

Developments of Interest— April 2010 through June 2010

THIS ARTICLE HIGHLIGHTS significant environmental regulatory changes and indicators suggesting future changes to the regulatory landscape.

The U.S. Environmental Protection Agency (EPA) has been active in rulemaking areas related to lead, including lead based paint, lead emissions from piston aircraft that use leaded fuel, and the National Ambient Air Quality Standards (NAAQS) for lead. Driving these revisions is the current scientific understanding that lead affects childhood development and intelligence at lower levels than were previously understood to be harmful. In 2008, EPA lowered the NAAQS for lead by a factor of ten. In 2010, EPA is reviewing and will issue a determination addressing whether lead emissions from aircraft using leaded aviation gasoline constitute a health threat.

In December 2008, as directed by Public Law 110-314, the Consumer Product Safety Commission lowered the levels of lead allowed in new paint in consumer uses from 600 parts per million (ppm) to 90 ppm, and implemented limits on lead in children's products.

In response to a petition, EPA has indicated that they will review and may lower the levels of lead in painted surfaces that would trigger the residential Renovation, Repair and Painting rule requirements (i.e., revise the definition of lead-based paint). EPA intends to apply clearance sampling requirements following renovation, and may lower the levels of lead dust allowed on floors and windowsills sampled for clearance.

In addition, EPA is again taking up the issue of regulating public and commercial buildings renovation, repair, and painting. As currently contemplated, the definition of such buildings would include all federally owned buildings not already regulated as residential or child occupied.

Over a decade has passed since EPA first considered regulating lead based paint in public buildings, commercial buildings, and steel structures. Nevertheless, the extension of lead based paint renovation, repair, and painting requirements to public and commercial buildings could impact the Department of Defense (DoD) maintenance practices and costs, due to the extensive inventory of older buildings. Impacts of residential rule changes will be less significant to DoD due to the privatization of most DoD housing.

Additional regulatory and environmental news items of interest (9 April 2010 through 25 June 2010) include the following:

Air

Minimizing Use of Hexavalent Chromium in DoD Systems (DFARS Case 2009-D004)—Proposed Rule (08-April-10)
<http://edocket.access.gpo.gov/2010/2010-7262.htm>

Clean Air Act Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule—Final Rule (03-June-10)
<http://edocket.access.gpo.gov/2010/2010-11974.htm>

Primary NAAQS for Sulfur Dioxide—Final Rule (22-June-10)
<http://edocket.access.gpo.gov/2010/2010-13947.htm>

Standards of Performance for Stationary Compression Ignition and Spark Ignition Internal Combustion Engines between 10 and 30 Liters per Cylinder (08-June-10)
<http://edocket.access.gpo.gov/2010/2010-12911.htm>

Emission Standards for Commercial and Industrial Solid Waste Incineration—Proposed Rule (04-June-10)
<http://edocket.access.gpo.gov/2010/2010-10821.htm>

Easy Access

FOR EASY AND direct access to many of the web addresses included in this regulatory summary, select the "Digital Currents" button from the *Currents* page on the Naval Air Systems Command's environmental web site at www.enviro-navair.navy.mil/currents.



National Emission Standards for Hazardous Air Pollutants for Boilers and Process Heaters—Proposed Rules (04-June-10)

- at Area Sources:
<http://edocket.access.gpo.gov/2010/2010-10832.htm>
- at Major Sources:
<http://edocket.access.gpo.gov/2010/2010-10827.htm>

Accelerated Phase-Out of Hydrofluorocarbons (HFC) Proposed by the United States, Canada, and Mexico (07-May-10)

<http://www.epa.gov/ozone/intpol/mpagreement.html>

Substitutes for Ozone-Depleting Substances HCFC-22, HCFC-142b—Notice (16-June-10)

<http://edocket.access.gpo.gov/2010/2010-14510.htm>

Water

Stormwater: Low Impact Development—Unified Facilities Criteria Document Finalized (06-April-10)

http://www.wbdg.org/cccb/browse_cat.php?o=29&c=4

Revisions to the Drinking Water Total Coliform Rule—Proposed Rule (17-June-10)

<http://www.epa.gov/safewater/disinfection/tcr/regulation.html> - tcr1989

Energy

Energy Efficiency and Sustainable Design Standards for New Federal Buildings—Proposed Rule (28-May-10)

<http://edocket.access.gpo.gov/2010/2010-12677.htm>

Health & Safety

Occupational Safety and Health Administration Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)—Proposed Rule (24-May-10)

<http://edocket.access.gpo.gov/2010/2010-10418.htm>

Occupational Exposure to Infectious Diseases and Agents—Notice and Request for Comment (06-May-10)

<http://edocket.access.gpo.gov/2010/2010-10694.htm>

Safe Work Practices in Shipbreaking (07-April-10)

<http://www.osha.gov/Publications/3375shipbreaking.pdf>

Materials

Identification of which Non-Hazardous Secondary Materials are Solid Wastes (when used for fuel)—Proposed Rule (04-June-10)

<http://edocket.access.gpo.gov/2010/2010-10837.htm>

Lead Based Paint: Science Advisory Board Lead Review Panel Meeting (for developing the hazard standards for floors and window sills in residences and public and commercial buildings) (03-June-10)

<http://edocket.access.gpo.gov/2010/2010-13386.htm>

Lead Based Paint: Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program—Proposed Rule (06-May-10)

<http://edocket.access.gpo.gov/2010/2010-10102.htm>

Lead Based Paint: Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program—Final Rule (06-May-10)

<http://edocket.access.gpo.gov/2010/2010-10100.htm>

Lead Based Paint: Renovation, Repair, and Painting Program for Public and Commercial Buildings—Advance Notice of Rulemaking (06-May-10)

<http://edocket.access.gpo.gov/2010/2010-10097.htm>

Other

Disposing of Unneeded Federal Real Estate—Presidential Memo (10-June-10)

<http://edocket.access.gpo.gov/2010/2010-14616.htm>

Guidance for Federal Land Management in the Chesapeake Bay (17-May-10)

<http://edocket.access.gpo.gov/2010/2010-11693.htm>

Chesapeake Bay Protection and Restoration Executive Order 13508 Final Coordinated Implementation Strategy (12-May-10)

<http://executiveorder.chesapeakebay.net/file.axd?file=2010%2f5%2fChesapeake+EO+Strategy%20.pdf>
<http://edocket.access.gpo.gov/2010/2010-11143.htm>

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