

# Young / Sommer LLC

## ENVIRONMENTAL BREAKFAST CLUB REGULATORY SUMMARY

November 10, 2020

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**Final Statutes, Regulations and Guidance**

Citation	Summary	Implications	Schedule/Notes
<p><b>AIR</b></p> <p><b>NEW YORK STATE Requirements for Heavy-Duty Vehicles Owned/Operated on Behalf of State Agency</b> 6 NYCRR Part 248</p>	<p><b>DEC revised the rules implementing the Diesel Emissions Reduction Act (DERA) of 2006 to address legislative changes.</b> DERA requires heavy-duty vehicles that are owned by, operated by or on behalf of, or leased by any state agency to comply with measures designed to reduce sulfur dioxide, nitrogen oxide, and other emissions. The implementing regulations, which are set forth at 6 NYCRR Part 248, require state agencies, state and regional authorities, and contractors working on their behalf to use only heavy-duty vehicles (HDVs) that are fueled with ultra low sulfur diesel fuel (ULSD) and equip their HDVs with best available retrofit technology (BART) that achieves specified emission reductions unless the HDV has received a BART waiver. Beginning in 2010, the Legislature amended the DERA statute at New York Environmental Conservation Law (ECL) § 19-0323 each year to extend the compliance dates. With the end of the last extension, DEC revised Part 248 to: establish final compliance deadlines; update the definition of heavy-duty vehicle to incorporate changes made to the New York Vehicle and Traffic Law to add exceptions; and revise key provisions to clarify that the rule applies to covered vehicles owned by, operated by <i>or on behalf of</i>, or leased by a regulated entity or contractor.</p> <p>The regulation can be found on DEC’s website at: <a href="http://www.dec.ny.gov/regulations/119230.html">www.dec.ny.gov/regulations/119230.html</a>.</p>	<p>The rule is primarily of interest to State agencies or regional authorities or contractors working on their behalf. While some regulated entities have gradually replaced or retrofitted their heavy-duty vehicles, others have become accustomed to the annual compliance deadline extensions. These entities have not replaced or retrofitted their equipment and so can expect to incur significant compliance costs. Note that engine model years 2007 and newer are deemed to be BART compliant and so do not need to be retrofitted or replaced.</p>	<p>The final rule takes effect November 19, 2020.</p>

Citation	Summary	Implications	Schedule/Notes
<b>CLIMATE CHANGE</b>			
<p>NEW YORK STATE <i>New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act (including separate document relating to estimating guideline elevations)</i></p> <p><i>Community Risk and Resiliency Act: Guidance for Consideration of Flood Risk in Smart Growth Public Infrastructure Assessment</i></p> <p><i>Using Natural Measures to Reduce the Risk of Flooding and Erosion</i></p>	<p>DEC recently issued a series of <b>guidance documents required to implement the 2014 Community Risk and Resiliency Act</b> (CRRA), which was enacted to ensure that decisions regarding certain State permits and expenditures consider climate risk, including sea level rise. The CRRA calls for implementing several measures, including: adoption of science-based sea-level rise projections; consideration of sea-level rise, storm surge, and flooding in facility siting, permitting, and funding; and inclusion of these impacts in the list of Smart Growth Public Infrastructure Policy Act assessment criteria. The 2019 Climate Leadership and Community Protection Act (CLCPA), discussed below, expanded the scope of climate hazards and projects for consideration under the CRRA.</p> <p>The most important guidance document recently made available by DEC—entitled <i>New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act</i>—provides guidance to State agencies on considering flood risk for projects involving new and substantially improved structures or repair of substantially damaged structures in New York State (hereinafter “FRM Guidance”). Agencies are expected to consider the guidelines in the FRM Guidance in place of the one-percent floodplain typically used in funding and regulatory programs to define areas potentially affected by flooding. Ultimately, this information is expected to be considered as agencies, including DEC and the New York State Department of State (DOS), develop regulations, guidance and other instructions for programs covered by the CRRA. Following an overview, the FRM Guidance addresses: the proper approach to establishing flood-risk management guideline elevations both generally and in relation to specific types of structures and infrastructure; considerations for managing that risk; and existing floodplain regulations and standards. In a separate document, DEC provides extensive additional detail for estimating guideline elevations both generally and for specific types of sites and structures.</p> <p>The third guidance document—entitled <i>Guidance for Consideration of Flood Risk in Smart Growth Public Infrastructure Assessment</i>—explains how the risks associated with sea-level rise, storm surge, and flooding should be considered in conjunction with the smart growth assessments required under the Smart Growth Public Infrastructure Policy Act before any commitment to acquire, construct or finance public infrastructure projects can be made. The final guidance document provides an overview of natural resilience measures and how they can reduce the risk of flooding and erosion.</p> <p>The guidance documents can be found on DEC’s website at: <a href="http://www.dec.ny.gov/energy/102559.html">www.dec.ny.gov/energy/102559.html</a>.</p>	<p>The guidance documents—in particular the FRM Guidance—are potentially of interest to new, reconstructed or modified facilities potentially requiring permits covered by the CRRA, including protection of waters, wetland, coastal erosion hazard area, hazardous waste, and petroleum and hazardous substance bulk storage permits, among others. The FRM Guidance is expected to inform changes to various regulations required to implement the permitting requirements of the CRRA.</p> <p>As required by the CRRA, in 2017, DEC adopted 6 NYCRR Part 490, which contains a range of five sea level rise projections (low, low-medium, medium, high-medium and high) for three regions of the State (Mid-Hudson, New York City/Lower Hudson Region, and Long Island Region).</p>	<p>The guidance documents are dated August 2020; notice of their issuance was published in the November 4, 2020 <i>Environmental Notice Bulletin</i>.</p>

Citation	Summary	Implications	Schedule/Notes
<b>CLIMATE CHANGE/ENERGY</b>			
<p><b>NEW YORK STATE</b></p> <p><b>Order Adopting Modifications to Clean Energy Standard to Implement Climate Leadership and Community Protection Act</b></p> <p><b>Order Approving Build-Ready Program</b></p>	<p>The New York Public Service Commission (PSC) issued a pair of orders relating to <b>renewable energy development and implementation of the State’s landmark Climate Leadership and Community Protection Act</b>, which sets strict greenhouse gas (GHG) emission reduction and renewable energy goals and lays out a framework for developing and implementing the measures necessary to achieve those goals. The law requires reductions in statewide GHG emissions to 60% of 1990 levels by 2030 and 15% of 1990 levels by 2050. It also requires 70% of electricity to be generated from renewable sources by 2030 and 100% by 2040, and sets specific energy generation mandates for offshore wind and distributed photovoltaic solar generation. In fulfillment of the CLCPA goals, the PSC issued an order approving a <i>White Paper on Clean Energy Standard Procurements to Implement New York’s Climate Leadership and Community Protection Act</i>, setting a proposed regulatory structure for addressing the goals and requirements of the CLCPA. The order approving the White Paper calls for using the existing regulatory and procurement structure established under the State’s Clean Energy Standard (CES) with policy changes and modifications to align with the CLCPA and meet the 2030 “70 by 30” target. Matters addressed in the order include: revising the definition of “renewable energy systems” under the CES to make it consistent with the CLCPA, including excluding biomass and biogas as eligible technologies; updating the existing Tier 1 procurement process for renewable energy sources; addressing special issues associated with offshore wind procurements; establishing a new Tier 4 process to address the unique issues posed by New York City, which currently consumes a significant amount of the State’s electricity and generates power primarily from fossil fuel sources; and issues relating to repowering existing wind and hydroelectric facilities. The order also requires the New York State Energy Research and Development Authority (NYSERDA) to commence a study of the feasibility of offshore wind in the Great Lakes.</p> <p>In a related development, the PSC issued an order approving the “build-ready program” included as part of the 2020 Accelerated Renewable Energy Growth and Community Benefit Act. The Act mandates changes designed to accelerate development of renewable energy, including establishment of a build-ready program that requires NYSERDA to survey the State, acquire real property interests in potentially promising sites, and conduct site-by-site assessments to determine viability for renewable energy development. NYSERDA will then acquire the necessary permits and make the “build-ready” site available for auction to developers.</p> <p>The orders can be obtained from the New York State Department of Public Service website at <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> by entering Case Number 15-E-0302 in the input box labeled "Search for Case/Matter Number".</p>	<p>The orders are primarily of interest to current and future owners/operators of renewable energy facilities and others interested in New York’s energy market. With respect to the build-ready program, the order makes clear that the program is not intended to compete with private developers and will focus on sites that private developers would not typically consider for investment (e.g., existing or abandoned commercial or industrial locations, brownfields, landfills, and dormant electric generating sites).</p>	

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<b>WATER</b>			
<p>FEDERAL  <b>NPDES Electronic Reporting Rule—Phase 2 Extension</b>                      40 CFR Parts 9, 122, 123, 127, 403, and 503                      85 Fed. Reg. 69189                      (Nov. 2, 2020)</p>	<p>EPA <b>delayed the compliance deadlines for the second phase of its National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule</b> (“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 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: extended the Phase 2 compliance deadlines five years from December 21, 2020 to December 21, 2025 (rather than the three years originally proposed) and provided states with flexibility to request additional time up to December 21, 2028; delayed the public release date of the EPA-state NPDES Noncompliance Report (NNCR) by one year to December 21, 2022 for reports containing Phase 1 data, with a separate deadline for NNCRs containing Phase 2 data; made edits to address recent changes to EPA’s NPDES regulations, clarify existing requirements, and eliminate certain duplicative or outdated reporting requirements.</p> <p>The final rulemaking can be found in the November 2, 2020 Federal Register at: <a href="http://www.govinfo.gov">www.govinfo.gov</a>.</p>	<p>The rule is potentially of interest to owners/operators of facilities subject to individual or general NPDES permits and to states implementing the NPDES program.</p>	<p>The final rule takes effect January 4, 2021.</p>

Proposed Statutes, Regulations and Guidance

Citation	Summary	Implications	Schedule/Notes
<b>CHEMICAL</b>			
<p>FEDERAL  <b>Revised Draft Toxic Substances Control Act Risk Evaluation for C.I. Pigment Violet 29</b>                      85 Fed. Reg. 68873                      (Oct. 30, 2020)</p> <p><b>Final Risk Evaluation for Carbon Tetrachloride</b>                      85 Fed. Reg. 70147                      (Nov. 4, 2020)</p>	<p>EPA issued a pair of notices relating to <b>risk evaluations under the Toxic Substances Control Act (TSCA)</b> required to determine whether chemicals pose health or environmental risks during the normal course of use that must be mitigated. While the original TSCA statute focused on assessing chemicals before they enter the marketplace, the 2016 reforms require EPA to systematically assess existing chemicals. EPA must identify and prioritize chemicals for evaluation and conduct risk evaluations of high priority chemicals to determine if they present an unreasonable risk of injury to health or the environment under the conditions of use, including an unreasonable risk to a potentially exposed or susceptible subpopulation. As part of this effort, EPA identified 10 chemicals for risk evaluation outside the 2016 TSCA prioritization process, including C.I. Pigment Violet 29 (PV29) and carbon tetrachloride.</p> <p>PV29 is a perylene derivative used to color materials and as an intermediate in other perylene pigments. Although EPA preliminarily concluded that the pigment did not present an unreasonable risk of injury to human health or the environment, questions about this conclusion arose during peer review, prompting EPA to seek additional information from industry. After further review, EPA identified an unreasonable risk for conditions of use related to domestic manufacture, import, certain processing activities, certain industrial and commercial uses, and disposal, and is seeking comment from the public on its revised findings.</p> <p>With respect to carbon tetrachloride, EPA issued a final risk assessment that identified 13 conditions of use that present an unreasonable risk, including unreasonable risks to workers and occupational non-users (i.e., bystanders) during chemical manufacturing and processing, laboratory uses, recycling, uses in a variety of industrial and commercial applications, and disposal. Carbon tetrachloride is used as a solvent, including as feedstock in the production of certain ozone-depleting substances and other chemicals and products.</p> <p>Notices concerning the risk assessments can be found in the October 30, 2020 and November 4, 2020 Federal Registers at: <a href="http://www.govinfo.gov">www.govinfo.gov</a>.</p>	<p>The risk evaluations are potentially of interest to companies that manufacture, import, process, distribute, use or dispose of PV29 and carbon tetrachloride. Upon determining that these substances pose an unreasonable risk to health, EPA has one year to propose and take comment on a program to address those risks through risk management measures that may include regulations to prohibit or limit the manufacture, processing, distribution in the marketplace, use, or disposal of the substance, as appropriate. It must finalize that program within one year of proposal.</p>	<p>EPA is accepting comment on the revised PV29 risk evaluation until <b>November 30, 2020</b>.</p> <p>EPA plans to complete risk evaluations by the end of 2020 for each of the 10 chemicals identified for review outside the formal TSCA risk evaluation prioritization process.</p>

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<b>WATER</b>			
<p>NEW YORK STATE <b>Mercury – SPDES Permitting &amp; Multiple Discharge Variance</b> Program Policy DOW 1.3.10</p>	<p>DEC is seeking comment on a proposed revision to Department of Water (DOW) Program Policy 1.3.10, entitled <i>Mercury – SPDES Permitting &amp; Multiple Discharge Variance</i>, which provides guidance to DEC staff developing State Pollutant Discharge Elimination System (SPDES) permits that regulate wastewater and stormwater discharges containing mercury. DOW 1.3.10 contains an overview of water quality issues relating to mercury, together with a detailed discussion of the permitting procedures for surface and ground water discharges. Because the water quality-based standard (WQS) for surface water is largely unattainable (0.70 nanograms/liter (ng/l)), DEC has determined that a multiple discharge variance (MDV) is necessary. The discharge limit and monitoring required under the MDV depend on various factors including—most importantly—whether a facility has a significant mercury source based on criteria spelled out in the guidance. Facilities that trigger the MDV program must implement one of four Mercury Minimization Programs (MMPs) depending on the type of facility (industrial, municipal or other) and whether they are discharging to the Great Lakes Basin. The MMPs set forth the periodic monitoring, discharge control, reporting, and other requirements that dischargers must implement to help them reduce mercury effluent levels and make progress toward achieving the 0.70 ng/l WQS. The Program Policy also spells out the process for setting effluent limitations for inclusion in SPDES permits based on the MDV. Permittees that refuse authorization under the MDV may seek an individual discharge variance in accordance with the procedures and standards spelled out in the guidance.</p> <p>Draft Program Policy 1.3.10 can be found on DEC’s website at: <a href="http://www.dec.ny.gov/chemical/41392.html">www.dec.ny.gov/chemical/41392.html</a>.</p>	<p>DOW 1.3.10 is of potential interest to facilities with mercury limits in their SPDES permits or that discharge any quantity of mercury.</p> <p>Mercury is ubiquitous in the environment. Past studies show that the vast majority of mercury load to surface waters is the result of atmospheric deposition, with the remainder due to wastewater discharges. To meet the 0.70 ng/l WQS, the total maximum daily load governing mercury calls for New York to implement various mercury reduction efforts, including establishing mercury limits in SPDES permits.</p>	<p>DEC is accepting comment on the revised draft Program Policy until <b>November 20, 2020</b>.</p>

## Other Recent Developments (Proposed)

### AIR

FEDERAL: In fulfillment of a court mandate, EPA proposed updated findings on whether upwind states significantly contribute to downwind nonattainment of the 2008 ozone national ambient air quality standards (NAAQS) under the **good neighbor provision of the Clean Air Act (CAA)**. Under CAA § 110(a)(2)(D)(i)(I), each state implementation plan (SIP) must include provisions sufficient to prevent emissions of air pollutants that “contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any [NAAQS].” After it lowered the ozone NAAQS in 2008, EPA issued the Cross-State Air Pollution Rule (CSAPR) with the goal of reducing interstate transport of ozone precursors in the eastern United States via a multi-state emission cap-and-trade program. When 22 states subject to the CSAPR failed to submit SIPs that satisfied their good neighbor obligations, EPA issued federal implementation plans (FIPs). In 2019, EPA announced that the CSAPR update fully addressed the CAA’s good neighbor provision for the 2008 ozone NAAQS for these states. However, this decision was reversed by a federal appellate court to the extent it allowed the states to continue their significant contributions to downwind ozone problems beyond the statutory attainment deadlines. In response, EPA recently proposed to find that nine of the 21 states currently covered by the CSAPR do not significantly contribute to a continuing downwind nonattainment problem and that the existing FIPs (or replacement SIPs) fully address their good neighbor obligations with respect to the ozone NAAQS. EPA found significant contribution with respect to the remaining 12 states and is proposing to issue new or amended FIPs for these states that contemplate additional emission reductions based on optimization of existing controls for the 2021 ozone season and installation or upgrade of low NO<sub>x</sub> burners for the 2022 ozone season. EPA is accepting comment on the proposed rule until **December 14, 2020**; it can be found in the October 30, 2020 Federal Register at: [www.govinfo.gov](http://www.govinfo.gov).

Implications: The notice is primarily of interest to states subject to the CSAPR and to owners/operators of CSAPR-regulated power plants.

### CLIMATE CHANGE

NEW YORK STATE: DEC is accepting comment on its *draft value of carbon guidance*, which provides values for use by State agencies in assessing the benefits of GHG emission reductions. The CLCPA requires DEC, in consultation with NYSERDA, to establish a “social cost of carbon,” i.e., a monetary estimate of the value of not emitting a ton of GHGs. The recent guidance—entitled *Establishing a Value of Carbon: Guidelines for Use by State Agencies*—“establishes a value of carbon that can be used by State entities to aid decision-making and used as a tool for the State to demonstrate the global societal value of actions to reduce greenhouse gas emissions.” The CLCPA directed DEC to consider two approaches to establishing the value of carbon, a damages-based approach that focuses on the social cost of carbon and a marginal abatement cost approach, which establishes a value of carbon with reference to a specific emission reduction goal. The guidance proposes to adopt a damages-based approach to establishing a value of carbon after noting, among other things, that this approach is already in use by federal agencies. It goes on to establish guidelines for applying a damages-based value of



carbon, addressing when the guidelines apply and the recommended procedure for determining values. Per DEC, the guidance “does not impose a compliance obligation or fee on any entity; the imposition of any such new compliance obligation or fee on any entity would require a separate State action.” However, the guidance goes on to suggest that DEC may consider the value of carbon in evaluating a variety of decisions, including permitting. DEC is accepting comments on the draft guidance until **November 27, 2020**; the draft guidance and supporting documents can be found on DEC’s website at: [www.dec.ny.gov/energy/99223.html](http://www.dec.ny.gov/energy/99223.html).

Implications: The draft guidance is primarily of interest to State agencies, who will be expected to analyze the social cost of carbon as part of rulemakings, environmental assessments, and other decisions.

## CHEMICAL

NEW YORK STATE: DEC has scheduled a pair of public meetings concerning a recently enacted law **prohibiting the sale of household cleaning, personal care, and cosmetics products containing more than trace amounts of 1,4-dioxane**, which is typically formed as a contaminant during the production process. The goal of the law—which is set forth at ECL §§ 37-0105 and 37-0117—is to reduce the amount of 1,4-dioxane entering New York’s drinking water. At the meetings, DEC plans to present topics for discussion relating to the product scope and categories covered by the law and the details of the waiver process. The public meetings will be held **November 18, 2020** and **December 2, 2020** at 2:00 p.m. Information about the law as well as meeting and registration details are available at: [www.dec.ny.gov/chemical/121658.html](http://www.dec.ny.gov/chemical/121658.html).

Implications: The law is potentially of interest to manufacturers, sellers and consumers of household cleaning, personal care, and cosmetics products potentially containing 1,4-dioxane.

## HAZARDOUS/SOLID WASTE

FEDERAL: EPA published an advance notice of proposed rulemaking (ANPR) seeking comment on **alternatives for regulating “legacy” surface impoundments containing coal combustion residuals (CCR)** (i.e., coal ash) from utilities. In 2015, EPA adopted standards regulating CCR 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. In 2018, a federal appeals court vacated and remanded a provision that exempted inactive impoundments at inactive facilities from the CCR regulation after concluding that the exclusion was arbitrary and capricious. With the recent ANPR, EPA is seeking input on issues relating to the agency’s regulatory authority, the definition of legacy CCR surface impoundments, the types of impoundments that might be considered legacy CCR surface impoundments, and which CCR regulations should apply to these impoundments. EPA is accepting comment on the ANPR until **December 14, 2020**; it can be found in the October 14, 2020 Federal Register at: [www.govinfo.gov](http://www.govinfo.gov).

Implications: The ANPR is primarily of interest to owners/operators of possible legacy CCR surface impoundments.

**WATER**

**FEDERAL:** EPA proposed **national standards of performance for discharges incidental to the normal operation of primarily non-military and non-recreational vessels** 79 feet in length and above into the waters of the United States or waters of the contiguous zone. Over the course of many years, Congress had adopted various laws regulating discharges from marine vessels. To clarify and streamline the requirements, Congress enacted the Vessel Incidental Discharge Act (VIDA) in 2018, which consolidated vessel discharge requirements under a single law. VIDA requires EPA to establish national performance standards for different types of vessels that are at least as stringent as EPA's 2013 NPDES Vessel General Permit. The proposed rule sets general standards applicable to all covered vessels/discharges addressing three categories of activities—general operation and maintenance, biofouling management, and oil management. In addition, the rule establishes requirements for 20 separate discharges incidental to the normal operation of a vessel from specific equipment or systems (e.g., ballast tanks, bilges, boilers, decks). For the most part, these standards are substantially the same as those in the NPDES Vessel General Permit. Going forward, VIDA requires the U.S. Coast Guard to develop implementation, compliance and enforcement regulations within two years after EPA adopts the performance standards. Finally, VIDA repealed the 2014 EPA NPDES Small Vessel General Permit and established that neither EPA nor the states shall require a NPDES permit for any discharge incidental to the normal operation of a vessel, other than ballast water, from a small vessel or fishing vessel. EPA is accepting comment on the proposed rule until **November 25, 2020**; it can be found in the October 26, 2020 Federal Register at: [www.govinfo.gov](http://www.govinfo.gov).

Implications: EPA estimates that there are approximately 82,000 international and domestic non-military, non-recreational vessels operating in the waters of the United States or the waters of the contiguous zone. Vessels potentially covered by the rule include public vessels of the United States, commercial fishing vessels (for ballast water only), passenger vessels such as cruise ships and ferries, barges, tugs and tows, offshore supply vessels, mobile offshore drilling units, tankers, bulk carriers, cargo ships, container ships, and research vessels.

**NEW YORK STATE:** DEC made available for comment a **draft general permit covering certain minor activities in regulated streams and rivers**. ECL Article 15, Title 5 requires a permit to perform certain work that will result in the disturbance of stream beds and banks, with limited exemptions. Draft General Permit GP-0-20-002, Stream Activities General Permit, authorizes specific listed activities provided DEC countersigns the permit. These activities include in-place repair, replacement or re-setting of existing culverts and bridges, in-place repair and replacement of existing bank stabilization structures, certain other minor bank stabilization activities, and certain small debris and gravel removal projects, among many others. The Applicant must submit a Joint Application Form with the required attachments to DEC, who will assess whether the project can be authorized under the general permit. Work cannot proceed until the Applicant receives a countersigned copy of the General Permit back from DEC. The work must then be performed in accordance with the permit and the plans submitted by the Applicant. The General Permit contains conditions tailored to the specific activity as well as numerous general conditions addressing such items as tree removal, work during high flow conditions, erosion and sediment controls, dry stream crossing methods, diversion channels, temporary dewatering, and stock piles, among many others. The draft permit can be found at: [www.dec.ny.gov/permits/121588.html](http://www.dec.ny.gov/permits/121588.html). The deadline for submitting comments has closed.

Implications: The general permit is potentially of interest to individuals engaging in activities that are likely disturb stream beds and banks.

## Upcoming Deadlines

**NOTE:** This calendar contains items of general interest.

**November 16, 2020:** Deadline for submitting comments on ACOE's proposal to reissue and modify nationwide permits. See the September 15, 2020 Federal Register at [www.govinfo.gov](http://www.govinfo.gov) for details.

**November 16, 2020:** Deadline for submitting comments on ORES' proposed regulations establishing procedures and standards for implementing the new renewable energy siting program. See the September 15, 2020 State Register at [www.dos.ny.gov/info/register/2020/091620.pdf](http://www.dos.ny.gov/info/register/2020/091620.pdf) for details.

**November 16, 2020:** Deadline for submitting comments on DEC's repropoed revisions to the rules governing endangered and threatened species. See DEC's website at [www.dec.ny.gov/regulations/34113.html#Part\\_182](http://www.dec.ny.gov/regulations/34113.html#Part_182) for details.

**November 18, 2020:** Virtual public meeting on implementation of law limiting concentrations of 1,4-dioxane in household cleaning, personal care, and cosmetic products scheduled for 2:00 p.m. (A second virtual meeting is scheduled for 2:00 p.m. on **December 2, 2020**). See DEC's website at [www.dec.ny.gov/chemical/121658.html](http://www.dec.ny.gov/chemical/121658.html) for details.

**November 20, 2020:** Public hearing on ORES' proposed uniform standards and conditions for siting, design, construction, and operation of major renewable energy facilities under new siting program to be held at 5:00 p.m. at the McDonough Sports Complex, Hudson Valley Community College, North Drive, Troy. Additional public hearings are scheduled in Buffalo, Rochester, Clayton, and Smithtown. Also, a pair of virtual public statement hearings are scheduled for November 24, 2020 and November 30, 2020.

**November 20, 2020:** Deadline for submitting comments on DEC's draft revised DOW 1.3.10, Mercury – SPDES Permitting & Multiple Discharge Variance guidance document. See DEC's website at [www.dec.ny.gov/chemical/41392.html](http://www.dec.ny.gov/chemical/41392.html) for details.

**November 25, 2020:** Deadline for submitting comments on EPA's proposed vessel incidental discharge national standards of performance. See the October 26, 2020 Federal Register at [www.govinfo.gov](http://www.govinfo.gov) for details.

**November 27, 2020:** Deadline for submitting comments on DEC's draft value of carbon guidance. The guidance and related documents can be found on DEC's website at [www.dec.ny.gov/energy/99223.html](http://www.dec.ny.gov/energy/99223.html).

**November 30, 2020:** Deadline for submitting comments on EPA's revised draft risk evaluation of C.I. Pigment Violet 29 under TSCA. See the October 30, 2020 Federal Register at [www.govinfo.gov](http://www.govinfo.gov) for details.

**December 4, 2020:** Deadline for submitting comments on EPA's draft *National Recycling Strategy*. See EPA's website at [www.epa.gov/americanrecycles/national-recycling-strategy-and-framework-advancing-us-recycling-system](http://www.epa.gov/americanrecycles/national-recycling-strategy-and-framework-advancing-us-recycling-system) for details.

**December 7, 2020:** Deadline for submitting comments on ORES' proposed uniform standards and conditions for siting, design, construction, and operation of major renewable energy facilities under new siting program. See the September 15, 2020 State Register at [www.dos.ny.gov/info/register/2020/091620.pdf](http://www.dos.ny.gov/info/register/2020/091620.pdf) for details.

**December 14, 2020:** Deadline for submitting comments on proposed CSAPR update for the 2008 ozone NAAQS. See the October 30, 2020 Federal Register at [www.govinfo.gov](http://www.govinfo.gov) for details.

**December 14, 2020:** Deadline for submitting comments on the EPA's ANPR seeking input on alternatives for regulating legacy CCR surface impoundments. See the October 14, 2020 Federal Register at [www.govinfo.gov](http://www.govinfo.gov) for details.