

STATUS OF PREVIOUSLY REPORTED RULES
Federal

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| <u>EPA Approval of Maine's NPDES Program</u> | <p>EPA is proposing to approve the Maine DEP's request to implement its NPDES program in the territories of the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs, provided DEP submits and EPA approves a program addressing requirements related to cooling water intake structures under Section 316(b) of the Clean Water Act. This would supplement EPA's prior decision approving such authority in the territories of the Penobscot Indian Nation and Passamaquoddy Tribe.</p> | <p>Once EPA receives the updated NPDES regulations from the DEP, EPA will post a supplemental proposal for public comment. A final program is not expected for a number of months.</p> |
| <u>Estimating Exposures and Incremental Health Effects from Lead Due to Renovation, Repair, and Painting Activities in Public and Commercial Buildings</u> | <p>As part of its process for determining whether lead-based paint hazards are created by renovation, repair, and painting activities in public and commercial buildings, EPA is making the following documents available for public review and comment: "Approach for Estimating Exposures and Incremental Health Effects from Lead Due to Renovation, Repair, and Painting Activities in Public and Commercial Buildings" (the "Approach"); the detailed appendices for the Approach; and a supplementary report, entitled "Developing a Concentration-Response Function for Pb Exposure and Cardiovascular Disease Related Mortality." These documents describe a methodology for estimating exposures and incremental health effects created by renovations of public and commercial buildings.</p> | <p>Comments were due September 22, 2014.</p> |
| <u>Exemption from Permitting for Conservation Practices as "Normal Farming" Activities</u> | <p>EPA and the U.S. Army Corps of Engineers have announced the availability of an interpretive rule to address the exemption from permitting provided under section 404(f)(1)(A) of the Clean Water Act. This exemption applies to discharges of dredged or fill material associated with certain agricultural conservation practices that are based on the Natural Resources Conservation Service (NRCS) conservation practice standards, and which are designed and implemented to protect and enhance water quality. Specifically, the agencies have identified certain NRCS agricultural conservation practices that are appropriately considered "normal farming" activities and exempt from permitting under section 404(f)(1)(A). The agencies have also entered into a memorandum of understanding with NRCS to guide future coordination on the exemption. The list of practices, the memorandum of understanding, and the interpretive rule are available here.</p> | <p>Comments were due July 7, 2014.</p> |
| <u>Extension of Request for Scientific Views for Updated National Recommended Water Quality Criteria for the Protection of Human Health</u> | <p>EPA is extending the comment period for the draft updated national recommended water quality criteria for the protection of human health, which was announced in a previous notice entitled "Updated National Recommended Water Quality Criteria for the Protection of Human Health." In that notice, EPA updated its national recommended water quality criteria for human health for ninety-four chemical pollutants to reflect the latest scientific information and EPA policies. According to EPA, the draft updated criteria are based on EPA's current methodology for deriving human health criteria as described in "Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000)" and do not establish new policy. The purpose of the water quality criteria is to provide technical information for states and authorized tribes to establish water quality standards under the Clean Water Act to protect human health. The comment period is being extended due to a stakeholder request.</p> | <p>Comments were due August 13, 2014.</p> |
| <u>Notice of Availability of Draft NPDES General Permits for Non-Contact Cooling Water in Massachusetts and New Hampshire</u> | <p>EPA issued a final general permit for non-contact cooling water discharges from facilities located in Massachusetts and New Hampshire. The permit establishes Notice of Intent requirements, effluent limitations, standards, prohibitions, and, in some cases, best technology available requirements for facilities that discharge small amounts of non-contact cooling water in Massachusetts and New Hampshire.</p> | <p>The final permit takes effect November 3, 2014.</p> |
| <u>NPDES General Permit for Stormwater Discharges from Industrial Activities</u> | <p>EPA's Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 are proposing a 2013 National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from industrial activity (also known as the Multi-Sector General Permit). This draft permit is similar to the existing permit, and EPA proposes to issue it for five years. Among other changes, EPA plans to prepare an Environmental Assessment to analyze the environmental impacts of the permit. Electronic reporting will also be required.</p> | <p>The final permit is expected to be finalized in early 2015.</p> |

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| <p><u>NPDES General Permits for Discharges from Dewatering Activities in Massachusetts and New Hampshire: the Dewatering General Permit (DGP)</u></p> | <p>EPA New England has made available for comment draft National Pollutant Discharge Elimination System (NPDES) General Permits for dewatering activity discharges to certain waters of Massachusetts and New Hampshire. These General Permits will replace the existing Dewatering General Permits, which expired on September 30, 2013. The draft General Permits establish Notice of Intent requirements, effluent limitations, standards, prohibitions, and management practices for facilities with construction dewatering of groundwater intrusion and/or storm water accumulation from sites less than one acre and short-term and long-term dewatering of foundation sumps.</p> | <p>The Dewatering General Permit is expected to be finalized at the end of 2014.</p> |
| <p><u>Policy Regarding Voluntary Prelisting Conservation Actions</u></p> | <p>The U.S. Fish and Wildlife Service has announced a draft policy on crediting voluntary conservation actions taken for species prior to their listing under the Endangered Species Act (ESA). This policy seeks to give landowners, government agencies, and others incentives to carry out voluntary conservation actions for non-listed species by allowing benefits to the species from a voluntary conservation action undertaken prior to listing under the ESA to mitigate or to serve as a compensatory measure for the detrimental effects of another action after listing.</p> | <p>The comment deadline has been extended to November 6, 2014.</p> |
| <p><u>Release of Draft Integrated Review Plan for the Primary National Ambient Air Quality Standard for Sulfur Dioxide</u></p> | <p>EPA released for public review a draft document titled "<i>Integrated Review Plan for the Primary National Ambient Air Quality Standard for Sulfur Dioxide.</i>" The document lays out the plans for the review of the air quality criteria for sulfur oxides and the national ambient air quality standard for sulfur dioxide. These plans are intended to provide for the protection of public health from exposure to sulfur oxides in ambient air.</p> | <p>Comments were due April 17, 2014.</p> |
| <p><u>Revised Environmental Assessment and Incidental Take Plan for the Maine Department of Inland Fisheries and Wildlife's Trapping Program</u></p> | <p>On November 9, 2011, the U.S. Fish and Wildlife Service published a notice of availability of a draft environmental assessment (DEA) and receipt of an application for an incidental take permit pursuant to the Endangered Species Act (ESA), submitted by the Maine Department of Inland Fisheries and Wildlife (MDIFW), for the Maine Trapping Program Incidental Take Plan (ITP). MDIFW is requesting an incidental take permit under the ESA to authorize take of the federally threatened Canada lynx associated with MDIFW's statewide furbearer trapping program. The permit, if granted, would be in effect for 15 years. In response to comments received by EPA, MDIFW submitted a revised ITP and DEA in July of 2013. EPA is now issuing a notice of a 30-day supplemental comment period for both the revised ITP and the revised DEA.</p> | <p>Comments were due September 5, 2014.</p> |
| <p><u>Small MS4 NPDES General Permit for New Hampshire</u></p> | <p>EPA has issued a revised New Hampshire draft small municipal separate storm sewer systems (MS4) general permit. The general permit covers discharges of stormwater from municipalities and other publicly-owned systems in New Hampshire only. The proposed permit, which has been controversial, requires that stormwater is treated to the maximum extent practicable and that municipalities have in place programs such as educational and illicit discharge prevention plans.</p> | <p>EPA is currently responding to comments received.</p> |
| <p><u>Vapor Pollution Guidance Draft</u></p> | <p>EPA has published new draft guidance regarding vapor pollution from contaminated groundwater and soil into neighboring structures. The guidance would replace similar guidance documents released in 2002 that were never finalized. The guidance, which would apply to investigations and remedial actions at any contaminated site being analyzed under CERCLA or RCRA, include updated toxicity values, measures for determining when preemptive action is appropriate, and suggestions for operation and maintenance of mitigation systems. Among other things, one of the key issues is likely to be increased costs for testing.</p> | <p>EPA is working to finalize the guidance document.</p> |
| <p><u>Definition of "Waters of the United States" Under the Clean Water Act, 33 C.F.R. Part 328; 40 C.F.R. Parts 110, 112, 116, 117, 122, 230, 232, 300, 302, 401</u></p> | <p>EPA and the U.S. Army Corps of Engineers have publishing for public comment a proposed rule defining the scope of waters protected under the Clean Water Act. This rule is being proposed in response to the U.S. Supreme Court's decisions in <i>U.S. v. Riverside Bayview</i>, <i>Rapanos v. United States</i>, and <i>Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers</i>. Among other things, the proposed rule would determine that tributaries and their adjacent waters are automatically jurisdictional, and thus no longer require case-by-case review under the significant nexus test laid out in <i>Rapanos</i>. Jurisdiction over other types of waters, including non-adjacent wetlands, will still require a case-by-case review.</p> | <p>The comment deadline was extended to November 14, 2014.</p> |

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| <p><u>Data Requirements Rule for the One-Hour Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS), 40 C.F.R. Part 51</u></p> | <p>EPA is proposing a rule that will direct state and tribal air agencies to provide data to characterize current air quality in areas with large sources of SO₂ emissions. This proposed rule will only apply to areas that do not have sufficient air quality monitoring in place to identify maximum 1-hour SO₂ concentrations. The proposed rule also lays out criteria for identifying sources around which air agencies would need to characterize SO₂ air quality. Finally, the proposed rule describes a process and timetables by which air agencies would characterize air quality around sources through ambient monitoring and air quality monitoring techniques and submit such data to EPA.</p> | <p>A final rule is expected in early 2015.</p> |
| <p><u>Withdrawal of the Prior Determination or Presumption That Compliance With the CAIR or the NO_x SIP Call Constitutes RACT or RACM for the 1997 8-Hour Ozone and 1997 Fine Particle NAAQS, 40 C.F.R. Part 51</u></p> | <p>EPA is proposing to withdraw any prior determination or presumption, for the 1997 8-hour ozone NAAQS and the 1997 fine particle (PM_{2.5}) NAAQS, that compliance with the Clean Air Interstate Rule (CAIR) or the NO_x SIP Call automatically constitutes reasonably available control technology (RACT) or reasonably available control measures (RACM) for oxides of nitrogen (NO_x) or sulfur dioxide emissions from electric generating unit sources participating in these regional cap and trade programs. This action is based on a petition for reconsideration of the prior determinations and/or presumptions filed with EPA in June 2007. The petition raised concerns regarding the process by which the prior determinations and/or presumptions were made.</p> | <p>Comments were due August 14, 2014.</p> |
| <p><u>Approval of Maine SIP for Volatile Organic Compound Regulations, 40 C.F.R. Part 52</u></p> | <p>EPA is proposing to approve four State Implementation Plan (SIP) revisions submitted by the State of Maine. These revisions establish reasonably available control technology (RACT) for two categories of volatile organic compound (VOC) sources: compounds from adhesives and sealants and compounds from flexible package printing. The revisions also amend two existing VOC RACT regulations that were previously approved into Maine's SIP: Chapter 11 Petroleum Liquid Storage Vapor Controls and Chapter 112 Bulk Terminal Petroleum Liquid Transfer Requirements.</p> | <p>Comments were due September 8, 2014.</p> |
| <p><u>Approval of New Hampshire SIP for Nitrogen Oxides and Volatile Organic Compounds, 40 C.F.R. 52</u></p> | <p>EPA has issued a direct final rule to approve SIP revisions submitted by the State of New Hampshire. These revisions contain an updated regulation establishing RACT for sources of nitrogen oxides (NO_x) and four updated source-specific orders for either VOC or NO_x RACT.</p> | <p>The rule takes effect October 20, 2014.</p> |
| <p><u>Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 40 C.F.R. Part 60</u></p> | <p>EPA is proposing emission guidelines for states to utilize in development of plans to address greenhouse gas emissions from existing fossil fuel-fired electric generating units. Specifically, EPA is putting forward state-specific rate-based goals for carbon dioxide emissions from the power sector, as well as guidelines for states to follow in developing plans to achieve the state-specific goals. EPA based its calculation for each state's goal on numerous factors, including a state's fuel mix and electricity market. States will have flexibility in how they go about achieving their goals, as the proposed rule does not prescribe how a state should meet its goal. States will also have the option of collaborating with other states on multi-state plans.</p> | <p>Comments were due October 16, 2014.</p> |
| <p><u>Carbon Pollution Standards for Modified and Reconstructed Stationary Sources: Electric Utility Generating Units, 40 C.F.R. Part 60</u></p> | <p>EPA is proposing new standards of performance for emissions of greenhouse gases from affected modified and reconstructed fossil fuel-fired electric utility generating units. Specifically, EPA is proposing standards to limit emissions of carbon dioxide from affected modified and reconstructed utility steam generating units and from natural gas-fired stationary combustion turbines. These standards will affect (1) modified fossil fuel-fired utility boilers and IGCC units, (2) modified natural gas-fired stationary combustion turbines, (3) reconstructed fossil fuel-fired utility boilers and IGCC units, and (4) reconstructed natural gas-fired stationary combustion turbines.</p> | <p>The comment deadline has been extended to December 1, 2014.</p> |
| <p><u>Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, 40 C.F.R. Part 60</u></p> | <p>EPA is issuing an Advanced Notice of Proposed Rulemaking to request public input on methods to reduce emissions from existing municipal solid waste landfills. Specifically, EPA is considering current land emission guidelines to determine whether additional reductions of emissions are warranted. EPA is also seeking input on whether it should regulate methane (which is one component of landfill emissions) directly. Other topics that EPA seeks to address include the definition of landfill gas treatment systems and requirements for closed areas of landfills.</p> | <p>Comments were due September 15, 2014.</p> |
| <p><u>Gaseous HCl Continuous Emission Monitoring Systems at Stationary Sources, 40 C.F.R. Part 60</u></p> | <p>EPA is proposing performance and test procedures for hydrogen chloride (HCl) continuous emission monitoring systems (CEMS). These procedures are being proposed to provide sources and regulatory agencies with criteria and test procedures for evaluating the acceptability of HCl CEMS. EPA is also proposing quality assurance procedures for HCl CEMS used for compliance determination at stationary sources. These procedures specify the minimum quality assurance requirements necessary for the control and assessment of the quality of continuous emission monitoring systems data submitted to EPA.</p> | <p>EPA is reviewing comments received and expects to finalize the rule by mid-2015.</p> |

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| <p><u>Performance Standards for Stationary Gas Turbines and Stationary Combustion Turbines, 40 C.F.R. Part 60</u></p> | <p>EPA has proposed amendments to the new source performance standards for stationary gas turbines and stationary combustion turbines. The changes are intended to address concerns raised by the regulated community. Potential changes would affect, among other things, the applicability provisions, the NOx emissions standard, and the SO2 emissions standard.</p> | <p>A final rule is expected in early 2015.</p> |
| <p><u>Standards of Performance for Municipal Solid Waste Landfills, 40 C.F.R. Part 60</u></p> | <p>EPA is proposing a new subpart for 40 C.F.R. Part 60 that updates the Standards of Performance for Municipal Solid Waste Landfills. Under the Clean Air Act, EPA must review and, if appropriate, revise standards of performance every eight years. This review of the standards for municipal solid waste landfills applies to landfills that commence construction, reconstruction, or modification after July 17, 2014. Among other things, the proposed standards reflect changes to the population of landfills and an analysis of the timing and methods used for reducing emissions. Other issues addressed include (1) thresholds for installing controls, (2) landfill gas treatment, (3) startup, shutdown and malfunction, and (4) clarification on when landfill owners or operators must submit corrective action timeline requests.</p> | <p>Comments were due September 15, 2014.</p> |
| <p><u>Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, and New Residential Masonry Heaters, 40 C.F.R. Part 60</u></p> | <p>EPA has issued a notice of data availability in support of the proposed rule titled "Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces" that was published on February 3, 2014. Through this notice, EPA is making available the following: (1) additional details of certification testing (using crib wood) of wood stoves and pellet stoves certified by EPA between January 1, 2010 and May 30, 2014; (2) details of cord wood testing by two manufacturers of their EPA-certified catalytic wood stoves; and (3) details of cord wood testing by Brookhaven National Laboratory, under contract to the EPA, of an EPA-certified non-catalytic wood stove. The new comment period is limited to comments on the specific new information being made available and issues that relate to this information.</p> | <p>Comments were due July 31, 2014.</p> |
| <p><u>Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units, 40 C.F.R. Parts 60, 70, 71, 98</u></p> | <p>EPA has withdrawn its April 13, 2012, proposal for a new source performance standard for emissions of carbon dioxide for new affected fossil fuel-fired electric utility generating units. EPA is now proposing new standards, with a separate standard of performance for fossil fuel-fired electric utility steam generating units and integrated gasification combined cycle units that burn coal, petroleum coke, and other fossil fuels that is based on partial implementation of carbon capture and storage, as the best system of emission reduction.</p> | <p>A final rule is expected in early 2015.</p> |
| <p><u>Approval of Revised New Hampshire Plan for Large and Small Municipal Waste Combustors, 40 C.F.R. 62</u></p> | <p>EPA has issued a direct final rule approving the Clean Air Act Section 111(d)/129 State Plan revisions for large and small municipal waste combustors (MWCs) submitted by the New Hampshire DES on January 29, 2009, with amendments submitted on February 13, 2009. The revised plan was submitted in response to amended emission guidelines (EGs) and new source performance standards for large MWCs promulgated by EPA on May 10, 2006, and the strengthening of emission limits on small MWCs enacted by the New Hampshire General Court in 2005. EPA's newly-promulgated standards include revised emission limits for dioxin/furan (only for units equipped with electrostatic precipitators), mercury, cadmium, lead, particulate matter, and nitrogen oxides. The standards also contain revisions to the compliance testing provisions to require increased data availability from continuous emissions monitoring systems.</p> | <p>The rule takes effect November 3, 2014.</p> |
| <p><u>NESHAP for Off-Site Waste and Recovery Operations, 40 C.F.R. Part 63</u></p> | <p>EPA is proposing amendments to the national emission standards for hazardous air pollutants for off-site waste and recovery operations. These changes are being made to address the results of the Agency's residual risk and technology review under the Clean Air Act. The amendments will change the requirements for leak detection and repair. Other changes include, but are not limited to, revised regulatory provisions pertaining to emissions during periods of startup, shutdown and malfunction; the addition of requirements for electronic reporting of performance test results; and revisions to routine maintenance provisions.</p> | <p>Comments were due August 18, 2014.</p> |
| <p><u>Extension of the Reformulated Gasoline Program to Maine's Southern Counties, 40 C.F.R. Part 80</u></p> | <p>EPA is proposing to extend the Clean Air Act's (CAA) prohibition against the sale of conventional gasoline in reformulated gasoline (RFG) areas to the Maine counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln. The proposal is based on a request from Governor LePage to extend the aforementioned prohibition to areas within Maine's ozone transport region established under the CAA. Under EPA's proposal, the prohibition on the sale of conventional gasoline in the affected counties will commence on May 1, 2015, for most regulated entities in these counties, and on June 1, 2014, for retailers and wholesale purchaser-customers.</p> | <p>Comments were due September 29, 2014.</p> |

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| <p><u>Greenhouse Gas Reporting Program: Addition of Global Warming Potentials, 40 C.F.R. Part 98</u></p> | <p>EPA is proposing to add chemical-specific and default global warming potentials (GWPs) for a number of fluorinated greenhouse gases (GHGs) and fluorinated heat transfer fluids (HTFs) to the general provisions of the Greenhouse Gas Reporting Rule. Specifically, EPA is proposing to amend Table A-1 to Subpart A of 40 C.F.R. Part 98, the compendium of GWPs used to calculate carbon-dioxide equivalents under the Greenhouse Gas Reporting Program, to add chemical specific GWPs for 103 fluorinated GHGs. EPA is also proposing to amend Table A-1 to add default GWPs for fluorinated GHGs and fluorinated HTFs for which peer-reviewed GWPs are not available. Conforming changes to Subparts I and L are also proposed.</p> | <p>Comments were due September 2, 2014.</p> |
| <p><u>Greenhouse Gas Reporting Program: Amendments and Confidentiality Determinations for Fluorinated Gas Production, 40 C.F.R. Part 98</u></p> | <p>EPA has extended the public comment period for this proposal. Originally put forth on November 19, 2013, the proposal would amend certain provisions of the fluorinated gas production source category of the greenhouse gas reporting rule. The changes would reduce the level of detail in which emissions are reported, establish a new set of default global warming potentials, eliminate the mass-balance emission calculation method, and clarify the emission factor method. Also being proposed are confidentiality determinations for the new and substantially revised reporting requirements of the fluorinated gas production source category.</p> | <p>EPA is reviewing the comments received.</p> |
| <p><u>NPDES Electronic Reporting Rule, 40 C.F.R. Parts 122, 123, 127, 403, 501, 503</u></p> | <p>The regulation being considered would require electronic reporting for current paper-based NPDES reports. EPA believes that the regulation will save time and resources for permittees, states, tribes, territories, and EPA. Permittees would need to use existing, available information technology to electronically report information and data related to the NPDES program, as opposed to filing written reports.</p> | <p>A final rule is expected in late 2014.</p> |
| <p><u>Water Quality Standards Regulatory Clarifications, 40 C.F.R. Part 131</u></p> | <p>EPA is proposing a new rule that would change the federal water quality standards regulation, which helps implement the Clean Water Act. The proposed rule addresses the following program areas: Administrator's determinations that new or revised water quality standards (WQS) are necessary, designated uses, triennial reviews, antidegradation, variances to WQS, and compliance schedule authorizing provisions. Among other changes, states and tribes would be required to conduct an alternatives analysis when authorizing declines in water quality. The rule would also require that states and tribes make their implementation methods available to the public.</p> | <p>A final rule is expected in mid-2015.</p> |
| <p><u>Effluent Limitation Guidelines for the Steam Electric Power Generating Category, 40 C.F.R. Part 423</u></p> | <p>EPA has proposed new effluent limitation guidelines to regulate wastewater discharges from certain steam electric power plants. EPA states that its intent is to reduce the amount of toxic metals and other pollutants discharged to surface waters from power plants, and is considering several regulatory options as part of the rulemaking. The rule would amend the existing technology-based effluent limitation guidelines for most such plants, although there are exclusions for smaller generators (i.e., 50 megawatt). The current rulemaking proposes one option for new sources and four different options for existing sources.</p> | <p>Under a consent decree, the deadline for EPA to publish a final rule has been extended to September 2015.</p> |
| <p><u>Lead-Based Paint Hazards from Renovation, Repair, and Painting Activities in Public and Commercial Buildings, 40 C.F.R. Part 745</u></p> | <p>EPA is making the following document available for public review and comment: "Framework for Identifying and Evaluating Lead-Based Paint Hazards From Renovation, Repair, and Painting Activities in Public and Commercial Buildings." The Framework lays out an approach to be used for identifying and evaluating hazards created by renovations of public and commercial buildings. The Framework also describes how the analyses would be performed, and presents results of some preliminary analyses that evaluated the impact of different variables on exposure estimates for young children.</p> | <p>Comments were due June 30, 2014.</p> |
| <p><u>Formaldehyde Emissions for Composite Wood Products, 40 C.F.R. Part 770</u></p> | <p>Pursuant to Title VI of the Toxic Substances Control Act, EPA has proposed new standards for formaldehyde emissions for the composite wood products sector. The proposal would implement standards that are already in place in California for hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (including imported) in the United States. Among other things, the rule would limit how much formaldehyde may be emitted from composite wood products and establish a third-party certification framework.</p> | <p>A final rule is expected in late 2014.</p> |
| <p><u>Proposed Threatened Status for the Rufa Red Knot, 50 C.F.R. Part 17</u></p> | <p>USFWS is proposing to list the rufa red knot (<i>Calidris canutus rufa</i>) as a threatened species under the Endangered Species Act. The rufa red knot is a medium-sized shore bird about 9-11 inches in length. It passes through north Atlantic coastal areas as it migrates from its breeding grounds in the Canadian Arctic to several southern wintering regions.</p> | <p>A final determination is expected shortly.</p> |

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| <p><u>Board of Pesticides Control Rules, Chs. 20, 22, 28, 31, 32, 33, 41</u></p> | <p>The Board of Pesticides Control is proposing amendments to seven of its rule chapters: Chapter 20, Special Provisions; Chapter 22, Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition; Chapter 28, Notification Provisions for Outdoor Pesticide Applications; Chapter 31, Certification and Licensing Provisions/Commercial Applicators; Chapter 32, Certification and Licensing Provisions/Private Applicator; Chapter 33, Certification & Licensing Provisions/Private Applicators of General Use Pesticides (Agricultural Basic License); and Chapter 41, Special Restrictions on Pesticide Use. The changes will, among other things, (1) add a policy requiring applicators to positively identify application sites in a manner approved by the Board, (2) exempt certain applications from commercial licensing requirements, and (3) eliminate the requirement of identifying sensitive areas for biting fly and tick applications.</p> | <p>The Board is reviewing comments received.</p> |
| <p><u>Coastal Sand Dune Rules, DEP Ch. 355</u></p> | <p>DEP is proposing to repeal and replace existing provisions of its Coastal Sand Dune Rules that allow the reconstruction of existing structures in a frontal dune if the dune is protected by a seawall and other conditions are met. The new rules are more restrictive, as they contain numerous new requirements that must be met for reconstruction to take place. These include the requirement that the existing structure must have been constructed after August 1, 1983. In addition, going forward, reconstructed structures may neither have a footprint of more than 2,500 square feet nor be more than 35 feet in height.</p> | <p>Comments were due August 1, 2014.</p> |
| <p><u>Designation of Four Members of the Chemicals Class Phthalates as Priority Chemicals, DEP Ch. 888</u></p> | <p>DEP is proposing to designate four members of the chemical class phthalates as priority chemicals. This will allow DEP to require reporting for certain product categories that contain one or more of these regulated phthalates above de minimis levels. Specifically, this new rule will apply to manufacturers of specified product categories that contain intentionally added di92-ethylhexyl phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), or diethyl phthalate (DEP).</p> | <p>Comments were due September 29, 2014.</p> |
| <p><u>Guidelines for Municipal Shoreland Zoning Ordinances, DEP Ch. 1000</u></p> | <p>DEP is proposing to amend its rules regarding minimum standards for municipal shoreland zoning ordinances to incorporate a number of revisions recommended by stakeholders during a 2011 stakeholder process and legislative amendments to the program. Among other things, the proposed changes will (1) explicitly exempt the removal of non-native invasive plant species from clearing restrictions within the shoreland zone, (2) exempt naturally-existing ledge and rock outcrops when calculating the non-vegetated surface area of a lot, and (3) utilize a total "footprint" metric for expansions, when determining special permit exceptions in lieu of the current "total ground floor area" metric.</p> | <p>Comments were due September 26, 2014.</p> |
| <p><u>Endangered and Threatened Species, DIFW Ch. 8</u></p> | <p>The Maine Department of Inland Fisheries and Wildlife is proposing to recommend additions and modifications to the list of endangered and threatened species to the Maine State Legislature for their consideration and approval. The proposed changes include the addition of six new species to either the endangered or threatened list, including three bats and three invertebrates. Little Brown Bats and Northern Long-eared Bats are proposed for endangered status, while the Eastern Small-footed Bat is proposed to be classified as threatened. The three invertebrates are all proposed to be classified as endangered, and they include a butterfly, a land snail, and a beetle.</p> | <p>Comments were due August 15, 2014.</p> |
| <p><u>Permit-By-Rule Regulations for Aboveground Utility Facilities and Utility Accommodation Rules, DOT Chs. 205, 210</u></p> | <p>DOT is proposing to repeal and replace its Utility Accommodation Rules and to repeal, relocate, and amend its Permit-By-Rule Regulations for Aboveground Utility Facilities. Together, these rules set standards for permitting and locating utility facilities within the corridors of all state and state-aid highways. Major revisions to these rules include the insertion of permit-by-rule regulations, insertion of a highway opening policy, and a clearer delineation of financial responsibility for utility relocation work and project delay claims. Minor revisions to the rules include revisions related to tree trimming requirements, the use of metal gate valve boxes, and directional drill tip instrument requirements.</p> | <p>The rules took effect October 14, 2014.</p> |

Massachusetts

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| <p><u>Proposed Stage I & Stage II Vapor Recovery Amendments, 310 C.M.R. 7.00, 7.24</u></p> | <p>MassDEP is proposing to amend 310 C.M.R. 724 and 310 C.M.R. 7.00 to require removal of Stage II vapor recovery systems and the addition of enhancements of Stage I vapor recovery requirements at gasoline dispensing facilities. MassDEP states that it is taking this action because most vehicles are now equipped with on-board refueling vapor recovery so that Stage II systems are no longer providing additional emission reductions, and because Stage I system technology has improved to be more effective at capturing vapors.</p> | <p>Comments were due March 31, 2014.</p> |
| <p><u>Proposed Wetlands Regulation Changes, 310 C.M.R. 10.00</u></p> | <p>MassDEP is proposing to amend its wetland regulations to authorize the Commissioner of MassDEP to issue severe weather emergency declarations. When issued, these declarations will allow certain emergency work in wetlands without the filing of a notice of intent. The new authority is intended to facilitate prompt response when work is needed to restore power, clear roadways, repair infrastructure, and remove fallen trees. Declarations will describe mitigating measures required for emergency work, include any notification and reporting requirements, describe the geographic area of the declaration's effect, and limit the declaration's effective period, which cannot be longer than 3 months unless extended by the Commissioner.</p> | <p>Comments were due February 24, 2014.</p> |
| <p><u>Massachusetts Underground Storage Tank Program, 310 C.M.R. 80.00</u></p> | <p>MassDEP is proposing new regulations for the Underground Storage Tank (UST) Program. These new regulations are being proposed because the UST program has been transferred from the Department of Fire Services (DFS) to MassDEP. The new regulations have been designed to cover all requirements in the EPA regulations and to address additional environmental issues that are uniquely important to Massachusetts, including additional delivery prohibitions that are not found in EPA's regulations.</p> | <p>Comments were due March 31, 2014.</p> |

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| <p><u>Registration Fee for Emergency Generators and Emission-Based Fee, DES Env-A 702, 705</u></p> | <p>Under current DES Rules (Env-A 702.05 and 705.01), owners operating emergency generators/emergency engines under the applicable General State Permit (GSP-EGs) are required to submit an annual emissions report and pay an annual emission-based fee. DES is proposing to amend these rules to eliminate the requirement to file an annual emissions report and to replace the annual emission-based fee with a once-every-5-years registration fee. In addition, ENV-A 705.06, relative to the NOx Emissions Reduction Fund fee, is being repealed because the statutory authority for the rule, RSA 125-J:13, was repealed effective January 1, 2014.</p> | <p>Comments were due August 22, 2014.</p> |
| <p><u>Annual Reporting Requirements for Certain Sources of Air Pollution, DES Env-A 907</u></p> | <p>DES is proposing to amend its rules regarding reporting requirements for certain sources of air pollution to change the annual report applicability threshold so that smaller sources (operating under general state permits and permit-by-notifications) are not required to submit an annual report. For sources that will still be required to submit the annual report, the revised rules will establish a tiered system by which all sources report a limited subset of emissions, with additional pollutants required to be included only for sources that meet certain thresholds.</p> | <p>Comments were due August 22, 2014.</p> |
| <p><u>Asbestos Management and Control Amendments, DES Env-A 1800</u></p> | <p>DES is proposing to amend its rules regarding asbestos management and control to, among other things, (1) amend the definition of facility to include "utility infrastructure"; (2) add a definition of "utility infrastructure"; (3) delete the requirement for facilities to submit the social security number of each supervisor; (4) require abated Regulated Asbestos-Containing Material to be removed from a worksite within 30 days of completion of abatement work; and (5) clarify certain transportation/disposal requirements.</p> | <p>The rule is expected to be reviewed at the JLCAR's meeting on October 16, 2014.</p> |
| <p><u>Emission Standards Applicable to Tangential-Firing, Dry-Bottom Boilers, DES Env-A 2302.02(c)</u></p> | <p>DES is proposing to amend Env-A 2302.02, which establishes emission standards that apply to tangential-firing, dry-bottom boilers, to comply with EPA's conditional approval of New Hampshire's regional haze SIP. EPA's approval of the SIP was based in part on the condition that DES revise the Newington Station total suspended particulate (TSP) limit to impose a more stringent TSP limit. The amended rule will be submitted to EPA for approval.</p> | <p>Comments were due October 1, 2014.</p> |
| <p><u>VOC Limits for Architectural and Industrial Maintenance Coatings, DES Env-A 4200</u></p> | <p>DES is proposing to readopt its rules in Env-A 4200. These rules implement the requirement established in RSA 125-C:6, XVII and RSA 485:16-c to reduce emissions of volatile organic compounds by establishing caps on VOC content of architectural and industrial maintenance coatings. The rules are being readopted with only minor clarifications.</p> | <p>Comments were due July 18, 2014.</p> |

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| <p><u>Administrative Fine Procedures, DES Env-C 601-605</u></p> | <p>DES is proposing to readopt and revise its procedures for administrative fine cases. The rules will be renumbered from Env-C 601 to Env 601-605. The other amendments are largely procedural in nature, and will separate field citations from other administrative fine cases.</p> | <p>A public hearing is scheduled for October 17, 2014, and comments are due October 29, 2014.</p> |
| <p><u>Groundwater Reclassification, DES Env-Dw 901</u></p> | <p>DES is proposing to readopt and revise its rules in Env-Dw 901, which implement the voluntary groundwater classification program established in RSA 485-C. Revisions are being proposed to improve clarity by editing existing language, adding language where needed, identifying statutory requirements more clearly, and reorganizing existing provisions.</p> | <p>Comments were due September 30, 2014.</p> |
| <p><u>Drinking Water State Revolving Fund Program, DES Env-Dw 1100</u></p> | <p>DES is proposing to readopt and revise its existing rules regarding its participation in federally funded drinking water revolving loan funds or grants under the Safe Drinking Water Act. The proposed amendments will, among other things, incorporate federal requirements that are new or modified since the rules were last readopted, including requirements to (1) develop and follow an asset management and renewal program to demonstrate compliance with the federal requirement only to make loans to systems with adequate technical, financial, and managerial ability, (2) provide information with the pre-application to determine eligibility for "disadvantaged community" status, (3) allow disadvantaged communities to select a 30-year repayment term if the project has an expected design life of 30 years or more, (4) allow privately-owned entities an option to provide loan security in lieu of a dedicated funding source, (5) require loan agreements and contract documents to authorize DES to access a recipient's records, and (6) provide loan subsidies to disadvantaged communities.</p> | <p>Comments were due August 27, 2014.</p> |
| <p><u>Hazardous Waste Wipes and Tanks, DES Env-Hw 401, 508, 509, 707, 1110</u></p> | <p>DES is proposing to amend certain sections of its hazardous waste rules to incorporate new federal exclusions for solvent-contaminated wipes and to update state requirements for the inspection of hazardous waste storage tanks that are operated by hazardous waste generators, hazardous waste facilities, or handlers of universal waste pesticides. The proposed rules are more stringent than the applicable federal rules in three areas. First, the proposed rules would require a generator to keep records of the name and address of each facility that has received the wipes for the prior three years and documentation that for the past three years wipes have been sent for cleaning or disposal within 180 days of generation. (EPA requires the generator to maintain information only about the facility currently receiving the wipes and documentation of compliance with the 180-day time limit.) Second, the proposed rules would prohibit the disposal of wipes in New Hampshire solid waste landfills, but would allow disposal in New Hampshire solid waste combustion facilities and in solid waste landfills and combustion facilities in other states that have adopted the federal exclusion. Third, the proposed rules prohibit the use of wipes to clean-up spills of more than 12 fluid ounces, to prevent improper use of the exemption to avoid disposal of free liquids as hazardous waste. This rulemaking includes a proposed rule to adopt EPA provisions that allow for weekly inspections of hazardous waste tank systems (as opposed to daily) if the operator of the tank either uses leak detection equipment or has established workplace practices to ensure leaks are promptly identified.</p> | <p>Comments were due September 12, 2014.</p> |
| <p><u>Clean Lakes Program, DES Env-Wq 1300</u></p> | <p>DES is proposing to readopt and revise its Clean Lakes Program Rules in Env-Wq 1300, which regulate the use, distribution, and sale of exotic aquatic weeds and establish a program to limit the eutrophication of lakes and ponds. Among other things, the proposed revisions will add three species to the list of prohibited exotic aquatic weeds: salvinia molesta (commonly referred to as giant salvinia), eichornia crassipes (commonly referred to as water hyacinth), and postia stratiotes (commonly referred to as water lettuce).</p> | <p>The rule was expected to be reviewed at the JLCAR's meeting on October 16, 2014.</p> |
| <p><u>Compliance Schedules in NPDES Permits, DES Env-Wq 1701</u></p> | <p>EPA has asserted that it cannot incorporate compliance schedules into NPDES permits it issues for discharges to New Hampshire waters unless New Hampshire's surface water quality standards specifically authorize such compliance schedules. Because of this, DES is proposing to adopt a rule that explicitly authorizes a compliance schedule to be included in any NPDES permit issued or renewed for a discharge to New Hampshire surface waters.</p> | <p>A public hearing was held October 9, 2014, and comments were due October 17, 2014.</p> |