

2. REGULATIONS

A. Notification of Arrival in U.S. Ports (CG)

On June 19, 2002, (67 FR 41659), the Coast Guard (CG), U.S. Department of Transportation, issued a proposed rule (33 CFR part 160) concerning permanent changes to its notification of arrival and departure requirements for commercial vessels greater than 300 gross tons bound for or departing from ports or places in the United States. This proposal incorporates most of the temporary changes the Coast Guard made following the September 11, 2001, terrorist attacks. The proposed permanent changes would help ensure public safety, security, and the uninterrupted flow of commerce. In this rulemaking, the Coast Guard proposes to: (1) require additional information in notice of arrival (NOA) reports; (2) require electronic submissions of cargo manifest information to the U.S. Customs Service (USCS); (3) change submission times for NOAs; (4) require submitters to report changes to submitted information; (5) merge the notice of departure (NOD) requirements with the NOA requirements; (6) allow consolidated NOA reports for multiple ports; (7) require centralized and electronic submissions; (8) revise exemptions from reporting requirements; and (9) update definitions, and make technical corrections in the International Safety Management (ISM) Code notice listed in 33 CFR 160.207(d).

For further information, contact Ltjg. Marcus A. Lines, Port Security Directorate (G-MP), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-6854, electronic mail: mllines@comdt.uscg.mil).

B. Effluent Limitations for Construction and Development (EPA)

On June 24, 2002, (67 FR 42644), the U.S. Environmental Protection Agency (EPA) issued a proposed rule (40 CFR parts 122 and 450) that would provide a range of options to address storm water discharges from construction sites. As one option, EPA is proposing technology-based effluent limitation guidelines and standards (ELGs) for storm water discharges from construction sites required to obtain National Pollutant Discharge Elimination System (NPDES) permits. As another option, EPA is proposing not to establish ELGs for storm water discharges from those sites, but to allow technology-based permit requirements to continue to be established based upon the best professional judgement of the permit authority. A third option would establish inspection and certification requirements that would be incorporated into the storm water permits issued by EPA and the states, with other permit requirements based on the best professional

C. Oil Pollution Prevention (EPA)

On July 17, 2002, (67 FR 47042), the U.S. Environmental Protection Agency (EPA) issued a final rule (40 CFR part 112) that amends the oil pollution prevention regulations for non-transportation-related onshore and offshore facilities, which were promulgated under the authority of the Clean Water Act. This rule includes requirements for Spill Prevention, Control, and Countermeasure (SPCC) Plans, and for Facility Response Plans (FRPs). The final rule includes new subparts outlining the requirements for various classes of oil, revises the applicability of the regulation, amends the requirements for completing SPCC Plans, and makes other modifications. The final rule also contains a number of provisions designed to decrease regulatory burden on facility owners or operators subject to the rule, while preserving environmental protection. EPA expects this rule to reduce the paperwork burden associated with SPCC requirements by approximately 40 percent. The regulation has also been made easier to understand and use.

For further information, contact Mr. Hugo Fleischman, Oil Program Center, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (telephone: (703) 603-8769, electronic mail: fleischman.hugo@epa.gov).

D. Site Remediation (EPA)

On July 30, 2002, (67 FR 49398), the U.S. Environmental Protection Agency (EPA) issued a proposed rule (40 CFR part 63) concerning National Emission Standards for Hazardous Air Pollutants (NESHAP) under the authority of section 112 of the Clean Air Act (CAA) for the site remediation source category. EPA has determined that site remediation activities can be major sources of organic hazardous air pollutants (HAP), including benzene, ethyl benzene, toluene, vinyl chloride, and xylenes, and other volatile organic compounds (VOC). The range of potential human health effects associated with exposure to these organic HAP and VOC include cancer, aplastic anemia, upper respiratory tract irritation, liver damage, and neurotoxic effects. The proposed rule would implement section 112(d) of the CAA by requiring those affected site remediation activities to meet emissions limitations, operating limit, and work practice standards reflecting the application of the maximum achievable control technology (MACT). When implemented, EPA estimates that the proposed rule would reduce annual regulated HAP emissions from the source category by approximately 570 megagrams (630 tons) per year and reduce nationwide VOC emissions by 3,680 megagrams (4,050 tons) per year.

For further information, contact Mr. Greg Nizich, Waste and Chemical Processes Group,

Everglades Restoration Plan. The U.S. Congress approved the Comprehensive Everglades Restoration Plan in section 601 of the Water Resources Development Act of 2000, which was enacted into law on December 11, 2000. The proposed regulations establish processes and procedures that will guide the ACE and its partners in the implementation of the Plan.

The overarching goal of the Plan is the restoration, preservation, and protection of the South Florida ecosystem while providing for other water-related needs of the region such as flood protection and water supply. The Comprehensive Everglades Restoration Plan will restore more natural flows of water, including sheet flow; improve water quality; and establish more natural hydroperiods in the South Florida ecosystem. Improvements to native flora and fauna are expected to occur as a result of the restoration of hydrologic conditions.

For further information, contact Mr. Stu Appelbaum, U.S. Army Corps of Engineers, CESAJ-DR-R, P.O. Box 4970, Jacksonville, FL 32232-0019, (telephone: (904) 232-1877, facsimile: (904) 899-5001).

F. Non-Conformance Penalties (EPA)

On August 8, 2002, (67 FR 51464), the U.S. Environmental Protection Agency (EPA) issued a final rule (40 CFR part 86) concerning non-conformance penalties (NCPs) for the 2004 and later model year non-methane hydrocarbons and nitrogen oxides (NMHC+NO_x) standard for heavy-duty diesel engines and vehicles. In general, the availability of NCPs allows a manufacturer of heavy-duty engines whose engines fail to conform with the applicable 2004 model year emission standards, but do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This final rule establishes the upper limit associated with the 2004 emission standard for NMHC+NO_x as 4.5 grams per brake-horsepower-hour for light and medium heavy-duty engines and urban buses, and 6.0 grams per brake-horsepower-hour for heavy heavy-duty engines. Based on these upper limits, this rule also establishes the cost inputs used in the general NCP formula currently in the regulations.

For further information, contact Ms. Margaret Borushko, National Vehicle and Fuels Emission Laboratory, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, MI 48105, (telephone: (734) 214-4334, electronic mail: borushko.margaret@epa.gov).

G. Jurisdictional Terms (CG)

Zone, high seas, waters subject to tidal influence, waters subject to the ebb and flow of the tide, mean high water, navigable waters of the United States, and navigable waters.

For further information, contact Mr. Alex Weller, Office of Maritime and International Law (G-LMI), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0097, electronic mail: aweller@comdt.uscg.mil).

H. Spark-Ignition Marine Vessels (EPA)

On August 14, 2002, (67 FR 53050), the U.S. Environmental Protection Agency (EPA) issued a proposed rule (40 CFR parts 86, 90, 1045, 1051, and 1068) concerning evaporative emissions standards for marine vessels that use spark-ignition engines (including sterndrive, inboard, and outboard engines and personal watercraft). In addition, EPA discusses its plans to propose standards in the future regulating exhaust emissions from spark-ignition marine engines. This action also proposes new emission standards for highway motorcycles, including motorcycles of less than 50 cubic centimeters in displacement. Nationwide, marine evaporative hydrocarbon emissions contribute to ozone non-attainment, and motorcycles contribute to ozone, carbon monoxide (CO), and particulate matter (PM) non-attainment. These pollutants cause a range of adverse health effects, especially in terms of respiratory impairment and related illnesses. The proposed standards would help states achieve and maintain air quality standards. In addition, the proposed evaporative emission standards would help reduce acute exposure to air toxics, and the proposed motorcycle exhaust standards would help reduce exposure to CO, air toxics, and PM. They would also help address other environmental problems, such as visibility impairment in national parks.

EPA believes that manufacturers would be able to maintain or even improve the performance of their products in certain respects when producing engines and vessels meeting the proposed standards. In fact, EPA estimates that the evaporative emission standards would reduce fuel consumption by enough to offset any costs associated with the evaporative emission control technology.

For further information, contact Ms. Margaret Borushko, National Vehicle and Fuels Emission Laboratory, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, MI 48105, (telephone: (734) 214-4334, electronic mail: borushko.margaret@epa.gov).

I. Traffic Separation Schemes (CG)

Under the authority of the Ports and Waterways Safety Act, the Coast Guard establishes TSSs, where necessary, to provide safe access routes for vessels proceeding to or from U.S. ports. Once a TSS is established, the right of navigation is considered paramount within the TSS.

For further information, contact Mr. George Detweiler, Office of Vessel Traffic Management (G-MOV), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0574, electronic mail: gdetweiler@comdt.uscg.mil).