

## FY 2016 -- FEDERAL REGISTER SUMMARY

### **09/30/2016 p 67347 – p 67348 Request for Public Comments To Be Sent to Versar, Inc, on an Interim List of Perchlorate in Drinking Water Expert Peer Reviewers and Draft Peer Review Charge Questions**

**Action:** Notice of request for public comment

**Summary:** This is one of two concurrent announcements regarding the release of materials for public comment that relate to the expert peer review of documents intended to support the EPA's Safe Drinking Water Act decision making for perchlorate. This notice requests comments on the interim list of peer review candidates and the draft charge for the expert peer review panel, to be sent to EPA's contractor, Versar, Inc. The comments will be considered to help inform the final selection of expert panelists and the development of the peer review panel's charge. Comments on the draft peer review panel charge are due by 21 Oct 2016.

**Applicability:** This is of special interest to DoD because perchlorate is a component of certain munitions and establishment of a perchlorate MCL may impact cleanup activities.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-23607.pdf>

### **09/30/2016 p 67350- p 67351 Request for Public Comments To Be Sent to EPA on Peer Review Materials To Inform the Safe Drinking Water Act Decision Making on Perchlorate**

**Action:** Notice of request for public comment

**Summary:** EPA has begun development of a National Primary Drinking Water Regulation for perchlorate. This announces the release of materials for public comment that will undergo expert peer review in support of EPA's Safe Drinking Water Act decision making on perchlorate. Two notices are being concurrently published. EPA is requesting comment on both the draft Biologically Based Dose-Response Model and an accompanying draft model report entitled, "Biologically Based Dose Response Models for the Effect of Perchlorate on Thyroid Hormones in Infant, Breast Feeding Mother, Pregnant Mother, and Fetus: Model Development, Revision, and Preliminary Dose-Response Analysis." Comments are due by 14 Nov 2016.

**Applicability:** Development of NPDWRs for perchlorate is of special interest to DoD because perchlorate is a component of certain munitions. Establishment of a perchlorate MCL will impact munitions cleanups. Early involvement in the rulemaking process may be warranted.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-23606.pdf>

### **09/30/2016 p 67382 – p 67383 Notice of Intent to Prepare the Columbia River System Operations Environmental Impact Statement**

**Action:** Notice of intent to prepare an environmental impact statement

**Summary:** USACE; Bureau of Reclamation, and the Bonneville Power Administration intent to prepare an Environmental Impact Statement on the operation and maintenance of fourteen Federal multi-purpose dams and related facilities throughout the Columbia River basin. Comments are due by 17 Jan 2017.

**Applicability:** This pertains to USACE projects in the NWD region.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-23346.pdf>

**09/29/2016 p 66823 Technical Correction to the National Ambient Air Quality Standards for Particulate Matter**

**Action:** Withdrawal of direct final rule

**Summary:** Because the Environmental Protection Agency (EPA) received adverse comment, we are withdrawing the direct final rule titled, "Technical Correction to the National Ambient Air Quality Standards for Particulate Matter," published on August 11, 2016.

**Applicability:** This is provided for information only.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-29/pdf/2016-23304.pdf>

**09/29/2016 p 66961- p 66962 Notification of a Public Teleconference and Meeting of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's Draft Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) IRIS Assessment**

**Action:** Notice.

**Summary:** The Environmental Protection Agency Science Advisory Board (SAB) Staff Office announces two meetings of the Chemical Assessment Advisory Committee Augmented for the Review of the Draft Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) IRIS Assessment (CAAC Augmented for RDX). A public teleconference will be held to learn about the development of the Agency's draft IRIS Toxicological Review of RDX (September, 2016) and to discuss draft charge questions for the peer review of the document. A face-to-face meeting will be held in the Washington, DC metro area to conduct a peer review of the agency's draft IRIS Toxicological Review of RDX (External Review Draft— September 2016). DATES: The public teleconference will be held on Thursday, November 17, 2016, from 2:00 p.m. to 5:00 p.m. (Eastern Standard Time). The public face-to-face meeting will be held on Monday, December 12, 2016 from 9:00 a.m. to 5:00 p.m., (Eastern Standard Time); Tuesday, December 13, 2016 from 8:30 a.m. to 5:00 p.m.; and Wednesday, December 14, 2016, from 8:30 a.m. to 1:00 p.m. (Eastern Standard Time).

**Applicability:** This rule would be of interest to those remediating RDX contaminated sites.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-29/pdf/2016-23597.pdf>

**09/28/2016 Federal Aviation Administration Hazardous Materials: Emergency Restriction/Prohibition Order**

**Action:** Notice of Emergency Restriction/Prohibition Order

**Summary:** This notice provides Emergency Restriction/Prohibition Order No. FAA–2016–9156, issued September 16, 2016 to Braille Battery, Inc. The Emergency Order prohibits Braille Battery from offering for transportation and transporting, any lithium ion battery that is not in compliance with the HMR or the International Civil Aviation Organization (ICAO) Technical Instructions as permitted in the HMR; requires Braille Battery to maintain and make publicly available the complete test record issued by the testing facility for each lithium ion battery manufactured by Braille Battery proven to

meet the criteria in part III, subsection 38.3 of the UN Manual of Tests and Criteria; requires Braille Battery to notify third party vendors that may offer for transportation, or transport, via air any lithium ion battery manufactured by Braille Battery that the third party vendor should not offer for transportation, nor transport, via air a Braille Battery lithium ion battery until Braille Battery confirms that the lithium ion battery is of a design type proven to meet the criteria in part III, sub-section 38.3 of the UN Manual of Tests and Criteria; prohibits Braille from using any “hazmat employee” that has not received training in accordance with the HMR; and prohibits Braille Battery from offering for transportation, or transporting, by air any hazardous materials requiring a DOT specification or UN standard packaging unless Braille Battery follows the applicable packing and closure instructions. This FAA emergency order is effective September 16, 2016.

**Applicability:** This would be of interest to any shipper of a Braille lithium battery by the air mode.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-28/pdf/2016-23332.pdf>

### **09/27/2016 p 66272 – p 66274 Notice of New Streamlined Approval Process for Non-Regulatory Methods in SW-846**

**Action:** Notice

**Summary:** This provides notice of a new streamlined approval process for non-regulatory methods in the “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” manual, also known as SW-846. The new method uses Web site postings and an extensive email list to notify the SW-846 scientific community of methods released for public comment, which differs from the traditional Federal Register publication. EPA is not requesting comment on this notice.

**Applicability:** The new process only applies to SW-846 analytical methods published as guidance, where there are no changes to the hazardous waste regulations under RCRA. The process for updating or publishing SW-846 analytical methods that are required in RCRA regulations will not change.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-27/pdf/2016-23299.pdf>

### **09/26/2016 p 66016 Receipt of Information Under the Toxic Substances Control Act**

**Action:** Notice.

**Summary:** EPA is announcing its receipt of information submitted pursuant to an Enforceable Consent Agreement (ECA) issued by EPA under the Toxic Substances Control Act (TSCA). Information about the following chemical substance and/or mixture is provided in Unit IV.: Octamethylcyclotetrasiloxane (D4) (CASRN 556–67–2). D4 is used as an intermediate for silicone copolymers and other chemicals. D4 is also used in industrial processing applications as a solvent (which becomes part of a product formulation or mixture), finishing agent, and an adhesive and sealant chemical. It is also used for both consumer and commercial purposes in paints and coatings, and plastic and rubber products and has consumer uses in polishes, sanitation, soaps, detergents, adhesives, and sealants. The nature of the information received is Field Sampling of Benthic Organisms. The docket ID number assigned to this information is EPA–HQ–OPPT–2012– 0209.

**Applicability:** This rule would impact users of this chemical substance.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/pdf/2016-23172.pdf>

**09/26/2016 p 655924 – p 65926 Chemical Data Reporting; 2016 Submission Period Extension**

**Action:** Final Rule.

**Summary:** EPA is amending the Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) regulations by extending the submission deadline for 2016 reports from September 30, 2016 to October 31, 2016. This is a one-time extension for the 2016 submission period only. The CDR regulations require manufacturers (including importers) of certain chemical substances included on the TSCA Chemical Substance Inventory (TSCA Inventory) to report current data on the manufacturing, processing, and use of the chemical substances. DATES: This final rule is effective September 26, 2016.

**Applicability:** This rule would impact users and importers of these chemical substances (petroleum, paper, metal, semiconductor and other electronic components).

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/pdf/2016-22974.pdf>

**09/23/2016 p 65636 – p 65637 Certain New Chemicals or Significant New Uses; Statements of Findings for September 2016**

**Action:** Notice.

**Summary:** Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the Federal Register a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from June 22, 2016 to September 19, 2016.

**Applicability:** This rule would impact users and importers of new chemical substances.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-23/pdf/2016-22972.pdf>

**09/22/2016 p 65463 Hazardous Materials: Damaged, Defective, Recalled Lithium Cells or Batteries or Portable Electronic Devices**

**Action:** Safety advisory notice

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is issuing a safety advisory notice to inform the public of the risks associated with transporting damaged, defective, or recalled lithium cells or batteries or portable electronic devices (PEDs), including Samsung Galaxy Note 7 smartphone devices recently recalled by the U.S. Consumer Product Safety Commission's (CPSC) [Recall No. 16– 266]. PHMSA is issuing this safety advisory notice in conjunction with the CPSC recall to advise members of the public who wish to carry Samsung Galaxy Note 7 subject to CPSC Recall no. 16–266 aboard aircraft that they must take all of the following precautions:

- Turn off the device;
- Disconnect the device from any charging equipment;
- Disable all applications that could inadvertently activate the phone (e.g., alarm clock);
- Protect the power switch to prevent its unintentional activation; and
- Keep the device in carry-on baggage or on your person. (Do not place in checked baggage.)

**Applicability:** This safety advisory would be of interest to owners of Samsung Galaxy Note 7 smartphones.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-22/pdf/2016-22777.pdf>

**09/22/2016 p 65353-65354 Release of Draft Policy Assessment for the Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide**

**Action:** Notice of availability

**Summary:** The Environmental Protection Agency (EPA) is reviewing the primary National Ambient Air Quality Standards (NAAQS) for Nitrogen Dioxide (NO<sub>2</sub>). On or about September 23, 2016, the EPA will make available for public review the document titled *Policy Assessment for the Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide—External Review Draft* (draft PA). This draft PA is intended to facilitate the Clean Air Scientific Advisory Committee's (CASAC's) advice and public input as part of the ongoing review of the primary NAAQS for NO<sub>2</sub>.

**Applicability:** This is provided for information only.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-22/pdf/2016-22681.pdf>

**09/22/2016 p 65315 – p 65319 National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Omaha Lead Superfund Site**

**Action:** Proposed rule; notice of intent

**Summary:** EPA proposes to remove 294 residential properties in Omaha, NE from the National Priorities List.

**Applicability:** Provided for general interest. This Federal Register includes a summary of procedures for deletion from the National Priorities List.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-22/pdf/2016-22877.pdf>

**09/20/2016 p 64459 Meeting of the Local Government Advisory Committee and the Small Communities Advisory Committee (SCAS)**

**Action:** Notice

**Summary:** A meeting will be held via teleconference on 7 Oct 2016 to discuss development of the national action plan on drinking water.

**Applicability:** Focus will be on drinking water relative to agricultural, rural, and other small communities.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-20/pdf/2016-22633.pdf>

**09/15/2016 p 63474 – p 63475 Meeting of the Chief of Engineers Environmental Advisory Board**

**Action:** Notice of open Federal advisory committee meeting

**Summary:** USACE announced the Federal advisory committee meeting of the Chief of Engineers, Environmental Advisory Board (EAB) to be held on 18 Oct 2016 in Pittsburgh.

**Applicability:** The purpose of the meeting is for the EAB to advise the Chief of Engineers on environmental policy, identification and resolution of environmental issues.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-15/pdf/2016-22062.pdf>

### **09/14/2016 p 63112-63131 National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers**

**Action:** Final Rule

**Summary:** This action sets forth the Environmental Protection Agency's (EPA's) final decision on the issues for which it announced reconsideration on January 21, 2015, that pertain to certain aspects of the February 1, 2013, final amendments to the "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers" (Area Source Boilers Rule). The EPA is retaining the subcategory and separate requirements for limited-use boilers, consistent with the February 2013 final rule. In addition, the EPA is amending three reconsidered provisions regarding: The alternative particulate matter (PM) standard for new oil-fired boilers; performance testing for PM for certain boilers based on their initial compliance test; and fuel sampling for mercury (Hg) for certain coal-fired boilers based on their initial compliance demonstration, consistent with the alternative provisions for which comment was solicited in the January 2015 proposal. The EPA is making minor changes to the proposed definitions of startup and shutdown based on comments received. This final action also addresses a limited number of technical corrections and clarifications on the rule, including removal of the affirmative defense for malfunction in light of a court decision on the issue. These corrections will clarify and improve the implementation of the February 2013 final Area Source Boilers Rule. In this action, the EPA is also denying the requests for reconsideration with respect to the issues raised in the petitions for reconsideration of the final Area Source Boilers Rule for which reconsideration was not granted.

**Applicability:** This could be applicable to facilities with boilers.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-14/pdf/2016-21334.pdf>

### **09/13/2016 p62972 – p 62973 Hazardous Materials: International Regulations for the Safe Transport of Radioactive Material (SSR-6)**

**Action:** Notice of document availability and request for comments

**Summary:** PHMSA seeks public comment on a draft revision of the International Atomic Energy Agency's (IAEA) "Regulations for the Safe Transport of Radioactive Material" (SSR-6), which is scheduled for publication in 2018. PHMSA and the U.S. Nuclear Regulatory Commission (NRC) will submit comments jointly to the IAEA regarding the draft document. PHMSA thereby requests public input to assist in U.S. comment development. Comments must be received on or before October 28, 2016.

**Applicability:** This international regulation would be of interest to shippers of Class 7 radioactive materials for international shipments and for future harmonization by PHMSA.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-13/pdf/2016-21960.pdf>

### **09/09/2016 p 62395 – p 62397 NPDES Electronic Reporting Rule**

## **Implementation Guidance**

**Action:** Notice of guidance

**Summary:** The U.S. Environmental Protection Agency (EPA) recently promulgated the NPDES Electronic Reporting Rule (“final rule”) to modernize Clean Water Act reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system. This final rule requires regulated entities and state and Federal regulators to use existing, available information technology to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) permit program instead of filing written paper reports.

**Applicability:** Project staff involved with NPDES reporting (i.e. DMRs) should be preparing for electronic data transfer if that transition has not already been made.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-09/pdf/2016-21204.pdf>

## **09/07/2016 p 61742 – p 61831 Hazardous Materials: Harmonization With International Standards**

**Action:** Notice of proposed rulemaking

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to amend the Hazardous Materials Regulations (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. A few items of interest would be the proposed deletions and additions to the HMT to harmonize with the international community. DOT proposes to revise the hazard communication requirements for lithium batteries consistent with the adopted 19<sup>th</sup> Revised Edition of the UN Model Regulations.

**Applicability:** This proposed rulemaking would be of interest to shippers of hazardous materials.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-09-07/pdf/2016-20580.pdf>

## **08/30/2016 p 59799 – p 59826 Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources**

**Action:** Final rule

**Summary:** This action promulgates technical and editorial corrections and revisions to regulations related to source testing of emissions. We have made corrections and updates to testing provisions, and added newly approved alternatives to existing testing regulations. These revisions will improve the quality of data and provide flexibility in the use of approved alternative procedures. The revisions do not impose any new substantive requirements on source owners or operators.

**Applicability:** The revisions promulgated in this final rule apply to a large number of industries that are already subject Clean Air Act source testing requirements.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-30/pdf/2016-19642.pdf>

## **08/29/2016 p 59275 – p 59330 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is finalizing a new subpart that updates the Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (Emission Guidelines). The EPA's review of the Emission Guidelines for municipal solid waste (MSW) landfills considered landfills that accepted waste after November 8, 1987, and commenced construction, reconstruction, or modification on or before July 17, 2014. Based on this review, the EPA has determined that it is appropriate to revise the Emission Guidelines to reflect changes to the population of landfills and the results of an analysis of the timing and methods for reducing emissions.

**Applicability:** The new subpart will impact facilities subject to revised state or federal plans.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-29/pdf/2016-17700.pdf>

### **08/29/2016 p 59332 – p 59384 Standards of Performance for Municipal Solid Waste Landfills**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is finalizing a new subpart that updates the Standards of Performance for Municipal Solid Waste Landfills. Under section 111 of the Clean Air Act, the EPA must review, and, if appropriate, revise standards of performance at least every 8 years. The new subpart will reduce emissions of landfill gas, which contains both nonmethane organic compounds and methane. Landfills are a significant source of methane, which is a potent greenhouse gas pollutant. These avoided emissions will improve air quality and reduce the potential for public health and welfare effects associated with exposure to landfill gas emissions.

**Applicability:** The new subpart will impact facilities subject to revised state or federal plans.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-29/pdf/2016-17687.pdf>

### **08/26/2016 p 58926 – p 58927 Mercury Compounds Prohibition of Export**

**Action:** Notice

**Summary:** EPA was directed by Congress to publish a list of mercury compounds prohibited from export, not later than 90 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (the Act), which amended the Toxic Substances Control Act (TSCA). The Act was enacted on 22 Jun 2016. EPA is not soliciting comments on this notice.

**Applicability:** Impacts are unknown. Provided for awareness with respect to export of mercury containing wastes.

**Effective:** Effective 1 Jan 2020, the statute prohibits export of: Mercury (I) chloride or calomel; mercury (II) oxide; mercury (II) sulfate; mercury (II) nitrate; and cinnabar or mercury sulphide, unless those mercury compounds are exported to member countries of the Organization for Economic Co-operation and Development for environmentally sound disposal, on the condition that no mercury or mercury compounds so exported are to be recovered, recycled, or reclaimed for use, or directly reused, after such export.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-26/pdf/2016-20534.pdf>

### **08/24/2016 p 57822 – p 57846 Revisions to the Petition Provisions of the Title V Permitting Program**



**Action:** Proposed rule

**Summary:** The U.S. Environmental Protection Agency (EPA) proposes to revise its regulations to streamline and clarify processes related to submission and review of title V petitions. This notice covers five key areas, each of which should increase stakeholder access to and understanding of the petition process and aid the EPA's review of petitions. First, the EPA is proposing regulatory provisions that provide direction as to how petitions should be submitted to the agency. Second, the EPA is proposing regulatory provisions that describe the expected format and minimum required content for title V petitions. Third, the proposal clarifies that permitting authorities are required to respond to significant comments received during the public comment period for draft title V permits, and to provide that response with the proposed title V permit to the EPA for the agency's 45-day review period. Fourth, guidance is provided in the form of "recommended practices" for various stakeholders to help ensure title V permits have complete administrative records and comport with the requirements of the Clean Air Act (CAA or Act). Fifth, to increase familiarity with the post-petition process, this notice presents information on the agency's interpretation of certain title V provisions of the CAA and its implementing regulations regarding the steps following an EPA objection in response to a title V petition, as previously discussed in specific title V orders.

**Applicability:** Facilities with Title V permits

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-24/pdf/2016-20029.pdf>

### **08/24/2016 p 57907 – p 57908 Issuance of National Pollutant Discharge Elimination System (NPDES) General Permit (GP) for Idaho Drinking Water Treatment Facilities**

**Action:** Notice of availability

**Summary:** The Director, Office of Water and Watersheds, Environmental Protection Agency (EPA) is publishing notice of availability of the final NPDES GP (IDG380000) to drinking water treatment facilities in Idaho. The GP authorizes discharges of treated wastewater from water treatment filtration processes and their delivery systems to waters of the United States within the State of Idaho.

**Applicability:** Limited to facilities in the State of Idaho.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-24/pdf/2016-20322.pdf>

### **08/22/2016 p 56682 FEMA Directive 108–1 and FEMA Instruction 108–1–1**

**Action:** Notice of availability

**Summary:** This document provides notice of availability of final FEMA Directive 108–1 and FEMA Instruction 108–1–1 (referred to as Directive and Instruction). Together, this Directive and Instruction serve as FEMA's supplemental instructions for Environmental Planning and Historic Preservation (EHP), in accordance with the Department of Homeland Security's (DHS) Directive 023–01, Rev. 01 and Instruction Manual 023–01–001–01, Rev. 01, Implementation of the National Environmental Policy Act (NEPA).

**Applicability:** This notice would be of interest to agencies involved in emergency management and coordination with FEMA.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-22/pdf/2016-19534.pdf>

## 08/22/2016 p 56514 - 56534 Removal of Environmental Considerations Regulations

**Action:** Final rule

**Summary:** The Federal Emergency Management Agency (FEMA), a component of the Department of Homeland Security (DHS), is removing its environmental considerations regulations and replacing the regulations with a new Directive and Instruction on environmental planning and historical preservation requirements. DHS instituted procedures for environmental considerations that apply Department-wide (including FEMA) in a new Directive and Instruction.

**Applicability:** This rule would be of interest to agencies involved in emergency management and coordination with FEMA.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-22/pdf/2016-19536.pdf>

## 08/22/2016 p 57401 -57437 Updates to Floodplain Management and Protection of Wetlands Regulations To Implement Executive Order 13690 and the Federal Flood Risk Management Standard

**Action:** Notice Of Proposed Rulemaking

**Summary:** The Federal Emergency Management Agency (FEMA) proposes to amend its regulations on “Floodplain Management and Protection of Wetlands” to implement Executive Order 13690, which establishes the Federal Flood Risk Management Standard (FFRMS). FEMA also proposes a supplementary policy (FEMA Policy: 078-3) that would further clarify how FEMA applies the FFRMS.

**Applicability:** This notice would be of interest to agencies involved in emergency management and coordination with FEMA.

**Reference:** <https://www.federalregister.gov/articles/2016/08/22/2016-19810/updates-to-floodplain-management-and-protection-of-wetlands-regulations-to-implement-executive-order>

## 08/18/2016 p 55190 - p 55191 Program Requirement Revisions Related to Public Water System Supervision Programs for the Commonwealth of Massachusetts, the State of Rhode Island and the State of Vermont

**Action:** Notice

**Summary:** This provides notice that Massachusetts, Rhode Island, and Vermont are revising their Public Water System Supervision (PWSS) programs. The Notice discusses State adoption of Federal regulations (for example, the Ground Water Rule, the Lead and Copper Rule, etc.) and EPA’s intent toward approval of the state PWSS program revisions for those rules. Interested parties have 30 days to request a public hearing.

**Applicability:** This pertains to public water systems in Massachusetts, Rhode Island, and Vermont.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-18/pdf/2016-19786.pdf>

## 08/16/2016 p 54647 – p 54648 Federal Aviation Administration RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems, Twenty Fifth Meeting

**Action:** RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems, Twenty Fifth Meeting

**Summary:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems, twenty fifth meeting. The meeting will be held September 8, 2016, 09:00 a.m.–5:00 p.m. EDT. The meeting will be held at:

<https://rtca.webex.com/rtca/j.php?MTID=m5de7f61dd56194995677271e9ad59931>.

*Meeting number:* 638 848 815.

*Meeting password:* Batteries1.

*Join by phone:*

1–877–668–4493 Call-in toll-free number (US/Canada).

1–650–479–3208 Call-in toll number (US/Canada).

*Access code:* 636 711 821.

**Applicability:** This might be of interest to shippers of lithium batteries.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-16/pdf/2016-19421.pdf>

### **08/15/2016 p 54421 – p 54475 Finding That Greenhouse Gas Emissions From Aircraft Cause or Contribute to Air Pollution That May Reasonably Be Anticipated To Endanger Public Health and Welfare**

**Action:** Final rule

**Summary:** In this action, the Administrator finds that elevated concentrations of greenhouse gases in the atmosphere endanger the public health and welfare of current and future generations within the meaning of section 231(a)(2)(A) of the Clean Air Act (CAA, or Act). She makes this finding specifically with respect to the same six well-mixed greenhouse gases—carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—that together were defined as the air pollution in the 2009 Endangerment Finding under section 202(a) of the CAA and that together constitute the primary cause of the climate change problem. The Administrator also finds that emissions of those six well-mixed greenhouse gases from certain classes of engines used in certain aircraft are contributing to the air pollution—the aggregate group of the same six greenhouse gases—that endangers public health and welfare under CAA section 231(a)(2)(A).

**Applicability:** Applicable to facilities associated with aircraft certain classes of aircraft engines used in certain types of aircraft (referred to interchangeably as “covered aircraft” or “US covered aircraft”). In issuing these final findings, the EPA becomes subject to a duty under CAA section 231 to propose and promulgate aircraft engine emission standards applicable to emissions of that air pollutant from those classes of engines.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-18399.pdf>

### **08/15/2016 p 53935 – p 53957 Hazardous Materials: FAST Act Requirements for Flammable Liquids and Rail Tank Cars**

**Action:** Final rule

**Summary:** The Pipeline and Hazardous Materials Safety Administration is issuing this final rule to codify in the Hazardous Materials Regulations certain mandates and

minimum requirements of the FAST Act. Specifically, the FAST Act mandates a revised phase-out schedule for all DOT Specification 111 tank cars used to transport unrefined petroleum products (e.g., petroleum crude oil), ethanol, and other Class 3 flammable liquids. The FAST Act also requires that each tank car built to meet the DOT Specification 117 and each non-jacketed tank car retrofitted to meet the DOT Specification 117R be equipped with a thermal protection blanket that is at least 1/2-inch thick and meets existing thermal protection standards. Further, the FAST Act mandates minimum top fittings protection requirements for tank cars retrofitted to meet the DOT Specification 117R. DOT has provided a table on the phase out schedule of the DOT Specification 111 tank cars depending on the flammable liquid being transported. The rule is effective August 15, 2016.

**Applicability:** This rule would be of interest to rail carriers transporting flammable liquids and shippers that transport flammable liquids.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-19406.pdf>

**08/10/2016 p 52851 – p 52852 Notice of Availability of Draft NPDES General Permits for Discharges From Potable Water Treatment Facilities in Massachusetts and New Hampshire: The Potable Water Treatment Facility General Permit**

**Action:** Notice of availability of draft NPDES general permits MAG640000 and NHG640000

**Summary:** The Director of the Office of Ecosystem Protection, U.S. Environmental Protection Agency— Region 1 (EPA), is providing a notice of availability of the draft National Pollutant Discharge Elimination System (NPDES) General Permits (GP) for discharges from potable water treatment facilities (PWTF) to certain waters of the Commonwealth of Massachusetts and the State of New Hampshire. Comments are due no later than 9 September 2016.

**Applicability:** Applicable for facilities in MA and NH conducted regulated activities

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-10/pdf/2016-19028.pdf>

**08/08/2016 p 52393 – p 52394 Section 610 Review of the 2008 Lead; Renovation, Repair, and Painting Program (RRP); Extension of Comment Period**

**Action:** Extension of public comment period.

**Summary:** On June 9, 2016 the Environmental Protection Agency (EPA) published a request for comments on a Regulatory Flexibility Act section 610 review titled, Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(C)(3) (Section 610 Review). As initially published in the Federal Register, written comments were to be submitted to the EPA on or before August 8, 2016 (a 60-day public comment period). Since publication, the EPA has received a request for additional time to submit comments. Therefore, the EPA is extending the public comment period for 30 days until September 7, 2016. DATES: The public comment period for the review published June 9, 2016 (81 FR 37373) is being extended for 30 days to September 7, 2016 in order to provide the public additional time to submit comments and supporting information.

**Applicability:** This review may impact lead-based paint activities.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-08/pdf/2016-18682.pdf>

**08/08/2016 p 52518 – p 53521 Federal Motor Carrier Safety Administration  
National Hazardous Material Route Registry Revisions and Procedures**

**Action:** Notice

**Summary:** This notice provides the most current revisions to the National Hazardous Materials Route Registry (NHMRR) and procedures to facilitate the update of the NHMRR by State and Tribal government routing agencies. The NHMRR is a listing, as reported by States and Tribal governments, of all designated and restricted road and preferred highway routes for transportation of highway route controlled quantities (HRCQ) of Class 7 radioactive materials (RAM) (HRCQ/RAM) and non-radioactive hazardous materials (NRHMs). A complete listing of the States with designated routes for HRCQ/RAM and NRHMs along with maps can be downloaded from the following website: <http://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry>. The maps and excel spreadsheets are listed individually by State.

**Applicability:** This hazardous material route information would be of interest to the carriers that are in the highway mode.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-08/pdf/2016-18729.pdf>

**08/05/2016 p 51802 – p 51808 Hazardous and Solid Waste Management System:  
Disposal of Coal Combustion Residuals From Electric Utilities; Extension of  
Compliance Deadlines for Certain Inactive Surface Impoundments; Response to  
Partial Vacatur**

**Action:** Direct final rule

**Summary:** EPA is taking direct final action to extend the deadline for certain inactive coal combustion residual surface impoundments. As a consequence of an order issued by the United States Court of Appeals for the D.C. Circuit on 14 Jun 2016, EPA is removing certain provisions of the CCR Rule related to “early closure” and as a result owners and operators of inactive CCR surface impoundments that were relying on “early closure” provisions must now comply with all requirements for existing CCR surface impoundments. Accordingly, EPA is extending the compliance deadlines associated with these newly applicable regulatory requirements to allow inactive CCR units adequate time to come into compliance.

**Effective:** 4 Oct 2016 unless adverse comments are received.

**Applicability:** This applies to inactive CCR surface impoundments. These are units that did not receive CCR after 15 Oct 2015, but still contain water and CCR and which were intended to close no later than 17 Apr 2018 in order to take advantage of “early closure” provisions which avoided groundwater monitoring and other post-closure care requirements.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-08-05/pdf/2016-18353.pdf>

**08/05/2016 p 51866 – p 51867 Final Guidance for Federal Departments and  
Agencies on Consideration of Greenhouse Gas Emissions and the Effects of  
Climate Change in National Environmental Policy Reviews**

**Action:** Notice of availability

**Summary:** CEQ is issuing final guidance on considering greenhouse gas emissions and climate change in NEPA reviews.

**Effective:** Guidance is effective 5 Aug 2016.

**Applicability:** This final guidance applies to all types of proposed Federal agency actions, including land and resource management actions, and provides agencies with a framework for agency consideration of the effects of GHGs and climate change to ensure efficient and transparent agency decision-making.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-08-05/pdf/2016-18620.pdf>

### **08/01/2016 p 50434 – p 50436 Public Notification for Combined Sewer Overflows in the Great Lakes; Public Listening Session; Request for Stakeholder Input**

**Action:** Request for stakeholder input.

**Summary:** The Environmental Protection Agency (EPA) is announcing plans to hold a public “listening session” on September 14, 2016 in Chicago, Illinois to obtain information from the public to help inform development of a new regulation establishing public notification requirements for combined sewer overflow discharges in the Great Lakes. This rulemaking is in response to new requirements included with the 2016 appropriations.

**Applicability:** Staff involved with water quality standards and Clean Water Act discharges may find the listening session of interest.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-01/pdf/2016-18133.pdf>

### **08/01/2016 p 50330 -50336 Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds-Exclusion of 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) Ethane (HFE-347pcf2)**

**Action:** Direct final rule

**Summary:** The Environmental Protection Agency (EPA) is taking direct final action to revise the regulatory definition of volatile organic compounds (VOC) under the Clean Air Act (CAA). This direct final action adds 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2; CAS number 406-78-0) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O<sub>3</sub>) formation.

**Applicability:** Facilities having air permits covering 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2; CAS number 406-78-0).

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-08-01/pdf/2016-17789.pdf>

### **07/29/2016 p 49976 – p 49981 Certain New Chemicals; Receipt and Status Information for June 2016**

**Action:** Notice

**Summary:** EPA is required under the Toxic Substances Control Act (TSCA) to publish in the Federal Register a notice of receipt of a Premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from June 1, 2016 to June 30, 2016. DATES: Comments identified by the specific case number provided in this document, must be received on or before August 29, 2016.

**Applicability:** This rule would impact users and importers of any of new chemical substances.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-18015.pdf>

**07/28/2016 p 49650 – p 49652 The Hazardous Waste Electronic Manifest System Advisory Board: Request for Nominations**

**Action:** Request for nominations

**Summary:** This action solicits nominations to fill one of the positions on the Hazardous Waste Electronic Manifest System Advisory Board. The Board provides practical and independent advice, consultation, and recommendations to EPA on activities, functions, policies, and regulations associated with the Hazardous Waste Electronic Manifest System. Nominations are due to EPA by August 29, 2016.

**Applicability:** Provided for general information purposes

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-07-28/pdf/2016-17782.pdf>

**07/28/2016 p 49598 – p 49613 Significant New Uses of Chemical Substances; Updates to the Hazard Communication Program and Regulatory Framework; Minor Amendments to Reporting Requirements for Premanufacture Notices**

**Action:** Proposed rule

**Summary:** EPA is proposing changes to the existing regulations governing significant new uses of chemical substances under the Toxic Substances Control Act (TSCA) to align these regulations with revisions to the Occupational Safety and Health Administration's (OSHA) Hazard Communications Standard (HCS), which are proposed to be cross referenced, and with changes to the OSHA Respiratory Protection Standard and the National Institute for Occupational Safety and Health (NIOSH) respirator certification requirements. EPA is also proposing changes to the significant new uses of chemical substances regulations based on issues that have been identified by EPA and issues raised by public commenters for Significant New Use Rules (SNURs) previously proposed and issued under these regulations. EPA is proposing a minor change to reporting requirements for premanufacture notices (PMNs) and other TSCA section 5 notices. DATES: Comments must be received on or before September 26, 2016.

**Applicability:** Entities potentially affected include chemical manufacturers, processors and users.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-28/pdf/2016-15005.pdf>

**07/26/2016 p 49072 – p 49110 Hazardous Waste Management System; User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations**

**Action:** Proposed rule

**Summary:** This proposes user fee methodology applicable to electronic and paper manifests submitted to the national electronic manifest system (or e-Manifest system) that is being established by EPA under the Hazardous Waste Electronic Manifest Establishment Act. Users of the hazardous waste manifest will be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the system in order for EPA to recover costs of developing and operating the national e-Manifest system. EPA will include the initial fee schedule and the implementation date

for the e-Manifest system in the preamble to the final rule. This action also proposes several amendments to regulations governing the use of the manifest. Comments are due by September 26, 2016. However, comments on the information collection provisions are due by August 25, 2016. Note: This proposal requests commenters to utilize a new pilot platform when submitting comments that organizes comments based on specific comment headings. See page 49073 of the Jul 26, 2016 Federal Register for details.

**Applicability:** This pertains to hazardous waste generators, transporters, and treatment, storage, and disposal facilities (TSDFs).

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-15845.pdf>

### **07/26/2016 p 48978 – p 49022 Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders**

**Action:** Notice of proposed rulemaking

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is proposing to amend the Hazardous Materials Regulations to revise certain requirements applicable to the manufacture, use, and requalification of DOT-specification cylinders. PHMSA is taking this action in response to petitions for rulemaking submitted by stakeholders and to agency review of the compressed gas cylinders regulations. Specifically, PHMSA is proposing to incorporate by reference or update the references to several Compressed Gas Association publications, amend the filling requirements for compressed and liquefied gases, expand the use of salvage cylinders, and revise and clarify the manufacture and requalification requirements for cylinders. Comments must be submitted by September 26, 2016.

**Applicability:** This would be of interest to shippers that use compressed gas cylinders and salvage cylinders.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16689.pdf>

### **07/26/2016 p 48885 – p 48886 Hazardous Materials: FAST Act Insurance and Liability Study**

**Action:** Notice and request for comments

**Summary:** On December 4, 2015, President Obama signed legislation entitled, “Fixing America’s Surface Transportation Act of 2015” (the FAST Act). The FAST Act includes the “Hazardous Materials Transportation Safety Improvement Act of 2015” in Sections 7001 through 7311, which provides direction for PHMSA’s hazardous materials safety program. Section 7310 of the FAST Act requires the Secretary of Transportation to initiate a study of the levels and structure of insurance for railroad carriers transporting hazardous materials, which must be initiated within four months of the enactment of the FAST Act. Within a year of initiation, the Secretary must submit a report with the results of the study and recommendations for addressing liability issues with rail transportation of hazmat to Congress. PHMSA initiated this insurance study in March 2016 and is on schedule to complete it by April 2017. Comments are due by September 9, 2016.

**Applicability:** This notice would be of interest to the rail carriers that transport hazardous materials including shipments for DoD.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-17615.pdf>



**07/26/2016 p 48789 – p 48791 Processes for Risk Evaluation and Chemical Prioritization for Risk Evaluation Under the Amended Toxic Substances Control Act; Notice of Public Meetings and Opportunities for Public Comment**

**Action:** Notice

**Summary:** EPA is holding two public meetings to obtain input into the Agency's development of processes for risk evaluation and chemical prioritization for risk evaluation under the Toxic Substances Control Act as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (TSCA). Information obtained during these meetings will be considered in the Agency's development of the proposed procedural regulations required under TSCA. DATES: *Meetings*. For the chemical evaluation process, the meeting will be held on August 9, 2016 from 9:30 a.m. to 4:30 p.m. For the process of prioritizing chemicals for risk evaluation, the meeting will be held on August 10, 2016 from 9:30 a.m. to 4:30 p.m.

**Applicability:** Entities potentially affected include chemical manufacturers, processors and users.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-17706.pdf>

**07/26/2016 p 48788 – p 48789 Agency Information Collection Activities; Submitted to OMB for Review and Approval; Comment Request; TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals**

**Action:** Notice

**Summary:** EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): "TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals" (EPA ICR No. 1188.13, OMB Control No. 2070-0038). This is a request to renew the approval of an existing ICR. EPA received two comments in response to the previously provided public review opportunity issued in the **Federal Register** on September 2, 2015 (80 FR 53151), which are addressed in this ICR. With this submission, EPA is providing an additional 30 days for public review. DATES: Comments must be received on or before August 25, 2016.

**Applicability:** Entities potentially affected by this ICR are companies that manufacture, process, import, or distribute in commerce chemical substances or mixtures.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-15845.pdf>

**07/22/2016 p 47793 – p 47794 Environmental Impact Statements; Notice of Availability**

**Action:** Notice

**Summary:** Weekly Receipt of Environmental Impact Statements (EISs) Filed 07/11/2016 Through 07/15/2016. *EIS No. 20160165, Final, USFWS, HI, Na Pua Makani Wind Project and Habitat Conservation Plan*

**Applicability:** This EIS and Habitat Conservation Plan would be of interest to parties planning Wind Energy projects in Hawaii.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-22/pdf/2016-17382.pdf>

**07/20/2016 p 47144 – p 47150 Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Ohio Portion of the Campbell-Clermont KY-OH Sulfur Dioxide Nonattainment Area**

**Action:** Proposed rule

**Summary:** In accordance with the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to redesignate the Ohio portion of the Campbell-Clermont KY-OH sulfur dioxide (SO<sub>2</sub>) nonattainment area from nonattainment to attainment. The Ohio portion of this area consists of Pierce Township in Clermont County, Ohio. EPA is also proposing to approve Ohio's maintenance plan submitted on August 11, 2015. The primary emission source in the area has permanently closed, and the air quality in the area is now meeting the SO<sub>2</sub> standard.

**Applicability:** This action could reduce CAA requirements for facilities in Pierce Township in Clermont County, Ohio

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-20/pdf/2016-17054.pdf>

**07/20/2016 p 47040 – p 47042 Finding of Failure To Submit a State Implementation Plan; Maryland; Interstate Transport Requirements for the 2008 8-Hour National Ambient Air Quality Standards for Ozone**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is taking final action finding that Maryland has failed to submit an infrastructure state implementation plan (SIP) to satisfy certain interstate transport requirements of the Clean Air Act (CAA) with respect to the 2008 8-hour ozone national ambient air quality standard (NAAQS). Specifically, these requirements pertain to the obligation to prohibit emissions which significantly contribute to nonattainment, or interfere with maintenance, of the 2008 8-hour ozone NAAQS in other states. This finding of failure to submit establishes a 2-year deadline for EPA to promulgate a federal implementation plan (FIP) to address the interstate transport SIP requirements pertaining to significant contribution to nonattainment and interference with maintenance of the 2008 ozone NAAQS in other states unless, prior to EPA promulgating a FIP, the state submits, and EPA approves, a SIP that meets these requirements.

**Effective:** 08/19/2016

**Applicability:** At this time, this is provided for informational purposes only. When EPA promulgates a FIP or Maryland develops a SIP, that FIP or SIP could impact facilities in Maryland.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-20/pdf/2016-17057.pdf>

**07/20/2016 p 47051 – p 47071 National Environmental Policy Act Implementing Procedures**

**Action:** Proposed rule

**Summary:** The Animal and Plant Health Inspection Service is proposing to amend the regulations that set out National Environmental Policy Act implementing procedures. The amendments include clarifying and amending the categories of action for which the Service would normally complete an environmental impact statement or an environmental assessment for an action, expanding the list of actions subject to

categorical exclusion from further environmental documentation, and setting out an environmental documentation process that could be used in emergencies. The proposed changes are intended to update the regulations and improve their clarity and effectiveness.

**Applicability:** This would be of interest if projects involve the Animal and Plant Health Inspection Service.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-20/pdf/2016-17138.pdf>

#### **07/19/2016 p 46865 – p 46866 Approval and Promulgation of State Implementation Plan Revisions to Permits, Rules and Approval Orders; Utah**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Utah on February 10, 2012 and August 29, 2014. These submittals request SIP revisions to remove changes to the major source baseline date that were disapproved by the EPA on July 15, 2011. The submittals also address the EPA's February 6, 2014 disapproval of several permit rules related to the public availability of good engineering practice stack height demonstrations in the public comment process for an approval order, and the process for making emission reductions enforceable in an approval order. The EPA is taking this action in accordance with section 110 of the Clean Air Act (CAA).

**Applicability:** This may be of interest to facilities in Utah

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-19/pdf/2016-16960.pdf>

#### **07/19/2016 p 46839 – p 46848 Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures**

**Action:** Final rule

**Effective:** July 19, 2016

**Summary:** This announces EPA's approval of alternative testing methods for measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. EPA is using streamlined authority to make 16 additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

**Applicability:** This pertains to monitoring of public water systems.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-07-19/pdf/2016-16516.pdf>

#### **07/19/2016 p 46836 – p 46838 Approval and Promulgation of State Implementation Plan Revisions to Permits, Rules and Approval Orders; Utah**

**Action:** Direct final rule

**Summary:** The Environmental Protection Agency (EPA) is taking direct final action to approve State Implementation Plan (SIP) revisions submitted by the State of Utah on February 10, 2012 and August 29, 2014. These submittals request SIP revisions to

remove changes to the major source baseline date that were disapproved by the EPA on July 15, 2011. The submittals also address the EPA's February 6, 2014 disapproval of several permit rules related to the public availability of good engineering practice stack height demonstrations in the public comment process for an approval order, and the process for making emission reductions enforceable in an approval order. The EPA is taking this action in accordance with section 110 of the Clean Air Act (CAA).

**Effective:** 09/19/2016

**Applicability:** This may be of interest to facilities in Utah

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-19/pdf/2016-16963.pdf>

**07/18/2016 p 46608 – p 46612 Determination of Attainment of the 1-Hour Ozone National Ambient Air Quality Standard in the San Joaquin Valley Nonattainment Area in California**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is determining that the San Joaquin Valley nonattainment area has attained the 1-hour ozone National Ambient Air Quality Standard. This determination is based on sufficient, quality-assured, and certified data for the 2012-2014 period. Ozone data collected in 2015 show continued attainment of the standard in the San Joaquin Valley.

**Effective:** 08/17/2016

**Applicability:** This action would be applicable to air pollution sources in the San Joaquin Valley.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-18/pdf/2016-16792.pdf>

**07/18/2016 p 46606 – p 46608 Approval and Promulgation of Implementation Plans; Louisiana; Permitting of Greenhouse Gases**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is partially approving and partially disapproving a revision to the Louisiana State Implementation Plan (SIP) submitted on December 21, 2011. This revision outlines the State's program to regulate and permit emissions of greenhouse gases (GHGs) in the Louisiana Prevention of Significant Deterioration (PSD) program. We are approving these provisions to the extent that they address the GHG permitting requirements for sources already subject to PSD for pollutants other than GHGs. We are disapproving these provisions to the extent they require PSD permitting for sources that emit only GHGs above the thresholds triggering the requirement to obtain a PSD permit since that is no longer consistent with federal law. The EPA is taking this action under section 110 and part C of the Clean Air Act (CAA or Act).

**Effective:** 08/17/2016

**Applicability:** This would be applicable to facilities with sources of GHGs in Louisiana.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-18/pdf/2016-16791.pdf>

**07/14/2016 p 45419 – p 45421 Determination of Attainment; Atlanta, Georgia; 2008 Ozone National Ambient Air Quality Standards**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is taking final action to determine that the Atlanta, Georgia, 2008 Ozone National Ambient Air Quality Standard (NAAQS) Moderate Nonattainment Area (“Atlanta Area” or the “Area”) has attained the 2008 8-hour ozone NAAQS. This final determination is based upon complete, quality-assured, and certified ambient air monitoring data showing that the Area has monitored attainment of the 2008 8-hour ozone NAAQS for the 2013-2015 monitoring period. The requirement for this Area to submit an attainment demonstration and associated reasonably available control measures (RACM), reasonable further progress (RFP) plans, contingency measures, and other planning state implementation plans (SIPs) related to attainment of the 2008 8-hour ozone NAAQS is suspended until EPA redesignates the Area to attainment, approves a redesignation substitute, or determines that the Area has violated the 2008 8-hour ozone NAAQS. This final attainment determination does not constitute a redesignation to attainment. The Atlanta Area will remain in nonattainment status for the 2008 8-hour ozone NAAQS until such time as the State requests a redesignation to attainment and EPA determines that the Atlanta Area meets the Clean Air Act (CAA or Act) requirements for redesignation, including an approved maintenance plan.

**Effective:** 08/15/2016

**Applicability:** This could impact facilities with air pollution sources in Georgia.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-14/pdf/2016-16449.pdf>

**07/14/2016 p 45417 – p 45419 Approval and Promulgation of Implementation Plans; Washington: Spokane Second 10-Year Carbon Monoxide Limited Maintenance Plan**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is approving the limited maintenance plan submitted on May 11, 2016, by the Washington Department of Ecology (Ecology), in cooperation with the Spokane Regional Clean Air Agency (SRCAA) for the Spokane carbon monoxide (CO) maintenance area (Spokane area or area). The Spokane area includes the cities of Spokane, Spokane Valley, Millwood, and surrounding urban areas in Spokane County, Washington. This plan addresses the second 10-year maintenance period for the National Ambient Air Quality Standards (NAAQS) promulgated for CO, as revised in 1985. The Spokane area has had no exceedances of the CO NAAQS since 1997 and monitored CO levels in the area continue to decline steadily. The EPA is also approving an alternative CO monitoring strategy for the Spokane area which was submitted as part of the limited maintenance plan.

**Effective:** 08/15/2016

**Applicability:** This would be applicable to sources emitting CO at facilities in the Spokane carbon monoxide maintenance area including the cities of Spokane, Spokane Valley, Millwood, and surrounding urban areas in Spokane County, Washington

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-14/pdf/2016-16452.pdf>

**07/14/2016 p 45416 – p 45417 Significant New Use Rules on Certain Chemical Substances; Withdrawal**

**Action:** Partial withdrawal of direct final rule.

**Summary:** EPA is withdrawing significant new use rules (SNURs) promulgated under the Toxic Substances Control Act (TSCA) for three chemical substances, which were the subject of premanufacture notices (PMNs). EPA received adverse comments regarding the SNURs identified in this document. Therefore, the Agency is withdrawing the direct final rule SNURs identified in this document, as required under the direct final rulemaking procedures. DATES: This rule is effective July 15, 2016.

**Applicability:** Entities potentially affected include chemical manufacturers, processors and users.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-14/pdf/2016-16576.pdf>

#### **07/13/2016 p 45285 – p 45287 Recommended Aquatic Life Ambient Water Quality Criterion for Selenium in Freshwater**

**Action:** Notice of availability

**Summary:** The Environmental Protection Agency (EPA) is announcing the release of a final updated Clean Water Act (CWA) section 304(a) recommended national chronic aquatic life criterion for the pollutant selenium in fresh water. The final criterion supersedes EPA's 1999 CWA section 304(a) recommended national acute and chronic aquatic life criteria for selenium.

**Applicability:** States will evaluate and likely eventually adopt under their Water Quality Standards.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-13/pdf/2016-16585.pdf>

#### **07/12/2016 p 45148 – p 45153 Certain New Chemicals; Receipt and Status Information for May 2016**

**Action:** Notice.

**Summary:** EPA is required under the Toxic Substances Control Act (TSCA) to publish in the Federal Register a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from May 2, 2016 to May 31, 2016. DATES: Comments identified by the specific case number provided in this document, must be received on or before August 11, 2016.

**Applicability:** Entities potentially affected include chemical manufacturers, processors and users.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-12/pdf/2016-16448.pdf>

#### **07/12/2016 p 45039 – p 45055 Air Quality Designations for the 2010 Sulfur Dioxide (SO<sub>2</sub>) Primary National Ambient Air Quality Standard—Round 2**

**Action:** Final rule

**Summary:** This rule establishes the initial air quality designations for certain areas in the United States (U.S.) for the 2010 primary sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The Environmental Protection Agency (EPA) is designating the areas as either nonattainment, unclassifiable/attainment, or unclassifiable, based on whether the areas do not meet the NAAQS or contribute to a nearby area that does not meet the NAAQS; meet the NAAQS; or cannot be classified on the basis of available

information as meeting or not meeting the NAAQS, respectively. The designations are based on the weight of evidence for each area, including available air quality monitoring data and air quality modeling. The Clean Air Act (CAA) directs areas designated nonattainment by this rule to undertake certain planning and pollution control activities to attain the SO<sub>2</sub> NAAQS as expeditiously as practicable. This is the second round of area designations for the 2010 SO<sub>2</sub> NAAQS.

**Effective:** 09/12/2016

**Applicability:** This could impact air pollution sources that emit SO<sub>2</sub>.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-12/pdf/2016-16348.pdf>

#### **07/11/2016 p 44797 – p 44798 Significant New Use Rules on Certain Chemical Substances; Correction**

**Action:** Final rule; correction.

**Summary:** EPA issued a final rule in the Federal Register of May 16, 2016 for 55 chemical substances that were the subject of premanufacture notices (PMNs). For the chemical substance identified generically as aluminum calcium oxide salt (PMN P-15-328), EPA inadvertently omitted the de minimus exemption from the worker protection requirements. Also for the same chemical substance, a typographical error has been identified within the hazard communication program requirements. This document corrects the omission and the typographical error. DATES: This correction is effective July 15, 2016.

**Applicability:** Entities potentially affected include chemical manufacturers, processors and users.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-11/pdf/2016-15728.pdf>

#### **07/11/2016 p 44795 – p 44797 Approval of Iowa's Air Quality Implementation Plans; Polk County Board of Health Rules and Regulations, Chapter V, Revisions**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is taking final action to approve a revision submitted by the State of Iowa. The purpose of these revisions is to update the Polk County Board of Health Rules and Regulations, Chapter V, Air Pollution. This final action will reflect updates to the Iowa's statewide rules previously approved by EPA and will ensure consistency between applicable local agency rules and Federally-approved rules.

**Effective:** 08/10/2016

**Applicability:** This would be applicable to facilities in Polk County, IA with sources of air pollution.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-11/pdf/2016-16262.pdf>

#### **07/07/2016 p 44210 – p 44212 Air Plan Approval and Air Quality Designation; TN; Redesignation of the Sullivan County Lead Nonattainment Area to Attainment**

**Action:** Final rule

**Summary:** On July 15, 2015, the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Bristol, Tennessee 2008 lead nonattainment area (hereafter referred to as the "Bristol Area" or the "Area") to

attainment for the 2008 lead National Ambient Air Quality Standards (NAAQS) and an associated State Implementation Plan (SIP) revision containing a maintenance plan and a reasonably available control measures (RACM) determination for the Area. EPA is taking the following separate final actions related to the July 15, 2015, redesignation request and SIP revision: Determining that the Bristol Area is continuing to attain the 2008 lead NAAQS; approving and incorporating into the SIP the State's plan for maintaining attainment of the 2008 lead standard; approving and incorporating into the SIP the State's RACM determination; and redesignating the Bristol Area to attainment for the 2008 lead NAAQS.

**Effective:** 08/08/2016

**Applicability:** This would be applicable to facilities in the Bristol, TN area.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-07/pdf/2016-16002.pdf>

### **07/07/2016 p 44212- p 44220 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is finalizing amendments to the standards of performance for stationary compression ignition (CI) internal combustion engines to allow manufacturers to design the engines so that operators can temporarily override performance inducements related to the emission control system for stationary CI internal combustion engines. The amendments apply to engines operating during emergency situations where the operation of the engine or equipment is needed to protect human life, and to require compliance with Tier 1 emission standards during such emergencies. The EPA is also amending the standards of performance for certain stationary CI internal combustion engines located in remote areas of Alaska.

**Effective:** 09/06/2016

**Applicability:** Allowing the operator to temporarily override performance inducements related to the emission control system for stationary CI internal combustion engines would be widely applicable. Standards of performance for certain stationary CI internal combustion engines located in remote areas of Alaska would have limited applicability.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-07/pdf/2016-16045.pdf>

### **07/05/2016 p 43568 Nonattainment Area; Base Year Emissions Inventory for the 2008 8-Hour Ozone Standard**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the State Implementation Plan (SIP) submitted by the Louisiana Department of Environmental Quality (LDEQ) to address the emissions inventory (EI) requirement for the Baton Rouge ozone nonattainment area (BRNA) for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The Clean Air Act (CAA) requires an EI for all ozone nonattainment areas. The inventory includes emission data for Nitrogen Oxides (NO<sub>x</sub>) and Volatile Organic Compounds (VOCs). EPA is approving the revisions pursuant to section 110 and part D of the CAA and EPA's regulations.

**Applicability:** This would have limited applicability to facilities in the Baton Rouge ozone nonattainment area.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-05/pdf/2016-15743.pdf>



**07/05/2016 p 43492 – p 43510 Decision Not To Regulate Forest Road Discharges Under the Clean Water Act; Notice of Decision**

**Action:** Decision

**Summary:** The Environmental Protection Agency (EPA) is providing notice of the Agency's decision that no additional regulations are needed to address stormwater discharges from forest roads under Section 402(p)(6) of the Clean Water Act (CWA) at this time.

**Applicability:** Civil Works projects with forest harvesting activities may find this decision of interest.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-05/pdf/2016-15844.pdf>

**07/05/2016 p 43490 – p 43492 Approval and Promulgation of Implementation Plans; Louisiana; Baton Rouge Nonattainment Area; Base Year Emissions Inventory for the 2008 8-Hour Ozone Standard**

**Action:** Direct final rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the State Implementation Plan (SIP) submitted by the Louisiana Department of Environmental Quality (LDEQ) to address the emissions inventory (EI) requirement for the Baton Rouge ozone nonattainment area (BRNA) for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The Clean Air Act (CAA) requires an EI for all ozone nonattainment areas. The inventory includes emission data for Nitrogen Oxides (NO<sub>x</sub>) and Volatile Organic Compounds (VOCs). EPA is approving the revisions pursuant to section 110 and part D of the CAA and EPA's regulations.

**Applicability:** This would have limited applicability to facilities in the Baton Rouge ozone nonattainment area.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-05/pdf/2016-15748.pdf>

**07/01/2016 p 43096 – p 43097 Approval of Air Quality Implementation Plans; New Jersey, Carbon Monoxide Maintenance Plan**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the New Jersey Department of Environmental Protection. This revision establishes an updated ten-year carbon monoxide (CO) limited maintenance plan for the New Jersey portion of the New York-Northern New Jersey-Long Island (NYNNJLI) CO area which includes the following areas: Hudson, Essex, Bergen, and Union Counties, and the municipalities of Clifton, Passaic and Paterson in Passaic County. New Jersey qualifies for a limited maintenance plan, rather than a full maintenance plan, because monitoring concentrations of CO are less than 85% of the standard. In a limited maintenance plan, future-year projection inventories and transportation conformity budgets are not required. In addition, EPA is also approving the 2007 Attainment/Base Year CO emissions inventory and the shutdown of 5 CO maintenance monitors in New Jersey. The New Jersey portion of the NYNNJLI CO area was redesignated to attainment of the CO National Ambient Air Quality Standard (NAAQS) on August 23, 2002 and a

maintenance plan was also approved at that time. By this action, EPA is approving a second limited maintenance plan for this area because it provides for continued attainment of the CO NAAQS for an additional ten years. The intended effect of this rulemaking is to approve a SIP revision that will insure continued maintenance of the CO NAAQS.

**Effective:** Aug 1, 2016.

**Applicability:** This could impact DoD and USACE facilities in New Jersey.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-07-01/pdf/2016-15609.pdf>

### **07/01/2016 p 43091 – p 43096 Civil Monetary Penalty Inflation Adjustment Policy**

**Action:** Interim final rule

**Summary:** EPA is adjusting the level of statutory civil monetary penalty amounts for statutes EPA administers.

**Effective:** Aug 1, 2016.

**Applicability:** This information is relevant to penalties associated with EPA enforcement actions under various environmental laws including, but not limited to RCRA, CAA, CWA, SDWA, FIFRA, EPCRA, and TSCA.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-07-01/pdf/2016-15411.pdf>

### **06/30/2016 p 42597 – p 42600 Air Plan Approval; Ohio; Removal of Stage II Gasoline Vapor Recovery Requirements**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Ohio Environmental Protection Agency (Ohio EPA) on July 15, 2015 and February 29, 2016, concerning the state's Stage II vapor recovery (Stage II) program for the Cleveland, Cincinnati, and Dayton ozone areas in Ohio. The revision removes Stage II requirements for the three areas as a component of the Ohio ozone SIP. The submittal also includes a demonstration as required by the Clean Air Act (CAA) that addresses emissions impacts associated with the removal of the program.

**Applicability:** This could impact facilities in Cleveland, Cincinnati, and Dayton ozone areas in Ohio.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-30/pdf/2016-15617.pdf>

### **06/30/2016 p 42609 – p 42625 Miscellaneous Petitions for Rulemaking [by DOT]**

**Action:** Notice of proposed rulemaking

**Summary:** In response to petitions for rulemaking submitted by the regulated community, PHMSA proposes to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171 through 180) to update, clarify, or provide relief from miscellaneous regulatory requirements. Specifically, PHMSA is proposing amendments that include, but are not limited to, the following: Incorporating by Reference (IBR) multiple publications from both the Compressed Gas Association (CGA) and the Chlorine Institute; addressing inconsistencies with domestic and international labels and placards; permitting alternative testing for aerosols; no longer mandating that excepted quantities comply with the emergency response telephone requirement; allowing electronic signatures for Environmental Protection Agency (EPA) manifest forms; and

no longer requiring the service pressure to be marked on Department of Transportation (DOT) 8 and 8L cylinders and incorporate DoD explosives manual into § 171.7. Comments on the proposed rulemaking must be submitted by August 29, 2016.

**Applicability:** The proposed rulemaking would be of interest to DoD shippers of hazardous materials.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-30/pdf/2016-15303.pdf>

### **06/29/2016 p 42266 – p 42268 Hazardous Materials: Revision of Maximum and Minimum Civil Penalties**

**Action:** Interim final rule

**Summary:** PHMSA is revising the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law. The maximum civil penalty for a knowing violation is now \$77,114, except for violations that result in death, serious illness, or severe injury to any person or substantial destruction of property, for which the maximum civil penalty is \$179,933. In addition, the minimum civil penalty amount for a violation relating to training is now \$463.

**Effective:** August 1, 2016.

**Applicability:** This would be of interest to shippers of hazardous materials.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-29/pdf/2016-15404.pdf>

### **6/28/2016 p 41845 – p 41857 Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is publishing a final Clean Water Act (CWA) regulation that protects human health, the environment and the operational integrity of publicly owned treatment works (POTWs) by establishing pretreatment standards that prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas (UOG) extraction facilities to POTWs.

**Effective:** Effective date is 29 August 2016.

**Applicability:** Civil Works facilities with oil and gas extraction on project grounds should be aware of the limitations defined by this final rule.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-28/pdf/2016-14901.pdf>

### **06/24/2016 p 41283 – p 41284 Clean Air Act Title V Operating Permit Program Revision; New Jersey**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the New Jersey title V Operating Permit Program requested by the New Jersey Department of Environmental Protection (NJDEP) on May 15, 2015. NJDEP adopted a rule revision on December 29, 2014, to change the fee schedule for certain permitting activities for major facilities, including application fees for significant modifications and fees to authorize general operating permit registration and operation of used oil space heaters. The adopted rule took effect on February 27, 2015. NJDEP

submitted a request to EPA to incorporate the revised fee schedule into its Operating Permit Program. EPA proposes to approve the requested change as a revision to the NJOPP.

**Applicability:** This change would affect major sources of air pollution in New Jersey.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-24/pdf/2016-15004.pdf>

**06/23/2016 p 40816 – p 40819 Air Plan Approval and Air Quality Designation; TN; Redesignation of the Shelby County 2008 8-Hour Ozone Nonattainment Area to Attainment**

**Action:** Final rule

**Summary:** On January 19, 2016, the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), Air Pollution Control Division, submitted a request for the Environmental Protection Agency (EPA) to redesignate the portion of Tennessee that is within the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN-MS-AR) 2008 8-hour ozone nonattainment area (hereafter referred to as the “Memphis, TN-MS-AR Area” or “Area”) and a related State Implementation Plan (SIP) revision containing a maintenance plan and base year inventory for the Area. EPA is taking the following separate final actions related to the January 19, 2016, redesignation request and SIP revision: Approving the base year emissions inventory for the Area into the SIP; determining that the Memphis, TN-MS-AR Area is attaining the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS); approving the State's plan for maintaining attainment of the 2008 8-hour ozone NAAQS in the Area, including the motor vehicle emissions budgets (MVEBs) for nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) for the year 2027 for the Tennessee portion of the Area, into the SIP; and redesignating the Tennessee portion of the Area to attainment for the 2008 8-hour ozone NAAQS. Additionally, EPA finds the MVEBs for the Tennessee portion of the Area adequate for the purposes of transportation conformity.

**Effective Date:** 07/25/2016

**Applicability:** This would potentially impact facilities within the Memphis, Tennessee-Mississippi-Arkansas 2008 8-hour ozone nonattainment area.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-23/pdf/2016-14807.pdf>

**06/23/2016 p 40834 – p 40838 Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indiana Portion of the Louisville Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter**

**Action:** Proposed rule; supplemental

**Summary:** The Environmental Protection Agency (EPA) is issuing a supplement to its July 11, 2013, proposed approval of Indiana's request to redesignate the Indiana portion of the Louisville, Indiana-Kentucky, area to attainment for the 1997 annual national ambient air quality standard (NAAQS or standard) for fine particulate matter (PM<sub>2.5</sub>). After EPA's proposed redesignation in 2013, an audit of the Kentucky monitoring program identified problems which invalidated monitoring data for 2012 and the beginning of 2013. Because of this invalid data, the area could not meet the requirement that the entire area must demonstrate attainment of the standard using the most current three years of data. This supplemental proposal provides new quality-

assured, quality-controlled data for the most recent three years of data showing that the entire area attains the 1997 PM<sub>2.5</sub> standard. In the supplemental proposal EPA is proposing that the entire Louisville area is attaining the 1997 PM<sub>2.5</sub> NAAQS based on the most recent three years of data. EPA also discusses the maintenance plan out-year emission projections, and the Cross-State Air Pollution Rule (CSAPR) remanded budgets impact on the Louisville area—because the status of these issues has changed from the initial proposal to now. EPA is seeking comment only on the issues raised in this supplemental proposal, and is not re-opening for comment other issues raised in the July 11, 2013, proposed approval.

**Applicability:** This could impact facilities in the Louisville, Indiana-Kentucky area.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-23/pdf/2016-14806.pdf>

**06/22/2016 p 40728 – p 40729 Information Collection: NRC Forms 540 and 540A, Uniform Low-Level Radioactive Waste Manifest (Shipping Paper) and Continuation Page**

**Action:** Renewal of existing information collection; request for comment

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “NRC Forms 540 and 540A, Uniform Low-Level Radioactive Waste Manifest (Shipping Paper) and Continuation Page.” Comments are due by August 22, 2016. The NRC is seeking comments that address the following questions: 1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? 2. Is the estimate of the burden of the information collection accurate? 3. Is there a way to enhance the quality, utility, and clarity of the information to be collected? 4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

**Applicability:** This would be of interest to DoD shippers when required to use the Uniform Low-Level Radioactive Waste Manifest to ship radioactive waste to the disposal facility.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-22/pdf/2016-14701.pdf>

**06/22/2016 p 40727 – p 40728 Information Collection: NRC Forms 541 and 541A, Uniform Low-Level Radioactive Waste Manifest, Container and Waste Description, and Continuation Page**

**Action:** Renewal of existing information collection; request for comment

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “NRC Forms 541 and 541A, Uniform Low-Level Radioactive Waste Manifest, Container and Waste Description, and Continuation Page.” Comments are due by August 22, 2016. The NRC is seeking comments that address the following questions: 1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? 2. Is the estimate of the burden of the information collection accurate? 3. Is there a way to enhance the quality, utility, and clarity of the

information to be collected? 4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

**Applicability:** This would have some applicability to DoD with shipments of Low-Level Radioactive Waste from radioactive cleanups that require disposal at a licensed LLRW disposal facility.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-22/pdf/2016-14700.pdf>

**06/22/2016 p 40725 – p 40726 Nuclear Regulatory Commission Information Collection: NRC Forms 542 and 542, Uniform Low-Level Radioactive Waste Manifest Index and Regional Compact Tabulation and Continuation Page**

**Action:** Renewal of existing information collection; request for comment

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “NRC Forms 542 and 542A, Uniform Low-Level Radioactive Waste Manifest Index and Regional Compact Tabulation, and Continuation Page.” Comments must be submitted by August 22, 2016. The NRC is asking for comments on the 4 questions: 1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? 2. Is the estimate of the burden of the information collection accurate? 3. Is there a way to enhance the quality, utility, and clarity of the information to be collected? 4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

**Applicability:** This would have limited applicability to DoD and USACE.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-22/pdf/2016-14702.pdf>

**06/16/2016 p 39211 – p 39213 Approval of California Air Plan Revisions, Eastern Kern Air Pollution Control District and Yolo-Solano Air Quality Management District**

**Action:** Direct final rule

**Summary:** The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Yolo-Solano Air Quality Management District (YSAQMD) and Eastern Kern Air Pollution Control District (EKAPCD) portions of the California State Implementation Plan (SIP). These revisions concern, respectively, the definition of volatile organic compounds (VOCs), and emissions of VOCs from the surface coating operations of wood products. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

**Applicability:** This would be applicable to facilities in the YSAQMD and EKAPCD with wood product surface coating operations.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-16/pdf/2016-14098.pdf>

**06/16/2016 p 39236 - p 39237 Approval of California Air Plan Revisions, Eastern Kern Air Pollution Control District and Yolo-Solano Air Quality Management District**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Yolo-Solano Air Quality Management District (YSAQMD) and Eastern Kern Air Pollution Control District (EKAPCD) portions of the California State Implementation Plan (SIP). These revisions concern, respectively, the definition of volatile organic compounds (VOCs), and emissions of VOCs from the surface coating operations of wood products. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

**Applicability:** This would be applicable to facilities in the YSAQMD and EKAPCD with wood product surface coating operations.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-16/pdf/2016-14097.pdf>

### **06/14/2016 p 38645 -38655 Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program**

**Action:** Proposed Rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to remove the affirmative defense provisions for emergencies found in the regulations for state and federal operating permit programs. These provisions establish an affirmative defense that sources can assert in civil enforcement cases when noncompliance with certain emission limitations in operating permits occurs because of qualifying “emergency” circumstances. These provisions, which have never been required elements of state operating permit programs, are being removed because they are inconsistent with the enforcement structure of the Clean Air Act (CAA) and recent court decisions from the U.S. Court of Appeals for the D.C. Circuit. The removal of these provisions is consistent with other recent EPA actions involving affirmative defenses and would harmonize the enforcement and implementation of emission limitations across different CAA programs. The EPA is also taking comment on various implementation consequences relating to the proposed removal of the emergency affirmative defense provisions.

**Applicability:** This is applicable to facilities that could experience noncompliance as a result of emergency circumstances.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-14/pdf/2016-14104.pdf>

### **06/14/2016 p 38640 – p 38645 Rescission of Preconstruction Permits Issued Under the Clean Air Act**

**Action:** Proposed rule

**Summary:** The U.S. Environmental Protection Agency (EPA) is proposing to revise a limitation on the rescission of stationary source preconstruction permits that is contained in the federal New Source Review (NSR) regulations. This proposal would amend the EPA's federal Prevention of Significant Deterioration (PSD) regulations to remove a date restriction from the current permit rescission provision. Other than removing the date restriction, the proposed rule is not intended to alter the circumstances under which an NSR permit may be rescinded. This proposal would also add a corresponding permit rescission provision in the federal regulations that apply to major sources in nonattainment areas of Indian country. This rule also proposes to correct an outdated cross-reference to another part of the regulations.

**Applicability:** This would have limited impact on facilities subject to PSD permitting.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-14/pdf/2016-13303.pdf>

**06/13/2016 p 38104 - p 38109 Hazardous Chemical Reporting: Community Right-to-Know; Hazard Categories; Corrections**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA or the Agency) is amending its hazardous chemical reporting regulations due to the changes in the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). OSHA's HCS was recently revised to conform to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Under the revised HCS, chemical manufacturers and importers are required to evaluate their chemicals according to the new criteria adopted from GHS to ensure that they are classified and labeled appropriately. Manufacturers and importers are also required to develop standardized Safety Data Sheets (formerly known as "Material Safety Data Sheets") and distribute them to downstream users of their chemicals. These changes in HCS affect the reporting requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Based on the new classification criteria that OSHA adopted, EPA is revising the existing hazard categories for hazardous chemical inventory form reporting under EPCRA Section 312 and for list reporting under section 311. In this action, EPA is also making a few minor corrections in the hazardous chemical reporting regulations.

**Effective:** This final rule is effective June 13, 2016. The compliance date is January 1, 2018.

**Applicability:** This rule would be applicable to most DoD and USACE facilities.

**Reference:** <https://www.regulations.gov/document?D=EPA-HQ-SFUND-2010-0763-0044>

**06/10/2016 p 37589 – p 37592 Notice of Availability; Draft Protective Action Guide (PAG) for Drinking Water After a Radiological Incident**

**Action:** Notice of document availability; request for public comment

**Summary:** This proposes additions to the 2013 revised interim Protective Action Guide for Planning Guidance for Radiological Incidents and requests comments on the draft guide.

**Applicability:** This is non-regulatory guidance pertaining to drinking water during radiological incidents.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-06-10/pdf/2016-13786.pdf>

**06/10/2016 p 37565 Hazardous Waste Management System; Tentative Denial of Petition to Revise the RCRA Corrosivity Hazardous Characteristic**

**Action:** Extension of comment period

**Summary:** This extends the comment period to 12/7/2016.

**Applicability:** Petitioners requested modification to the definition of the corrosivity characteristic (D002) under RCRA to include wastes with pH greater than or equal to 11.5 as opposed to the current 12.5. They also requested expansion of the definition of the corrosivity characteristic (D002) to apply to non-aqueous wastes.



**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-06-10/pdf/2016-13793.pdf>

**06/09/2016 p 37466 – p 37468 Nuclear Regulatory Commission Unified Agenda of Federal Regulatory and Deregulatory Actions**

**Action:** Semiannual regulatory agenda

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda which is a compilation of all rulemaking activities on which the NRC has recently completed action or has proposed or is considering action. Comments on the proposed rulemaking in the Agenda must be submitted by July 11, 2016.

**Applicability:** This would be of interest to any agencies under NRC regulation.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-09/pdf/2016-12959.pdf>

**06/09/2016 p 37373 – p 37383 Environmental Protection Agency Spring 2016 Regulatory Agenda**

**Action:** Semiannual regulatory flexibility agenda and semiannual regulatory agenda

**Summary:** EPA's semiannual regulatory agenda is available at <http://www.reginfo.gov> and at [www.regulations.gov](http://www.regulations.gov). This includes information regarding regulations under development, recently completed, or canceled since the last agenda was announced. DATES: Comments must be received on or before July 11, 2016.

**Applicability:** This information enables readers to keep abreast of regulatory developments and anticipated impacts. Items of interest to DoD include: Section 610 Review of Control of Hazardous Air Pollutants From Mobile Sources (Section 610 Review). Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3) (Section 610 Review). Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(a); Vapor Degreasing (Proposed Rule Stage). Formaldehyde Emission Standards for Composite Wood Products (Final Rule Stage). Section 610 Review of National Primary Drinking Water Regulations: Ground Water Rule (Completion of a Section 610 Review).

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-09/pdf/2016-12921.pdf>

**06/09/2016 p 37342 – p 37363 Department [of Transportation] Regulatory Agenda; Semiannual Summary**

**Action:** Semiannual regulatory agenda

**Summary:** The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. The public may submit comments on the agenda

**Applicability:** The agenda would be of interest to persons regulated by the DOT.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-09/pdf/2016-12913.pdf>

**06/07/2016 p 36496 – p 36501 Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Interstate Transport of Air Pollution for the 2008 Ozone National Ambient Air Quality Standards**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) proposes to disapprove the portion of a Louisiana State Implementation Plan (SIP) submittal pertaining to interstate transport of air pollution which will significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone National Ambient Air Quality Standards (NAAQS) in other states. Disapproval will establish a 2-year deadline for the EPA to promulgate a Federal Implementation Plan (FIP) for Louisiana to address the Clean Air Act (CAA) interstate transport requirements pertaining to significant contribution to nonattainment and interference with maintenance of the 2008 ozone NAAQS in other states, unless we approve a SIP that meets these requirements. Disapproval does not start a mandatory sanctions clock for Louisiana.

**Applicability:** This could impact large electricity generating units in Louisiana and would be of interest to those in the energy sector.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-07/pdf/2016-13493.pdf>

**06/03/2016 p 35760 – p 35761 Request for Nominations for Peer Reviewers for EPA’s Draft Biologically Based Dose-Response (BBDR) Model for Perchlorate, Draft Model Support Document and Draft Approach for Deriving a Maximum Contaminant Level Goal (MCLG) for Perchlorate in Drinking Water**

**Action:** Request for nominations for peer reviewers

**Summary:** EPA has begun the process of developing National Primary Drinking Water Regulations for perchlorate under the Safe Drinking Water Act. As part of the process, EPA is requesting nominations for external peer review of draft Biologically Based Dose-Response model and draft model support documentation for perchlorate in drinking water.

**Applicability:** Perchlorate is a munitions constituent, and therefore the development of the maximum contaminant level goal and maximum contaminant level is of interest to the Department of Defense and to the Formerly Used Defense Program.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-12724.pdf>

**06/02/2016 p 35484 – p 35546 Hazardous Materials: Miscellaneous Amendments**

**Action:** Final rule

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. The rule includes a requirement for a numeric emergency response phone number and a correction to the reference that excepts limited quantity shipments from requiring an emergency response phone number.

**Effective:** The effective date of this rule is July 5, 2016 but voluntary compliance with all amendments is authorized June 2, 2016.

**Applicability:** This rule would be of interest to shippers of hazardous materials.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-02/pdf/2016-12034.pdf>

**06/02/2016 p 35275 – p 35290 Addition of Hexabromocyclododecane (HBCD)**

**Category; Community Right-to-Know Toxic Chemical Release Reporting**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) is proposing to add a hexabromocyclododecane (HBCD) category to the list of toxic chemicals subject to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). EPA is proposing to add this chemical category to the EPCRA section 313 list because EPA believes HBCD meets the EPCRA section 313 (d)(2)(B) and (C) toxicity criteria. Specifically, EPA believes that HBCD can reasonably be anticipated to cause developmental and reproductive effects in humans and is highly toxic to aquatic and terrestrial organisms. In addition, based on the available bioaccumulation and persistence data, EPA believes that HBCD should be classified as a persistent, bioaccumulative, and toxic (PBT) chemical and assigned a 100-pound reporting threshold. Based on a review of the available production and use information, members of the HBCD category are expected to be manufactured, processed, or otherwise used in quantities that would exceed a 100-pound EPCRA section 313 reporting threshold. HBCD is a cyclic aliphatic hydrocarbon used as a flame retardant in expanded polystyrene foam and extruded polystyrene foam; and is used primarily for thermal insulation boards in the building and construction industry, as well as flame retardant in textiles including: upholstered furniture, upholstery seating in transportation vehicles, draperies, wall coverings, mattress ticking, and interior textiles, such as roller blinds; HBCD is also found in electrical and electronic appliances such as audio-visual equipment, wire and cable applications. EPA is seeking comments on the proposed rule on or before 1 August 2016.

**Applicability:** This rule would be of interest to federal facilities that are EPCRA Section 313 reporters. However, in order to exceed the EPCRA Section 313 threshold at installations, HBCD has to be released. If HBCD is present in articles at a covered facility, it is not required to consider the quantity of HBCD present in such article when determining whether an applicable threshold has been met, as per the Article Exemption in 40 CFR 372.38 (b). Additionally, the Enterprise Environmental Safety and Occupational Health Management Information System was queried to determine the impact at IMCOM Garrisons, and there was no instance of the chemical.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-06-02/pdf/2016-12464.pdf>

**05/27/2016 p 33602 - p 33603 Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans**

**Action:** CFR correction

**Summary:** PHMSA reinstated entries into the hazardous material table for “Cyanuric triaziade”; “Dinitrosobenzylamidiene and salts (dry)”; and “Power device, explosive, see Cartridges, power device”.

**Applicability:** This would have limited interest to DoD shippers.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-05-27/pdf/2016-12598.pdf>

### **05/26/2016 p 33416 – p 33423 Endangered and Threatened Species: Designation of Experimental Populations Under the Endangered Species Act**

**Action:** Final rule

**Summary:** The National Marine Fisheries Service amends the Code of Federal Regulations to implement the Endangered Species Act regarding experimental populations. The rule establishes definitions and procedures for designating populations of species otherwise listed as endangered or threatened as experimental populations; determining whether experimental populations are “essential” or “nonessential”; and promulgating protective measures for experimental populations. The Secretary may authorize the release of any experimental populations of a listed species outside the species’ current range if the Secretary determines that the release would further the conservation of the listed species. The experimental population shall be treated as a threatened species with two exceptions if not essential to the listed species’ continued existence.

**Applicability:** Experimental populations are populations that have been authorized for release, but only when and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-05-26/pdf/2016-12379.pdf>

### **05/25/2016 p 33250- p 33251 Lifetime Health Advisories and Health Effects Support Documents for Perfluorooctanoic Acid and Perfluorooctane Sulfonate**

**Action:** Notice of availability

**Summary:** This announces the release of lifetime health advisories (HAs) and health effects support documents for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS). EPA developed the HAs to assist managers of drinking water systems in protecting public health when these chemicals are present in drinking water.

**Applicability:** These are non-regulatory in nature, but are EPA’s assessment of best-available peer-reviewed science.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-05-25/pdf/2016-12361.pdf>

### **05/23/2016 p 32241 – p 32249 Protection of Stratospheric Ozone: Determination 31 for Significant New Alternatives Policy Program**

**Action:** Determination of acceptability

**Summary:** This determination of acceptability expands the list of acceptable substitutes pursuant to the U.S. Environmental Protection Agency’s Significant New Alternatives Policy (SNAP) program. This action lists as acceptable additional substitutes for use in the refrigeration and air conditioning sector.

**Applicability:** This would be of interest to DoD installations that utilize these substances.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-05-23/pdf/2016-12117.pdf>

**05/19/2016 p 31669 NRC Regulation of Radium-226 Under Military Control for Coordination on Comprehensive Environmental Response, Compensation and Liability Act Response Actions at U.S. Department of Defense Sites with Radioactive Materials**

**Action:** Regulatory issue summary notice

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) has issued a regulatory issues summary (RIS) NRC–2016–06, “NRC Regulation of Radium-226 Under Military Control and for Coordination on Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Response Actions at the U.S. Department of Defense (DoD) Sites with Radioactive Materials,” and a Memorandum of Understanding (MOU) between the NRC and the DoD for coordination on CERCLA response actions at DoD sites with unlicensed radioactive materials.

**Applicability:** This MOU would be of interest to DoD services working on BRAC, FUDS and IRP sites performing CERCLA response actions.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-05-19/pdf/2016-11825.pdf>

**05/18/2016 p 31222 – p 31223 Protection of Stratospheric Ozone: Proposed New Listings of Substitutes; Changes of Listing Status; and Reinterpretation of Unacceptability for Closed Cell Foam Products Under the Significant New Alternatives Policy Program; and Revision of Clean Air Act Section 608 Venting Prohibition for Propane**

**Action:** Notice of proposed rulemaking; extension of public comment period

**Summary:** The EPA is announcing that the period for providing public comments on the April 18, 2016, proposed “Protection of Stratospheric Ozone: Proposed New Listings of Substitutes; Changes of Listing Status; and Reinterpretation of Unacceptability for Closed Cell Foam Products under the Significant New Alternatives Policy Program; and Revision of Clean Air Act Section 608 Venting Prohibition for Propane” is being extended by 14 days to June 16, 2016.

**Applicability:** This proposed rulemaking would be of interest to DoD installations that utilize these substances.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-05-18/pdf/2016-11627.pdf>

**5/18/2016 p 31345 – p 31374 National Pollutant Elimination System (NPDES); Applications and Program Updates**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) proposes revisions to the National Pollutant Discharge Elimination System regulations to eliminate regulatory and application form inconsistencies; improve permit documentation, transparency and oversight; clarify existing regulations; and remove outdated provisions. This proposal would make specific targeted changes to the existing regulations and would not reopen the regulations for other specific or comprehensive revision. These proposed regulatory changes cover 15 topics in the following major categories: permit applications; the water quality-based permitting process; permit objection, documentation and process efficiencies; the vessels exclusion; and the Clean Water Act (CWA) section 401 certification process. These revisions would further align NPDES regulations with

statutory requirements from the 1987 CWA Amendments and more recent case law requirements. By modernizing the NPDES regulations, the proposed revisions would provide NPDES permit writers with improved tools to write well-documented permits to protect human health and the environment. The revisions would also provide the public with enhanced opportunities for public participation in permitting actions.

**Applicability:** Applicable to those with current NPDES permits and those applying for permits.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-05-18/pdf/2016-11265.pdf>

### **05/16/2016 p 30452 – p 30481 Significant New Use Rules on Certain Chemical Substances**

**Action:** Direct final rule

**Summary:** EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 55 chemical substances which were the subject of premanufacture notices (PMNs). Ten of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of these 55 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

**Applicability:** This rule would impact users and importers of any of the 55 chemical substances.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-05-16/pdf/C1-2016-11121.pdf>

### **05/16/2016 p 30202 Hazardous Materials: Incorporation by Reference Edition Update for the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and Transportation Systems for Liquids and Slurries: Pressure Piping Code**

**Action:** Correction

**Summary:** In rule document 2016–10027 appearing on pages 25613–25618 in the Federal Register of Friday, April 29, 2016, make the following correction: On page 25614, in the first column, in the “DATES:” section, beginning on the 14th line, “[insert date 60 days after publication in the Federal Register]” should read “June 28, 2016”.

**Applicability:** This would be of interest shippers of compressed gases in cargo tanks and portable tanks.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-05-16/pdf/C1-2016-10027.pdf>

### **05/16/2016 p 30182 – p 30183 National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations: Action Denying a Petition for Reconsideration**

**Action:** Notice of action denying a petition for reconsideration.

**Summary:** On March 18, 2015 EPA promulgated a final rule amending the existing Off-Site Waste and Recovery Operations (OSWRO) NESHAP to revise provisions related to emissions during periods of startup, shutdown, and malfunction; to add requirements for electronic reporting of performance testing, to add monitoring requirements for pressure

relief devices, to revise routine maintenance provisions, to clarify provisions for open-ended valves and lines and for some performance test methods and procedures, and to make several minor clarifications and corrections. Subsequent to publishing the final rule, the EPA received two petitions from non-governmental entities requesting reconsideration of leak provisions for connectors and requirement to monitor pressure relief devices (PRD) on portable containers. The EPA granted reconsideration of the PRD monitoring requirement in a letter to the petitioners. The EPA is denying the petition to reconsider the equipment leak provisions in this action.

**Applicability:** This would be of interest to those governmental agencies that operate hazardous waste treatment, storage and disposal facilities (TSDF); RCRA exempt hazardous wastewater treatment facilities, nonhazardous wastewater treatment facilities other than publicly-owned treatment works; used solvent recovery plants; RCRA exempt hazardous waste recycling operations; used oil re-refineries.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-05-16/pdf/2016-11252.pdf>

### **05/13/2016 p 29821 – p 29828 National Emission Standards for Hazardous Air Pollutants: Site Remediation**

**Action:** Proposed rule; notice of reconsideration of final rule; request for public comment

**Summary:** This action proposes to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP): Site Remediation (Site Remediation Rule) by removing exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response and Compensation Liability Act (CERCLA) and for site remediation activities performed under a Resource Conservation and Recovery Act (RCRA) corrective action or other required RCRA order. The EPA is also proposing to remove the applicability requirement that site remediations be co-located with at least one other stationary source regulated by another NESHAP. The EPA is seeking comment on these issues, but is not requesting comment on any other issues or provisions of the final Site Remediation Rule at this time. Comments must be received on or before June 27, 2016.

**Applicability:** This proposed rule will impact active DoD installations that are major sources of HAPs and are conducting CERCLA and RCRA remediation efforts. This action does not impact the majority of FUDS remediation work, as EPA recognizes that remediation activities alone do not usually generate enough emissions to reach the major source thresholds for HAPs; and, that CERCLA (Superfund) sites are at facilities that are no longer operating under common control of DOD.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-05-13/pdf/2016-10988.pdf>

### **05/10/2016 p 28864 – p 28865 Protection of Stratospheric Ozone: Notice of Revocation and Voluntary Withdrawals of Programs From EPA's Section 608 Technician Certifying Program**

**Action:** Notice of revocations and voluntary withdrawals

**Summary:** EPA is removing programs that were revoked and those that submitted voluntary withdrawals from its list of Section 608 Technician Certification Programs approved to provide the technician certification exam. EPA's list is available at <http://www.epa.gov/section608/section-608-technician-certification-programs>.

**Applicability:** This notice will affect DoD installations utilizing services of Section 608 certified technicians.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-05-10/pdf/2016-10987.pdf>

**05/05/2016 p 27107 – p 27122 Department of Defense National Environmental Policy Act Implementing Procedures**

**Action:** Proposed guidance with request for comment

**Summary:** The Defense Threat Reduction Agency/USSTRATCOM Center for Combating Weapons of Mass Destruction (DTRA/SCC-WMD) proposes to issue procedures to implement NEPA. DTRA/SCC-WMD does not own real property and most agency actions typically occur on host military or other Federal agency property. This discusses categories of actions that DTRA/SCC-WMD determined to normally not individually or cumulatively have significant impact on the environment.

**Applicability:** This pertains to procedures specific to DTRA/SCC-WMD projects and actions.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-05-05/pdf/2016-10512.pdf>

**05/04/2016 p 26942 – p 26976 Protection of Visibility: Amendments to Requirements for State Plans**

**Action:** Proposed rule

**Summary:** The EPA is proposing amendments to requirements under the Clean Air Act for state plans for protection of visibility in mandatory Class I federal areas in order to continue steady environmental progress while addressing administrative aspects of the program. The EPA amendments would clarify the relationship between long-term strategies and reasonable progress goals in state plans, and the long-term strategies and reasonable progress goals in state plans, and the long-term strategy obligation of all states. The amendments would also change the way in which some days during each year are to be selected for purposes of tracking progress towards natural visibility conditions to account for events such as wildfires; change aspects of the requirements for the content of progress reports; update, simplify and extend to all states the provisions for reasonably attributable visibility impairment plans that require the EPA to assess and address any existing reasonably attributable visibility impairment situations in some states; and add a requirement for states to consult with Federal Land Managers earlier in the development of state plans. The EPA also proposes to address administrative aspects of the program by making a one-time adjustment to the due date for the next state implementation plans (SIPs), revising the due dates for progress reports and removing the requirement for progress reports to be SIP revisions.

**Applicability:** This proposed rule will affect Federal Land Managers responsible for protection of visibility in mandatory Class I areas.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-05-04/pdf/2016-10228.pdf>

**04/29/2016 p 25613 – p 25618 Hazardous Materials: incorporation by Reference Edition Update for the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and Transportation Systems for Liquids and Slurries: Pressure Piping Code**

**Action:** Direct final rule



**Summary:** This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable non-specification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition. This rule is effective June 28, 2016 without further action unless adverse comments are received by May 31, 2016.

**Applicability:** This would be of interest shippers of compressed gases in cargo tanks and portable tanks.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-29/pdf/2016-10027.pdf>

#### **04/29/2016 p 26039 – p 26088 Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010**

**Action:** Final rule

**Summary:** This action finalizes the federal plan for existing sewage sludge incineration (SSI) units. This final action implements the Environmental Protection Agency's (EPA) emission guidelines (EG) adopted on March 21, 2011, in states that do not have an approved state plan implementing the EG in place by the effective date of this federal plan (May 31, 2016). The federal plan will result in emissions reductions of certain pollutants from all affected units covered.

**Applicability:** This would be of interest to DoD installations with solid waste combustors and incinerators, sewage treatment facilities or wastewater treatment facilities with SSI units in those states without approved state plans.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-29/pdf/2016-09292.pdf>

#### **04/25/2016 p 24419 – p 24452 Supplemental Finding That It is Appropriate and Necessary to Regulate Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units; Final Rule**

**Action:** Final rule

**Summary:** This action responds to the U.S. Supreme Court decision in *Michigan v. EPA*, 135 S. Ct. 2699 (2015), and explains how the EPA has taken cost into account in evaluating whether it is appropriate and necessary to regulate coal- and oil-fired electric utility steam generating units (EGUs) under section 112 of the Clean Air Act (CAA). The EPA requested comment on all aspects of its approach to considering cost through a proposed supplemental finding and on a companion Legal Memorandum available in the rulemaking docket. After consideration of public comments, the EPA, in this final supplemental finding, concludes that consideration of cost does not cause the EPA to change their determination that regulation of hazardous air pollutant (HAP) emissions from coal- and oil-fired EGUs is appropriate and necessary and that EGUs are, therefore, properly included on the CAA section 112 (c) list of sources that must be regulated under CAA section 112 (d).

**Applicability:** This final rule would be of interest to DoD installations with permitted EGUs.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-25/pdf/2016-09429.pdf>

**04/25/2016 p 24038 Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans**

**Action:** CFR correction

**Summary:** The entry for Phenylmercuric compounds, n.o.s. in the Hazardous Material Table in 49 CFR 172.101 requires the addition of the letter “G” in Column 1.

**Applicability:** This would be of interest to shippers of Phenylmercuric compounds.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-25/pdf/2016-09615.pdf>

**04/18/2016 p 22555 – p 22566 Protection of Stratospheric Ozone: Proposed New Listings of Substitutes; Changes of Listing Status; and Reinterpretation of Unacceptability for Closed Cell Foam Products Under the Significant New Alternatives Policy Program; and Revision of Clean Air Act Section 609 Venting Prohibition for Propane**

**Action:** Notice of proposed rulemaking

**Summary:** Pursuant to the U.S. Environmental Protection Agency’s (EPA) Significant New Alternatives Policy (SNAP) program, this action proposes to list a number of substances as acceptable, subject to use conditions; to list several substances as unacceptable; and to modify the listing status for certain substances from acceptable to acceptable, subject to narrowed use limits, or to unacceptable. Specifically, this action proposes to list as acceptable, subject to use restrictions, propane and HFO-1234yf in the refrigeration and air conditioning, and 2-bromo-3,3,3-trifluoroprop-1-ene in the fire suppression and explosion protection sectors; to list as unacceptable certain hydrocarbons and hydrocarbon blends in specific end-uses in the refrigeration and air conditioning sector; and to modify the listing status for certain high-global warming potential alternatives for certain end-uses in the refrigeration and air conditioning, foam blowing, and fire suppression and explosion protection sectors. This action also proposes to exempt propane in certain refrigeration end-uses from the Clean Air Act section 608 prohibition on venting, release, or disposal on the basis of current evidence that its venting, release, or disposal does not pose a threat to the environment. In addition, this action proposes to apply unacceptability determinations for foam-blowing agents to closed cell foam products and products containing closed cell foam that are manufactured or imported using these foam-blowing agents. This action also proposes to clarify the listing for Powdered Aerosol D (Stat-X<sup>®</sup>), which is currently listed as both acceptable and acceptable subject to use conditions, by removing the listing as acceptable subject to use conditions.

**Applicability:** This proposed rulemaking would be of interest to DoD installations, that utilize these substances.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-18/pdf/2016-08163.pdf>

**04/11/2016 p 21328 – p 21335 Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Construction Activities**

**Action:** Notice and request for public comment.

**Summary:** EPA is proposing for public comment on the draft 2017 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities, also referred to as the “2017 Construction General Permit (CGP)” or the “draft permit.” The draft permit, once finalized, will replace the existing general permit covering stormwater discharges from construction activities that will expire on February 16, 2017. EPA proposes to issue this permit for five (5) years, and to provide permit coverage to eligible operators in all areas of the country where EPA is the NPDES permitting authority, including Idaho, Massachusetts, New Hampshire, and New Mexico, Indian country lands, Puerto Rico, the District of Columbia, and most U.S. territories and protectorates. EPA seeks comment on the draft permit and on the accompanying fact sheet, which contains supporting documentation. Comments must be received on or before May 11, 2016.

**Applicability:** Construction site operators disturbing 1 or more acres of land, or less than 1 acre but part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 acre or more, and performing the following activities: Construction of Buildings. Heavy and Civil Engineering Construction.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-04-11/pdf/2016-08276.pdf>

#### **04/11/2016 p 21295 – p 21308 Hazardous Waste Management System: Tentative Denial of Petition to Revise the RCRA Corrosivity Hazardous Characteristic**

**Action:** Notification of tentative denial of petition for rulemaking

**Summary:** This responds to a petition requesting revision to the definition of corrosivity characteristic under RCRA. EPA is tentatively denying the petition.

**Applicability:** This makes no change to current regulations, but is provided for general interest purposed.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-04-11/pdf/2016-08278.pdf>

#### **04/08/2016 p 20535 – p 20540 Trichloroethylene; Significant New Use Rule**

**Action:** Final rule

**Summary:** Under the Toxic Substance Control Act (TSCA), EPA is finalizing a significant new use rule (SNUR) for trichloroethylene (TCE). The significant new use is the manufacture or processing for use in a consumer product. It is important to note that EPA has included an exception for use of TCE in cleaners and solvent degreasers, film cleaners, hoof polishes, lubricants, mirror edge sealants, and pepper spray. Persons subject to the SNUR will be required to notify EPA at least 90 days before commencing any manufacturing or processing of TCE for a significant new use. This final rule is effective June 7, 2016.

**Applicability:** This would be of interest to repair and maintenance entities.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-07/pdf/2016-08152.pdf>

#### **04/07/2016 p 20443 – p 20444 Hazardous Materials: ICAO Lithium Ion Battery Prohibition Notice**

**Action:** Safety advisory

**Summary:** PHMSA is issuing this safety advisory notice to inform persons engaged in the transport of lithium batteries in commerce of recent actions taken by the International Civil Aviation Organization (ICAO) to enhance the safe transport of lithium batteries by air. The aircraft manufacturers do not believe the fire suppression capabilities of an aircraft are adequate where heat and flames generated from thermal runaway from a single package of lithium ion batteries to prevent the spread of fire to adjacent packages. ICAO amended the Technical Instructions for the Safe Transport of Dangerous Goods concerning lithium ion cells and batteries which are effective April 1, 2016. Lithium ion cells and batteries shipped as cargo are prohibited on passenger carrying aircraft unless contained or packed with equipment under UN3480. The prohibition does not include batteries contained in personal electronic devices carried by passengers or crew. Lithium ion cells and batteries that are allowed to be shipped on cargo aircraft must be no more than 30 percent of rated capacity.

**Applicability:** This would be of interest to shippers of lithium ion cells or batteries.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-07/pdf/2016-07936.pdf>

#### **04/07/2016 p 20277 – p 20283 National Priorities List**

**Action:** Proposed rule

**Summary:** The Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. This proposed rule withdraws a previous proposal to add a site to the NPL. The EPA is withdrawing its previous proposal to add the Rickenbacker Air National Guard Base site in Lockbourne, Ohio to the NPL because all appropriate cleanup actions have been taken at the site in accordance with its reuse as an airport. Comments regarding any of these proposed listings must be submitted (postmarked) on or before June 6, 2016.

**Applicability:** This would be of interest to FUDS as portions of Lockbourne are FUDS eligible.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-07/pdf/2016-07671.pdf>

#### **04/06/2016 p 20171 – p 20207 National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units; Technical Correction**

**Action:** Final rule; technical corrections

**Summary:** This action finalizes the technical corrections that the EPA proposed on February 17, 2015, to correct and clarify certain text of the EPA’s regulations regarding “National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units”. EPA is also taking final action to remove the rule provision establishing an affirmative defense for malfunction. The effective date of this rule is April 6, 2016.

**Applicability:** This would be of interest to DoD installations with the above listed units.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-04-06/pdf/2016-06563.pdf>

**03/31/2016 p 18527 - p 18541 Hazardous Materials: Reverse Logistics**

**Action:** Final rule

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is adopting regulatory amendments applicable to the reverse logistics shipments of certain hazardous materials by highway transportation. Reverse logistics means the process of offering for transport or transporting by motor vehicle goods from a retail store for return to its manufacturer, supplier, or distribution facility for the purpose of capturing value, recall, replacement, recycling, or similar reason. This rule excludes all hazardous waste and any hazardous material on the Placarding - Table 1(49 CFR 172.504) items from being eligible for the reverse logistics provisions.

**Applicability:** This rule would be of primary interest to retailers.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-31/pdf/2016-07199.pdf>

**03/28/2016 p 17195 – p 17196 30-Day Notice of Proposed Information Collection: “Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally-Owned Residential Properties and Housing Receiving Federal Assistance”**

**Action:** Notice

**Summary:** The Department of Housing and Urban Development has submitted the proposed information collection requirement to the Office of Management and Budget for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment due April 27, 2016.

**Applicability:** This notice will be of interest to DoD entities with residential properties containing lead based paint on their military installations.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-28/pdf/2016-06904.pdf>

**03/17/2016 p 14393 – p 14395 Protection of Stratospheric Ozone: The 2016 Critical Use Exemption From the Phaseout of Methyl Bromide; Correction**

**Action:** Final rule; technical correction

**Summary:** The EPA published a final rule in the Federal Register of October 15, 2015, issuing critical use allowances for 2016 and making non-substantive corrections to the quarantine and preshipment recordkeeping and reporting requirements. This document restores provisions that were inadvertently removed by that final rule and is effective March 17, 2016.

**Applicability:** This rule is of interest to DoD facilities who use, apply, distribute, import or export methyl bromide.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-17/pdf/2016-06065.pdf>

**03/14/2016 p 13263 – p 13265 Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material**

**Action:** Request for comment

**Summary:** On March 19, 2013, the U.S. Nuclear Regulatory Commission (NRC) published a final rule that amended its regulations to establish security requirements for

the use and transport of category 1 and category 2 quantities of radioactive material. Specifically, the final rule provided reasonable assurance of preventing the theft or diversion of category 1 and category 2 quantities of radioactive material, and included security requirements for the transportation of irradiated reactor fuel that weighs 100 grams or less in net weight of irradiated fuel. In December 2014, the Committees on Appropriations of the House of Representatives and the Senate directed the NRC to evaluate the effectiveness of the new regulations and determine whether the requirements are adequate to protect “high-risk radiological material.” In response to this mandate, the NRC is implementing a retrospective program review to provide an objective assessment of the new requirements and associated implementation guidance. This action seeks information that will be used in developing a report to Congress.

**Comments** must be submitted by May 13, 2016 to the NRC for consideration.

**Applicability:** This would be of interest to those in possession or transporting a Category 1 or 2 radioactive material that meets the threshold activity amount.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-14/pdf/2016-05260.pdf>

### **03/14/2016 p 13638 – p 13712 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act**

**Action:** Proposed rule

**Summary:** The EPA, in response to Executive Order 13650, is proposing to amend its Risk Management Program regulations. The proposed revisions include several changes to the accident prevention program requirements including additional analysis of safer technology and alternatives for the process hazard analysis for some Program 3 processes, third-party audits and incident investigation root cause analysis for Program 2 and Program 3 processes, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions and data elements submitted in risk management plans. These proposed amendments seek to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources.

**Applicability:** This proposed rule would be of interest to DoD facilities who store the listed toxic substances or flammable substances exceeding the threshold quantities specified in Clean Air Act Title III or in the List of Lists.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-14/pdf/2016-05191.pdf>

### **03/03/2016 p 11212 – p 11266 Twenty-Ninth Update of the Federal Agency Hazardous Waste Compliance Docket**

**Action:** Notice

**Summary:** This includes the complete list of Federal Facilities on the Docket and those reported since the last update on August 17, 2015.

**Applicability:** This pertains to Federal Facilities. Any newly listed site is required to conduct a Preliminary Assessment under CERCLA to determine if there have been releases of hazardous substances, pollutants, or contaminants.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-03/pdf/2016-04692.pdf>

**03/01/2016 p 10620 – p 10621 Request for Public Comment on the Draft EPA-USGS Technical Report: Protecting Aquatic Life From Effects of Hydrologic Alteration**

**Action:** Notice of availability

**Summary:** The Environmental Protection Agency (EPA) and the United States Geological Survey are releasing a draft technical report: *Protecting Aquatic Life from Effects of Hydrologic Alteration*, for a 60-day public comment period. This report was developed because hydrologic alteration can be a contributor of impairment for water bodies that are designated to support aquatic life. Stresses on aquatic life associated with hydrologic alteration may be further exacerbated through climate change. Recent climate trends have included the change in frequency and duration of extreme weather events, such as droughts and floods, which can have an impact on flow and affect aquatic life.

**Applicability:** Staff involved with water quality planning and compliance related missions may find this Technical Report of interest.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-01/pdf/2016-04448.pdf>

**03/01/2016 p10617 - p 10618 Request for Nominations for Peer Reviewers for EPA's Biologically Based Dose-Response (BBDR) Model for Perchlorate in Drinking Water**

**Action:** Notice; request for nominations for peer reviewers

**Summary:** EPA invites nominations for peer reviewers for the draft Biologically based Dose-Response model for perchlorate in drinking water and the draft model support documentation. Nominations are due by 31 Mar 2016.

**Applicability:** Perchlorate is of interest to DoD because it is sometimes a constituent in military munitions.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-03-01/pdf/2016-04449.pdf>

**02/29/2016 p 10371 – p 10432 Addition of a Subsurface Intrusion Component to the Hazard Ranking System**

**Action:** Proposed rule

**Summary:** This proposes to add a subsurface intrusion (Ssl) component to the Hazard Ranking System (HRS) which is the principal mechanism that EPA uses to evaluate sites for placement on the National Priorities List (NPL). This addition will allow an HRS evaluation to directly consider human exposure to hazardous substances, pollutants, or contaminants that enter regularly occupied structures through subsurface intrusion in assessing a site's relative risk, and thus, enable subsurface intrusion contamination to be evaluated for placement of sites on the NPL. The agency is not considering changes to the remainder of the HRS except for minor updates reflecting changes in terminology. Comments are due by 29 Apr 2016.

**Applicability:** This pertains to ranking of contaminated properties to determine eligibility for the National Priorities List. As such, it would be relevant to Superfund, FUDS, and DoD Cleanup programs.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-02-29/pdf/2016-02749.pdf>

**02/25/2016 p 9339 p 9343 Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Requirements for t-Butyl Acetate**

**Action:** Final Rule

**Summary:** The Environmental Protection Agency (EPA) is amending the EPA's regulatory definition of volatile organic compounds (VOC) under the Clean Air Act (CAA). The regulatory definition of VOC currently excludes t-butyl acetate (also known as tertiary butyl acetate or TBAC; CAS Number: 540-88-5) for purposes of VOC emissions limitations or VOC content requirements on the basis that it makes a negligible contribution to tropospheric ozone formation. However, the current definition includes TBAC as a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC. This final action removes the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of TBAC as a VOC. This final rule is effective on April 25, 2016.

**Applicability:** This removal of recordkeeping would be of interest to DoD installations with TBAC emissions.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-02-25/pdf/2016-04072.pdf>

**02/22/2016 p 8713 Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2014**

**Action:** Notice of document availability and request for comments

**Summary:** The Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2014 is available for public review through March 23, 2016.

**Applicability:** The review of the inventory is of interest to DoD, as some military installations report Greenhouse Gases.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-02-22/pdf/2016-03488.pdf>

**02/17/2016 p 7987-7996 Lead-Based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements**

**Action:** Final rule

**Summary:** EPA is finalizing revisions to the Lead Renovation, Repair, and Painting (RRP) rule, and the Lead-based Paint (LBP) Activities rule. The revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and EPA, and by clarifying language for training providers, while retaining the protections provided by the original rules. First, EPA is modifying the requirement that the renovator refresher training for individuals have a hands-on component. Second, the Agency is removing jurisdiction-specific certification and accreditation requirements under the LBP Activities program in States where EPA administers the program. Previously, this program required that training providers, firms and individuals seek certification in each jurisdiction (e.g., a State) where the organization or person wanted to work. Third, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

**Applicability:** This would be of interest to individuals doing work/construction on military facilities.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-02-17/pdf/2016-03216.pdf>



**02/10/2016 p 7784 – p 7786 Draft Technical Support Document: Recommended Estimates for Missing Water Quality Parameters for Application in EPA’s Biotic Ligand Model**

**Action:** Notice of availability and request for public comments

**Summary:** The Environmental Protection Agency (EPA) is announcing availability of the draft technical support document: Recommended Estimates for Missing Water Quality Parameters for Application in EPA’s Biotic Ligand Model for public comment. In 2007, EPA published updated criteria for freshwater copper using the Biotic Ligand Model (BLM), a bioavailability model that relies on ten water quality input parameters to estimate copper criteria protective of aquatic life in freshwater. Comments must be received on or before March 17, 2016.

**Applicability:** This would be of interest to individuals doing water quality modeling for copper.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-02-16/pdf/2016-03119.pdf>

**02/08/2016 p 6688 – p 6743 Additions to List of Categorical Non-Waste Fuels**

**Action:** Final rule

**Summary:** EPA is amending the Non-Hazardous Secondary Materials Rule. The Non-Hazardous Secondary Materials Rule generally established standards and procedures for identifying whether non-hazardous secondary materials are solid wastes when used as fuels or ingredients in combustion units. In February 2013 amendments, EPA listed particular non-hazardous secondary materials as “categorical non-waste fuels” provided certain conditions are met. Thus, persons burning these non-hazardous secondary materials do not need to evaluate them under the general case-by-case standards and procedures that would otherwise apply to non-hazardous secondary materials used in combustion units. EPA is adding three materials to the list of categorical non-waste fuels.

**Applicability:** This applies to the following three materials: (1) Construction and demolition wood processed from construction and demolition debris according to best management practices; (2) paper recycling residuals generated from the recycling of recovered paper, paperboard and corrugated containers and combusted by paper recycling mills whose boilers are designed to burn solid fuel; and (3) creosote treated railroad ties that are processed and then combusted in the following types of units: Units designed to burn both biomass and fuel oil as part of normal operations and not solely as part of start-up or shut-down operations, and units at major source pulp and paper mills or power producers subject to 40 CFR part 63, subpart DDDDD that combust CTRT and had been designed to burn biomass and fuel oil, but are modified (e.g. oil delivery mechanisms are removed) in order to use natural gas instead of fuel oil, as part of normal operations and not solely as part of start-up or shut-down operations.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2016-02-08/pdf/2016-01866.pdf>

**01/26/2016 p 4295 – p 4296 Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Hazardous Chemical Reporting: Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II) (Renewal)**

**Action:** Notice

**Summary:** The Environmental Protection Agency has submitted an information collection request (ICR), "Hazardous Chemical Reporting: Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II) (Renewal)" to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. EPA estimated that after the initial reporting of new data elements on Tier I and Tier II forms (added in 2012), that facilities would only need 0.25 hours to review new data elements and revise if necessary. This is a proposed extension of the ICR, which is currently approved through March 31, 2016. This notice allows for additional 30 days for public comments, due on or before February 25, 2016.

**Applicability:** This ICR pertains to all DoD installations that report under EPCRA.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-01-26/pdf/2016-01482.pdf>

**01/26/2016 p 4289 – p 4294 Draft National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit for Point Source Discharges From the Application of Pesticides; Reissuance**

**Action:** Notice of draft permit and request for comments

**Summary:** All ten EPA Regions today are proposing for public comment the draft 2016 National Pollutant Discharge Elimination System (NPDES) pesticide general permit (PGP)—the "draft 2016 PGP." The draft 2016 PGP covers point source discharges from the application of pesticides to waters of the United States. Once finalized, the draft 2016 PGP will replace the existing permit that will expire at midnight on October 31, 2016. The draft 2016 PGP has the same conditions and requirements as the 2011 PGP and would authorize certain point source discharges from the application of pesticides to waters of the United States in accordance with the terms and conditions described therein. EPA proposes to issue this permit for five (5) years in all areas of the country where EPA is the NPDES permitting authority. EPA solicits public comment on all aspects of the draft 2016 PGP. Comments must be received by received on or before March 11, 2016.

**Applicability:** This would be of interest to USACE projects that are applying pesticides.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-01-26/pdf/2016-01564.pdf>

**01/25/2016 p 3982 – p 4005 National Oil and Hazardous Substances Pollution Contingency Plan Revisions to Align With the National Response Framework**

**Action:** Proposed rule

**Summary:** This proposes to modify the National Contingency Plan to align with the Department of Homeland Security's National Response Framework and the National Incident Management System. The revisions would update descriptions of the federal agency organizational structures and capabilities and recognize the Department of Homeland Security. Comments are due to EPA by 25 March 2016.

**Applicability:** This pertains to petroleum, hazardous substance, and radioactive releases. Among other things, the proposal would revise hazardous substance response provisions in 40 CFR 300.405 with respect to "Discovery or Notification" and to 40 CFR 300.415 regarding "Removal Actions".

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-01-25/pdf/2016-00663.pdf>

**01/06/2016 p 415 – p 435 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System General Permit Remand**

**Action:** Proposed rule

**Summary:** The Environmental Protection Agency (EPA) is proposing changes to the regulations governing small municipal separate storm sewer system (MS4) permits to respond to a remand from the United States Court of Appeals for the Ninth Circuit in *Environmental Defense Center, et al. v. EPA*, 344 F.3d 832 (9th Cir. 2003). In that decision, the court determined that the regulations for providing coverage under small MS4 general permits did not provide for adequate public notice and opportunity to request a hearing. Additionally, the court found that EPA failed to require permitting authority review of the best management practices (BMPs) to be used at a particular MS4 to ensure that the small MS4 permittee reduces pollutants in the discharge from their systems to the “maximum extent practicable” (MEP), the standard established by the Clean Water Act for such permits. EPA’s proposal would revise the small MS4 regulations to ensure that the permitting authority determines the adequacy of BMPs and other requirements and provides public notice and the opportunity to request a public hearing on the requirements for each MS4. The proposal would not establish any new substantive requirements for small MS4s. Comments are due NLT 3/21/2016

**Applicability:** The proposal has relevance to Civil Works and Military Construction design and compliance staff that current reside within the boundaries of an MS4.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-01-06/pdf/2015-33174.pdf>

**01/04/2016 p 13 – p 19 Announcement of Final Regulatory Determinations for Contaminants on the Third Drinking Water Contaminant Candidate List**

**Action:** Final regulatory determination

**Summary:** This announces that EPA will not pursue development of National Primary Drinking Water Standards for four of 116 contaminants on the Third Contaminant Candidate List – dimethoate; 1,3-dinitrobenzene; terbufos; and terbufos sulfone.

**Applicability:** National Primary Drinking Water Standards apply to public water systems. The determination regarding 1,3-dinitrobenzene is of particular interest to DoD because it is formed as a by-product in the manufacturing of explosives.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2016-01-04/pdf/2015-32760.pdf>

**12/29/2015 p 81234 – p 81251 Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs**

**Action:** Proposed rule

**Summary:** The U.S. Environmental Protection Agency (EPA) proposes to revise the public notice rule provisions for the New Source Review (NSR), Title V, and Outer Continental Shelf (OCS) permit programs of the Clean Air Act and the corresponding onshore area determinations for implementation of the OCS air quality regulations. This action would remove the mandatory requirement to provide public notice of a draft air permit, as well as certain other program actions, through publication in a newspaper and would instead allow for electronic noticing (e-notice) of these actions. The proposed rule revisions would apply to major source air permits issued by the EPA, by EPA-delegated air agencies, and by air agencies with EPA-approved programs (with the exception of permits that are issued pursuant to the Tribal NSR Rule, which already

allows for e-notice methods). Comments must be received on or before February 29, 2016.

**Applicability:** This rulemaking will impact any DoD installation that undergoes a NSR or Title V permit renewal.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-29/pdf/2015-32639.pdf>

### **12/21/2015 p 79424 – p 79453 Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives**

**Action:** Final rule

**Summary:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This final rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks.

**Applicability:** This rulemaking would be of interest to shippers of bulk explosives.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-21/pdf/2015-31880.pdf>

### **12/17/2015 p 78705 Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements Under the Clean Air Act; Extension of Comment Period**

**Action:** Proposed rule; extension of comment period

**Summary:** The Clean Air Act prohibits the knowing release of ozone-depleting and substitute refrigerants during the course of maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration. The existing regulations require that persons servicing or disposing of air-conditioning and refrigeration equipment observe certain service practices that reduce emissions of ozone-depleting refrigerant. This proposed rule would update those existing requirements as well as extend them, as appropriate, to non-ozone-depleting substitute refrigerants, such as hydrofluorocarbons. The proposed updates include strengthening leak repair requirements, establishing recordkeeping requirements for the disposal of appliances containing five to 50 pounds of refrigerant, changes to the technician certification program, and changes for improved readability, compliance, and restructuring of the requirements. As a result, this action would reduce emissions of ozone-depleting substances and gases with high global warming potentials. The comment period has been extended until 25 January 2016.

**Applicability:** This proposed rule would impact any DoD installation that services or disposes of air-conditioning and refrigeration equipment containing ozone-depleting refrigerants.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-17/pdf/2015-31661.pdf>

**12/15/2015 p 78108 – p 78110 Nuclear Regulatory Commission Unified Agenda of Federal Regulatory and Deregulatory Actions**

**Action:** Semiannual regulatory agenda

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action.

**Applicability:** This would be of interest for those under NRC regulations.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-15/pdf/2015-30676.pdf>

**12/15/2015 p 78024 – p 78030 Environmental Protection Agency Fall 2015 Regulatory Agenda**

**Action:** Semiannual regulatory flexibility agenda and semiannual regulatory agenda

**Summary:** The agendas are available online and contain information on EPA rules under development. Stages of rule development are categorized as: prerule stage, proposed rule stage, final rule stage, long-term actions, and recently completed actions.

**Applicability:** This pertains to rule development under all of EPA’s environmental programs including, but not limited to Clean Air Act, Clean Water Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-15/pdf/2015-30656.pdf>

**12/15/2015 p 77998 – p 78016 Department Regulatory Agenda**

**Action:** Semiannual regulatory agenda

**Summary:** The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation’s regulatory activity planned for the next 12 months.

**Applicability:**

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-15/pdf/2015-31008.pdf>

**12/15/2015 p 77575 Name Change From the Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM)**

**Action:** Final rule

**Summary:** EPA is officially changing the name of OSWER to OLEM.

**Applicability:** Provided for general information purposes.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-15/pdf/2015-31061.pdf>

**12/11/2015 p 76897 – 76923 Revisions to the Unregulated Contaminant Monitoring Rule (UCMR 4) for Public Water Systems and Announcement of a Public Meeting**

**Action:** Proposed rule and notice of public meeting

**Summary:** EPA is proposing to require collection of data for contaminants that may be in drinking water but which are not currently subject to drinking water standards. This proposal identifies eleven analytical methods to support water system monitoring for a total of 30 chemical contaminants/groups, consisting of ten cyanotoxins; two metals; eight pesticides plus one pesticide manufacturing byproduct; three brominated

haloacetic acid groups of disinfection byproducts; three alcohols; and three semi-volatile organic chemicals. EPA is also announcing a public webinar to discuss this proposal.

**Applicability:** This pertains to community water systems and non-transient non-community water systems serving more than 10,000 people.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-11/pdf/2015-30824.pdf>

### **12/09/2015 p 76476 – p 76481 Notice of eDisclosure Portal Launch: Modernizing Implementation of EPA’s Self-Policing Policies**

**Action:** Notice

**Summary:** EPA is modernizing implementation of its self-disclosure policies by creating a centralized web-based “eDisclosure” portal to receive and automatically process self-disclosed civil violations of environmental law. The policy creates two self-disclosure categories. Disclosures that qualify for Category 1 are resolved without penalty contingent upon the accuracy and completeness of the disclosure. Category 2 disclosures may qualify for penalty mitigation.

**Applicability:** This is relevant to entities that conduct self-audits for environmental compliance and voluntarily disclose of non-compliance.

**Reference:** <https://www.gpo.gov/fdsys/pkg/FR-2015-12-09/pdf/2015-30928.pdf>

### **12/7/2015 p 76152 – p 76191 National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review**

**Action:** Final rule

**Summary:** This action finalizes the residual risk and technology review and the rule review that the Environmental Protection Agency (EPA) conducted for Aerospace Manufacturing and Rework Facilities under the national emissions standards for hazardous air pollutants (NESHAP). In this action, EPA is finalizing several amendments to the NESHAP based on the review of these standards. These final amendments add limitations to reduce organic and inorganic emissions of hazardous air pollutants (HAP) from specialty coating application operations; remove exemptions for periods of startup, shutdown and malfunction (SSM) so that affected units will be subject to the emission standards at all times; and revise provisions to address recordkeeping and reporting requirements applicable to periods of SSM. These final amendments include a requirement to report performance testing through the EPA’s Compliance and Emissions Data Reporting Interface (CEDRI). This action also makes clarifications to the applicability, definitions, and compliance demonstration provisions, and other technical corrections. The EPA estimates that implementation of this rule will reduce annual HAP emissions by 58 tons. This final action is effective on December 7, 2015.

**Applicability:** This final rule will impact DoD installations subject to the Aerospace NESHAP.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-12-07/pdf/2015-30356.pdf>

### **11/23/2015 p 72914 – p 72929 Hazardous Materials: Editorial Corrections and Clarifications**

**Action:** Final rule

**Summary:** This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. This regulation is effective December 23, 2015.

**Applicability:** This notice on corrections to the regulations would be of interest to shippers of hazardous materials.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-23/pdf/2015-29683.pdf>

### **11/23/2015 p 72906- p 72913 Addition of 1-Bromopropane; Community Right-to-Know Toxic Chemical Release Reporting**

**Action:** Final rule

**Summary:** The EPA is adding 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. 1-Bromopropane has been classified by the National Toxicology Program in their 13<sup>th</sup> Report on Carcinogens as “reasonably anticipated to be a human carcinogen.” The EPA has determined that 1-bromopropane meets the EPCRA section 313 (d)(2)(B) criteria because it can reasonably be anticipated to cause cancer in humans. This final rule is effective November 30, 2015 and shall apply for the reporting year beginning January 1, 2016 (reports due July 1, 2017).

**Applicability:** This final rule impacts DoD installations who manufacture, process, or otherwise use 1-bromopropane in excess of the EPCRA Section 313 threshold quantities.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-23/pdf/2015-29799.pdf>

### **11/20/2015 p 72790 – p 72837 National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Final Rule**

**Action:** Final rule; notice of final action on reconsideration

**Summary:** This action sets forth the EPA’s final decision on the issues for which it granted reconsideration on January 21, 2015, that pertain to certain aspects of the January 31, 2013, final amendments to the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” (Boiler MACT). The EPA is retaining a minimum carbon monoxide limit of 130 parts per million and the particulate matter continuous parameter monitoring system requirements, consistent with the January 2013 final rule. The EPA is making minor changes to the proposed definitions of startup and shutdown and work practices during these periods, based on public comments received. Among other things, this final action addresses a number of technical corrections and clarifications of the rule. These corrections will clarify and improve the implementation of the January 2013 final Boiler MACT, but do not have any effect on the environmental, energy, or economic impacts associated with the proposed action. This action also includes EPA’s final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsiderations of the final Boiler MACT for which EPA did not grant reconsideration.

**Applicability:** This final rule impacts all DoD installations with industrial, commercial, and institutional boilers and process heaters.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-20/pdf/2015-29186.pdf>

**11/16/2015 p 70874 – p 70879 Hazardous Materials: California and Los Angeles County Requirements Applicable to the On-Site Handling and Transportation of Hazardous Materials**

**Action:** Decision on petitions for reconsideration of administrative determinations of preemption

**Summary:** Federal hazardous material transportation law does not preempt California and Los Angeles County requirements on (1) the unloading of hazardous materials from rail tank cars by a consignee and (2) the consignee's on-site storage of hazardous materials following delivery of the hazardous materials to their destination and departure of the carrier from the consignee's premises or private track adjacent to the consignee's premises.

**Applicability:** This preemption determination would of interest to shippers in California and is informative on how local and state requirements don't always get preempted by Federal hazardous material transportation law.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-16/pdf/2015-28921.pdf>

**11/13/2015 p 70180 – p 70183 Revision to the Research, Development and Demonstration Permits for Municipal Solid Waste Landfills**

**Action:** Proposed rule

**Summary:** This proposes to revise the maximum permit term for MSWLF units operating under Research, Development, and Demonstration permits which allow landfills to use innovative and new methods for run-on control systems, liquid restrictions, and final cover criteria. This change would permit renewals to cover a maximum 21 years as opposed to the current renewals which permit a maximum of 12 years.

**Applicability:** Provided for general information purposes.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-13/pdf/2015-28666.pdf>

**11/09/2015 p 69458 – p 69558 Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements Under the Clean Air Act**

**Action:** Proposed rule

**Summary:** The Clean Air Act prohibits the knowing release of ozone-depleting and substitute refrigerants during the course of maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration. The existing regulations require that persons servicing or disposing of air-conditioning and refrigeration equipment observe certain service practices that reduce emissions of ozone-depleting refrigerant. This proposed rule would update those existing requirements as well as extend them, as appropriate, to non-ozone-depleting substitute refrigerants, such as hydrofluorocarbons. The proposed updates include strengthening leak repair requirements, establishing recordkeeping requirements for the disposal of appliances containing five to 50 pounds of refrigerant, changes to the technician certification program, and changes for improved readability, compliance, and restructuring of the



requirements. As a result, this action would reduce emissions of ozone-depleting substances and gases with high global warming potentials. The comment period is open until 8 January 2016.

**Applicability:** This proposed rule would impact any DoD installation that services or disposes of air-conditioning and refrigeration equipment containing ozone-depleting refrigerants.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-09/pdf/2015-26946.pdf>

### **11/06/2015 p 68808 – p 68815 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines**

**Action:** Proposed rule

**Summary:** EPA is proposing amendments to the standards of performance for stationary compression ignition (CI) internal combustion engines to allow manufacturers to design the engines so that operators can temporarily override performance inducements related to the emission control system for stationary CI internal combustion engines operating during emergency situations where the operation of the engine or equipment is needed to protect human life, and to require compliance with Tier 1 emission standards during such emergencies. The EPA is also proposing to amend the standards of performance for certain stationary CI internal combustion engines located in remote areas of Alaska.

**Applicability:** This proposed rule impacts all DoD installations that have stationary CI internal combustion engines that might need to operate during emergency situations.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-06/pdf/2015-28342.pdf>

### **11/05/2015 p 68536 – p 68537 National Wetland Condition Assessment 2011 Draft Report**

**Action:** Notice

**Summary:** This notice announces the availability of EPA's draft report on the National Wetland Condition Assessment (NWCA 2011) and opens a 30-day public review and comment period on the draft report. The NWCA 2011 is the first national assessment of the ecological condition of the nation's wetlands.

**Applicability:** Staff involved in the CWA 404 program as well as those with an interest in the biological sciences may find this report of interest.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-05/pdf/2015-28266.pdf>

### **11/04/2015 p 68491 Management Standards for Hazardous Waste Pharmaceuticals**

**Action:** Proposed rule; extension of comment period

**Summary:** This extends the comment period until 24 Dec 2015.

**Applicability:** This action pertains to hazardous waste pharmaceuticals. It applies primarily to hospitals and pharmacies, but it also addresses reverse distribution of medicines.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-05/pdf/2015-28100.pdf>

### **11/04/2015 p 68490 – p 68491 Hazardous Waste Generator Improvements**

**Action:** Proposed rule; extension of comment period

**Summary:** This extends the comment period until 24 Dec 2015.

**Applicability:** This pertains to the request for comments which appeared in the 25 Sep 2015 Federal Register on the proposed Generator Improvement Rule. The RCRA Services Steering Committee, chaired by Army, is engaged in commenting on this proposal on behalf of all DoD services.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-05/pdf/2015-28099.pdf>

### **11/03/2015 p 67838 – p 67903 Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category**

**Action:** Final rule

**Summary:** This final rule, promulgated under the Clean Water Act (CWA), protects public health and the environment from toxic metals and other harmful pollutants, including nutrients, by strengthening the technology-based effluent limitations guidelines and standards (ELGs) for the steam electric power generating industry.

**Applicability:** Clean Water Act compliance staff for active installations and design engineers should be aware of this new rule.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-03/pdf/2015-25663.pdf>

### **11/02/2015 p 67485 – p 67489 Hazardous Materials: Explosive Approvals – Compliance with Special Provision 347**

**Action:** Proposed termination of explosive approvals

**Summary:** PHMSA proposes to terminate the explosive approvals listed in this Federal Register. PHMSA, via certified mail, during the month of October 2014, attempted to contact all of the approval holders listed in this Federal Register. The certified letters were titled “Hazardous Materials Safety Law Division, Letter of Warning: Test Series 6(d) requirements for Division 1.4S Explosive Approvals.” The certified letters requested that the approval holders notify HMSA within 30 days with their intent with respect to the approvals. They were given the options to provide evidence of UN 6(d) testing, request a reassignment of the EX number to a higher compatibility group than “S”, or request termination. To date, no correspondence has been received by PHMSA concerning the listed explosive approval numbers listed in this Federal Register. DoD was not identified as holder of any approvals that would be canceled.

**Applicability:** This notice would be of interest to shippers of Division 1.4S explosives.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-11-02/pdf/2015-27784.pdf>

### **10/30/2015 p 66817 – p 66821 Hazardous Materials: Carriage of Battery-Powered Electronic Smoking Devices in Passenger Baggage**

**Action:** Interim final rule

**Summary:** PHMSA is issuing an interim final rule to prohibit passengers and crewmembers from carrying battery-powered portable electronic smoking devices (e.g., e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems) in checked baggage and prohibit passengers and crewmembers from charging the devices and/or batteries on board the aircraft. These devices may continue to be carried in carry-on baggage. The FR identifies several reported incidents where a fire onboard an aircraft was attributed to an electronic smoking device in the cargo bay of the aircraft.

**Applicability:** This interim rule would be of interest to travelers that fly.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-30/pdf/2015-27622.pdf>

**10/26/2015 p 65291 – p 65468 National Ambient Air Quality Standards for Ozone**

**Action:** Final rule

**Summary:** EPA revised the primary and secondary national ambient air quality standards (NAAQS) for ozone (O<sub>3</sub>) based on its review of the air quality criteria and related photochemical oxidants and NAAQS to provide requisite protection of public health and welfare, respectively. The EPA is revising the levels of both standards to 0.070 parts per million (PPM), and retaining their indicators (O<sub>3</sub>), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours). The EPA is making corresponding revisions in data handling conventions for O<sub>3</sub> and changes to the Air Quality Index (AQI); revising regulations for the prevention of significant deterioration (PSD) program to add a transition provision for certain applications; and establishing exceptional events schedules and providing information related to implementing the revised standards. The EPA is also revising the O<sub>3</sub> monitoring seasons, the Federal Reference Method (FRM) for monitoring O<sub>3</sub> in ambient air, Federal Equivalent Method (FEM) analyzer performance requirements, and the Photochemical Assessment Monitoring Stations (PAMS) network. Along with exceptional events schedules related to implementing the revised O<sub>3</sub> standards, the EPA is applying this same schedule approach to other future new or revised NAAQS and removing obsolete regulatory language for expired exceptional events deadlines. The EPA is making minor changes to the procedures and time periods for evaluating potential FRMs and equivalent methods, including making the requirements for nitrogen dioxide (NO<sub>2</sub>) consistent with the requirements for O<sub>3</sub>, and removing an obsolete requirement for the annual submission of Product Manufacturing Checklists by manufacturers of FRMs and FEMs for monitors of fine and coarse particulate matter. This final rule is effective on December 28, 2015.

**Applicability:** This rule impacts all DoD installations, as attainment and nonattainment areas for O<sub>3</sub> may change. Additionally, any DoD installation in the PSD Program, as well as other Title V programs will be affected as EPA updates cross-governing Clean Air Act regulations. Further, DoD installations subject to general conformity will need to work with their state and local air quality agencies to establish an emissions budget.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-26/pdf/2015-26594.pdf>

**10/26/2015 p 65254 – p 65255 Nuclear Regulatory Commission. Information Collection: Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material**

**Action:** Notice of submission to Office of Management and Budget; request for comment

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material." Comments are to be submitted by November 25, 2015.

**Applicability:** This would be of interest to individuals associated with the management of radioactive sources that if not safely handled or securely protected are likely to cause permanent injury if you are in contact with them for only a few minutes.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-26/pdf/2015-27063.pdf>

**10/23/2015 p 64509 – p 64660 Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units**

**Action:** Final rule

**Summary:** EPA finalized new source performance standards (NSPS) under Clean Air Act section 111 (b) that will establish standards for emissions of carbon dioxide (CO<sub>2</sub>) for newly constructed, modified, and reconstructed affected fossil fuel-fired electric utility generating units (EGUs). This action establishes separate standards of performance for fossil fuel-fired electric utility steam generating units and fossil fuel-fired stationary combustion turbines. This action also addresses related permitting and reporting issues. This final rule is effective on October 23, 2015.

**Applicability:** This rule impacts fossil fuel electric power generating units owned by the DoD.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-23/pdf/2015-22837.pdf>

**10/22/2015 p 64064 – p 64158 National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule**

**Action:** Final rule

**Summary:** The Environmental Protection Agency (EPA) is publishing this final regulation that requires the electronic reporting and sharing of Clean Water Act National Pollutant Discharge Elimination System (NPDES) program information instead of the current paper-based reporting of this information.

**Applicability:** Staff involved in discharge monitoring report submission for NPDES permitting should be aware of this new requirement.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-22/pdf/2015-24954.pdf>

**10/19/2015 p 63284 – p 63320 Hazardous Waste Export-Import Revisions**

**Action:** Proposed rule

**Summary:** EPA proposes to modify regulations regarding the import and export of hazardous waste from and into the United States.

**Applicability:** This pertains to import and export of hazardous waste.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-19/pdf/2015-25348.pdf>

**10/15/2015 p61997 – p 62003 DoD Environmental Laboratory Accreditation Program (ELAP)**

**Action:** Proposed rule

**Summary:** This proposed rule would establish policy, assign responsibilities, and provide procedures to be used by DoD personnel for the operation and management of the DoD ELAP. The DoD ELAP provides a unified DoD program through which commercial environmental laboratories can voluntarily demonstrate competency and

document conformance to the international quality systems standards as they are implemented by DoD. Comments need to be submitted by December 14, 2015.

**Applicability:** This is relevant to USACE Chemists involved in the DoD ELAP.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-15/pdf/2015-25999.pdf>

### **10/15/2005 p 61985 – p 61993 Protection of Stratospheric Ozone: The 2016 Critical Use Exemption From the Phase out of Methyl Bromide**

**Action:** Final rule

**Summary:** EPA is authorizing uses that qualify for the critical use exemption and the amount of methyl bromide that may be produced or imported for those uses for the 2016 control period. EPA is issuing this action under the authority of the Clean Air Act to reflect consensus decisions of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the Twenty-Sixth Meeting of the Parties in November 2014. The rule is effective on January 1, 2016.

**Applicability:** This would impact those DoD installations that utilize methyl bromide as a pesticide, or in other applications.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-15/pdf/2015-26301.pdf>

### **10/14/2015 p 61887 International Standards on the Transport of Dangerous Goods**

**Action:** Notice of public meeting

**Summary:** This notice is to advise interested persons of two public meetings occurring on Thursday, November 12, 2015, both held at the Department of Transportation (DOT) headquarters. PHMSA will conduct a public meeting to discuss proposals in preparation for the 48th session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG), to be held November 30 to December 09, 2015, in Geneva, Switzerland. During this meeting, PHMSA is also requesting comments relative to potential new work items that may be considered for inclusion in its international agenda. The DOT requests that attendees pre-register for these meetings by completing the form at <https://www.surveymonkey.com/r/LVXNWYT>. Conference call-in and “live meeting” capability will be provided for both meetings. Specific information on call-in and live meeting access will be posted when available at <http://www.phmsa.dot.gov/hazmat/regs/international> under Upcoming Events and at <http://www.osha.gov/dsg/hazcom/>. General topics of discussion will include: Explosives and related matters; Listing, classification and packing; Electric storage systems; Transport of gases; Global harmonization of transport of dangerous goods regulations with the Model Regulations; Electronic data interchange for documentation purposes; Cooperation with IAEA; and Issues relating to the Globally Harmonized system of Classification and Labeling of Chemicals.

**Applicability:** This would be of interest to shippers especially if they ship internationally.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-14/pdf/2015-26019.pdf>

### **10/14/2015 p 61757- p 61765 Ocean Dumping: Expansion of an Ocean Dredged Material Disposal Site Offshore of Jacksonville, Florida**

**Action:** Final rule and technical amendment

**Summary:** This finalizes an expansion of the ocean dredged material disposal site offshore of Jacksonville, Florida pursuant to the Marine Protection, Research and Sanctuaries Act.

**Applicability:** This is relevant to USACE Jacksonville District. USACE Jacksonville District and EPA Region IV identified the need to either expand the existing disposal site or designate a new one.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-14/pdf/2015-26142.pdf>

### **10/08/2015 p 60818 – p 60825 Ethylene Glycol Monobutyl Ether; Community Right-To-Know Toxic Chemical Release Reporting**

**Action:** Denial of petition

**Summary:** Environmental Protection Agency (EPA) is denying a petition to remove ethylene glycol monobutyl ether (EGBE) from the category Certain Glycol Ethers under the list of chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA has reviewed the available data on this chemical and has determined that EGBE does not meet the deletion criterion of EPCRA section 313(d)(3). Specifically, EPA is denying this petition because EPA's review of the petition and available information resulted in the conclusion that EGBE meets the listing criterion of EPCRA section 313(d)(2)(B) due to its potential to cause serious or irreversible chronic health effects in humans, specifically, liver toxicity and concerns for hematological effects.

**Applicability:** This is relevant to DoD installations who report EPCRA Section 313 chemicals.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-08/pdf/2015-25674.pdf>

### **10/06/2015 p 60412 – p 60413 Nuclear Regulatory Commission, Information Collection: Packaging and Transportation of Radioactive Material**

**Action:** Renewal of existing information collection: request for comment

**Summary:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "Packaging and Transportation of Radioactive Material." The NRC is seeking comments that address the following questions: 1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? 2. Is the estimate of the burden of the information collection accurate? 3. Is there a way to enhance the quality, utility, and clarity of the information to be collected? 4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology? Comments need to be submitted by December 7, 2015.

**Applicability:** This request for comments would be of interest to shippers of licensed material in excess of Type A quantities and fissile material.

**Reference:** <http://www.gpo.gov/fdsys/pkg/FR-2015-10-06/pdf/2015-25341.pdf>