and grill cleaners • Slide way lubricants • Thermal shipping containers <p>Also proposes minimum biobased contents for each of these items. Comments due 01/24/2011. [RIN 0503-AA36]</p> <p>More information on biobased products is available on the USDA website.</p>	
FED12032010-8	Species Rusty Blackbird, Tamaulipas Crow	12/02/2010	75 FR 75153	Final Rule	<p>U.S. Fish and Wildlife Service</p> <p>Migratory Bird Permits: Removal of Rusty Blackbird and Tamaulipas (Mexican) Crow From the Depredation Order for Blackbirds, Cowbirds, Grackles, Crows, and Magpies, and Other Changes to the Order [50 CFR Part 21]</p> <p>Changes the regulations governing control of depredating blackbirds, cowbirds, grackles, crows, and magpies. Removes the Rusty Blackbird and the Mexican (Tamaulipas) Crow from the list of species that may be controlled under the depredation order. Requires a depredation permit to conduct control actions to take either of these species. Also requires that nontoxic shot or bullets be used in most cases when a firearm is used to control any species listed under the order. Adds a requirement to report on control actions taken under the order. Effective 01/03/2011. [RIN 1018-AV66]</p>	
FED12032010-9	Toxic Substances	11/30/2010	75 FR 74053	Notice	<p>Agency for Toxic Substances and Disease Registry, Department of Health and Human Services</p> <p>Availability of Final Toxicological Profiles</p> <p>Announces the availability of the following new or updated final toxicological profiles of priority hazardous substances:</p> <ul style="list-style-type: none"> ▪ Boron (Update) ▪ Chlorine ▪ Ethylbenzene (Update) ▪ Ethylene Glycol (Update) ▪ Plutonium (Update) ▪ Styrene (Update) 	

Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED12032010-10	Toxic Substances Reporting	11/26/2010	75 FR 72727	Final Rule	<p>U.S. Environmental Protection Agency</p> <p>Addition of National Toxicology Program Carcinogens: Community Right-to-Know Toxic Chemical Release Reporting [40 CFR Part 372]</p> <p>Adds 16 chemicals to the list of toxic chemicals subject to reporting under Section 313 of EPCRA. Applies to the reporting year beginning 01/01/2011; first reports due 07/01/2012. The newly listed chemicals include the following:</p> <ul style="list-style-type: none"> • 1-Amino-2,4-dibromoanthraquinone • 1,6-Dinitropyrene • 1,8-Dinitropyrene • 2,2-Bis(bromomethyl)-1,3-propanediol • 4-Nitropyrene • 6-Nitrochrysene • Furan • Glycidol • Isoprene • Methyleugenol • O-nitroanisole • Nitromethane • Phenolphthalein • Tetrafluoroethylene • Tetranitromethane • Vinyl fluoride <p>Effective 11/30/2010. [RIN 2025-AA28]</p>	NASA facilities should be aware of this change for 2011 reporting.
FED12032010-11	Toxic Substances Toxaphene and Trichlorobenzenes	11/22/2010	75 FR 71132	Notice	<p>Agency for Toxic Substances and Disease Registry, Department of Health and Human Services</p> <p>Availability of Draft Toxicological Profiles</p> <p>Announces the availability of the Toxicological Profiles for Toxaphene (update) and Trichlorobenzenes for review and comment. Comments due 02/25/2011.</p>	
FED12032010-12	Waste Contaminated Sites	11/30/2010	75 FR 74045	Notice	<p>U.S. Environmental Protection Agency</p> <p>Guidance on Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites</p> <p>Solicits stakeholder input regarding the issues addressed in the interim final guidance, titled Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites. Comments due 01/14/2011.</p>	NASA-related facilities should be aware of this comment opportunity.

1.2 Other News and Developments

1.2.1 EPA Announces New Criteria for Identification of Chemicals

EPA has developed a new criteria document intended to help identify less hazardous chemical alternatives. The document, entitled "[Alternatives Assessment Criteria for Hazard Evaluation](#)," was posted on the Agency's Design for the Environment (DfE) Program [website](#) on 30 November 2010. Under the DfE Program, EPA plans to use the new criteria in assessing the relative risks of potential substitutes for more hazardous substances. This hazard risk information will be combined with industry data regarding performance and cost to guide the choice of less hazardous alternatives.

EPA currently is conducting DfE Alternatives Assessments of bisphenol A and the flame retardant, decabromodiphenyl. Similar assessments of phthalates, hexabromocyclododecane, nonylphenol, and nonylphenol ethoxylates are scheduled to begin in 2011.

EPA will accept comments about the criteria document through 31 January 2011.

1.2.2 CEQ Releases Final Guidance on Categorical Exclusion for Federal Permits

On 23 November 2010, the White House CEQ released a pre-publication copy of its final guidance on "[Establishing, Applying and Revising Categorical Exclusions under the National Environmental Policy Act \(NEPA\)](#)." The guidance recommends best practices for appropriate use of categorical exclusions and was intended to ensure that agencies establish and use categorical exclusions appropriately and transparently.

The final guidance establishes rigorous procedures for establishing, applying, and altering categorical exclusions under NEPA. The guidance requires categorical exclusions to be reviewed at least every 7 years, requires the text of an exclusion document to specify "any physical, temporal, or environmental factors that would constrain its use," and says that exclusions should be accompanied by "credible monitoring of the implemented activity or other sources of corroborating information." The guidance also emphasizes that cumulative impacts, not only the impact of the specified activity, should be considered by an agency in determining whether to use a categorical exclusion.

More information about CEQ's NEPA initiatives is posted on the CEQ [website](#).

1.2.3 Western Climate Initiative Comprehensive Climate Change Strategy

On 12 November 2010, the [Western Climate Initiative](#) (WCI) published [amendments](#) to its "[Final Essential Requirements for Mandatory Reporting](#)" (the "ERs"), originally finalized on 16 July 2009. The amendments embody the WCI's approach for harmonizing its ERs with the requirements of EPA's Mandatory Reporting Rule in U.S. jurisdictions. The amendments take the form of a markup of the EPA rule showing the changes to the EPA program that are needed to support participation in a cap-and-trade program. WCI participants in the U.S., particularly those implementing a cap-and-trade program, may implement the harmonized ERs by adopting a rule that incorporates the EPA rule by reference with the changes shown in the markup.

1.3 NASA Regulatory Communication Working Group Updates

Regulatory Communication Working Group calls in 2011 are scheduled for the following Wednesdays at 12 p.m. CT:

- 16 February
- 16 March
- 20 April
- 18 May
- 15 June
- 20 July
- 17 August
- 21 September
- 19 October
- 16 November

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 related operations in Alabama.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL12032010-1	Water NPDES	11/23/2010	ADEM Public Notice 202	Notice Hearing	Alabama Department of Environmental Management National Pollutant Discharge Elimination System [AAC 335-6-6] Announces a hearing to consider ADEM's proposal to reissue the Statewide General NPDES Permit ALR100000 regulating discharges from regulated construction activities to waters of the State of Alabama. Draft permit is available for review. Hearing is scheduled for 01/06/2011 at ADEM, Montgomery, Alabama. Comments due 01/06/2011.	

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
CA12032010-1	Occupational Safety	12/03/2010	CRNR 2010, 49z, p. 2040	Notice Hearing	Occupational Safety and Health Standards Board General Industry Safety Orders–Personal Protective Devices–Hazard Assessment and Equipment Selection–Employer Duty to Pay for Personal Safety Devices and Safeguards [8 CCR 3380 and 3380.1] Announces a hearing to consider proposed revisions to state standards on personal protective equipment. Revisions are needed to conform state standards to federal requirements in 29 CFR Parts 1910, 1915, 1917 et seq. Public hearing is scheduled for 01/20/2011 at the County Administration Center in San Diego, California. Further information on the proposals is posted on the Board's website .	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA12032010-2	Proposition 65	11/26/2010	CRNR 2010, 48z, p. 2012	Notice	Office of Environmental Health Hazard Assessment Request For Relevant Information On Chemicals Being Considered For Listing By The Authoritative Bodies Mechanism: Androstenedione, Dibromoacetonitrile, Hexachlorobutadiene, And Malonaldehyde, Sodium Salt [27 CCR 25603(d)] Requests information as to whether the following chemicals meet the criteria for listing as carcinogens in the state of California: <ul style="list-style-type: none"> • Androstenedione • Dibromoacetonitrile • Hexachlorobutadiene • Malonaldehyde, sodium salt Comments due 01/25/2011. Hexachlorobutadiene is used as a chemical intermediate in the manufacture of rubber, chlorinated solvents, lubricants, and transformer and hydraulic fluids.	
CA12032010-3	Proposition 65	12/03/2010	CRNR 2010, 49z, p. 2063	Notice	Office of Environmental Health Hazard Assessment Candidates for Listing via the Authoritative Bodies Mechanism Found Not to Meet the Regulatory Criteria for Reproductive Toxicity OEHHA will not proceed with the Proposition 65 listing process for thiabendazole, thiabendazole hypophosphate salt, and imazalil as known to cause reproductive toxicity.	
CA12032010-4	Proposition 65	12/03/2010	CRNR 2010, 49z, p. 2064	Notice	Office of Environmental Health Hazard Assessment Chemicals Known to the State to Cause Cancer or Reproductive Toxicity Announces a complete and current listing of chemicals known to the state to cause cancer or reproductive toxicity. California law requires OEHHA to publish this list at least annually.	
CA12032010-5	Proposition 65 Avermectin B1	12/03/2010	CRNR 2010, 49z, p. 2063	Notice	Office of Environmental Health Hazard Assessment A Chemical Listed Effective December 3, 2010 as Known to the State of California to Cause Reproductive Toxicity Announces listing of Avermectin B1 as known to the state to cause reproductive toxicity. Effective 12/03/2010.	
CA12032010-6	Proposition 65 Di-isodecyl Phthalate	12/03/2010	CRNR 2010, 49z, p. 2087	Final Rule	Office of Environmental Health Hazard Assessment MADL for Di-isodecyl Phthalate [27 CCR 25805] Establishes the MADL for di-isodecyl phthalate. OEHHA will publish the final MADL on its website . Effective 12/18/2010.	
CA12032010-7	Proposition 65 Exposure	11/26/2010	CRNR 2010, 48z, p. 1998	Notice	Office of Environmental Health Hazard Assessment Proposed Amendments to No Observable Effect Levels [27 CCR 25801 and 258031] Requests public comment concerning proposed revisions including changes to definitions, reorganization of certain sections, and additions of clarifying language. Further information is posted on the OEHHA website . Comments due 01/28/2011.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA12032010-8	Proposition 65 Imazalil	12/03/2010	CRNR 2010, 49z, p. 2082	Notice	Office of Environmental Health Hazard Assessment Notice of Intent to List Imazalil Imazalil meets the criteria for listing as known to the State of California to cause cancer under the authoritative bodies listing mechanism. Comments due 01/10/2011. Systemic fungicide primarily used in agriculture.	
CA12032010-9	Species	11/24/2010	75 FR 71726	Notice	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; 5-Year Status Review of 58 Species in Washington, Oregon, California, and Hawaii Requests information for review in the determination of classification of the subject species as threatened or endangered. Information due 01/24/2011.	
CA12032010-10	Water Permit Fees	11/26/2010	CRNR 2010, 48z, p. 2017	Final Rule	State Water Resources Control Board Emergency Fee Regulations to Conform with Budget Act 2010–11 [23 CCR 1062, 1064, 1066, and 3833.1] Decreases slightly the fee caps on application and petition fees, removes reference to the one-time credit that fee-paying entities received under the 2009–2010 Budget Act, and increases the per-kilowatt fee charged for projects licensed or undergoing licensing by FERC for activities that involve hydroelectric facilities. Effective 11/17/2010.	
CA12032010-11	Water Permit Fees	12/03/2010	CRNR 2010, 49z, p. 2088	Final Rule	State Water Resources Control Board Emergency Regulations to Conform with Budget Act 2010–11 [23 CCR 2200, 2200.3, 2200.4, and 2200.6] Adjusts annual fees assessed to persons issued waste discharge permits to conform to revenue levels set forth in the Budget Act and to make other nonsubstantive changes. Effective 10/19/2010.	
CA12032010-12	Water Water Quality	11/23/2010	75 FR 71431	Notice	U.S. Environmental Protection Agency Clean Water Act Section 303(d): Availability of List Decisions Correction Corrects the previously published (75 FR 68783 , 11/09/2010) decision date and public comment deadline. Comments due 12/23/2010.	

2.2.1 California Air Districts Regulatory Review

2.2.1.1 Antelope Valley Air Quality Management District

No regulatory items of interest were identified during this reporting period for the [Antelope Valley Air Quality Management District](#).

2.2.1.2 Bay Area Air Quality Management District

No regulatory items of interest were identified during this reporting period for the [Bay Area Air Quality Management District](#).

2.2.1.3 Eastern Kern Air Pollution Control District

No regulatory items of interest were identified during this reporting period for the [Eastern Kern Air Pollution Control District](#).

2.2.1.4 Mojave Desert Air Quality Management District

No regulatory items of interest were identified during this reporting period for the [Mojave Desert Air Quality Management District](#).

2.2.1.5 South Coast Air Quality Management District

This summary includes items that were reviewed for potential impacts to NASA Centers and related operations for the [South Coast Air Quality Management District](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CAS12032010-1	Air SIP	11/22/2010	75 FR 71293	Proposed Rule	<p>U.S. Environmental Protection Agency</p> <p>Approval and Promulgation of Implementation Plans; 2007 South Coast State Implementation Plan for 1997 Fine Particulate Matter Standards; 2007 State Strategy [40 CFR 52]</p> <p>Proposes to approve in part and disapprove in part SIP revisions to provide for attainment of the 1997 annual and 24-hour PM_{2.5} NAAQS in the South Coast nonattainment area. Comments due 01/21/2011.</p>	

2.2.1.6 Ventura County Air Pollution Control District

This summary includes items that were reviewed for potential impacts to NASA Centers and related operations for the [Ventura County Air Pollution Control District](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CAV12032010-1	Air GHGs	12/03/2010	VCAPCD Website	Notice Hearing	<p>Ventura County Air Pollution Control District</p> <p>Definitions [Rule 2], Exemptions From Permit [Rule 23], Part 70 Permits General [Rule 33], Part 70 Permits Definitions [Rule 33.1], Elective Emission Limits [Rule 35], Permit Fees [Rule 42], Federally Enforceable Limits on Potential to Emit [Rule 76].</p> <p>Announces a public hearing on proposed revisions related to GHG emissions, including the following changes:</p> <ul style="list-style-type: none"> • GHG applicability thresholds, and the appropriate two-step phase-in implementation dates, would be added to several rules. • GHGs would be added as regulated pollutants. • Definitions would be added for "greenhouse gases," "CO₂e," and "Subject to Regulation." Other definitions are being amended to include GHGs. <p>Staff report provides proposed revisions. Hearing is scheduled for 01/11/2011 in Ventura, California.</p>	
CAV12032010-2	Air Reactive Organic Compounds	11/24/2010	VCAPCD Website	Notice Workshop	<p>Ventura County Air Pollution Control District</p> <p>Graphic Arts [Rule 74.19]</p> <p>Announces a workshop on proposed rule revisions to reduce the reactive organic compound emissions from graphic arts operations using fountain solutions at lithographic operations and cleaning solvents at all graphic operations. Workshop is scheduled for 01/25/2011 in Ventura, California.</p>	

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
CO12032010-1	Air	11/25/2010	CO Register Vol. 33, No. 23	Final Rule	<p>Colorado Department of Public Health and Environment</p> <p><u>Air Quality Control Commission [5 CCR 1001]</u></p> <p>Announces the adoption of revisions to 5 CCR 1001-2 Common Provisions Regulation that include the following:</p> <ul style="list-style-type: none"> ▪ Revised applicability section consistent with the incorporation by reference section found in Regulation 3, Part A, Section I.A. ▪ Added GHG and CO₂e to list of acronyms. ▪ Revised definitions of GHG and carbon dioxide equivalent. ▪ Revised typographical, grammatical, and formatting changes. <p>Effective 12/15/2010.</p>	
CO12032010-2	Air SIP	11/22/2010	75 FR 71029	Final Rule	<p>U.S. Environmental Protection Agency</p> <p><u>Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-Hour Ozone NAAQS: "Interference With Maintenance" Requirement [40 CFR Part 52]</u></p> <p>Partially approves SIP revisions submitted by the state on 06/08/2009. EPA is approving portions of the SIP to meet the requirements of CAA Section 110(a)(2)(D)(i)(I)–Interstate Transport Regarding the 1997 8-Hour Ozone Standard addressing the "interference with maintenance" requirement that prohibits a state's emissions from interfering with maintenance of the NAAQS by any other state. Effective 12/22/2010.</p>	
CO12032010-3	Air Stationary Sources	11/25/2010	CO Register Vol. 33, No. 23	Final Rule	<p>Colorado Department of Public Health and Environment</p> <p><u>Air Quality Control Commission [5 CCR 1001]</u></p> <p>Announces adoption of amendments to 5 CCR 1001-5 Stationary Source Permitting and Air Pollutant Emission Notice Requirements that include the following:</p> <ul style="list-style-type: none"> ▪ Added regulation outline. ▪ Added new definitions of GHG and carbon dioxide equivalent. ▪ Revised major source definition. ▪ Revised new definition of subject to regulation consistent with EPA's GHG Tailoring Rule. ▪ Revised annual emission fees. ▪ Revised general permitting requirements to authorize the Division to issue synthetic minor permits for GHGs. ▪ Clarified Title V Operating Permit applications to include the reporting of GHG emissions. ▪ Revised BACT, major modification, major stationary source, and regulated NSR pollutant definitions. <p>Effective 12/15/2010.</p>	

2.4 Florida State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL12032010-1	Water Coastal and Aquatic Managed Areas	11/24/2010	FAW Notice #9367016	Notice Meeting	Florida Department of Environmental Protection Office of Coastal and Aquatic Managed Areas Announces a meeting via conference call of the Oceans and Coastal Resources Act. Meeting is scheduled for 12/13/2010.	
FL12032010-2	Water Nutrient Criteria	12/03/2010	FAW Notice #9438602	Notice Meeting	Florida Department of Environmental Protection EPA Science Advisory Board Nutrient Criteria Review Panel Announces a meeting to review and discuss the development of proposed numeric nutrient criteria for marine waters in Florida. Meeting is scheduled for 12/13/2010 in Washington, D.C.	
FL12032010-3	Water Onsite Sewage	11/24/2010	FAW Notice #9387968	Notice Meeting	Division for Environmental Health Bureau of Onsite Sewage Programs Announces a meeting to discuss the following items: <ul style="list-style-type: none"> ▪ Current, proposed, and potential future onsite sewage research projects ▪ Draft progress report for the Florida Onsite Sewage Nitrogen Reduction Strategies Study due in February 2011 ▪ Ranking for research priorities Meeting is scheduled for 12/10/2010 in Wimauma, Florida.	
FL12032010-4	Water SJRWMD	11/24/2010	FAW Notice #9402809	Notice Meeting	St. Johns River Water Management District Governing Board Meeting Announces a public meeting to discuss regulatory and non-regulatory matters. Meeting is scheduled for 12/14/2010 in Palatka, Florida.	
FL12032010-5	Water SJRWMD	11/24/2010	FAW Notice #9402518	Notice Meeting	St. Johns River Water Management District Projects and Land Committee Announces a workshop on the Committee's Strategic Plan, followed by a business meeting to discuss agenda items and recommendations to be approved by the full Governing Board. Meeting is scheduled for 12/13/2010 in Palatka, Florida.	

2.5 Louisiana State Regulatory Review

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

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and related operations in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD12032010-1	Administration Permits	12/03/2010	37:25 Md.R. 1766	Notice	Department of the Environment Proposed Calendar Year 2011 Standard Permit Application Turnaround Times Announces annual review and publication of standard permit application turnaround times for all types of permit applications. The permit types for 2011 can be found on MDE's website . Comments due 12/31/2010.	
MD12032010-2	Air SIP	12/03/2010	75 FR 72963	Notice Withdrawal	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions From Industrial Solvent Cleaning Operations; Withdrawal of Direct Final Rule [40 CFR Part 52] Due to receipt of adverse comments, withdraws the previous direct final rule (09/29/2010, 75 FR 59973) approving revisions to Maryland's SIP. This SIP revision would have adopted standards for industrial solvent cleaning operations that satisfy the reasonably available control technology requirements for sources of VOCs covered by control techniques guidelines. EPA will address comments in a future final action. Effective 11/29/2010.	
MD12032010-3	Water Well Construction	12/03/2010	37:25 Md.R. 1739	Notice Withdrawal	Department of the Environment Well Construction [COMAR 26.04.04] Withdraws proposal to replace regulations that were not addressed in previous regulations. New regulations would have included: <ul style="list-style-type: none"> • Allowing treatment for naturally occurring radionuclides and for fecal coliform bacteria in carbonate rock areas • Regulation of the hydrofracturing of wells and the construction of geothermal wells • Elimination of telescoped casing in new wells for domestic water supplies • Notification prior to certain construction activities • Language to clarify requirements Regulation will be re-proposed after comments are addressed. Further information on regulations under development is posed on MDE's website .	

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 related operations in New Mexico.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM12032010-1	Air GHGs	12/01/2010	NM Register Vol. XXI, p. 1139	Final Rule	Environmental Improvement Board Greenhouse Gas Cap-And-Trade Provisions [20.2.350 NMAC] Finalizes amendments to 20.2.350 NMAC–Greenhouse Gas Cap-And-Trade Provisions, which establish requirements for participation in GHG emissions cap-and-trade market. Effective 01/01/2011.	
NM12032010-2	Air SIP	11/26/2010	75 FR 72688	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of State Implementation Plans [40 CFR Part 52] Finalizes a SIP revision submitted by the State of New Mexico to address the “good neighbor” provisions of the CAA Section 110(a)(2)(D)(i) for the 1997 8-hour ozone NAAQS and the 1997 PM _{2.5} NAAQS. This SIP revision addresses the requirement that New Mexico’s SIP has adequate provisions to prohibit air emissions from adversely affecting another state’s air quality through interstate transport. Effective 12/27/2010.	
NM12032010-3	Water Ground and Surface Protection	12/01/2010	NM Register Vol. XXI, p.1137	Notice Hearing	Environmental Improvement Board Ground and Surface Water Protection [20.6.2 NMAC] Announces a public hearing to discuss proposed amendments to 20.6.2 NMAC–Ground and Surface Water Protection Regulations that would establish procedures governing state certification of federal permits under Section 401 of the CWA. Hearing is scheduled for 01/11/2011 in Santa Fe, New Mexico.	

2.9 Ohio State Regulatory Review

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

Tracking Number.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH12032010-1	Air SO ₂ Emissions	11/30/2010	OEPA DAPC News	Proposed Rule	Division of Air Pollution Control, Ohio Environmental Protection Agency Sulfur Dioxide Regulations [OAC Chapter 3745-18] Proposes amendments to SO ₂ regulations that would remove emission limits from the rules for air pollution sources at facilities that have been permanently shut down for more than 5 years. Revisions also include minor amendments to improve clarity. Further details regarding the proposed rule are available on the OEPA website . Comments due 01/07/2011.	

Tracking Number.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH12032010-2	Water WQS and NPDES Permitting	11/30/2010	OEPA DSW News	Proposed Rule	Division of Surface Water, Ohio Environmental Protection Agency Implementation of Water Quality Standards [OAC Chapter 3745-2], Ohio NPDES Permits [OAC Chapter 3745-33] Proposes the following amendments to OAC 3745-2 and 3745-33: <ul style="list-style-type: none"> • Revision to mixing zone requirements • Clarification on facilities required to obtain wastewater discharge permits • Revision to imposition of standards of performance for wastewater facilities • Revision to the fish tissue mercury value that may be used as an alternative to determine compliance with the mercury water quality standard • Clarification on use of 7-day average and daily limitations in discharge permits • Clarification on establishment of permit limitations based on design criteria • Revision to compliance schedule language to allow a "break in" period • Revision to minimum monitoring requirements for whole effluent toxicity testing Additional details regarding the proposed rule are available on the OEPA website . Comments due 01/06/2011.	

2.9.1 Best Available Technology (BAT) Records

The OEPA Division of Air Quality has updated the [BAT records](#) from the last update in 2006 to records entered for permits issued through June 2008.

2.10 Texas State Regulatory Review

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

2.10.1 Air Emissions Fee Rule Stakeholder Meeting

TCEQ will conduct a stakeholder meeting on 10 December 2010 to provide information regarding pending rulemaking for the air emissions fee rule. The air emissions fee rule is being revised to ensure adequate funds are generated to support the Title V program. The meeting will be held in Austin, Texas, and will be broadcast through teleconference at TCEQ regional offices. More information is available on the [TCEQ website](#).

2.10.2 Air Pollutant Watch List Protocol Comment Period

TCEQ recently announced a comment period for the new draft APWL protocol. The APWL was established to address air emissions in areas of the state where ambient air monitoring has indicated a potential health concern. The APWL's purpose is to reduce emissions by focusing TCEQ resources and heightening awareness for interested parties in areas of concern. The APWL protocol is a draft document that outlines the framework that TCEQ will follow for APWL issues, such as listing and delisting of APWL areas. The draft protocol is posted on the [TCEQ's APWL website](#). Comments regarding the draft APWL protocol are due 24 January 2011.

2.11 Utah State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT12032010-1	Waste Radioactive Waste	11/15/2010	UT Bull. Vol. 2010-23: DAR File No. 34240	Proposed Rule	<p>Division of Radiation Control; Department of Environmental Quality</p> <p>Technical Analyses [UAC R313-25-8]</p> <p>Proposes to require any facility that land disposes radioactive waste to complete and submit for review and approval a site-specific performance assessment before accepting radioactive waste that meets certain criteria. Currently, there is only one facility of this type in Utah, Energy Solutions, LLC. Comments due 01/02/2011.</p> <p>This rule change could indirectly affect the radioactive waste disposal for facilities in Utah that send waste to Energy Solutions, LLC.</p>	

2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and related operations in Virginia.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA12032010-1	Administration	12/03/2010	VDEQ website	Notice	<p>Virginia Department of Environmental Quality</p> <p>Announces availability of applications for the 2011 Virginia Governor's Environmental Excellence Awards. Applications due 01/07/2011.</p>	
VA12032010-2	Energy Wind Energy	11/22/2010	27:6 Va.R. 640-652	Final Rule	<p>Virginia Department of Environmental Quality</p> <p>Small Renewable Energy Projects (Wind) Permit by Rule [9VAC15-40]</p> <p>Requires VDEQ to develop permits by rule for wind-energy projects not exceeding 100 MW. Effective 12/22/2010.</p>	
VA12032010-3	Natural Resources CZM	12/01/2010	VDEQ website	Notice	<p>Virginia Coastal Zone Management Program</p> <p>Announces availability of the Draft Virginia Coastal Zone Management 2011-2016 Coastal Needs Assessment for public comment. Comments due 01/03/2011.</p>	
VA12032010-4	Water TMDLs	11/22/2010	27:6 Va.R. 652-657	Proposed Rule	<p>State Water Control Board</p> <p>Water Quality Standards [9VAC25-260]</p> <p>Proposes to incorporate by reference the EPA Chesapeake Bay Criteria Assessment Protocols Addenda, which is used to develop TMDLs for the Chesapeake Bay and its tidal rivers. Comments due 12/22/2010. Effective 01/06/2011.</p>	