



ENVIRONMENTAL BREAKFAST CLUB REGULATORY SUMMARY

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Prepared by:
Elizabeth Morss
Young/Sommer LLC
5 Palisades Drive
Albany, NY 12205
(518) 438-9907, ext. 232
emorss@youngsommer.com
www.youngsommer.com

Final Statutes, Regulations and Guidance

Citation	Summary	Implications	Schedule/Notes
SOLID WASTE			
NEW YORK STATE Plastic Bag Reduction, Reuse, and Recycling 6 NYCRR Part 351	<p>DEC issued regulations implementing a series of laws regulating the plastic carryout bags distributed by retailers to customers, including a recent ban on single-use plastic carryout bags. In 2009, the legislature adopted a law requiring stores with 10,000 square feet or more and chains which operate five or more stores in the state with greater than 5,000 square feet of retail space each that provide plastic carryout bags to customers to place bins for the collection of bags and have the bags recycled. The legislature expanded the law in 2015 to cover film plastic packaging such as newspaper and dry cleaning bags. In 2019, the legislature went a step further, banning the distribution of plastic carryout bags to customers. Until now, the plastic bag laws have been implemented based on the statutes alone. However, DEC concluded that the carryout bag ban statute requires clarification to eliminate loopholes and ensure that the ban is implemented efficiently and effectively. The new regulation—which is set forth at 6 NYCRR Part 351—addresses all aspects of the various plastic bag laws as follows:</p> <ul style="list-style-type: none"> • Applicability. The law applies to any person required to collect tax (i.e., vendors of tangible personal property required to collect sales tax), store operators, operators of enclosed malls, and manufacturers (i.e., producers of film plastic sold to a store or their agent/broker). • Prohibition. The law prohibits persons required to collect tax from distributing any plastic carryout bags to their customers other than exempt bags. The list of exempt bags includes meat and deli packaging, plastic used to package bulk items such as fruit or nuts, bags sold in bulk quantities, and newspaper and dry cleaning bags, among others. Store operators are specifically prohibited from distributing exempt bags as a replacement for plastic carryout bags. In addition, they must make reusable bags available to customers for sale or free and allow customers to bring their own reusable bags. • Bag collection. Stores covered by the existing bag collection laws must continue to collect plastic carryout bags and other film plastic in bins and send it out for recycling. Owners of most enclosed shopping malls must place bins at reasonable intervals around the mall to collect bags and film. Store and mall owners must keep records describing how much plastic is collected by weight. Manufacturers must keep records of how much plastic they accept. <p>The rule can be found on DEC’s website at: www.dec.ny.gov/regulations/118810.html.</p>	<p>The rule is primarily of interest to owners of retail stores and their customers. Effective March 1, 2020, any retailer of tangible goods required to collect sales tax is barred from providing non-exempt plastic carryout bags to its customers. Retailers must provide reusable bags (either free or for sale) to their customers and allow customers to bring their own bags. Reusable bags must meet specific criteria regarding durability spelled out in the regulation, presumably to ensure that stores do not bypass the ban by handing out cheap “reusable” bags as a substitute for plastic carryout bags. Larger retail stores and enclosed malls must continue to collect plastic bags and film in bins and send them to manufacturers for recycling.</p>	<p>The regulation takes effect March 14, 2020. However, consistent with the statute, the ban on single use plastic bags took effect March 1, 2020. DEC is implementing an extensive education program to inform stores and their customers about the law.</p> <p>In response to public comment, DEC revised the proposed regulation to: drop from the definition of exempt bags a provision allowing DEC to exclude new categories of bags from the ban; clarify certain other categories of exempt bags; clarify that reusable bags must be made of cloth or other machine-washable fabrics or a non-film plastic washable material; and eliminate a requirement that handles must be separately attached for the bag to qualify as reusable.</p>

Proposed Statutes, Regulations and Guidance

Citation	Summary	Implications	Schedule/Notes
AIR			
NEW YORK STATE Repeal and Replacement of Gasoline Dispensing Site and Transport Vehicle Rule 6 NYCRR Part 230	<p>DEC is proposing to repeal and replace its rule governing gasoline dispensing facilities (GDF) and transport vehicles to eliminate outdated provisions, conform the State regulations with the federal standards set forth in 40 CFR Part 63, subpart CCCCCC, and make updates and corrections. Proposed changes to the rule, which is set forth at 6 NYCRR Part 230, include:</p> <ul style="list-style-type: none"> • Stage I and related controls. Stage I vapor recovery controls capture emissions associated with filling gasoline storage tanks. With the rulemaking, DEC is proposing to: (1) incorporate federal provisions requiring “enhanced” Stage I systems to achieve greater volatile organic compound (VOC) reductions for large GDFs (annual throughputs of 1,200,000 gallons or more) and extend the requirements to medium-sized GDFs (annual throughputs between 800,000 and 1,200,000 gallons) in the New York City Metropolitan Area (NYMA); (2) require submerged filling for all GDFs with gasoline storage tanks with capacities greater than 250 gallons; (3) require new/reconstructed gasoline storage tanks to be equipped with a dual-point vapor recovery system at all large GDFs and mid-sized GDFs located in the NYMA; and (4) require performance tests once every three years at all large GDFs and at mid-sized GDFs in the NYMA. Auto dismantling facilities would be exempt from the Stage I requirements because there are no cargo trucks into which to return captured vapors • Stage II controls. Stage II vapor recovery systems control emissions from vehicle fuel tanks during refueling. The existing regulations require certain GDFs to have Stage II vapor controls. However, these systems are incompatible with onboard refueling vapor recovery (ORVR) systems, which are found on virtually all new vehicles. DEC is proposing to require removal of Stage II systems as part of the rulemaking. • Other requirements. DEC is proposing to delete certain outdated equipment phase-in requirements and registration schedules, require compliance with certain testing and certification requirements, including replacing current pressure-vacuum cargo tank testing and marking provisions with U.S. Department of Transportation requirements, and revise certain record retention requirements. <p>The proposed regulations can be found on DEC’s website at: www.dec.ny.gov/regulations/119389.html.</p>	<p>The proposed revisions are potentially of interest to gasoline stations and other GDFs. According to DEC, the potential costs for the repeal and replacement of Part 230 will fall primarily on the approximately 850 medium-sized GDFs located in the NYMA (i.e., those with annual throughputs of 800,000 to 1,200,000 gallons per year), who must upgrade to enhanced Stage I controls and perform more frequent vapor tightness testing. The costs of removing Stage II controls will be offset by eliminating the annual costs for maintaining these systems.</p>	<p>DEC is accepting comment on the proposed rulemaking until April 21, 2020. A public hearing on the proposal is scheduled for April 14, 2020 at 11:00 a.m. at DEC’s Central Office, 625 Broadway, Room 129A/B, Albany. Additional public hearings are scheduled in mid April in Long Island City and Avon.</p>

Citation	Summary	Implications	Schedule/Notes
AIR			
NEW YORK STATE New Source Review Requirements for Proposed New Major Facilities and Major Modifications to Existing Facilities 6 NYCRR Part 231	<p>DEC is proposing to revise its New Source Review (NSR) requirements for new and significantly modified major sources to conform to federal NSR requirements and related court rulings, correct typographical errors, and clarify rule language. The NSR program requires newly constructed and significantly modified major stationary sources to comply with strict emission control and other requirements. DEC's Part 231 regulations—which implement the NSR program—were last revised in 2010. Since then, various changes have occurred at the federal level that must be addressed by DEC in order to maintain state delegation of the NSR program. With this rulemaking, DEC is proposing to revise Part 231 to address recent court decisions and other federal developments and make other additions/corrections.</p> <ul style="list-style-type: none"> • Greenhouse gas emissions. In 2014, the U.S. Supreme Court held that EPA may not require a stationary source to obtain an NSR or Title V permit solely on the basis of its greenhouse gas (GHG) emissions although it may require best available control technology for GHG sources that are required to have a prevention of significant deterioration (PSD) permit due to emissions of other pollutants. With this rulemaking, DEC is proposing to revise Part 231 to conform to the Court's decision. In addition, DEC is updating the references to global warming potentials (a means of comparing the impacts of different GHGs on global warming) to match EPA's current list. • Interpollutant trading ratios. Fine particulate matter (PM_{2.5}) is generated both directly and through the interaction of other pollutants, most notably nitrogen oxides (NO_x) and sulfur dioxide (SO₂). To demonstrate compliance with PM_{2.5} requirements under NSR, EPA allows sources to trade among pollutants. With this rulemaking, DEC is revising Part 231 to remove provisions relating to EPA's preferred interpollutant trading ratios. • Significant impact levels (SILs) and significant monitoring concentrations (SMCs) for PM_{2.5}. EPA established thresholds below which sources are not required to conduct ambient air quality monitoring data (SMCs) or conduct a detailed assessment of the impact of a project on air quality (SILs). After a federal court vacated and remanded a portion of EPA's PSD rule regarding PM_{2.5}, EPA revised its regulations to effectively eliminate the exemption from ambient monitoring by establishing an SMC of zero. DEC is proposing to revise Part 231 to address the court's decision. • Other changes. DEC is proposing numerous other changes to the Part 231 regulations, including adding and revising definitions, deleting a reference to its <i>Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis</i>, clarifying the rules for using NO_x offsets, correcting typographical errors, and making other changes. <p>The proposed rule can be found on DEC's website at: www.dec.ny.gov/regulations/119394.html.</p>	The proposed revisions are primarily of interest to major stationary sources that are potentially subject to NSR. The changes are needed to ensure that DEC maintains federal delegation of the NSR program and correct errors identified in the State's existing regulations.	See schedule above.

Citation	Summary	Implications	Schedule/Notes
AIR			
NEW YORK STATE Volatile Organic Compound Content Limits for Consumer Products 6 NYCRR Part 235	<p>DEC proposed to amend its standards governing the VOC content of consumer products to add new product categories, lower the VOC content of other products, and make other changes to the rule. Under 6 NYCRR Part 235, manufacturers of a broad range of consumer products from adhesives to wood floor wax must comply with VOC content limits for their particular products as well as with container labeling, recordkeeping, reporting, and other requirements. With the recent rulemaking, DEC proposed to revise Part 235 to:</p> <ul style="list-style-type: none"> • Add nine new product categories to the rule and lower the VOC content limits for 10 existing categories. The nine new product categories are aromatic compound, artist's solvent or thinner, automotive windshield cleaner, high temperature coating, industrial maintenance coating, paint thinner, sanitizer, temporary hair color, and zinc rich primer. DEC has proposed a January 1, 2021 compliance date for new/reformulated products. • Update definitions to reflect new/revised product categories and make numerous other changes. • Revise Part 200 to incorporate new reference materials, including American Society for Testing Materials testing procedures. • Remove obsolete text and references, including expired sell-by dates. <p>The regulations can be found on DEC's website at: www.dec.ny.gov/regulations/119383.html.</p>	The rule applies to manufacturers of consumer products subject to the standards. DEC revised the standards to make New York's regulations consistent with the model rule developed by the Ozone Transportation Commission and adopted by nearby states. According to DEC, the stricter VOC content limits are needed to help New York State meet the ozone national ambient air quality standards (NAAQS).	See schedule above.

Citation	Summary	Implications	Schedule/Notes
REMEDATION			
FEDERAL Financial Responsibility Requirements under CERCLA § 108(b) for Facilities in the Chemical Manufacturing Industry 40 CFR Part 320 85 Fed. Reg. 10128 (Feb. 21, 2020)	<p>EPA proposed not to impose financial responsibility requirements on facilities in the chemical manufacturing industry under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Section 108(b) requires EPA to develop regulations that require certain classes of facilities to establish evidence of financial responsibility and provide for publication of a “priority notice” identifying the classes of facilities to be regulated first. The goal of the statute/regulation is to ensure that the costs associated with releases of hazardous substances from facilities, including response costs, health assessment costs, and natural resource damages, are borne by the responsible party, not the taxpayer. In response to litigation, EPA agreed to a schedule for issuing rulemakings on financial assurance requirements for the hard rock mining, chemical manufacturing, petroleum and coal products manufacturing, and electric power generation, transmission and distribution industries. With the recent rulemaking, EPA proposed that financial assurance under CERCLA § 108(b) is not necessary for the chemical manufacturing industry. According to EPA, facilities in the industry are already subject to extensive environmental regulation, limiting their potential impact on the taxpayer. Moreover, the number of sites in the chemical manufacturing industry requiring cleanup under the modern regulatory framework is small relative to the total number of facilities operating in the industry, suggesting that the risk of future liability associated with not imposing financial responsibility requirements under CERCLA is relatively low. In light of these and other developments, EPA concluded that the degree and duration of risk posed by the industry does not warrant imposition of financial responsibility requirements under CERCLA § 108(b).</p> <p>The proposed finding can be found in the February 21, 2020 Federal Register at: www.govinfo.gov.</p>	The proposed finding is of greatest interest to the chemical manufacturing industry. If finalized, the finding means EPA will not require sources in the industry to provide financial assurance to cover the costs of possible future remediation. The finding does not limit EPA’s ability to take a response or enforcement action under CERCLA and require financial responsibility as part of such an action.	EPA is accepting comment on the proposed rule until April 21, 2020 .

Other Recent Developments (Final)

AIR

FEDERAL: EPA finalized the rule implementing its **residual risk/periodic technology review of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for major sources covered by the Surface Coating of Metal Cans and Surface Coating of Metal Coil source categories**. The metal can standard (40 CFR Part 63, subpart KKKK) applies to surface coating and related operations involving metal cans and ends (including decorative tins) and metal crowns and closures while the metal coil standard (subpart SSSS) applies to processes at coil coating lines, including web unwind or feed stations, coating stations, associated curing ovens, wet sections and quench stations. In each case, after reviewing the existing standard, EPA concluded under Clean Air Act (CAA) § 112(f) that the risks remaining after application of the NESHAP were acceptable and that the standard protects public health with an ample margin of safety. EPA also found under CAA § 112(d)(6) that there were no cost-effective developments in practices, processes or control technologies and that no changes in the NESHAP were necessary to address technological improvements. However, EPA revised the rules relating to startup, shutdown and malfunction consistent with judicial rulings. In addition, EPA required facilities covered by these NESHAPs to submit electronic copies of required performance test results and other reports and made other updates and corrections. The rules took effect February 25, 2020 and can be found in the Federal Register issued on that date at: www.govinfo.gov.

Implications: EPA estimates that the metal can standard applies to 5 facilities while the metal coil standard applies to 48 facilities.

CHEMICAL

FEDERAL: The Chemical Safety and Hazard Investigation Board (CSB) issued regulations containing **procedures for reporting certain accidental releases into the air that are subject to the CSB's jurisdiction**. The CSB was established under the CAA § 112(r) accidental release provision and is responsible for investigating, determining, and reporting to the public on accidental releases resulting in a fatality, serious injury, or substantial property damage. Although CAA § 112(r)(6)(C)(iii) specifically required the CSB to establish regulations for reporting accidental releases, no rule was ever adopted until now. The CSB issued an advance notice of proposed rulemaking seeking comment on a possible rule in 2009, but no action was taken until 2019 when a federal district court ordered the CSB to act. The rule, which is set forth in 40 CFR Part 1604, requires facilities to report “any accidental release resulting in a fatality, serious injury, or substantial property damage” with “accidental release” defined as “an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.” The owner/operator of the stationary source must either report the release to National Response Center (NRC) (the federal entity charged with receiving spill reports under most federal laws) and transmit the NRC number to the CSB within 30 minutes of the NRC report or report the release directly to the CSB within eight hours of the accidental release. The regulations also specify: procedures for multiple owners/operators to agree on submission of a single consolidated report; rules for revising/updating reports; the information required to be included in an accidental release report;

and rules governing availability of accidental release records. The final rule takes effect March 23, 2020 and can be found in the February 21, 2020 Federal Register at: www.govinfo.gov.

Implications: The rule is primarily of interest to companies that use regulated and/or hazardous substances that could cause serious accidents if improperly handled.

FEDERAL: EPA issued its first **list of 20 low priority chemicals excused from risk assessment** under the 2016 revisions to the Toxic Substances Control Act (TSCA). While the original TSCA statute focused on assessing chemicals before they entered the marketplace, the 2016 reforms require EPA to systematically prioritize and assess existing chemicals. In July 2017, EPA adopted regulations establishing a basic process and schedule for conducting the review. The rules require EPA to designate 20 chemicals each as high and low priority for risk assessment purposes. In September 2019, EPA published its first list of proposed low priority chemicals, together with a document entitled *Approach Document for Screening Hazard Information for Low-Priority Substances Under TSCA*, which outlines EPA's approach for identifying, screening, evaluating, and integrating the relevant reasonably available health and environmental hazard and fate information to support low-priority substance designations as well as general literature search strategies, inclusion/exclusion criteria, and the criteria for assessing the quality of information. With the recent notice, EPA designated the first 20 low priority chemical substances from EPA and international safe chemical lists after concluding that a risk evaluation of these chemicals was not warranted at this time. The notice containing the final list of TSCA low priority chemicals can be found in the February 26, 2020 Federal Register at: www.govinfo.gov.

Implications: The designation is primarily of interest to manufacturers and users of the listed low priority chemicals.

BULK STORAGE

NEW YORK STATE: DEC issued a **pair of bulk storage-related program policies**, each of which has been updated to reflect the 2015 changes to the Chemical Bulk Storage (CBS) regulations and make other non-technical corrections. The first program policy, DER-16, *Five Year Inspection of Plastic Tanks*, provides guidance on the five-year inspection of homogeneous plastic tank systems (i.e., tanks molded in one-piece seamless construction using a single plastic material) used as aboveground storage tanks under the CBS program. Although the technical content of the guidance has not been amended, DEC updated the citations to reflect the 2015 regulations and restructured and reorganized the Procedure section for clarification. In a related development, DEC revised Program Policy DER-26, *How to Prepare a Spill Prevention Report for a Chemical Bulk Storage Facility*, to update the citations and language extracted from the CBS regulations and revise the partial listing of consensus standards and recommended practices included in Appendix D of the program policy. The updated program policies can be found on DEC's website at: www.dec.ny.gov/regulations/2387.html.

Implications: The revised program policies are potentially of interest to owners/operators of CBS facilities regulated under 6 NYCRR Parts 596-599.

WATER

NEW YORK STATE: DEC made its **revised Environmental Benefit Permit Strategy (EBPS) rankings** available for review. The EBPS rankings prioritize State Pollutant Discharge Elimination System (SPDES) permits for full technical review based on criteria outlined in DEC guidance. The review under the EBPS program occurs independent of routine SPDES permit renewals. Each year, DEC publishes the priority list for central office, which handles most major industrial SPDES permits, and for each DEC regional office. SPDES permits on the top 10 percent of the lists are scheduled for full technical review in the coming year. Any interested party may submit a request to change a facility's ranking. The 2020 rankings can be found on DEC's website at: www.dec.ny.gov/permits/6054.html.

Implications: The notice is potentially of interest to anyone with an individual SPDES permit.

GENERAL

FEDERAL: EPA announced the availability of a **new web portal that allows the public to search for agency guidance documents** across agency offices. The documents are organized by EPA office and can be searched by term. The Guidance Portal includes for each document, the name, date on which it was issued, date on which it was posted to the portal, an agency unique identifier, a hyperlink to the guidance document, the general topic addressed by the document, and a summary of the document's content. The website also includes forms for interested parties to request modification or withdrawal of a guidance document. The documents available on the portal are limited to documents specifically identified as guidance. Numerous other documents providing insight into EPA's interpretation of agency laws and regulations can be found elsewhere on the EPA website. The new web portal can be accessed at: www.epa.gov/guidance.

Implications: The new web portal is potentially of interest to the regulated community generally.

Other Recent Developments (Proposed)

AIR

FEDERAL: EPA is taking comment on draft **guidance addressing concerns about the use of plantwide applicability limits (PALs) in the NSR permitting program**. Ordinarily, major air emission sources must obtain an NSR permit whenever they propose to implement significant modifications (i.e., physical or operational changes that increase emissions of an NSR-regulated pollutant above a threshold amount). PALs allow owners to make changes to their facilities without obtaining a major NSR permit provided their emissions do not exceed a plantwide cap. The limit is set following public notice and comment based on the facility's actual emissions baseline plus the applicable NSR threshold for significant modifications and is generally valid under the federal NSR program for 10 years. With the draft guidance, entitled *Guidance on Plantwide Applicability Limitation Provisions under the New Source Review*

Regulations, EPA is attempting to address elements of the PAL regulations that are perceived as onerous or unclear and have arguably hindered more widespread PAL adoption. Among other things, EPA: (1) downplayed the potential risk of reopening PALs during the PAL effective period; (2) clarified the criteria and procedures for distributing a PAL if it is not renewed and is allowed to expire; (3) addressed fears that the rules require an automatic ratcheting down of PALs at the time of renewal, pointing to the criteria and procedures in the regulations for renewing PALs; (4) addressed the lack of specific provisions for terminating PALs; (5) discussed concerns relating to the perceived cost and complexity of monitoring under PALs, including issues relating to emission factor adjustments to account for uncertainty or limitations in the factors' development, the need for validation testing, and procedures for addressing missing monitoring data; and (6) clarified the rules for determining baseline actual emissions from a replacement unit. EPA is accepting comment on the draft guidance until **March 16, 2020**; it can be found on EPA's website at www.epa.gov/nsr/forms/draft-guidance-plantwide-applicability-limitation-provisions-under-new-source-review.

Implications: The draft guidance is potentially of interest to major air emission sources that may be subject to NSR.

NEW YORK STATE: DEC is taking comment on draft **revisions to Program Policy DAR-10, *Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis***. DAR-10 provides guidance on conducting air quality impact analyses for purposes of demonstrating compliance with NAAQS, air quality guideline concentrations for toxic pollutants, and other air quality modeling requirements. New or modified major sources required to obtain a permit under the PSD program must conduct air impact analyses to show that the project will not adversely affect compliance with the NAAQS. DEC has proposed to revise DAR-10—which was last updated in 2006—to incorporate the latest regulatory guidance and compliance methodologies. The document contains a summary of recommended screening and refined modeling procedures with their respective input parameters and data and provides links to key reference documents. The guidance also contains several sections discussing special issues including one-hour nitrogen dioxide and one-hour sulfur dioxide modeling for fine particulate matter, preparation of modeling reports, and a modeling protocol checklist. DEC is accepting comments on the draft revisions until **March 13, 2020**; the document can be found at: www.dec.ny.gov/chemical/119571.html.

Implications: The policy document is primarily of interest to specialists in air dispersion modeling and assumes a familiarity with EPA modeling procedures and guidance.

HAZARDOUS WASTE

FEDERAL: EPA proposed to establish a **federal permit program regulating coal combustion residuals (CCR) in nonparticipating states** (i.e., states that have not adopted their own permit program for CCR facilities). In 2015, EPA published a rule regulating the disposal of CCR (i.e., coal ash) from utilities as solid waste in the wake of the catastrophic failure of several coal ash impoundments as well as more general concerns about environmental contamination relating to CCR storage and disposal in surface impoundments and landfills. Key elements of the rule address structural integrity, groundwater protection, operating criteria, recordkeeping, and inactive units/closure issues. A year later, Congress enacted the Water Infrastructure Improvements for the Nation (WINN) Act, which

specifically requires EPA to implement a federal CCR permit program in Indian country and, if funds are available, in nonparticipating states. With the recent rulemaking, EPA is proposing to establish a new subpart E in 40 CFR Part 257, containing the general requirements and many key procedures for issuing federal CCR permits. In a related development, EPA proposed changes to the procedures/standards governing CCR landfills and surface impoundments, including expanding the number of closure alternatives. EPA is accepting comment on the proposed CCR permit rule until **April 20, 2020**, while comments on the changes to the closure provisions are due **April 17, 2020**; the proposals can be found in the February 20, 2020 and March 3, 2020 Federal Registers, respectively, at: www.govinfo.gov.

Implications: The proposed rule is primarily of interest to owners/operators of facilities engaged in CCR disposal.

WATER

FEDERAL: EPA proposed to **delay the compliance deadlines for the second phase of its National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule** (“NPDES eRule”), which was adopted in 2015. The NPDES eRule requires electronic submission of most paper-based reports under the NPDES permit program. The rule applies to reports, notifications and other submissions required under both individual and general NPDES permits, including: discharge monitoring reports (DMRs); notices of intent to discharge in compliance with a general permit; general permit waivers, certifications and notices of termination of coverage; and program reports. In addition to substituting electronic for paper reporting, the rule requires authorized NPDES programs to share a minimum set of data for all NPDES facilities, including non-major ones. The first phase of the program required electronic submission of DMRs, general permit reports and certain other program reports. Although implementation of the first phase of the program is largely complete, various states have recommended extending the remaining compliance deadlines to give both EPA and the states sufficient time to develop and implement the information technology solutions necessary for electronic reporting of the Phase 2 data. With the recent rulemaking, EPA is proposing to: change the Phase 2 compliance deadlines from December 21, 2020 to December 21, 2023 and provide states with flexibility to request additional time; delay the public release date of the EPA-state NPDES Noncompliance Report by one year to December 21, 2022; make various edits to address recent changes to the EPA’s NPDES regulations, clarify existing requirements, and eliminate certain duplicative or outdated reporting requirements. EPA is accepting comment on the proposed changes until **April 28, 2020**; the rulemaking can be found in the February 28, 2020 Federal Register at: www.govinfo.gov.

Implications: The proposed rule is potentially of interest to owners/operators of facilities subject to individual or general NPDES permits and to states implementing the NPDES program.

GENERAL

NEW YORK STATE: DEC is **accepting applications for New York’s Annual Environmental Excellence Awards**, which recognize public, private and non-profit entities that have achieved environmental excellence through innovative and environmentally sustainable practices or creative partnerships. Applicants must be in good standing with the Environmental Conservation Law and pertinent local

laws. Competitive applications must include clear, measurable and documented metrics demonstrating success and adhere to specific content and format requirements. Complete applications must include an application cover sheet and application checklist as well as specific project information, including a summary, general description, and information relating to: innovation, sustainability, and/or partnerships; superior practices; measurable environmental, economic and social benefits; commitment and leadership in pursuit of environmental excellence; transferability to other users; funding sources; and other details and supporting documentation. The deadline for submitting applications is **April 17, 2020**; the application form and instructions can be found on DEC's website at: www.dec.ny.gov/public/945.html.

Implications: The award program provides a way for businesses, educational institutions, governments, non-profit organizations and individuals to obtain public recognition of their pollution prevention and reduction efforts.

Upcoming Deadlines

NOTE: This calendar contains items of general interest.

March 9, 2020: Deadline for submitting comments on DOH's republished MCLs for PFOA, PFOS and 1,4-dioxane. The republished rule can be found at <https://regs.health.ny.gov/regulations/proposed-rule-making>.

March 10, 2020: Deadline for submitting comments on the CEQ's proposed revisions to the NEPA regulations. See the January 10, 2020 Federal Register at www.govinfo.gov for details.

March 13, 2020: Deadline for submitting comments on DEC's proposed revisions Policy DAR-10, *NYSDEC Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis*. See DEC's website at www.dec.ny.gov/chemical/119571.html for details.

March 16, 2020: Deadline for submitting comments on EPA's draft *Guidance on Plantwide Applicability Limitation Provisions under the New Source Review Regulations*. See EPA's website at www.epa.gov/nsr/forms/draft-guidance-plantwide-applicability-limitation-provisions-under-new-source-review for details.

March 16, 2020: Deadline for submitting comments on DEC's proposed HFC standards and reporting requirements. See DEC's website at www.dec.ny.gov/regulations/119026.html for details.

March 19, 2020: Deadline for submitting comments on EPA's proposed residual risk/periodic technology review finding for the miscellaneous organic chemical manufacturing NESHAP (reopened from February 18, 2020). See the December 17, 2019 Federal Register at www.govinfo.gov for details.

April 10, 2020: Public hearings on the following regulations scheduled for 11:00 a.m. at DEC's Central Office, 625 Broadway, Room 129A/B in Albany: (1) proposed revisions to ultra low sulfur diesel fuel and BART for heavy duty vehicles owned/operated by or on behalf of a State agency; and (2) sulfur-in-fuel limitations.

April 14, 2020: Public hearings on the following regulations scheduled for 11:00 a.m. at DEC's Central Office, 625 Broadway, Room 129A/B in Albany: (1) repeal and replacement of standards for gasoline dispensing facilities and transport vehicles; (2) revisions to NSR regulations; and (3) new and revised VOC content limits for consumer products.

April 15, 2020: Deadline for submitting comments on the following DEC rulemakings: (1) proposed revisions to ultra low sulfur diesel fuel and BART for heavy duty vehicles owned/operated by or on behalf of a State agency; and (2) sulfur-in-fuel limitations. See DEC's website at www.dec.ny.gov/regulations/propregulations.html#public for details.

April 17, 2020: Deadline for submitting comments on EPA's proposed changes to the CCR landfill/surface impoundment closure requirements. See the March 3, 2020 Federal Register at www.govinfo.gov for details.

April 17, 2020: Deadline for submitting applications for DEC's Annual Environmental Excellence Awards. The application and related materials can be found on DEC's website at www.dec.ny.gov/public/945.html.

April 20, 2020: Deadline for submitting comments EPA's proposed federal permit program for the regulation of CCR in nonparticipating states and Indian country. See the February 20, 2020 Federal Register at www.govinfo.gov for details.

April 21, 2020: Deadline for submitting comments on EPA's proposal not to impose financial responsibility requirements under CERCLA § 108(b) for facilities in the chemical manufacturing industry. See the February 21, 2020 Federal Register at www.govinfo.gov for details.

April 21, 2020: Deadline for submitting comments on the following DEC rulemakings: (1) repeal and replacement of standards for gasoline dispensing facilities and transport vehicles; (2) revisions to NSR regulations; and (3) new and revised VOC content limits for consumer products. See DEC's website at www.dec.ny.gov/regulations/propregulations.html#public for details.

April 28, 2020: Deadline for submitting comments on the proposed extension of Phase 2 of the NPDES electronic reporting rule. See the February 28, 2020 Federal Register at www.govinfo.gov for details.