

## STATUS OF PREVIOUSLY REPORTED RULES

### Federal

<a href="#"><u>Draft Integrated Science Assessment for Oxides of Nitrogen – Health Criteria</u></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 in October 2015.</p>
<a href="#"><u>EPA Approval of Maine’s NPDES Program</u></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="#"><u>Estimating Exposures and Incremental Health Effects from Lead Due to Renovation, Repair, and Painting Activities in Public and Commercial Buildings</u></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>A list of experts was selected for review of the document.</p>
<a href="#"><u>Final Updated Ambient Water Quality Criteria for the Protection of Human Health</u></a>	<p>EPA extended 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 was extended due to stakeholder request.</p>	<p>EPA published the final updated criteria.</p>
<a href="#"><u>Notice of Availability of Draft NPDES General Permit for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems in Massachusetts</u></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>

<p><a href="#"><u>Notice of Availability of Draft Scientific Assessment</u></a></p>	<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>Comments were due June 8, 2015.</p>
<p><a href="#"><u>NPDES General Permit for Stormwater Discharges from Industrial Activities</u></a></p>	<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 took effect June 4, 2015.</p>
<p><a href="#"><u>Policy Regarding Voluntary Prelisting Conservation Actions</u></a></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 Service expects to finalize the policy this summer.</p>
<p><a href="#"><u>Release of Risk and Exposure Assessment for the Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide</u></a></p>	<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 here for a link to the document available on the EPA's Technology Transfer Network website.</p>	<p>Comments were due July 3, 2015.</p>
<p><a href="#"><u>Small MS4 NPDES General Permit for New Hampshire</u></a></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 expects to issue a final permit shortly.</p>
<p><a href="#"><u>Vapor Pollution Guidance Draft</u></a></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 issued the final guidance.</p>
<p><a href="#"><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></a></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 U.S. v. Riverside Bayview, Rapanos v. United States, and Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers. 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 Rapanos. Jurisdiction over other types of waters, including non-adjacent wetlands, will still require a case-by-case review.</p>	<p>The rule takes effect August 28, 2015.</p>
<p><a href="#"><u>Definition of "Waters of the United States" Under the Clean Water Act, 33 C.F.R. Part 328</u></a></p>	<p>In connection with its proposed rule regarding the definition of "waters of the United States" under the Clean Water Act, EPA is making available the Science Advisory Board's final peer review of the EPA's draft report "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis."</p>	<p>EPA issued the final report.</p>

<p><u>National Ambient Air Quality Standards for Lead, 40 C.F.R. Part 50</u></p>	<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>
<p><u>National Ambient Air Quality Standards for Ozone, 40 C.F.R. Parts 50, 51, 52, 53, 58</u></p>	<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 is expected to be finalized by October 2015.</p>
<p><u>Fine Particulate Matter NAAQS: State Implementation Plan Requirements, 40 C.F.R. Parts 50, 51, 93</u></p>	<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>
<p><u>Data Requirements Rule for the One-Hour Sulfur Dioxide (SO<sub>2</sub>) 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 SO<sub>2</sub> emissions. This proposed rule will only apply to areas that do not have sufficient air quality monitoring in place to identify maximum 1-hour SO<sub>2</sub> concentrations. The proposed rule also lays out criteria for identifying sources around which air agencies would need to characterize SO<sub>2</sub> 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>The rule takes effect September 21, 2015.</p>
<p><u>Withdrawal of the Prior Determination or Presumption That Compliance With the CAIR or the NO<sub>x</sub> 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<sub>2.5</sub>) NAAQS, that compliance with the Clean Air Interstate Rule (CAIR) or the NO<sub>x</sub> SIP Call automatically constitutes reasonably available control technology (RACT) or reasonably available control measures (RACM) for oxides of nitrogen (NO<sub>x</sub>) 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>
<p><u>Air Quality Implementation Plans; New Hampshire; Nonattainment New Source Review and Prevention of Significant Deterioration Program, 40 C.F.R. Part 52</u></p>	<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>Comments were due May 26, 2015.</p>
<p><u>Carbon Pollution Emission Guidelines for Electric Utility Generating Units, 40 C.F.R. Part 60</u></p>	<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>
<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>The rule is expected to be finalized shortly.</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 rule is expected to be finalized shortly.</p>
<p><u>Electronic Reporting and Recordkeeping Requirements for New Source Performance Standards, 40 CFR Part 60</u></p>	<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>
<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>A Notice of Proposed Rulemaking is expected to be issued shortly.</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>The rule took effect July 7, 2015.</p>
<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>The rule is expected to be finalized by early 2016.</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>The rule is expected to be finalized shortly.</p>
<p><u>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</u></p>	<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 by November 2015.</p>
<p><u>NESHAP for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants, 40 C.F.R. Parts 60, 63</u></p>	<p>On February 12, 2013, EPA finalized amendments to the national emission standards for the control of hazardous air pollutants (NESHAP) from the new and existing Portland cement manufacturing industry at major sources of hazardous air pollutants. Specifically, EPA established emission standards for mercury, hydrogen chloride, total hydrocarbons, and particulate matter. EPA is now proposing further changes which will, among other things, correct equation 8 regarding sources with an alkali bypass or inline coal mill that include a separate stack and add a temperature parameter to the startup and shutdown requirements. These changes are being made to correct what EPA considers to be minor technical errors.</p>	<p>The rule took effect July 27, 2015.</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>The rule is expected to be finalized shortly.</p>
<p><u>NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers, 40 C.F.R. Part 63</u></p>	<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 by November 2015.</p>
<p><u>NESHAP for Ferroalloys Production, 40 C.F.R. Part 63</u></p>	<p>EPA is proposing to supplement its proposed amendments to the national emission standards for hazardous air pollutants for the ferroalloys production source category that were published in 2011. Those amendments were based on the initial technology and residual risk reviews for this source category. EPA's new proposal presents a revised technology review and a revised residual risk review for the ferroalloys production source category and proposes revisions to the standards based on those reviews. New compliance requirements are also being proposed to meet the revised standards. The revisions include more stringent emission limits for a number of processes.</p>	<p>The rule took effect June 30, 2015.</p>
<p><u>NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 C.F.R. Part 63</u></p>	<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 is expected to be finalized by November 2015.</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>The rule is expected to be finalized by October 2015.</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>The rule is expected to be finalized shortly.</p>
<p><u>Clean Water Act Methods Update Rule for the Analysis of Effluent, 40 C.F.R. Part 136</u></p>	<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>The comment deadline was extended to May 20, 2015.</p>



<p><a href="#"><u>Announcement of Preliminary Regulatory Determinations for Contaminants on the Third Drinking Water Contaminant Candidate List, 40 C.F.R. Part 141</u></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>Comments were due December 19, 2014.</p>
<p><a href="#"><u>Effluent Limitation Guidelines for the Steam Electric Power Generating Category, 40 C.F.R. Part 423</u></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 is expected to be finalized by September 2015.</p>
<p><a href="#"><u>Certain Nonylphenols and Nonylphenol Ethoxylates; Significant New Use Rule, 40 C.F.R. Part 721</u></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="#"><u>Proposed Significant New Use Rule On Certain Chemical Substances, 40 C.F.R. Part 721</u></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>The comment deadline was extended to April 23, 2015.</p>
<p><a href="#"><u>Lead-Based Paint Hazards from Renovation, Repair, and Painting Activities in Public and Commercial Buildings, 40 C.F.R. Part 745</u></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>Comments were due June 30, 2014.</p>
<p><a href="#"><u>Lead; Renovation, Repair and Painting Program; Lead Test Kit Stakeholder Meeting, 40 C.F.R. Part 745</u></a></p>	<p>EPA announced a public meeting to discuss the Lead Renovation, Repair and Painting (RRP) rule, which was published on April 22, 2008, and established performance recognition criteria for lead test kits for use as an option to determine if regulated lead-based paint is not present in target housing and child-occupied facilities. The RRP rule also established negative-response and positive response criteria outlined in the CFR for lead test kits recognized by EPA. At the public meeting, EPA will seek information related to (1) the existing market for lead test kits as referenced in the 2008 RRP rule; (2) the development or modification of lead test kit(s) that may meet EPA's positive-response criterion (in addition to the negative response criterion); and (3) other alternatives for lead-based paint field testing.</p>	<p>A public meeting was held June 4, 2015, in Washington, DC.</p>
<p><a href="#"><u>Formaldehyde Emissions for Composite Wood Products, 40 C.F.R. Part 770</u></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><u>Forestry Rules, BLF Chs. 10, 40, 50, 60, 70, 80, 110</u></p>	<p>DEP is proposing to renew the General Permit for the application of aquatic pesticides for the control of mosquito-borne diseases. The General Permit will cover the entire State of Maine, and will be issued for a five-year term. The Permit authorizes the discharge (i.e., application) of authorized aquatic pesticides to Class GPA waters and their tributaries, Classes AA, A, B, and C waters, Classes SA, SB, and SC waters, and those waters classified as such and having drainage areas of less than ten square miles. Waters that do not provide habitat for mosquito species known to transmit vector-borne diseases, as determined by DEP, are not covered by the General Permit.</p>	<p>The permit was reissued July 16, 2015.</p>
<p><u>Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, DACF Ch. 21</u></p>	<p>DEP is proposing to delegate permitting authority for timber harvesting and related activities regulated under the Natural Resources Protection Act to the Department of Agriculture and Forestry's Bureau of Forestry. This rulemaking will amend Maine Forest Service Chapter 21 to incorporate the permitting process. The amendments to Chapter 21 will also clarify which activities related to removal of vegetation in the proximity of existing development are considered timber harvesting and which activities are not.</p>	<p>The rule takes effect August 30, 2015.</p>
<p><u>Rule Concerning the Processing of Applications and Other Administrative Matters, DEP Ch. 2</u></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 will be addressed at a BEP meeting.</p>
<p><u>Surface Coating Facilities, DEP Ch. 129</u></p>	<p>DEP is proposing to update its rules for surface coating facilities to expand the types of coating operations that are regulated to include miscellaneous plastic parts and products. The amendments provide for five major surface coating categories with numerous subcategories in each to further identify which coatings are subject to a specific emission limit.</p>	<p>The rule took effect July 7, 2015.</p>
<p><u>Oil Discharge and Pollution Control Rules for Rail Tank Cars, DEP Ch. 696</u></p>	<p>DEP is proposing a new rule establishing minimum inspection, preparedness, and reporting requirements for operators of rail tank cars transporting or storing oil in Maine. The rule establishes requirements for the remediation of any oil discharges from rail tank cars, requires the submission of federal response plans to DEP, and establishes inspection requirements for rail cars that are used for storage and parked at a siding for more than 5 consecutive days.</p>	<p>The rule took effect June 22, 2015.</p>
<p><u>Identification of Hazardous Wastes, Standards for Generators of Hazardous Waste, Licensing of Transporters for Hazardous Waste, Hazardous Waste Manifest Requirements, Universal Wastes, DEP Chs. 850, 851, 853, 857, 858</u></p>	<p>DEP is proposing a number of amendments to its rules dealing with hazardous waste and universal waste. The primary purpose of the proposed amendments is to allow certain waste paint to be managed as universal waste. In addition, and among other things, these amendments will provide for a paint stewardship program, provide overall clarification of requirements for universal wastes, and eliminate the closure requirements for central accumulation facilities. A new universal waste rule will also be created using current universal waste sections from Chapters 850, 853, and 857.</p>	<p>Chapters 850 and 858 took effect March 11, 2015. For more information, see our Alert <a href="#">here</a>.</p>
<p><u>Designation of Formaldehyde as a Priority Chemical and Regulation of Formaldehyde in Children's Products, DEP Ch. 885</u></p>	<p>DEP is proposing to designate formaldehyde as a priority chemical. This will allow DEP to require manufacturers or distributors of certain children's products that are available in the State of Maine to report the intentional use of formaldehyde above de minimis levels.</p>	<p>The rule took effect July 26, 2015.</p>

<p><a href="#"><u>Designation of Four Members of the Chemicals Class Phthalates as Priority Chemicals, DEP Ch. 888</u></a></p>	<p>DEP is proposing to designate four members of the chemical class phthalates as priority chemicals and require reporting for certain product categories that contain one or more of these phthalates. The rule would apply to manufacturers of specified product categories that contain intentionally added di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), or diethyl phthalate (DEP). The first draft of the rule was proposed by citizen petition, but DEP has made substantial changes to the originally proposed draft.</p>	<p>The rule took effect June 22, 2015.</p>
<p><a href="#"><u>Maine Subsurface Wastewater Rules, DHHS Ch. 241</u></a></p>	<p>The Maine Department of Health &amp; Human Services (DHHS) is proposing amendments to its Subsurface Wastewater Rules. The proposed revisions will clarify requirements by adding and specifying definitions, adding clearer guidance, and deleting unnecessary language. The revisions will also add a prohibition on building structures without DHHS approval and a prohibition on the placement of first time systems in 10-year flood zones.</p>	<p>The rule took effect August 3, 2015.</p>
<p><a href="#"><u>Revised Standards for Nonconforming Lots, LUPC Ch. 10</u></a></p>	<p>LUPC is proposing amendments to its Chapter 10, Land Use Districts and Standards, regarding the treatment of non-conforming lots. The proposed amendments will eliminate the opportunity for a waiver of any requirements that make a lot nonconforming, but would leave the opportunity to obtain a variance in place.</p>	<p>The rule took effect July 24, 2015.</p>

## Massachusetts

<p><a href="#"><u>Clean Energy Standard, 310 CMR 7.75</u></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>
---	--	---

## New Hampshire

<p><a href="#"><u>Owner or Operator Recordkeeping Requirements, Env-A 900</u></a></p>	<p>DES is proposing to readopt and amend its rules in ENV-A 900 that establish recordkeeping and reporting requirements for owners of stationary sources, area sources, and devices that are regulated under RSA 125-C and/or RSA 125-I. As part of the readoption, DES is proposing revisions to, among other things: (1) add a definition of "electronic means" for submitting reports to accommodate a planned e-reporting system; (2) explicitly establish the requirements for identifying submitted reports; (3) reduce the number of pollutants that must be tracked and reported for many sources operating under temporary permits or state permits to operate; (4) eliminate various other requirements for Title V sources; and (5) add a requirement for sources to maintain records of all parameter excursions and report all excursions that are not corrected within 48 hours.</p>	<p>The rule took effect July 18, 2015.</p>
<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>The draft rule is expected to be addressed at the JLCAR's meeting in October 2015.</p>
<p><a href="#"><u>State Water Pollution Control Revolving Loan Fund, Env-Wq 500</u></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>Comments were due June 12, 2015.</p>