Young / Sommer LLC

ENVIRONMENTAL BREAKFAST CLUB
REGULATORY SUMMARY

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Final Statutes, Rulemakings, Guidance and Cases

Citation	Summary	Implications	Schedule/Notes
HAZARDOUS AND SOLID WASTE			
NEW YORK STATE **Hazardous Waste Compliance Information for Pharmacies and Other Retail Facilities**	DEC issued **guidance documents and sample plans designed to help pharmacies and other retail facilities manage their hazardous waste**. Many drugs and other materials managed by pharmacies and other retail outlets are hazardous waste when disposed. In many cases, these materials are consolidated centrally before being shipped off-site. In particular, pharmacies and medical facilities often ship unwanted drugs to "reverse distributors"—companies registered with the Drug Enforcement Administration that receive unwanted, unusable, or outdated pharmaceuticals from pharmacies and medical facilities and return them to the manufacturer or arrange for disposal. DEC's recent guidance provides background on the role of reverse distributors in the pharmaceutical management process, explains the limits on the reverse distributors' activities, and identifies compliance items for review. The guidance also briefly addresses the broader issue of "reverse logistics"—the process of managing potentially hazardous materials returned to the point of origin to recapture value or ensure proper disposal. In addition, DEC made available outlines for pharmacies and other retail facilities to develop compliance and training plans and a form to help retailers manage universal waste (e.g., batteries, fluorescent bulbs). DEC's compliance information for pharmacies and other retail facilities can be found at: www.dec.ny.gov/chemical/99555.html.	The guidance is primarily of interest to owners/operators of pharmacies, medical facilities, and retail facilities that return potentially hazardous materials to a centralized location for handling. The guidance makes clear that certain materials, such as broken or spilled pharmaceuticals, are not eligible for management via reverse distribution/reverse logistics programs. The guidance also makes clear that the rules governing reverse logistics are "not as well-defined and regulated" as those for reverse distribution and includes a link to a recent EPA enforcement action against Walmart for hazardous waste management violations.	According to DEC, it frequently receives questions on making hazardous waste determinations. The compliance webpage includes a link to DEC's Small Quantity Generator Information Email and indicates that DEC plans to update the webpage with the most common waste determination questions and problems as they are identified.
REMEDIATION			
NEW YORK STATE **Governor Vetoes Brownfield Tax Credit Extension**	Governor **Cuomo vetoed the New York Legislature's stopgap extension of the state's Brownfield Cleanup Law** enacted at the close of last year's legislative session. A.10135/S.7878 extended the expiration date of the state's brownfield cleanup tax credit program from December 31, 2015 to March 31, 2017. Under the bill, developers were required to receive their certificates of completion by March 31, 2017 to obtain tax credits under the existing brownfield law. The legislature passed the stopgap measure after failing to reach agreement on a more comprehensive overhaul of the state's brownfield cleanup program. The bill also appropriated an additional $100 million for New York's Superfund program and raised the program's bonding limit by $300 million.	Without an extension, projects in the BCP must receive a certificate of completion by December 31, 2015 to qualify for tax credits. In his veto message, Governor Cuomo asserted that the bill was unbudgeted and so would have had an "unplanned, direct impact on the current state fiscal plan."	The Governor plans to propose a bill extending the BCP "with appropriate reforms" consistent with his prior proposal.

Citation	Summary	Implications	Schedule/Notes
HYDRAULIC FRACTURING			
NEW YORK STATE **State Announces Ban on Hydraulic Fracturing**	The New York State Department of Health (DOH) issued its long-awaited **study of the public health impacts of high-volume hydraulic fracturing** (HVHF). The report, entitled *A Public Health Review of High Volume Hydraulic Fracturing for Shale Gas Development,* found that there are "significant uncertainties" about the adverse health outcomes associated with HVHF and recommended that HVHF not proceed in New York until additional scientific information is available. Based on that recommendation, Governor Andrew Cuomo declared that the state will not allow HVHF. The study examined the current state of science regarding HVHF and public health risks as well as whether existing mitigation measures implemented elsewhere are effectively reducing that risk. Impacts identified include: • **Air impacts**, e.g., uncontrolled methane leakage, emissions of volatile organic compounds and particulate matter from well pads and natural gas infrastructure, and air emissions associated with heavy vehicle traffic and idling trucks. • **Water-quality impacts**, e.g., underground methane migration and/or migration of fracking chemicals associated with faulty well construction, potential contamination associated with surface spills and inadequate wastewater treatment, and disposal of radioactive wastes. • **Seismic impacts,** i.e., earthquakes occurring during the fracturing process. • **Community impacts** associated with boom-town economic effects such as increased vehicle traffic, road damage, noise, odor, increased demand for housing and medical care, and stress. The report also examined published health studies, several of which documented health complaints among residents living near HVHF activities. Ultimately, the report found that there are substantial gaps in the study of HVHF impacts that may be addressed by several major ongoing or proposed HVHF studies. The study can be found on the DOH website at: www.health.ny.gov/press/reports/docs/high_volume_hydraulic_fracturing.pdf.	New York has had a moratorium on HVHF since 2008 when DEC began preparing a Supplemental Generic Environmental Impact Statement (SGEIS) to assess the environmental impacts of the process. DEC followed up the SGEIS with draft regulations addressing the HVHF process. With the recent announcement, New York became the only state in the nation to ban HVHF. However, the report leaves open the possibility that HVHF may be allowed in the future based on the results of future studies of the public health and environmental impacts of the process.	DEC plans to issue a legally binding findings statement that bans HVHF in the state. The decision is expected to be challenged by landowners and/or the oil and gas industry.

Proposed Statutes, Regulations and Guidance

Citation	Summary	Implications	Schedule/Notes
AIR			
FEDERAL **Revised Ozone National Ambient Air Quality Standards** 40 CFR Parts 50-53 and 58 79 Fed. Reg. 75234 (Dec. 17, 2014)	EPA **proposed to lower the 8-hour national ambient air quality standard (NAAQS) for ozone from 75 parts per billion (ppb) to a range of 65-70 ppb** after concluding that the reduction is necessary to protect public health with an adequate margin of safety. However, the agency is accepting comments on lowering the standard to 60 ppb and on retaining the existing standard. The Clean Air Scientific Advisory Committee, which is charged with reviewing the NAAQS, previously concluded that the scientific evidence supports a standard within a range of 60 to 70 ppb. As part of the rulemaking, EPA also is proposing to: • Adopt a secondary (welfare-based) standard that is identical to the primary health-based standard after concluding that the revised standard would protect plants and trees from the cumulative exposures to excess ozone during the growing season. However, EPA is accepting comments on a standard based on the so-called W126 index, a seasonal measure used to assess the impact of ozone on ecosystems and vegetation. • Change the ozone monitoring requirements, including extending the ozone monitoring season in certain states to match the time of year when data shows unhealthy ozone levels and streamlining and modernizing the photochemical assessment monitoring stations (PAMS) network. • Update the Air Quality Index, EPA's color-coded tool for communicating air quality to the public, to reflect changes to the health-based ozone standard. The proposed rule can be found in the December 17, 2014 Federal Register at: www.gpo.gov/fdsys.	The proposed NAAQS, if adopted, will primarily affect facilities that emit volatile organic compounds (VOCs) and nitrogen oxides (NOx), the primary precursors to the formation of ground level ozone. According to EPA, the "vast majority" of U.S. counties with ozone monitors will meet the proposed standards by 2025 with programs now in place or underway, such as the Tier 3 vehicle emission standards, the Mercury and Air Toxics Standards for power plants, and the regional haze rules. In the past, however, New York and other states with ozone nonattainment problems have needed to impose stricter state standards on NOx and VOC sources to address ozone nonattainment problems.	EPA is accepting comments on the proposed ozone NAAQS revisions until **March 17, 2015**. EPA plans to take final action on the proposed standards by October 1, 2015. States will be expected to issue final nonattainment designations by October 2017. EPA plans to propose rules and guidance to assist areas with implementing the revised standards no later than one year after the final standards are issued.

Citation	Summary	Implications	Schedule/Notes
AIR			
NEW YORK STATE **Process Operations** 6 NYCRR Part 212	DEC proposed to **replace its existing General Process Emission Source regulation with a new Process Operations regulation**. Under 6 NYCRR Part 212, DEC assigns an environmental rating to air contaminants and determines the level of control required based on the source's emission rate potential. The proposed rule establishes a new "step-wise" approach to regulating process operations. • ***Applicability.*** The new Part 212 will apply to process operations—activities that involve changing the properties of materials or conveying/storing materials without change. Like the current rule, the proposal exempts materials/activities regulated under more specific DEC air regulations; in addition, DEC is proposing to exclude temporary, exempt and trivial sources from Part 212. • ***Relationship to federal standards.*** With certain exceptions, sources that comply with New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPs) need not comply with the limits in subpart 212-2 for contaminants subject to the federal standards, except for specified high toxicity air contaminants (HTACs). • ***Non-federally regulated contaminants.*** Facilities emitting contaminants not subject to a NSPS or NESHAP must provide a list of contaminants and their hourly and annual emission rates to DEC, which will assign them environmental ratings. DEC will then compare these emission rates to tables set forth in the regulations to determine whether controls are required and, if so, what level of control. This step requires modeling to show that emissions do not exceed NAAQS (criteria contaminants) or guideline concentrations (non-criteria contaminants). In addition, facilities must confirm that any HTACs emitted are below specified mass emission limits. • ***T-BACT.*** If a facility cannot meet the limits specified in the regulations for non-criteria contaminants, it must undertake a facility-specific toxic best available control technology (T-BACT) analysis to identify possible control technology options. Special rules apply to certain persistent and bioaccumulative (PB) toxics. The proposed regulation can be found on DEC's website at: www.dec.ny.gov/regulations/100007.html.	The Part 212 regulations apply to all regulated air emission sources that are not subject solely to more specific emission standards. The rule, which has been in place for over 40 years, has not been significantly revised since 1985. The new rule is intended to provide consistency with the federal NESHAP program and ensure proper regulation of the most toxic contaminants. In particular, DEC has lowered the applicability threshold for A-rated (i.e., toxic) contaminants from 1 lb/hour to 0.1 lb/hour to ensure highly toxic contaminants are properly controlled. DEC also has established special rules for HTACs and PBs. Sources emitting contaminants that are not regulated under a NSPS or NESHAP will be expected to conduct modeling to show that emissions from the facility do not cause exceedances of the NAAQS or guideline concentrations.	DEC is accepting comments on the proposed revisions until **February 17, 2015**. A public hearing on the proposed revisions is scheduled for **February 4, 2015** at 1:00 p.m. at DEC Headquarters in Albany. Additional public hearings are scheduled in Long Island City, West Syracuse, and Tonawanda. The new standards will be phased in over time with Part 212 applying (1) when a regulated entity applies for a new or modified permit or registration or (2) upon issuance of a renewal for an existing permit or registration.

Citation	Summary	Implications	Schedule/Notes
AIR			
FEDERAL **Residual Risk/Periodic Technology Review of Secondary Aluminum Production Standards** 40 CFR Part 63, subpart RRR 79 Fed. Reg. 72874 (Dec. 8, 2014)	EPA supplemented its proposed findings under the **National Emission Standards for Hazardous Air Pollutants for secondary aluminum production sources following a residual risk and periodic technology review**. EPA reiterated its earlier conclusion that the existing maximum achievable control technology (MACT) standards for secondary aluminum production sources protect public health with an ample margin of safety and that no changes are necessary to address residual risk. EPA also concluded again that there have been no advances in practices, processes, and control technologies applicable to the source category sufficient to justify adopting stricter technology-based standards. However, consistent with other recent NESHAP rulemakings, EPA withdrew an earlier proposal to establish an affirmative defense to civil penalties for exceedances of emission standards caused by malfunctions in the wake of a court of appeals decision invalidating a similar provision. In addition, EPA proposed amendments to correct and clarify the rule, including: (1) establishing criteria that facilities must follow when changing furnace classification from one type to another and limiting the number of changes allowed; (2) clarifying the circumstances under which performance testing must be conducted; (3) revising the requirements for testing uncontrolled furnaces; and (4) expanding the options for verifying the efficiency of capture/collection equipment. Finally, EPA proposed to require electronic reporting of performance test reports to EPA. The proposed rule can be found in the December 8, 2014 Federal Register at: www.gpo.gov/fdsys.	The rule is primarily of interest to facilities that produce aluminum from scrap materials. EPA estimates that there are approximately 161 secondary aluminum production facilities in the United States, 53 of which are major sources of hazardous air pollutants.	EPA is accepting comments on the supplemental proposed rule until **January 22, 2015**.

Other Recent Developments (Final)

REMEDIATION

NEW YORK STATE: DEC **issued a streamlined form for making minor changes to brownfield cleanup agreements** (BCA) that includes both the change application and the BCA amendment. The new application can be used to add, substitute, remove or change the name of the parties to the agreement and make minor changes to the property covered, such as changes to metes and bounds descriptions, corrections to tax block and lot information, and minor additions and reductions of property. The application may not be used to make major changes to the property covered or to add property that could affect an eligibility determination. Applicants seeking a change must complete the application and sign the accompanying BCA amendment form. If DEC approves the change it will sign the form, completing the BCA amendment process. The new form can be found on DEC's website at: www.dec.ny.gov/docs/remediation_hudson_pdf/bcpamend.pdf.

Implications: The form is potentially of interest to volunteers/participants in the brownfield cleanup program.

ENVIRONMENTAL REVIEW

NEW YORK STATE: A state appellate court concluded in *Ranco Sand & Stone Corp. v. Vecchio*, 2014 WL 6676772 (2d Dept. 2014) that **issuance of a positive declaration under the State Environmental Quality Review Act (SEQRA) was not a final agency action subject to judicial review**. After many years of leasing land in a residential zone to a bus garage, the owner of the land petitioned the town to rezone it from residential to heavy industrial. After the planning board recommended approving the request, the town board waited five years and issued a positive declaration under SEQRA, concluding that the proposed rezoning may have a significant effect on the environment. The landowner then commenced an Article 78 action seeking to annul the town board's determination, citing *Matter of Gordon v. Rush*, 100 N.Y.2d 236 (2003), a court of appeals case which held that there may be circumstances in which issuance of a SEQRA positive declaration constitutes a final agency action ripe for judicial review. While acknowledging that the SEQRA positive declaration would require the landowner to incur the expense of preparing a draft environmental impact statement, the appellate court found that this factor, standing alone was not determinative and that the *Rush* case could be distinguished on various grounds. The appellate division went on to conclude that "[t]o construe *Rush* so broadly as to permit judicial review every time a SEQRA positive declaration is issued would result in a proliferation of piecemeal review of the SEQRA process."

Implications: The case clarifies the circumstances under which a SEQRA positive declaration may be subject to judicial review.

Other Recent Developments (Proposed)

AIR

FEDERAL: EPA **proposed to retain the existing lead national ambient air quality standard** after finding that the current standard provides the requisite protection to public health with an adequate margin of safety. EPA lowered the lead NAAQS in 2008 from 1.5 micrograms per cubic meter ($\mu g/m^3$) to .15 $\mu g/m^3$ measured as lead in total suspended particulate matter. Under the current standard, an area violates the NAAQS if lead in the ambient air averaged over three months equals or exceeds .15 $\mu g/m^3$ once during a three-year period. After reviewing recent data on the health and environmental effects of lead in the ambient air, EPA concluded that the current standard protects public health with an adequate margin of safety, including at risk populations such as young children living near lead emission sources where ambient concentrations just meet the standard. EPA also found that the available evidence did not support lowering the standard to address ecosystem effects. EPA is accepting comments on its proposed decision until **April 6, 2015**; it can be found in the January 5, 2015 Federal Register at: www.gpo.gov/fdsys.

Implications: The proposed announcement is primarily of interest to owners/operators of airports, primary and secondary lead smelters, battery manufacturers and other significant sources of lead emissions.

FEDERAL: EPA **proposed NESHAPs for major sources in the brick and structural clay manufacturing and clay ceramics manufacturing source categories**. The proposal replaces standards adopted in 2003 and vacated by a federal appeals court in 2008. The brick and structural clay products (BSCP) manufacturing standard, set forth at 40 CFR Part 63, subpart JJJJJ, applies to tunnel and periodic kilns at facilities that manufacture brick (e.g., face brick, structural brick, brick pavers and other brick; clay pipe; roof tile; extruded floor and wall tile; and/or other extruded, dimensional clay products). The proposal includes: (1) mercury emission limits for tunnel kilns (with different standards for large and small kilns); (2) non-mercury HAP metal limits for tunnel kilns; (3) health-based emission limits for acid gases from tunnel kilns; and (4) work practice standards for emissions of various contaminants from BSCP periodic kilns, dioxin/furan emissions from tunnel kilns, and startup and shutdown emissions from tunnel kilns. The clay ceramics manufacturing standard, set forth at 40 CFR Part 63, subpart KKKKK, applies to facilities that manufacture pressed floor tile, pressed wall tile and other pressed tile as well as sanitaryware such as toilets and sinks. The proposal includes emission limits for acid gases, mercury, particulate matter (as a surrogate for non-mercury metals), and dioxins/furans. The precise standards depend on the type of equipment (roller kiln, tunnel kiln, dryer, glaze line, etc.). To demonstrate compliance with both standards, EPA is proposing initial and repeat five-year performance testing for regulated pollutants, continuous parameter monitoring, and daily visible emission (VE) checks. Certain facilities equipped with fabric filters can demonstrate compliance using a bag leak detection system instead of daily VE checks. EPA is accepting comments on the proposed standards until **March 19, 2015** (extended from February 17, 2015); the proposal can be found in the December 18, 2014 Federal Register at: www.gpo.gov/fdsys.

Implications: The proposed NESHAPs are primarily of interest to major sources in the brick and structural clay and clay ceramic source categories.

FEDERAL: EPA **announced that it has satisfied its obligations under Section 112(c)(6) of the Clean Air Act** (CAA), which requires EPA to adopt a sufficient number of maximum achievable control technology (MACT) or health-based standards under the NESHAP program to ensure that 90% of the aggregate emissions of each of seven specifically-listed pollutants are subject to standards. EPA announced in 2011 that it had adopted the required standards but that finding was vacated by a federal court after it found that the determination was a rulemaking that could not be issued without public notice and comment. The recent notice, which seeks comment on a similar finding, includes a detailed summary of the basis for its determination, including: (1) an updated 1990 baseline emission inventory for each of the § 112(c)(6) pollutants that summarizes emissions from each source category counted towards the 90% requirement; (2) recent changes to the 1990 baseline inventory; (3) a list of emission standards adopted to meet the 90% requirement; (4) a summary of the federal regulations relied on to ensure that sources accounting for at least 90% of aggregate emissions of each 112(c)(6) pollutant are subject to MACT or health-based standards; and (5) a discussion of the use of surrogate pollutants to meet the 90% requirement. EPA is accepting comments on its 112(c)(6) determination until **February 17, 2015**; the determination can be found in the December 16, 2014 Federal Register at: www.gpo.gov/fdsys.

Implications: The ruling is primarily of interest to sources that emit one or more of the following pollutants: alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans, and 2,3,7,8-tetrachlorodibenzo-p-dioxin.

CLIMATE CHANGE

FEDERAL: The Council on Environmental Quality (CEQ) published **revised draft guidance on addressing greenhouse gas (GHG) emissions and the impacts of climate change under the National Environmental Policy Act** (NEPA). NEPA requires federal agencies to incorporate environmental considerations into planning, decision-making, and permitting by preparing detailed statements assessing the environmental impact of, and alternatives to, major federal actions that significantly affect the environment. Over the years, numerous questions have arisen about how best to address climate change under NEPA, leading to numerous lawsuits. In 2010, the CEQ made available for public comment draft guidance establishing standards for assessing climate change under NEPA, which has since been revised. Among other things, the revised draft guidance: (1) clarifies that agencies must consider both the potential effects of a proposed action on climate change as indicated by GHG emissions and the potential implications of a changing climate on the environmental consequences of a proposed action; (2) rejects as inappropriate analyses relating project GHG emissions to global emissions; (3) requires agencies to consider direct, indirect and cumulative effects of GHG emissions when analyzing federal actions, consistent with NEPA generally; (4) specifies that the level of effort expended in analyzing GHG emissions or climate change effects should be reasonably proportionate to the importance of climate change-related considerations to the agency action being evaluated; and (5) establishes a reference point of 25,000 metric tons of annual carbon dioxide equivalent below which a GHG emissions quantitative analysis is generally not warranted. The guidance also addresses alternatives and mitigation, and includes a discussion of

the application of traditional NEPA tools in evaluating climate change concerns. The CEQ is accepting comments on the draft revised guidance until **February 23, 2015**; it can be found in the December 24, 2014 Federal Register at: www.gpo.gov/fdsys.

Implications: The rule is potentially of interest to anyone that engages in projects that are undertaken, funded or approved by a federal agency and emit GHGs or are potentially affected by climate change.

Regulatory Agenda

DEC published its **regulatory agenda for 2015**. The agenda identifies the regulatory changes DEC may pursue in the upcoming year. Key items on the agenda include:

- **6 NYCRR Part 205, Architectural and Industrial Maintenance Coatings:** Include additional and more restrictive limits on VOCs.
- **6 NYCRR Part 222, Distributed Generation:** Adopt a new regulation establishing standards for distributed generation sources—stationary internal combustion engines that produce electricity for use at the facility at which they are located, including emergency generators.
- **6 NYCRR Subpart 225-2, Fuel Composition and Use:** Remove out-of-date regulatory references and work practices; update waste oil constituent limits; and expand the number of facilities allowed to burn waste oil.
- **6 NYCRR Subpart 227-1, Stationary Combustion Installations:** Remove out-of-date regulatory references and update permissible emission rates for particulate matter.
- **6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles:** Update and clarify testing requirements for gas stations; conform various provisions to new federal requirements and guidance; require prior notification to DEC for each test; require new vapor leak detection equipment; and delete Stage II VOC control equipment requirements currently applicable downstate.
- **6 NYCRR Part 235, Consumer Products:** Implement additional VOC product content limits.
- **6 NYCRR Parts 325 and 326, Pesticides:** Clarify and update existing regulations; include federal requirements relating to removal of residues from pesticide containers prior to disposal or refilling; implement federal requirements for the Worker Protection Standard; and adopt rules addressing federal minimum risk pesticides.
- **6 NYCRR Parts 360, 364, and 369, Solid Waste Management:** Major revisions including reorganizing the rule to better reflect solid waste topics and addressing subjects not currently covered by the regulations, such as automobile dismantlers, pharmaceutical waste, dredge materials, biohazard incident waste, and yellow grease.
- **6 NYCRR Part 368, Product Stewardship and Labeling:** Rename regulation; make existing recycling emblem regulations consistent with national labeling guidelines; and develop regulations implementing recent laws addressing mercury-added consumer products and product stewardship requirements for electronic waste, cell phones and rechargeable batteries.
- **6 NYCRR Parts 370-374, 376, Hazardous Waste Management:** Incorporate changes to the federal hazardous waste regulations adopted since January 2002, including recently adopted solvent-contaminated wipes rule, carbon dioxide

sequestration rule, and electronic manifest rule; incorporate changes to the federal hazardous waste combustor standards adopted since September 1999; and make state-initiated changes and corrections.

- **6 NYCRR Part 375, Environmental Remediation Programs:** Provide additional direction on issues encountered since the rule was adopted; incorporate soil cleanup objective changes; consider possible changes to the definition of "significant threat" under the Superfund program; consider opportunities to incorporate sustainable remediation and development techniques into cleanup projects; and make other changes and corrections.
- **6 NYCRR Parts 595-599, Chemical Bulk Storage; Parts 610-611, Major Oil Storage Facilities; Parts 612-614, Petroleum Bulk Storage:** As part of phase 2 of its bulk storage rulemaking, EPA plans to: adopt upcoming changes to the federal underground storage tank regulations to ensure federal/state consistency; incorporate MOSF requirements currently found in New York Department of Transportation regulations; incorporate procedures currently contained in DEC guidance relating to MOSF licensing; enhance MOSF monitoring, maintenance, procedures and equipment to prevent leaks and spills; and incorporate Navigation Law requirements into the MOSF petroleum remediation regulations.
- **6 NYCRR Part 617, State Environmental Quality Review Act:** Modify lists of Type I and Type II actions and make other changes to streamline the SEQRA process.
- **6 NYCRR Parts 647, 662-665, Freshwater Wetlands:** Repeal Part 662, Freshwater Wetlands—Interim Permit, as obsolete; repeal Part 647, Freshwater Wetlands Appeals Board in the wake of the 2012 abolition of the Board; clarify and update wetland permit and local government requirements; and clarify meaning of wetland boundary on regulatory maps.

The 2015 Regulatory Agenda can be found on DEC's website at: http://docs.dos.ny.gov/info/register/2015/jan7/toc.html.

Upcoming Deadlines

NOTE: This calendar contains items of general interest.

January 20, 2015: Deadline for submitting comments on EPA's proposed revisions to the portland cement plant NESHAP and NSPS. See the November 19, 2014 Federal Register at www.gpo.gov/fdsys for details.

January 22, 2015: Deadline for submitting comments on EPA's proposed supplemental residual risk/periodic technology review findings for the secondary aluminum production NESHAP. See the December 8, 2014 Federal Register at www.gpo.gov/fdsys for details.

January 27, 2015: Public hearing on proposed revisions to the water quality standards for Class I and Class SD saline surface waters to be held at 12:00 p.m. at EPA's Region 2 office at 290 Broadway, New York City. See DEC's website at www.dec.ny.gov/regulations/99546.html for details.

January 30, 2015: Deadline for submitting comments on EPA's request for further comment on its proposed NPDES electronic reporting rule. See the December 1, 2014 Federal Register at www.gpo.gov/fdsys for details.

February 2, 2015: Deadline for submitting comments on DEC's proposed revisions to the water quality standards for Class I and Class SD saline surface waters. See DEC's website at www.dec.ny.gov/regulations/99546.html for details.

February 2, 2015: Deadline for submitting comments on EPA's interim final rule and request for comment on the Cross-State Air Pollution Rule implementation schedule. See the December 3, 2014 Federal Register at www.gpo.gov/fdsys for details.

February 4, 2015: Public hearing on proposed revisions to general process emission source regulations scheduled for 1:00 p.m. at DEC Headquarters, 625 Broadway, Albany. Additional public hearings are scheduled in early February in Long Island City, West Syracuse and Tonawanda. See DEC's website at www.dec.ny.gov/regulations/100007.html for details.

February 17, 2015: Deadline for submitting comments on DEC's proposed revisions to standards for criteria and toxic air contaminants from general process emission sources. See DEC's website at www.dec.ny.gov/regulations/100007.html for details.

February 17, 2015: Deadline for submitting comments on EPA's proposed determination that it has adopted sufficient standards to control emissions of specific hazardous air pollutants under CAA § 112(c)(6). See the December 16, 2014 Federal Register at www.gpo.gov/fdsys for details.

February 20, 2015: Deadline for submitting comments on EPA's proposed effluent limitations guidelines and standards for discharges of pollutants from dental practices to POTWs (extended from December 22, 2014). See the October 22, 2014 Federal Register at www.gpo.gov/fdsys for details.

February 23, 2015: Deadline for submitting comments on the CEQ's revised draft guidance on addressing climate change under NEPA. See the December 24, 2014 Federal Register at www.gpo.gov/fdsys for details.

March 17, 2015: Deadline for submitting comments on EPA's proposed revisions to the ozone NAAQS. See the December 17, 2014 Federal Register at www.gpo.gov/fdsys for details.

March 19, 2015: Deadline for submitting comments on EPA's proposed NESHAP for brick and structural clay products and clay ceramics manufacturing (extended from February 17, 2015). See the December 18, 2014 Federal Register at www.gpo.gov/fdsys for details.

April 6, 2015: Deadline for submitting comments on EPA's proposal to retain the existing NAAQS for lead without revision. See the January 5, 2015 Federal Register at www.gpo.gov/fdsys for details.

April 8, 2015: Deadline for submitting information in response to OSHA's RFI on alternative approaches to workplace chemical management, including possible updating of permissible exposure limits. See the October 10, 2014 Federal Register at www.gpo.gov/fdsys for details.