



ENVIRONMENTAL REGULATORY SUMMARY

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Final Statutes, Regulations and Guidance

Citation	Summary	Implications	Schedule/Notes
<p>AIR</p> <p>FEDERAL Phaseout of Class II Ozone-Depleting Substances 40 CFR Part 82 74 Fed. Reg. 66412 and 66450 (Dec. 15, 2009)</p>	<p>EPA issued rules implementing changes to the scheme for phasing out production and use of hydrochlorofluorocarbons (HCFCs) – chemicals used as refrigerants and solvents that have been found to deplete the stratospheric ozone layer. To meet its international obligations to eliminate production and use of HCFCs (otherwise known as Class II ozone-depleting substances), EPA previously established a program for allocating allowances among producers and importers of these substances. The number of allowances allocated decreases over time, culminating in a complete HCFC phaseout by 2030. EPA phased out HCFC-141b in 2003 and has begun the phaseout of HCFC-22 and HCFC-142b. In the recent rulemaking, EPA revised the allowance program to accelerate the schedule for phasing out HCFC-22 and HCFC-142b and allocate allowances for other HCFCs not previously covered. EPA also amended the rules addressing HCFC production to meet the basic needs of developing countries. These changes were needed to satisfy an accelerated schedule for phasing out HCFC production agreed to internationally in 2007.</p> <p>In a related rulemaking, EPA extended an existing ban on the sale and distribution of air-conditioning and refrigeration appliances containing HCFC-22, HCFC-142b, or blends. EPA previously barred the production and importation of HCFC-22 or HCFC-142b on or after January 1, 2010 for use in refrigeration or air-conditioning appliances manufactured on or after that date. With the recent rulemaking, EPA extended the ban to cover appliances containing these substances in order to ensure that the ban covers imported appliances and those destined for export as well as those manufactured in the United States for domestic use.</p> <p>The rules can be found in the December 15, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.</p>	<p>The rule primarily affects manufacturers, importers and exporters of HCFCs. It also affects manufacturers and importers of air conditioners and refrigerators charged with HCFCs.</p>	<p>Both rules took effect January 1, 2010.</p>

Citation	Summary	Implications	Schedule/Notes
CLIMATE CHANGE			
FEDERAL Endangerment Finding under CAA §202(a) 74 Fed. Reg. 66496 (Dec. 15, 2009)	<p>EPA issued a long-awaited finding that greenhouse gases (GHG) in the atmosphere endanger public health and welfare, setting the stage for EPA to regulate GHG emissions from motor vehicles and, long term, from stationary sources. EPA published the findings in response to the Supreme Court’s decision in <i>Massachusetts v. EPA</i>, 549 U.S. 497 (2007), which found that EPA improperly denied a petition by environmental groups seeking to compel the agency to set standards for GHG emissions from motor vehicles under Clean Air Act (CAA) §202(a), 42 USC §7521(a). The court concluded that GHGs meet the definition of “air pollutant” under the statute and that EPA must regulate emissions if it concludes that the pollutants cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. With this rulemaking, EPA made the endangerment finding necessary to begin setting GHG emission standards for motor vehicles.</p> <p>As part of the endangerment finding, EPA reviewed the Supreme Court’s decision and related legal requirements, assessed available scientific information concerning the impact of GHG emissions on the climate both now and in the future, and analyzed the impact of those effects on public health and welfare. Based on that information, EPA concluded that the following six GHGs collectively must be considered an air pollutant under the CAA: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. EPA went on to find that emissions of these “well-mixed greenhouse gases” from motor vehicles contribute to air pollution which is endangering public health and welfare under CAA §202(a).</p> <p>The endangerment finding can be found in the December 15, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.</p>	<p>The endangerment finding directly affects motor vehicle manufacturers. EPA proposed stricter mileage standards in 2009, together with a motor vehicle GHG emission standard. However, EPA could not issue the final GHG standard until it published its endangerment finding.</p> <p>Once the motor vehicle GHG rules are adopted, GHGs will be considered regulated pollutants for purposes of the federal Prevention of Significant Deterioration (PSD) program. This development, in turn, means that major GHG sources will be required to obtain Title V operating permits. Because GHGs are emitted in larger quantities than other CAA pollutants, the endangerment finding could result in a significant increase in the number of sources subject to both the PSD and Title V programs. To address this problem, EPA recently proposed the GHG tailoring rule, which increases the major source threshold for GHGs to 25,000 tons per year. See 74 Fed. Reg. 51535 (Oct. 7, 2009).</p>	<p>The endangerment finding takes effect January 14, 2010.</p>

Citation	Summary	Implications	Schedule/Notes
<p>CHEMICAL BULK STORAGE</p> <p>NEW YORK STATE Guidance on Preparing Spill Prevention Report Program Policy DER-26</p>	<p>DEC issued Program Policy DER-26, <i>How to Prepare a Spill Prevention Report for a Chemical Bulk Storage Facility</i>. Under 6 NYCRR 598.1(k), owners/operators of chemical bulk storage (CBS) facilities must prepare a spill prevention report (SPR) that summarizes the facility’s spill history and the measures in place to prevent and respond to spills. The SPR must be updated at least annually and whenever a substantial modification is made or a significant release occurs. Although the regulation allows SPRs to be prepared by “qualified persons,” the Program Policy “strongly recommends” use of a licensed professional engineer (PE) and provides guidance concerning when a PE should be used. The Program Policy goes on to summarize the information that should be included in a SPR by section as follows: (1) general information; (2) summary of releases which have occurred over the past five years, including identification and causes of spills and releases; (3) status report on compliance and spill prevention preparedness; (4) periodic equipment inspection records; (5) financial responsibility (if requested by DEC); (6) spill response plan; (7) discussion and assessment of equivalent equipment, method or practice (required if facility uses an equivalent technology); (8) site assessment and findings (where required by DEC); (9) written procedures to prevent the mixing of incompatible substances; and (10) consensus codes for tank design, construction and installation. The Program Policy also includes as appendices a suggested table of contents for SPRs, suggested certification language, and a list of consensus standards and recommended practices for bulk storage of petroleum and hazardous substances in New York.</p> <p>The Program Policy can be found on DEC’s website at: www.dec.ny.gov/regulations/2387.html.</p>	<p>The Program Policy is of potential interest to any facility regulated under the CBS program.</p> <p>The policy includes numerous SPR elements that are not specifically identified in the CBS regulations. Although these elements are generally identified as recommendations, failure to include them in the SPR could present an enforcement concern, particularly for larger facilities, which will presumably be expected to prepare more comprehensive SPRs.</p>	<p>The Program Policy takes effect January 22, 2010.</p> <p>DEC accepted comments on a draft version of the Program Policy, which was made available for review in December 2008. According to DEC, no substantive changes were made to that draft.</p>

Citation	Summary	Implications	Schedule/Notes
<p>OTHER</p> <p>NEW YORK STATE Revisions to Environmental Benefit Project Policy Commissioner's Policy CP-37</p>	<p>DEC revised its <i>Environmental Benefit Project Policy (Commissioner's Policy CP-37)</i>, which was issued in 1995 and has been revised several times since then. The policy outlines the criteria and procedures for approving environmental benefit projects (EBPs) – projects respondents agree to fund in partial settlement of an enforcement action; the EBP is implemented in addition to actions correcting the violation and serves as a basis for offsetting a portion of the penalty levied against the respondent.</p> <p>Among other things, the revised policy: (1) summarizes the procedure for determining how much of the penalty will be suspended based on the respondent's commitment to complete an EBP; (2) the criteria for an acceptable respondent; (3) the criteria for an acceptable project; (4) project priorities and preferences; (5) unacceptable projects; and (6) other considerations. The policy includes settlement document language for all EBPs as well as specialized language for specified versus unspecified EBPs. The policy also includes the following attachments: (1) an EBP Evaluation Screening Criteria Worksheet; (2) a Suspended and Payable Penalty Calculation Worksheet; and (3) a sample Affidavit of Completion.</p> <p>The revised EBP policy can be found on DEC's website at: www.dec.ny.gov/regulations/57988.html.</p>	<p>EBPs offer respondents a way to reduce payable penalties in an environmental enforcement action while allowing them to implement projects that benefit the surrounding community. The revised policy contains various changes to facilitate approval of EBPs, including: (1) deleting a mandate that EBPs have a geographic nexus to the violation; (2) eliminating or easing certain limitations on EBPs (including replacing a requirement for a payable penalty of at least 20% with a more flexible "material payable penalty" standard); (3) allowing as EBPs projects that achieve significantly early compliance or significantly increase minimum compliance; and (4) deleting a prohibition against claiming a tax benefit from an EBP.</p>	<p>The revised Commissioner's Policy takes effect January 29, 2010.</p> <p>DEC accepted comments on draft revisions to the Commissioner's Policy, which were made available for review in September 2009. No comments were received and DEC finalized the draft document with minimal changes.</p>

Citation	Summary	Implications	Schedule/Notes
<p>NEW YORK STATE DEC Staff Access to Property or Premises Program Policy OGC-6</p>	<p>DEC issued Program Policy OGC-6, entitled <i>Staff Access to Property or Premises</i> that is intended to provide guidance as to how and when DEC staff may enter property for the purposes of carrying out their official duties. As articulated by the policy, DEC’s authority to enter property may arise from the following circumstances: (1) consent (including authority granted under the terms of a permit or consent order); (2) plain view (including violations identified from property that is generally open to the public); (3) search warrant; and (4) exigent circumstances (i.e., emergencies). The policy identifies the procedures DEC staff must follow when conducting inspections under the following circumstances: (1) routine inspections under the terms of a permit, order or consent form; (2) access to private property not covered under the terms of a permit or order; and (3) access to property for other than regulatory purposes such as for mapping or scientific studies. It includes as attachments a form containing important reminders for DEC staff, a sample attorney affirmation in support of an administrative search warrant application, and a sample permission to inspect property form.</p> <p>The program policy can be found on DEC’s website at: www.dec.ny.gov/regulations/58846.html.</p>	<p>The policy provides valuable insights into DEC’s approach to conducting on-site inspections.</p>	<p>The Program Policy takes effect February 6, 2010.</p> <p>DEC accepted comments on a draft version of the Program Policy, which was made available for review in May 2008. No comments were received and DEC finalized the draft policy with various changes, including the addition of a sample Permission to Inspect Property form.</p>

Proposed Statutes, Regulations and Guidance

Citation	Summary	Implications	Schedule/Notes
<p>AIR</p> <p>FEDERAL Revised National Ambient Air Quality Standards for Sulfur Dioxide (SO₂) 40 CFR Part 50 74 Fed. Reg. 64810 (Dec. 8, 2009)</p>	<p>EPA proposed stricter national ambient air quality standards (NAAQS) for sulfur dioxide. The current health-based NAAQS for SO₂ is 30 parts per billion (ppb) (annual) and 140 ppb (24-hour average). After extensive study, EPA concluded that short-term exposures to SO₂ ranging from 5 minutes to 24 hours pose a significant risk, particularly in children, the elderly and asthmatics. EPA is therefore proposing to establish a 1-hour SO₂ standard of between 50 and 100 ppb, although it is taking comment on alternative levels of up to 150 ppb. Based on a purported lack of evidence suggesting an association between long-term SO₂ exposure and health risks, EPA is proposing to revoke the current primary annual and 24-hour standards.</p> <p>To ensure adequate data concerning ambient SO₂ levels, EPA is proposing major changes to the ambient air monitoring and reporting requirements for SO₂. The proposal requires monitors in Core Based Statistical Areas based on population size and SO₂ emissions; it also requires monitors to be located within a state based on the state's contribution to national SO₂ emissions. All new SO₂ monitors must be operational by January 1, 2013.</p> <p>Information about the proposed new primary SO₂ standard can be found on EPA's website at: www.epa.gov/air/sulfurdioxide.</p>	<p>The eventual adoption of stricter SO₂ NAAQS will likely lead to the designation of additional SO₂ nonattainment areas. Based on ambient air monitoring data collected in 2006 through 2008, EPA has identified 107 counties that violate a 50 ppb 1-hour SO₂ standard, including Bronx, Chautauqua and Suffolk counties in New York. To meet the standards, states may be required to adopt stricter limits on emissions of SO₂, the vast majority of which originates from fossil fuel combustion at power plants and industrial sources.</p>	<p>EPA is accepting comments on the proposed NAAQS until February 8, 2010.</p> <p>Under a consent order, EPA must sign the final primary NAAQS for SO₂ by June 2, 2010. Nonattainment areas must be designated two years after the effective date of the standard.</p> <p>This proposal addresses only the primary (i.e., health-based) SO₂ standard. EPA will address the secondary standard – designed to protect public welfare, including the environment – as part of a separate proposal in 2011.</p>

Citation	Summary	Implications	Schedule/Notes
<p>FEDERAL Revisions to Area Source Standards for Gasoline Terminals, Bulk Plants and Distribution Facilities 40 CFR Part 63, subpartsBBBBBB and CCCCCC 74 Fed. Reg. 66470 (Dec. 15, 2009)</p>	<p>EPA proposed revisions to the area (i.e., minor) source National Emission Standards for Hazardous Air Pollutants (NESHAP) for sources in the gasoline distribution bulk terminals, bulk plants, and pipeline facilities and gasoline dispensing facilities categories. The standards, which are based on generally available control technology and management practices, apply to large and small gasoline storage and distribution facilities, gasoline pipeline facilities, and gasoline dispensing facilities (i.e., gas stations). Key changes are summarized below.</p> <ul style="list-style-type: none"> • Bulk gasoline terminals, bulk plants and pipeline breakout stations (40 CFR Part 63, subpartBBBBBB): (1) clarify that gasoline storage tanks located at bulk facilities but used as gasoline dispensing facilities are regulated under subpart CCCCCC not subpartBBBBBB; (2) establish “once-in, always-in” provision under which facilities that exceed an applicable throughput threshold remain subject to any newly applicable requirements even if their throughput later drops; (3) expand options for satisfying submerged fill requirements; (4) establish special reduced requirements for small, infrequently used gasoline storage tanks; (5) add requirements/definitions for surge control tanks; and (6) clarify that the 20,000 gallon daily throughput threshold that distinguishes bulk plants from larger bulk gasoline terminals is a maximum not an average. • Gasoline dispensing facilities (40 CFR Part 63, subpart CCCCCC): (1) clarify that multiple gasoline dispensing facilities at different locations within the same area source are treated separately under subpart CCCCCC; (2) establish “once-in, always-in” provision under which facilities that exceed an applicable throughput threshold remain subject to any newly applicable requirements even if their throughput later drops; (3) add rules addressing dispensing of gasoline from fixed gasoline storage tanks into portable tanks for use at the facility; (4) expand options for satisfying submerged fill requirements; and (5) amend definition of gasoline dispensing facility to clarify that rule applies to all types of facilities not just those that dispense gasoline into the fuel tanks of motor vehicles. <p>The rule can be found in the December 15, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.</p>	<p>The proposed changes are of interest primarily to owners/operators of gasoline distribution bulk terminals, bulk plants, and gasoline distribution facilities (e.g., gas stations).</p>	<p>EPA is accepting comments on the draft revisions until February 16, 2010.</p>

Citation	Summary	Implications	Schedule/Notes
<p>NEW YORK STATE Reasonably Available Control Technology Standards for Commercial and Industrial Adhesives and Sealants 6 NYCRR Part 228</p>	<p>DEC proposed new reasonably available control technology (RACT) standards that limit emissions of volatile organic compounds (VOCs) from commercial and industrial adhesives, sealants, and primers. With this rulemaking, DEC is proposing to divide 6 NYCRR Part 228 into two subparts – Subpart 228-1, which will contain the existing VOC RACT standards for surface coating operations, and Subpart 228-2, which will contain the new standards for adhesives and sealants. Subpart 228-2, in turn, consists of two components. First, DEC is proposing to limit the VOC content of commercial and industrial adhesives, sealants and primers sold in the state. Under this provision, manufacturers and distributors of specific types of adhesives, sealants and primers would be barred from selling products that contain more than a specified quantity of VOC; the VOC limits range from 30 to 850 grams of VOC per liter depending on the type of adhesive or sealant. Second, where adhesives, sealants or primers are used on an emissions unit, the facility may elect to use air pollution control equipment to achieve the necessary emission reductions in lieu of compliant coatings. Where total actual VOC emissions from all industrial adhesive application processes, including related cleaning activities, equal three tons per year or more, the rule requires facilities to use certain types of application equipment and to comply with work practices designed to decrease VOC emissions during storage, mixing, handling and cleaning operations. The regulation includes various exemptions and exceptions, including a so-called “low usage exemption.”</p> <p>The proposed rule can be found on DEC’s website at: www.dec.ny.gov/regulations/propregulations.html.</p>	<p>The rule will primarily affect manufacturers of adhesives and sealants and industrial/commercial facilities that use these products (with certain exceptions).</p>	<p>DEC is accepting comments on the proposed rule until February 17, 2010. Three public hearings concerning the draft rule have been scheduled in early February.</p>

Citation	Summary	Implications	Schedule/Notes
<p>NEW YORK STATE Reasonably Available Control Technology Standards for Stationary Combustion Installations 6 NYCRR Part 227-2</p>	<p>DEC is proposing major revisions to its reasonably available control technology standards for stationary combustion installations that will, among other things, impose stricter nitrogen oxide (NOx) emission limits on various affected units. Major changes to 6 NYCRR Part 227-2 include:</p> <ul style="list-style-type: none"> • Revising the definition of small boiler to include units with a maximum million British thermal unit (mmBtu) per hour heat input of between 1 and 25. (The current definition includes boilers between 20 and 50 mmBtu per hour.) The change means that many smaller boilers will be required to conduct annual tune-ups and record the results. For the first time, Part 227-2 also will require annual tune-ups for small combustion turbines and small stationary internal combustion engines. • Revising the definition of mid-size boiler to include units with a heat input of between 25 and 100 mmBtu/hour. (The current definition includes boilers between 50 and 100 mmBtu per hour.) The change means boilers between 25 and 50 mmBtu/hour heat input will be newly subject to NOx emission limits. • Establishing stricter NOx emission standards for very large, large, and mid-sized boilers to be implemented by July 1, 2012. The standards differ depending on the type of fuel burned and, in the case of very larger boilers, on the boiler configuration (tangential, wall, cyclone, or stoker). • Revising the emission standards for other types of combustion installations, including combustion turbines, stationary internal combustion engines, and other combustion sources. • Requiring regulated sources to submit a complete permit application or RACT analysis (explaining why current control technology should be considered RACT) by January 1, 2011. <p>The proposed rule can be found on DEC's website at: www.dec.ny.gov/regulations/propregulations.html.</p>	<p>The stationary combustion NOx standards apply only to major sources of NOx (i.e., those that emit 25 tons per year of NOx downstate or 100 tons per year of NOx upstate). Accordingly, the changes will primarily affect sources already subject to NOx RACT.</p>	<p>DEC is accepting comments on the proposed rule until February 17, 2010. Three public hearings concerning the draft rule have been scheduled in early February.</p>

Citation	Summary	Implications	Schedule/Notes
<p>NEW YORK STATE Reasonably Available Control Technology Standards for Graphic Arts Facilities 6 NYCRR Part 234</p>	<p>DEC proposed to repeal its existing reasonably available control technology rules for graphic arts facilities and replace them with a new rule that expands the applicability of the graphic arts RACT standards and reorganizes and updates the rule. Major changes to 6 NYCRR Part 234 include:</p> <ul style="list-style-type: none"> • Replacing out-of-date applicability and compliance schedule provisions. Under DEC’s proposal, the graphic arts standards would apply, with certain exceptions, to all graphic arts facilities in the severe ozone nonattainment area and to facilities located elsewhere in the state with actual VOC graphic art emissions of 3 tons per year or more. Smaller facilities outside the severe ozone nonattainment area would be subject only to rules relating to sales prohibitions, VOC handling, storage and disposal, recordkeeping, and opacity. • Adding numerous definitions relating to types of printing equipment and processes, control equipment, and cleaning materials, and deleting unnecessary definitions. • Expanding the term “graphic arts” to include letterpress printing processes. • Revising the control requirements applicable to printing processes in light of EPA’s recently-issued Control Technique Guidelines (CTGs) for sources in the graphic arts category. Facilities can comply with the rule by using compliant inks or operating emission control equipment that meets overall removal efficiency standards. • Relocating existing recordkeeping requirements and opacity standards from 6 NYCRR 234.4 to new sections 234.7 and 234.8, respectively. <p>DEC is proposing only minor changes to the following requirements: (1) prohibition of sale or specification; (2) handling, storage and disposal of VOCs; (3) recordkeeping; and (4) opacity.</p> <p>The proposed rule can be found on DEC’s website at: www.dec.ny.gov/regulations/propregulations.html.</p>	<p>The rule is primarily of interest to facilities involved in graphic arts, which is defined as “packaging rotogravure, publication rotogravure, flexographic, offset lithographic, letterpress and screen printing processes.” The proposed rule would, for the first time, cover letterpress printing processes. It contains major changes to both the compliant ink and emission control compliance options.</p>	<p>DEC is accepting comments on the proposed rule until February 17, 2010. Three public hearings concerning the draft rule have been scheduled in early February.</p>

Other Recent Developments (Final)

AIR

FEDERAL: EPA adopted standards for area (i.e., minor) prepared feed manufacturing facilities under the National Emission Standards for Hazardous Air Pollutants program. The standards, which are set forth at 40 CFR Part 63, subpart DDDDDDD, apply to new and existing prepared feed manufacturers (except for dog and cat food) who add chromium compounds or manganese compounds to their products. The standards are based on generally available control technology and management practices. All facilities subject to the standards must implement general management practices to minimize excess dust that could contain chromium or manganese compounds, including: use of industrial vacuum systems or manual sweeping; monthly dust removal from walls, ledges, and equipment using low pressure air or other means; and keeping doors shut. In addition, they must maintain and operate all process equipment that stores, processes or contains chromium or manganese compounds so as to minimize dust creation. Additional requirements apply to raw material storage areas, mixing operations, and bulk loading operations and to facilities that produce more than 50 tons of feed per day. In response to comments on the proposed rule, EPA revised and added several definitions to clarify what types of facilities are subject to the standard. The rule took effect January 5, 2010; it can be found in the January 5, 2010 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: EPA originally estimated that approximately 1,800 area source prepared feed manufacturers add chromium or manganese compounds to their products and so are potentially subject to the NESHAP.

FEDERAL: EPA adopted area (i.e., minor) source standards under the NESHAP program for sources in the chemical preparations source category. The standards, which are set forth in 40 CFR Part 63, subpart BBBB BBB, are based on generally available control technology and management practices. The standards potentially apply to existing and new chemical preparations area sources that conduct industrial operations involving mixing, milling, blending and/or extruding chemicals that contain “target” hazardous air pollutants (chromium, manganese, nickel and lead). Examples of chemical preparations covered by this standard include fluxes, water treatment chemicals, rust preventatives, plating chemicals, and drilling fluids. According to EPA, particulate emissions from most of the production equipment covered by the NESHAP already are well controlled as a result of state requirements. As a result, EPA initially proposed to require all process streams to be routed through a particulate matter control device with a 95 percent control efficiency. In response to public comment, EPA gave sources the option of demonstrating compliance with a 0.03 grains per dry standard cubic foot PM concentration in lieu of demonstrating control efficiency. EPA also expanded available monitoring options, allowing use of bag leak detection systems or audible parameter monitor alarm systems in place of continuous parameter monitoring systems. The final rule took effect December 30, 2009; it can be found in the December 30, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: EPA estimated that there are approximately 26 affected sources in the chemical preparations source category. The category does not cover establishments that are covered by other NESHAPs or that mix, mill, blend and/or extrude chemicals that do not contain target pollutants.

FEDERAL: EPA issued its *Integrated Science Assessment for Particulate Matter* following an extensive public review. The Integrated Science Assessment (ISA) (formerly known as the Air Quality Criteria Document) assesses the latest scientific information on the effects of particulate matter (PM) on public health and the environment and represents an important step in the five-year NAAQS review process required by the Clean Air Act. EPA last revised the PM NAAQS in 2006, when it reduced the 24-hour standard for fine PM and revoked the annual standard for larger particles. In the wake of a court decision remanding key aspects of the 2006 standard, EPA is accelerating its periodic review of the PM NAAQS. Information about the ISA can be found in the December 15, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The review process may eventually lead to the adoption of stricter NAAQS for PM which may, in turn, lead to stricter controls on sources of PM and PM precursors.

FEDERAL/NEW YORK STATE: EPA **determined that various nonattainment areas in New York have attained the one-hour and eight-hour national ambient air quality standards for ozone.** In the case of the one-hour ozone NAAQS, the areas are: the Capital Region (Albany, Greene, Montgomery, Rensselaer, Saratoga and Schenectady counties); Buffalo-Niagara Falls area (Erie and Niagara counties); Essex County; Jefferson County; and the Poughkeepsie area (Dutchess, Putnam, and northern Orange counties). The areas subject to the 8-hour determination are: Buffalo-Niagara Falls; Jamestown (Chautauqua County); the Poughkeepsie area; and Essex County. The determination provides confirmation that the one-hour areas have completed progress toward achieving the standard; for eight-hour areas, the determination relieves the state of the requirement to make certain submissions to EPA. Note: DEC must make additional submissions before EPA can formally redesignate the areas attainment. The determination can be found in the December 7, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The determination primarily affects DEC's obligations to EPA under the state implementation plan for ozone.

HAZARDOUS WASTE

FEDERAL: EPA amended the **regulations governing the export and import of hazardous waste from and into the United States.** These regulations are found primarily at 40 CFR Part 262, subpart H, Transboundary Movements of Hazardous Waste for Recovery Within the OECD. Many of the revisions were required to implement provisions agreed to by the United States as a member of the Organization for Economic Cooperation and Development (OECD). Among other things, the amendments require recovery facilities to submit a certificate of recovery; in addition, the amendments exempt qualifying shipments sent for laboratory analysis from certain paperwork requirements. EPA also amended 40 CFR Part 266, subpart G, to require notification of consent for the export of spent lead acid batteries to ensure that they are sent to countries that can manage them in an environmentally sound manner. The final rule takes effect July 7, 2010; it can be found in the January 8, 2010 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The regulation affects facilities that import or export hazardous waste and spent lead acid batteries.

Other Recent Developments (Proposed)

AIR

FEDERAL: EPA proposed additional **changes to its program for monitoring lead in the ambient air**, which was revised in conjunction with EPA's 2008 reduction in the national ambient air quality standards for lead. In 2008, EPA revised its ambient air monitoring program to require lead monitoring near any source that emits 1.0 ton per year (tpy) of lead as well as in any "core-based statistical area" (CBSA) with a population of 500,000 or more, a scheme which would have required up to 212 lead monitors nationwide. In response to petitions from environmental groups, EPA reviewed the monitoring scheme and proposed several changes, including decreasing the facility "emission threshold" for requiring monitors from 1.0 to 0.5 tpy and replacing the CBSA monitoring requirement with a proposal to use the existing source-oriented monitoring network to monitor for lead. According to EPA, the changes will increase the number of monitors required to more than 350. EPA is accepting comments on the proposed changes to the lead monitoring program until **February 16, 2010**. The proposal can be found in the December 30, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.

NEW YORK STATE: DEC **proposed to revise its general process emission source standards to include special provisions designed to control NOx emissions from hot mix asphalt production plants**. 6 NYCRR Part 212 contains DEC's provisions for controlling emissions from "general process sources" and includes a section establishing procedures for setting reasonably available control technology standards for sources not covered by other, more specific VOC or NOx RACT rules. With the current rulemaking, DEC is proposing to amend Part 212 to add a new section, set forth at 6 NYCRR 212.10(g), that establishes RACT for hot mix asphalt production plants. The new section requires annual burner tune-ups for small asphalt plant burners (those with a maximum heat input of less than 25 million Btu/hour); owners of larger asphalt plant burners must submit a control technology assessment that analyzes the technical and economic feasibility of installing a low NOx burner alone or in combination with a flue gas recirculation system. DEC is accepting comments on the new standards until **February 17, 2010** and has scheduled a series of three public hearings in early February. The proposed regulation can be found on DEC's website at: www.dec.ny.gov/regulations/propregulations.html.

Implications: The proposed rule will primarily affect owners/operators of hot mix asphalt production plants.

NEW YORK STATE: DEC **proposed to revise its existing reasonably available control technology standards for NOx emissions from cement plants and to adopt new NOx RACT standards for glass furnaces**. To implement the changes, DEC will divide 6 NYCRR Part 220 into two subparts: 220-1 for Portland cement plants and 220-2 for glass manufacturing plants. With respect to cement plants, DEC is proposing to: (1) add various definitions; (2) require cement plants to submit a RACT analysis and specify the procedures for obtaining the necessary approval; and (3) require continuous emission monitoring systems (CEMS) to demonstrate compliance with NOx RACT limits. With respect to glass plants, DEC is proposing to require owners/operators of affected facilities to

submit a NOx RACT analysis. They must also maintain production records and install a NOx CEMS to demonstrate compliance with the NOx RACT limits established. “Glass plant” is defined as “any facility using a glass melting furnace to manufacture glass.” The rule applies only to glass plants that are major NOx sources. DEC is accepting comments on the new standards until **February 17, 2010** and has scheduled a series of three public hearings in early February. The proposed regulation can be found on DEC’s website at: www.dec.ny.gov/regulations/propregulations.html.

Implications: The proposed rule will primarily affect owners/operators of Portland cement plants and “major” glass plants.

NEW YORK STATE: DEC proposed to **amend the state’s emission standards for motor vehicles to include revisions made by California to its low emission vehicle (LEV) program**. Under the federal Clean Air Act, California is authorized to adopt its own motor vehicle emission standards provided it obtains a waiver from EPA; other states may then adopt the California standards. With the recent rulemaking, DEC is proposing to amend New York’s existing LEV regulations to incorporate changes to the greenhouse gas emission standards adopted by California as part of that state’s LEV program. The changes are needed to ensure New York’s LEV program remains consistent with California’s. DEC is accepting comments on the proposed rule until **February 17, 2010** and has scheduled three public hearings in early February. The proposed regulation can be found on DEC’s website at: www.dec.ny.gov/regulations/propregulations.html.

Implications: The proposed regulation is primarily of interest to automobile manufacturers.

HAZARDOUS WASTE

FEDERAL: EPA proposed to **withdraw the emission comparable fuel hazardous waste exclusion adopted in December 2008**. The rule excluded from regulation as hazardous waste fuels that are produced from hazardous waste but have emissions comparable to those from burning fuel oil. Prior to 2008, the hazardous waste regulations excluded from the definition of solid (and therefore hazardous) waste hazardous waste-derived fuels with hazardous constituents and fuel values comparable to those for fossil fuels. However, many hazardous wastes with some fuel value do not meet the terms of the exclusion. EPA therefore created a new category of excluded fuel – known as emission-comparable fuel (ECF) – that includes fuels that generate emissions when burned in an industrial boiler that are comparable to emissions from burning fuel oil but have a lower fuel value than traditional comparable fuels. The exclusion is conditioned on the ECF being stored and burned under specified conditions. With this rulemaking, EPA is proposing to withdraw the 2008 ECF exclusion based on its conclusion that ECF is more waste-like than product-like, as evidenced by the extensive substantive requirements placed on the storage and burning of ECF as a condition of the exclusion. EPA is accepting comments on the proposed withdrawal of the ECF exclusion until **January 22, 2010**. The proposed rule can be found in the December 8, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The proposed withdrawal is primarily relevant to facilities interested in supplying and/or burning ECF.

REMEDICATION

FEDERAL: EPA made available for comment **draft recommended interim preliminary remediation goals (PRGs) for dioxins** to serve as a “point of departure” in the remedy selection process at sites slated for cleanup under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). EPA previously undertook to reassess the health risks associated with dioxin; in May 2009, the EPA administrator announced her intention to accelerate this review process, with the goal of completing the dioxin reassessment by the end of 2010. EPA released the interim PRGs for use in remedy selection until the reassessment process is complete. EPA is accepting comment on the draft recommended dioxin PRGs until **February 26, 2010**; notice of the PRGs can be found in the January 7, 2010 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The PRGs are primarily of interest to individuals responsible for remediating Superfund sites contaminated with dioxins.

FEDERAL: EPA published an advance notice of proposed rulemaking (ANPR) **indicating that it plans to develop financial responsibility requirements under the federal Superfund program for the chemical manufacturing, petroleum and coal products manufacturing, and electric power generation, transmission and distribution industries**. CERCLA § 108 authorizes EPA to adopt regulations requiring certain classes of facilities to establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with their operations. As a preliminary step, EPA must identify those types of facilities for which requirements will be developed and publish notice in the Federal Register. EPA listed the three industries identified above after considering the following factors: (1) annual amount of hazardous substances released to the environment; (2) number of facilities in active operation; (3) physical size of operations; (4) extent of environmental contamination; (5) number of sites on CERCLA site inventory; (6) government expenditures; (7) projected clean-up expenditures; and (8) corporate structure and bankruptcy potential. The ANPR also identified for further study four additional industry sectors as well as facilities engaged in recycling activities involving CERCLA hazardous substances. The announcement represents the first formal step in the review process, which may lead eventually to a formal notice-and-comment rulemaking. EPA is accepting comments on the ANPR until **February 5, 2010**. The ANPR can be found in the January 6, 2010 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The notice is of interest primarily to the chemical manufacturing, petroleum and coal products manufacturing, and electric power generation, transmission and distribution industries.

HAZARDOUS MATERIALS

FEDERAL: EPA announced plans for **using its authority under the Toxic Substances Control Act (TSCA) to address the health and environmental hazards of four categories of chemicals:** phthalates; short-chain chlorinated paraffins (SCCPs) and other chlorinated paraffins; polybrominated diphenyl ethers (PDBEs); and long-chain perfluorinated chemicals (PFCs). EPA identified the following measures in its chemical action plans:

- **Phthalates** (used as plasticizers in polyvinylchloride products): Short term, EPA plans to propose rules adding these chemicals to its TSCA “concern list” and expanding the list of phthalates required to be reported under the Toxics Release Inventory (TRI) program. Longer term, EPA is considering proposing a rule limiting or banning use of these chemicals based on a conclusion they that “present or will present an unreasonable risk of injury to health or welfare or the environment.”
- **SCCPs** (used as lubricants and coolants in metal cutting and forming operations, among other uses). EPA plans to require companies to submit pre-manufacture notifications for SCCPs not currently in the TSCA inventory; EPA also plans to consider whether to propose a rule banning or restricting these chemicals.
- **PDBEs** (used as flame retardants in various products). Short term, EPA plans to propose rules adding commercial PDBE mixtures to its TSCA concern list and requiring notice prior to the manufacture or import of articles to which certain PDBEs have been added.
- **Long-chain PFCs** (used to provide non-stick, fire resistance, and surfactant properties to various products). EPA is considering proposing a rule limiting or banning use of these chemicals as well as continuing efforts to evaluate alternatives.

This announcement is part of a broader EPA initiative to improve the regulation of chemicals under TSCA that includes encouraging congress to amend the TSCA statute. Information about these efforts can be found on EPA’s website at: www.epa.gov/oppt/existingchemicals.

Implications: This initiative will primarily affect manufacturers, distributors and users of the targeted chemicals.

FEDERAL: EPA published an advance notice of proposed rulemaking (ANPR) **soliciting input on whether to increase the public availability of information about the inert ingredients in pesticide products**. Existing pesticide registration regulations require applicants to provide a complete description of the composition of each pesticide formulation, including the identity of each active ingredient, inert ingredient, and certain impurities. However, while detailed information on active ingredients must be included on the pesticide ingredient statement, information on inert ingredients is limited to a total percentage. EPA has received a pair of petitions identifying over 350 pesticide inert ingredients as hazardous and asking EPA to require that these inert ingredients appear on the labels of pesticide products. With this ANPR, EPA is seeking input on whether and, if so, how, to increase public availability of information about inert ingredients. The notice identifies two possible approaches – requiring only the identities of *potentially hazardous* inert ingredients to be listed on pesticide labels or requiring *all or most* inert ingredients to be included. The notice identifies various questions in conjunction with each approach as well as questions common to both alternatives. EPA is accepting comments on the ANPR until **February 22, 2010**. The ANPR can be found in the December 23, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The ANPR is primarily of interest to pesticide manufacturers and users.

WATER

FEDERAL: EPA announced plans to **initiate a national rulemaking to establish a comprehensive program to reduce stormwater discharges, particularly from new development and redevelopment**. The notice provides a history of federal stormwater regulation

and briefly assesses the current state of the program. Among other things, EPA noted that increasing development has increased stormwater discharges and that the existing stormwater permit program leaves the regulated community with considerable discretion to set its own standards. To address these concerns, EPA is considering establishing specific requirements for stormwater discharges from new development and redevelopment, expanding the area defined as municipal separate storm sewer systems (MS4s) to include rapidly developing areas, and devising a consistent set of regulations for all MS4s. EPA is accepting comments on the notice until **February 26, 2010**; it has also scheduled a series of listening sessions to obtain feedback from the public concerning its plans. The notice can be found in the December 28, 2009 Federal Register at: www.gpoaccess.gov/fr/index.html.

Implications: The notice is primarily of interest to municipalities and property developers.

NEW YORK STATE: DEC made available for comment a **draft Hudson River Estuary Action Agenda 2010-2014**. The agenda updates DEC's long-range goals and measurable targets for preserving, protecting and revitalizing the Hudson River estuary and surrounding watershed. The draft agenda contains the following goals: signature fisheries; river and shoreline habitats; the living landscape (biological diversity and ecosystems); streams and tributaries of the Hudson River estuary watershed; the working landscape, open space and river scenery; climate change; public access; education; waterfront revitalization; water quality; contaminant reduction; and celebrating progress and partnerships. For each goal, the agenda identifies the challenges facing the estuary, the long-range targets, and the actions planned for 2010 to 2014 to help reach those targets. DEC is accepting comments on the draft agenda until **January 22, 2010**. The draft agenda can be found on DEC's website: at www.dec.ny.gov/lands/5104.html.

Implications: The draft agenda is primarily of interest to individuals/facilities located in the Hudson River estuary.

NEW YORK STATE: DEC made available for comment **revisions to Chapters 5 and 10 of its New York State Stormwater Management Design Manual**, one of the state's main resources for designing stormwater management projects. Among other things, the revisions are intended to encourage incorporation of green infrastructure achieved by infiltration, groundwater recharge, reuse, recycling, and evaporation/evapotranspiration. DEC is accepting comments on the revised chapters of the Manual until **February 3, 2010**. The revisions can be found on DEC's website at: www.dec.ny.gov/chemical/41392.html.

Implications: The Manual is potentially of interest to anyone involved in addressing urban stormwater runoff.

OTHER

NEW YORK STATE: DEC is inviting the public to **identify regulations that impose unnecessary, burdensome or excessive costs, paperwork, reporting or other requirements**. The notice follows Governor Paterson's issuance of **Executive Order No. 25** establishing a regulatory review program, which will be overseen by a review committee comprised of members of the Governor's office and other state officials. The order requires selected agencies to conduct an internal review and seek comment from the public for purposes of identifying regulations that are unnecessary, unbalanced, unwise, duplicative or unduly burdensome. The agency must then review the responses, together with other public criticism and comment received during the previous three years. Following this review, the agency must analyze and report on such regulations, identifying suggested changes and responding to any criticisms.

received. DEC is accepting suggestions for regulatory reform until **February 15, 2010**. Information about the initiative can be found in the December 16, 2009 Environmental Notice Bulletin at: www.dec.ny.gov/enb/20091216_not0.html.

Implications: The regulatory review program provides a forum for the public to identify problems with unnecessarily burdensome DEC regulations.

NEW YORK STATE: DEC published its **regulatory agenda for 2010**. The agenda identifies the regulatory changes DEC may pursue in the upcoming year. Key items on the agenda include:

- **6 NYCRR Part 201, Permits and Registrations:** Delete outdated requirements, clarify permitting and application requirements (including those dealing with exemptions and capping), add and/or amend definitions, enhance permit requirements for minor sources, and ensure consistency between Part 201 and 6 NYCRR Part 231 (New Source Review).
- **6 NYCRR Part 202, Emissions Verification:** Revise Subpart 202-2, Emission Statements, to include the reporting of greenhouse (GHGs) as part of the annual emission statement process. The six GHGs include: carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
- **6 NYCRR Part 212, General Process Emission Sources:** Revise Part 212 to establish a new procedure for evaluating and reducing air toxic impacts from stationary sources.
- **6 NYCRR Part 222, Distributed Generation:** Adopt new regulations establishing standards for distributed generation sources – stationary internal combustion engines used to produce electricity for use at the facility at which they are located, including emergency generators.
- **6 NYCRR Part 225, Fuel Composition and Use:** Revise Subpart 225-1, Sulfur Limitations, to lower the sulfur content of distillate fuel oil for all stationary sources and conform the subpart to Part 201. In addition, DEC plans to revise Subpart 225-3, Gasoline, to lower the maximum allowable summertime gasoline volatility. Finally, DEC is considering adding a new Subpart 225-5 containing standards limiting the carbon content of various fuels.
- **6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles:** Update and clarify testing requirements for gas stations and conform more closely with new federal requirements and guidance.
- **6 NYCRR 241, Asphalt Pavement and Asphalt Based Surface Coatings:** Delete asphalt pavement and asphalt-based surface coating requirements from 6 NYCRR Part 211 and place revised requirements in new 6 NYCRR Part 241.
- **6 NYCRR Part 247, Outdoor Wood-fired Hydronic Heaters:** New regulation establishing siting and stack height criteria and emission standards for outdoor wood-fired hydronic heating systems.
- **6 NYCRR Part 251, CO₂ Emission Limitations for Combustion Installations and Gasification Sources:** New rule requiring “eligible sources” to meet specific CO₂ emission limits.
- **6 NYCRR Part 360, Solid Waste Management Facilities:** Major revisions to the Part 360 regulations, including reorganizing the rule to better organize solid waste topics and addressing activities not currently covered by the regulations, such as automobile dismantlers, and dredge materials, among others; also delete beneficial use determination granted to coal combustion fly ash.

- **6 NYCRR Part 360 or 370, Electronics Recycling:** New regulations to address management of used electronics, including incorporating federal regulations concerning cathode ray tubes and implementing a state law relating to collection of wireless telephones.
- **6 NYCRR 372 and 373, Hazardous Waste Storage Incidental to Transport:** Revise the hazardous waste regulations to impose limited regulatory requirements on hazardous waste stored incidental to transport.
- **6 NYCRR Part 375, Environmental Remediation Programs:** Revise regulations to: provide additional direction on issues encountered since rule was adopted and on processes to promote uniformity and consistency; clarify definitions of “brownfield” and “significant threat;” create program to oversee remedial activities outside the brownfield cleanup program; and make other changes.
- **6 NYCRR Parts 595-599, Chemical Bulk Storage; 6 NYCRR Parts 612-614, Petroleum Bulk Storage:** Revise regulations to: incorporate changes implementing the federal Energy Policy Act of 2005, which requires states to adopt training and other requirements relating to underground storage tanks; revise the list of hazardous substances in Part 597 to reflect changes and updates at federal level; conform key definitions to reflect recent changes to the petroleum bulk storage implementing statute; and make other changes.
- **6 NYCRR Part 617, State Environmental Quality Review Act:** Revise Environmental Assessment Forms (EAFs) by updating topic areas, clarifying instructions, and addressing newly-emerging issues, including environmental justice, climate change, and smart growth/quality communities.
- **6 NYCRR Part To Be Determined, Water Well Registration and Reporting:** Develop new part establishing registration, reporting, certification and enforcement provisions under ECL §15-1525, which requires certificate of registration for water well drillers.

The regulatory agenda can be found on DEC’s website at: www.dec.ny.gov/regulations/36816.html.

Upcoming Deadlines

NOTE: This calendar is limited to items of general interest.

January 12, 2010: Deadline for submitting comments on revisions to SIP relating to PM_{2.5} implementation, air pollution episodes, and regional haze. See the December 2, 2009 Environmental Notice Bulletin at www.dec.ny.gov/enb/20091202_not0.html for details. A public hearing was held.

January 14, 2010: Deadline for submitting comments on DEC’s revised draft *Hazardous Waste Facility Siting Plan* and draft GEIS (extended from December 14, 2009). See DEC’s website at www.dec.ny.gov/chemical/9054.html for details. Note: Public hearings were held.

January 15, 2010: Deadline for submitting comments on DEC's revised draft SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-10-001), SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (Permit No. GP-0-10-002), and Designation Criteria for Identifying Regulated Municipal Separate Storm Sewer Systems (extended from December 16, 2009). See DEC's website at www.dec.ny.gov/chemical/41392.html for details. Note: Public hearings were held.

January 15, 2010: Deadline for submitting comments on DEC's proposed revisions to Chapters 1, 2, 3, 4 and 9 of the *New York State Stormwater Management Design Manual* (extended from December 23, 2009). See DEC's website at www.dec.ny.gov/chemical/41392.html for details.

January 15, 2010: Deadline for submitting comments on DEC's preliminary draft revisions of its radioactive materials regulations. See DEC's website at www.dec.ny.gov/chemical/296.html for details.

January 15, 2010: Deadline for submitting comments on DEC's draft Program Policy DER-10, *Technical Guidance for Site Investigation and Remediation* (extended from January 4, 2010). See DEC's website at www.dec.ny.gov/regulations/2393.html for details.

January 19, 2010: Deadline for submitting comments on OSHA's advance notice of proposed rulemaking relating to combustible dust in the workplace. See the October 21, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.

January 22, 2010: Deadline for submitting comments on DEC's draft *Hudson River Estuary Action Agenda 2010-2014*. The draft agenda can be found on DEC's website at www.dec.ny.gov/lands/5104.html.

January 22, 2010: Deadline for submitting comments on EPA's proposal to withdraw the 2008 emission comparable fuel exclusion from the hazardous waste regulations. See the December 8, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.

January 25, 2010: New York State Climate Action Council public information meeting on state climate action planning process. See the January 6, 2010 Environmental Notice Bulletin at www.nyclimatechange.us for details.

February 3, 2010: Deadline for submitting comments on DEC's proposed revisions to Chapters 5 and 10 of the *New York State Stormwater Management Design Manual*. See DEC's website at www.dec.ny.gov/chemical/41392.html for details.

February 5, 2010: Deadline for submitting comments on EPA's advance notice of proposed rulemaking concerning establishing financial responsibility requirements under CERCLA. See the January 6, 2010 Federal Register at www.gpoaccess.gov/fr/index.html for details.

February 8, 2010: Deadline for submitting comments on EPA's proposed changes to the SO₂ NAAQS. See the December 8, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.

February 15, 2010: Deadline for submitting information about existing DEC regulations that impose unduly burdensome requirements. See the December 16, 2009 Environmental Notice Bulletin at www.dec.ny.gov/enb/20091216_not0.html for details.

February 16, 2010: Deadline for submitting comments on EPA's proposed revisions to the gasoline terminal and distribution facility NESHAP. See the December 15, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.

February 16, 2010: Deadline for submitting comments on proposed changes to lead ambient air monitoring requirements. See the December 30, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.

February 17, 2010: Deadline for submitting comments on the following proposed DEC regulations: (1) incorporate California GHG emission standards for motor vehicles as part of LEV program; (2) new RACT standards for hot mix asphalt production plants; (3) revised NO_x RACT standards for Portland cement plants and new NO_x RACT standards for glass furnaces at glass plants; (4) new VOC limits on commercial and industrial adhesives and sealants; (5) revised NO_x RACT standards for stationary combustion installations; and (6) revised VOC RACT standards for graphic arts. NOTE: Public hearings have been scheduled for early February.

February 22, 2010: Deadline for responding to EPA's advance notice of proposed rulemaking seeking input on whether to increase the availability of information on inert ingredients in pesticide products. See the December 23, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.

February 26, 2010: Deadline for submitting comments on EPA's draft recommended preliminary remediation goals for dioxin. See the January 7, 2010 Federal Register at www.gpoaccess.gov/fr/index.html for details.

February 26, 2010: Deadline for submitting comments on EPA's revised risk analysis supporting changes to regulations relating to solvent-contaminated wipes (extended from December 28, 2009). See the October 27, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.

February 26, 2010: Deadline for submitting comments in response to EPA's notice concerning plans to initiate a national rulemaking to reduce stormwater discharges from new development and redevelopment. See the December 28, 2009 Federal Register at www.gpoaccess.gov/fr/index.html for details.