

## STATUS OF PREVIOUSLY REPORTED RULES

### Federal

<a href="#">Draft Integrated Science Assessment for Oxides of Nitrogen – Health Criteria</a>	<p>EPA has announced an extension of the public comment period for the second external review draft of a document titled, "Second External Draft Integrated Science Assessment for Oxides of Nitrogen – Health Criteria."</p>	<p>A final document is expected soon.</p>
<a href="#">EPA Approval of Maine’s NPDES Program</a>	<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>
<a href="#">Estimating Exposures and Incremental Health Effects from Lead Due to Renovation, Repair, and Painting Activities in Public and Commercial Buildings</a>	<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>EPA has not yet set a timeline for implementing the regulations.</p>
<a href="#">Notice of Availability of Draft NPDES General Permit for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems in Massachusetts</a>	<p>EPA is making available for comment a draft National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from small municipal separate storm sewer systems (MS4s) to certain waters of Massachusetts. This draft permit establishes notice of intent requirements, prohibitions, and management practices for stormwater discharges from small MS4s. While the notice refers to a singular draft permit, EPA is proposing to reissue the following three permits: (1) MAR041000 – traditional cities and towns; (2) MAR042000 – non-traditional state, federal, county and other publicly owned systems; and (3) MAR043000 – non-traditional transportation systems. This draft makes changes to the two draft small MS4 general permits issued in 2010. These include, but are not limited to, provisions addressing discharges to impaired waters with and without an approved total maximum daily load and illicit discharge detection elimination, and monitoring provisions. The draft permit has also been revised to provide for coverage to MS4s that became subject to NPDES permit requirements with the issuance of updated urbanized area delineations based on the results of the 2010 Census.</p>	<p>EPA expects to issue a final permit this year.</p>
<a href="#">Notice of Availability of the EPA’s Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard</a>	<p>EPA is providing notice that interstate ozone transport modeling and associated data and methods are available for public review and comment. These data and methods will be used to inform a rulemaking proposal that EPA is developing and expects to release later this year to address interstate ozone transport for the 2008 ozone national ambient air quality standards (NAAQS). The available information includes (1) emission inventories for 2011 and 2017, supporting data used to develop those emission inventories, methods and data used to process emission inventories into a form that can be used for air quality modeling; and (2) base year 2011 and projected 2017 ozone concentrations and projected 2017 ozone state contribution data at individual ozone monitoring sites based on air quality modeling, supporting data including 2009-2013 base period and 2017 projected ozone design values, and methods used to process air quality model outputs to calculate 2017 ozone concentrations and contributions at individual monitoring sites.</p>	<p>The comment deadline was extended to October 23, 2015.</p>
<a href="#">Notice of Availability of Draft Scientific Assessment</a>	<p>EPA is announcing, on behalf of the United States Global Change Research Program, the availability of the "Draft Impacts of Climate Change on Human Health in the United States: A Scientific Assessment" for a sixty-day public review. This document responds to a 1990 Congressional mandate to periodically produce National Climate Assessments and to assist the nation in understanding, assessing, predicting, and responding to human-induced and natural processes of global change. The particular purpose of this document is to provide an estimation of observed and projected climate change related health impacts in the United States.</p>	<p>The document is expected to be finalized in early 2016.</p>

<a href="#">Policy Regarding Voluntary Prelisting Conservation Actions</a>	<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 Services expects to finalize the policy in early 2016.</p>
<a href="#">Release of Risk and Exposure Assessment for the Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide</a>	<p>EPA is currently reviewing the primary National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO<sub>2</sub>). In connection with this review, EPA will make available for public review and comment the document titled "Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide: Risk and Exposure Assessment Planning Document" (the "REA Planning Document"). This REA Planning Document considers the degree to which important uncertainties identified in quantitative analyses from previous reviews have been addressed by newly available scientific evidence, tools, or information, including those in the second draft ISA. Based on these considerations, the document reaches preliminary conclusions on the extent to which updated quantitative analyses of exposures or health risks are warranted in the current review. For updated analyses that are supported, this planning document presents anticipated approaches to conducting such analyses and, where appropriate, preliminary results. Click <a href="#">here</a> for a link to the document available on the EPA's Technology Transfer Network website.</p>	<p>EPA expects to release a first draft by summer 2016.</p>
<a href="#">Small MS4 NPDES General Permit for New Hampshire</a>	<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 elicit discharge prevention plans.</p>	<p>The comment period was extended to November 20, 2015.</p>
<a href="#">National Ambient Air Quality Standards for Lead, 40 C.F.R. Part 50</a>	<p>EPA is proposing to retain the current national ambient air quality standards for lead without revision. EPA's decision not to revise the standards is based on EPA's latest review, which took into account scientific information published through September of 2011.</p>	<p>The rule is expected to be finalized in early 2016.</p>
<a href="#">National Ambient Air Quality Standards for Ozone, 40 C.F.R. Parts 50, 51, 52, 53, 58</a>	<p>EPA is proposing revisions to the primary and secondary national ambient air quality standards for ozone. Under the proposal, both the primary and secondary standards will be revised to a level within the range of .065 to .070 parts per million. Among many other things in what is an extensive rulemaking, EPA is also proposing to make corresponding revisions in data handling conventions for ozone and conforming changes to the Air Quality Index; to revise regulations for the prevention of significant deterioration program to add a transition provision for certain applications, and to propose schedules and convey information related to implementing any revised standards.</p>	<p>The rule takes effect December 28, 2015.</p>
<a href="#">Fine Particulate Matter NAAQS: State Implementation Plan Requirements, 40 C.F.R. Parts 50, 51, 93</a>	<p>EPA is proposing new requirements that state, local and tribal air agencies would have to meet as they implement the current and future national ambient air quality standards for fine particulate matter. Among other things, this proposed rule clarifies the specific attainment planning requirements that would apply to nonattainment areas based on their classification (moderate or serious), and the process for reclassifying moderate areas to serious. EPA is also proposing to revoke the 1997 primary annual standards.</p>	<p>The rule is expected to be finalized in mid-2016.</p>
<a href="#">Revision to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter, 40 C.F.R. Part 51</a>	<p>EPA is proposing to revise the Guideline on Air Quality Models ("Guideline"). The Guideline specifies the models to be used in the Prevention of Significant Deterioration program. It also provides EPA-preferred models and other recommended techniques, as well as guidance for the use of the models in predicting ambient concentrations of air pollutants. Proposed revisions to the Guideline include enhancements to the formulation and application of the EPA's AERMOD near-field dispersion modeling system and the incorporation of a tiered demonstration approach to address the secondary chemical formulation of ozone and fine particulate matter (PM<sub>2.5</sub>) associated with precursor emissions from single sources.</p>	<p>Comments were due October 27, 2015.</p>

<a href="#">Withdrawal of the Prior Determination or Presumption That Compliance With the CAIR or the NOx SIP Call Constitutes RACT or RACM for the 1997 8-Hour Ozone and 1997 Fine Particle NAAQS, 40 C.F.R. Part 51</a>	<p>EPA is proposing to withdraw any prior determination or presumption, for the 1997 8-hour ozone NAAQS and the 1997 fine particle (PM2.5) NAAQS, that compliance with the Clean Air Interstate Rule (CAIR) or the NOx SIP Call automatically constitutes reasonably available control technology (RACT) or reasonably available control measures (RACM) for oxides of nitrogen (NOx) 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>The rule is expected to be finalized shortly.</p>
<a href="#">Air Quality Implementation Plans; New Hampshire; Nonattainment New Source Review and Prevention of Significant Deterioration Program, 40 C.F.R. Part 52</a>	<p>EPA is proposing to conditionally approve New Hampshire's 2012 State Implementation Plan revisions that are intended to ensure that the State's Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) programs are consistent with the federal PSD and NNSR program requirements. New Hampshire has committed to revising its regulations no later than one year from the date when EPA publishes a notice of final conditional approval. EPA is also proposing to approve a July 1, 2003 SIP revision that clarifies two definitions related to New Hampshire's permitting programs.</p>	<p>The rule took effect October 26, 2015.</p>
<a href="#">Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Infrastructure State Implementation Plan Requirements, 40 C.F.R. Part 52</a>	<p>EPA is proposing to approve certain elements of New Hampshire's State Implementation Plan (SIP) submissions regarding the infrastructure requirements of the Clean Air Act. These requirements relate to the 2008 lead, 2008 8-hour ozone, 2010 nitrogen dioxide, and 2010 sulfur dioxide National Ambient Air Quality Standards (NAAQS). EPA is also proposing full approval for several infrastructure requirements for the 1997 and 2006 fine particle NAAQS, and to update the classifications for several of New Hampshire's air quality control regions for ozone and sulfur dioxide based on recent air quality monitoring data collected by the State, and to grant the State's request for an exemption from the infrastructure SIP contingency plan obligation for ozone. Finally, EPA is proposing to conditionally approve certain elements of New Hampshire's submittal relating to prevention of significant deterioration requirements.</p>	<p>A final rulemaking has not yet been published.</p>
<a href="#">Carbon Pollution Emission Guidelines for Electric Utility Generating Units, 40 C.F.R. Part 60</a>	<p>EPA is making additional information available in connection with its proposed rule titled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," which was published on June 18, 2014. The primary topics covered by the additional information are the emission reduction compliance trajectories created by the interim goal for 2020 to 2029, certain aspects of the building block methodology, and the method by which state-specific carbon dioxide goals are calculated.</p>	<p>The rule is expected to be finalized shortly.</p>
<a href="#">Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 40 C.F.R. Part 60</a>	<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>The rule takes effect December, 22, 2015.</p>
<a href="#">Carbon Pollution Standards for Modified and Reconstructed Stationary Sources: Electric Utility Generating Units, 40 C.F.R. Part 60</a>	<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 rule took effect October 23, 2015.</p>
<a href="#">Electronic Reporting and Recordkeeping Requirements for New Source Performance Standards, 40 CFR Part 60</a>	<p>EPA is proposing to revise its regulations related to new source performance standards to require affected facilities to submit specified air emissions data reports to EPA electronically and to allow affected facilities to maintain electronic records of these reports.</p>	<p>The rule is expected to be finalized in mid-2016.</p>

<a href="#">Performance Standards for Stationary Gas Turbines and Stationary Combustion Turbines, 40 C.F.R. Part 60</a>	<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>The rule is expected to be finalized by early 2016.</p>
<a href="#">Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units, 40 C.F.R. Part 60</a>	<p>EPA has granted reconsideration of four provisions of its final new source performance standards and emission guidelines for commercial and industrial solid waste incineration units that were promulgated on March 21, 2011. The four provisions now up for reconsideration are: (1) the definition of "CEMS Data During Startup and Shutdown Periods"; (2) the PM limit for the waste-burning Kiln Subcategory; (3) the FVF for coal-burning energy recovery units; and (4) the definition of "kiln."</p>	<p>The rule is expected to be finalized shortly.</p>
<a href="#">Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units, 40 C.F.R. Parts 60, 70, 71, 98</a>	<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>The rule took effect October 23, 2015</p>
<a href="#">NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers, 40 C.F.R. Part 63</a>	<p>On February 1, 2013, EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial and Institutional Boilers (the Area Source Boilers Rule). EPA later received three petitions for reconsideration of the final rule. EPA has granted reconsideration of the following five issues: (1) the definitions of startup and shutdown periods; (2) an alternative PM standard for new oil-fired boilers that combust low-sulfur oil; (3) establishment of a subcategory for limited-use boilers and the applicable standards for that subcategory; (4) elimination of further performance testing for PM for boilers whose initial compliance test shows that its emissions are equal to or less than half of the PM emission limit; and (5) elimination of fuel sampling at coal-fired boilers that demonstrate compliance with the mercury emission limit by fuel analysis based on the results of the boiler's initial compliance demonstration.</p>	<p>The rule is expected to be finalized shortly.</p>
<a href="#">NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 C.F.R. Part 63</a>	<p>EPA has granted reconsideration of three provisions of its amendments to the National Emission Standards for Hazardous Air Pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollution, which were finalized on January 31, 2013. The four provisions now up for reconsideration are: (1) definition of startup and shutdown periods and the work practices that apply during such periods; (2) revised CO limits based on a minimum CO level of 130 parts per million; and (3) the use of PM CPMS, including the consequences of exceeding the operating parameter.</p>	<p>The rule took effect November 20, 2015. For more information, see our Alert <a href="#">here</a>.</p>
<a href="#">NPDES Electronic Reporting Rule, 40 C.F.R. Parts 122, 123, 127, 403, 501, 503</a>	<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>The rule takes effect December 21, 2015.</p>
<a href="#">Water Quality Standards Regulatory Clarifications, 40 C.F.R. Part 131</a>	<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>The rule took effect October 20, 2015.</p>
<a href="#">Clean Water Act Methods Update Rule for the Analysis of Effluent, 40 C.F.R. Part 136</a>	<p>EPA is proposing changes to pollutant analysis methods that are used by industries and municipalities to analyze the chemical, physical, and biological components of wastewater and other environmental samples that are required by regulations under the Clean Water Act (CWA). Among other things, the changes will clarify the procedures for EPA approval of nationwide and limited use alternate test procedures and revise the procedure for determination of the method detection limit to address laboratory contamination and to better account for intra-laboratory variability.</p>	<p>If finalized, the rule could take effect in 2016.</p>

<p><a href="#">Announcement of Preliminary Regulatory Determinations for Contaminants on the Third Drinking Water Contaminant Candidate List, 40 C.F.R. Part 141</a></p>	<p>EPA is making preliminary regulatory determinations to regulate one contaminant (strontium) and not to regulate four contaminants (1,3-dinitrobenzene, dimethoate, terbufos, and terbufos sulfone) under the Safe Drinking Water Act. A regulatory determination is a decision about whether or not to begin the process to propose and promulgate a national primary drinking water regulation (NPDWR) for a currently unregulated contaminant. EPA has chosen to regulate strontium with an NPDWR due to EPA's preliminary determination that (1) strontium may have an adverse effect on a person's health, (2) strontium is known to occur or there is substantial likelihood that strontium will occur in public water systems with a frequency and at levels of public health concern, and (3) regulation of strontium with an NPDWR presents a meaningful opportunity to reduce health risks for persons served by public water systems.</p>	<p>The rule is expected to be finalized in 2016.</p>
<p><a href="#">Effluent Limitation Guidelines for the Steam Electric Power Generating Category, 40 C.F.R. Part 423</a></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>The rule takes effect January 4, 2016.</p>
<p><a href="#">TSCA Section 5 Pre-manufacture and Significant New Use Notification Electronic Reporting, 40 C.F.R. Parts 720, 721, 723, 725`</a></p>	<p>EPA has issued a direct final rule that amends the Toxic Substances Control Act (TSCA) Section 5 electronic reporting regulations. These regulations allow for the electronic submittal of pre-manufacture notices (PMNs), other TSCA Section 5 notices, and support documents. These amendments provide the user community with new methods for accessing the e-PMN software, new procedures for completing the electronic-PMN form, and changes to the CDX registration process. The amendments also add a requirement to submit "bona fide intents to manufacture" electronically, and change the procedure for notifying EPA of any new manufacturing site of a chemical substance for which an exemption was granted by EPA.</p>	<p>The rule takes effect January 19, 2016.</p>
<p><a href="#">Certain Nonylphenols and Nonylphenol Ethoxylates; Significant New Use Rule, 40 C.F.R. Part 721</a></p>	<p>EPA is proposing a significant new use rule under the Toxic Substances Control Act for 15 related chemical substances commonly known as nonylphenols (NP) and nonylphenol ethoxylates (NPE). For 13 NPs and NPEs, EPA is proposing to designate any use as a "significant new use," and for 2 additional NPs, EPA is proposing to designate any use other than use as an intermediate or use an epoxy cure catalyst would constitute a "significant new use."</p>	<p>The rule is expected to be finalized by August 2016.</p>
<p><a href="#">Significant New Use Rule On Certain Chemical Substances, 40 C.F.R. Part 721</a></p>	<p>EPA is proposing significant new use rules under the Toxic Substances Control Act for 13 chemical substances that were the subject of pre-manufacture notices. This rule would require any person who intends to manufacture or process any of the subject chemical substances for an activity that is designated as a significant new use by this proposed rule to notify EPA at least 90 days before beginning that activity. Any chemical manufacturer and petroleum refinery may be subject to this rule.</p>	<p>EPA hopes to submit something by the end of the year.</p>
<p><a href="#">Significant New Use Rules on Certain Chemical Substances, 40 C.F.R. Part 721</a></p>	<p>EPA is proposing significant new use rules under the TSCA for 30 chemical substances that were the subject of pre-manufacture notices. This action would require persons who intend to manufacture (including import) or process any of these 30 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before beginning that activity.</p>	<p>The rule takes effect December 1, 2015.</p>
<p><a href="#">Lead-Based Paint Hazards from Renovation, Repair, and Painting Activities in Public and Commercial Buildings, 40 C.F.R. Part 745</a></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>A final post-meeting peer review report can be found <a href="#">here</a>.</p>
<p><a href="#">Formaldehyde Emissions for Composite Wood Products, 40 C.F.R. Part 770</a></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 to be published by the end of 2015.</p>

## Maine

<p><a href="#">Certification and Licensing Provisions – Commercial Applicators, Pesticide Dealers, and Spray Contracting Firms, DACE Board of Pesticides Control, Chs. 31, 34, 35</a></p>	<p>The Board of Pesticides Control is proposing to amend its rules relating to the certification and licensing of commercial applicators, pesticide dealers, and spray contracting firms. For commercial applicators, the proposed revisions will change the license period from two years to three, change the certification period from six years to three, amend the description of Category 6B to clarify what types of applications are included, change the requirement for passing both the core and category exams within one year of each other to within five years, and clarify that certain certified or licensed wastewater or drinking water operators are exempt from licensing only while applying pesticides to the wastewater or drinking water and not while performing other duties such as weed management. For pesticide dealers, the changes will shorten the time period a person must wait before retaking an exam he/she failed, change the license period from one year to three, change the certification period from five years to three and align the licensing and certification periods. Finally, for spray contracting firms, the proposed amendments will remove the requirements for spotters and monitors for forest insect aerial spray programs and change the license period from two years to three.</p>	<p>The rules took effect September 23, 2015.</p>
<p><a href="#">Prior Approval Process and Stop Work Orders, DACE Ch. 30</a></p>	<p>The Maine Bureau of Forestry is proposing a new rule that establishes standards for Maine Forest Service approval of timber harvesting activities by any person who has been convicted at least twice of unlawful cutting.</p>	<p>The rule needs to be approved at the next legislative session.</p>
<p><a href="#">Chemicals of High Concern List, July 2015</a></p>	<p>The Commissioner of DEP has undertaken a review of the Chemicals of High Concern list, published in July 2012. The review included removal of chemicals that have been designated as priority, and those that no longer meet the criteria established in statute for inclusion on the Chemicals of High Concern list.</p>	<p>Comments were due August 28, 2015.</p>
<p><a href="#">Rule Concerning the Processing of Applications and Other Administrative Matters, DEP Ch. 2</a></p>	<p>On February 18, 2015, DEP proposed amendments to its Ch. 2, Rules Concerning the Processing of Applications and Other Administrative Matters, that will facilitate the electronic submission of applications, appeals and petitions, and eliminate the requirement to submit an original paper document within five working days of an electronic submission. DEP subsequently proposed additional revisions to clarify the transfer of ownership definition in this rule, and allow for a more complete assessment of both the financial and technical capacity of a prospective licensee, before any license for a hazardous waste facility, solid waste disposal facility, waste oil facility, and biomedical waste facility license is transferred. Comments on the proposed amendments were due June 1, 2015.</p>	<p>DEP has withdrawn portions of the proposal related to the transfer of ownership. The rule took effect October 19, 2015.</p>
<p><a href="#">Notice of Public Workshop and Opportunity for Comment, on Revisions to Chapters 100, 113, 115, and 140 Regulations</a></p>	<p>DEP is holding a public workshop and opportunity for comments on preliminary drafts of the following regulations: Chapter 100, Chapter 113, Chapter 115, and Chapter 140. According to DEP, the regulations are being revised to closely align Maine's air emission licensing program and rules with the U.S. EPA's New Source Review program. This update is intended to be a comprehensive update that will incorporate outstanding federal elements, and restructure the air emission licensing rules to provide what DEP believes will be greater clarity and ease of use.</p>	<p>Comments were due August 28, 2015.</p>

## Massachusetts

<p><a href="#">Clean Energy Standard, 310 CMR 7.75</a></p>	<p>MassDEP is postponing the hearings and public comment period for its proposed Clean Energy Standard (CES) regulation. This postponement is necessary to allow MassDEP to complete additional review required under a newly issued Executive Order (562). The CES would require retail electricity sellers to demonstrate annually that a specified percentage of their electricity sales is made up of electricity generated from clean energy. For purposes of the CES, clean energy would be defined based on a threshold level of greenhouse gas emissions, regardless of the technology used to generate the electricity.</p>	<p>MassDEP has postponed the hearings and comment period.</p>
<p><a href="#">Annual Ambient Air Quality Monitoring Network Plan</a></p>	<p>MassDEP has released its final Annual Ambient Air Quality Monitoring Network Plan. This plan describes to EPA which pollutants and other parameters MassDEP measures at its various ambient air monitoring sites and why they are measured at those specific locations. The new plan also describes the changes that have been made since the last network plan, as well as proposed changes to be made to the network over the next 18 months.</p>	<p>The final Plan was issued.</p>

## New Hampshire

<p>Request for Stakeholder Input on NOx Budget Trading Program, Env-A 3200</p>	<p>DES is requesting comments on potential amendments to its rules related to the NOx Budget Trading Program. While no changes to the ozone cap level are being proposed, DES is considering an amendment that would introduce a “flow control” multiplier of 4x to apply to the use of any banked allowances. DES is also seeking comments on an potential amendment that would change the allowance allocations by: (1) decreasing the amount allocated to affected facilities from 2,400 to 600 allowances; (2) increasing the amount allocated to the set-aside from 500 to 2,300; and (3) introducing a 30:1 multiplier to increase the portion of set-aside allowances that are awarded to renewable energy and non-emitting generating system project sponsors.</p>	<p>DES withdrew the proposal for a flow control multiplier and is proposing to readopt the rule without major changes. The draft rule is expected to be addressed at the JLCAR’s meeting in December 2015.</p>
<p><a href="#">Groundwater Discharge Permits and Registrations, Env-Wq 402</a></p>	<p>DES is proposing to readopt and revise its rules in Env-Wq 402, that establish standards, criteria, and procedures for groundwater discharge permits, groundwater discharge registrations, and holding tank registrations to prevent pollution and protect groundwater. Among other things, the proposed amendments will (1) prohibit discharge of liquids that contain medical waste or unused prescription medication; (2) require an applicant to have exclusive deeded rights to the land if the applicant is not the owner in fee of the land; (3) require any discharge of wastewater from a nursing home or medical care facility to meet the nitrate set-backs even if a discharge permit is not required; (4) require applications to depict the boundary of the 100-year flood zone and identify the 100-year base flood elevation; (5) add a requirement for new and renewal applications to submit a vulnerability assessment for potential impacts from natural hazards; and (6) require that renewal applications be filed within the 90-day period prior to expiration.</p>	<p>Comments were due September 4, 2015.</p>
<p><a href="#">State Water Pollution Control Revolving Loan Fund, Env-Wq 500</a></p>	<p>DES is proposing to readopt and amend its rules in Env-Wq 500 that establish the procedures and criteria for financial assistance from the state water pollution control revolving fund (clean water state revolving fund, or CWSRF), (b) the requirements for completing projects for which financial assistance from CWSRF is received, and (c) the process for establishing repayment requirements for the financial assistance received. As part of the readoption, DES is proposing amendments to, among other things, make minor clarifications and move definitions, and incorporate the requirements for procuring consulting engineering services for contracting for construction that previously were contained in Env-Wq 600.</p>	<p>The rule is expected to take effect in December 2015.</p>
<p><a href="#">Sludge Management, Env-Wq 800</a></p>	<p>DES is proposing to readopt and revise its Sludge Management Rules in Env-Wq 800. Proposed changes include, but are not limited to, (1) exempting sludge management activities incidental to the operation of water treatment facilities permitted under RSA 485; (2) the inclusion of phosphorous as a nutrient of concern and potential limiting factor in agronomic use; (3) allowing permit renewal applications to be filed before expiration instead of requiring renewal applications to be filed a specified number of days in advance of expiration; and (4) the extension of the duration of site permits and facility permits from 5 years to 10 years along with a no-fee renewal process for sludge quality certifications.</p>	<p>Comments on the draft final proposal were due November 13, 2015.</p>
<p><a href="#">Definitions Related to Wetlands Mitigation Rules, Env-Wt 101</a></p>	<p>DES is proposing to readopt its rules in Env-Wt 100, which are the organizational rules and definitions related to wetlands mitigation. As part of the readoption, certain sections in Env-Wt 500 will be added to Env-Wt 100. These sections are related to mitigation requirements, definitions of certified wetland scientist, service area, and wetland enhancement.</p>	<p>The rule is expected to be addressed at the JLCAR’s meeting on December 17, 2015.</p>
<p><a href="#">Wetlands Mitigation Rules, Env-Wt 800</a></p>	<p>DES is proposing to readopt and revise its rules in Env-Wt 800 related to wetlands mitigation. The proposed changes are intended to (1) clarify existing requirements; (2) improve the process for submitting and evaluating wetland mitigation proposals; and (3) align the rules with revisions to RSA 482-A:29 and federal requirements. Among other clarifications, the revised rules would make clear that (1) applicants must consult with the U.S. Army Corps of Engineers for projects that require a federal permit and (2) jurisdictional areas on a project site that are left undisturbed as part of the meeting the avoidance and minimization requirements cannot be counted as mitigation in the form of preservation.</p>	<p>The rule is expected to be addressed at the JLCAR’s meeting on December 17, 2015.</p>