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CLIENT BRIEFING
June 27, 2008

FEDERAL REGULATORY DEVELOPMENTS

RE: National Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities ("GDF's")

On June 25, 2008, the Environmental Protection Agency (EPA) published a direct final rule introducing certain amendments to the National Emission Standards for Hazardous Air Pollutants for GDF's. According to EPA, this action only affects new or reconstructed area source GDF's with a monthly throughput of 100,000 gallons of gasoline or more.

In this action, EPA is amending the pressure and vacuum vent valve cracking pressure and leak rate requirements for vapor balance systems used to control emissions from gasoline storage tanks at GDF's. Newly constructed or reconstructed gasoline dispensing facilities must comply with the requirements of these amendments by the effective date of the amendments, or upon start-up, whichever is later. EPA indicated that the agency is not modifying the compliance date for existing sources with a monthly throughput of 100,000 gallons of gasoline or more.

This direct final rule is effective on **September 23, 2008** without further notice, unless EPA receives adverse comments by August 11, 2008.

RE: Environmental Protection Agency (EPA) – Publication of the National Pollutant Discharge Elimination System (NPDES) Water Transfers Final Rule

On June 13, 2008, EPA published a final rule to clarify that water transfers are not subject to regulations under the Clean Water Act's ("CWA") NPDES permitting program.

The new rule defines water transfers as an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use. According to EPA, the final rule focuses exclusively on water transfers and does not affect any other activity that may be subject to NPDES permitting requirements. Moreover, the exclusion set forth by the new regulation does not apply to pollutants introduced by the water transfer activity itself to the water being transferred.

The new NPDES Water Transfers Rule will take effect on **August 12, 2008**.

If you need additional information on the foregoing developments or wish to assess their potential impact on your operations, you may contact any of the attorneys at the O'Neill & Borges Environmental Law and Litigation Practice Group.

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