

State	Media	Overview	Exemptions
AK	Water	<ul style="list-style-type: none"> Alaska law adopts no more stringent rules (NMSR) of limited applicability and only applies to specific circumstances. Exemptions are allowed, but requirements for exemptions are not clear. In addition, state regulations in connection with the Clean Water Act (CWA) do not distinguish whether the pollutant standards must merely be met or maintained (Organ, 1995). NMSR in regards to drinking water. The state is able to impose restrictions on contaminants that are not also regulated by the federal agency. 	X
	Air	<ul style="list-style-type: none"> Even though Alaska's stringency restriction rule does allow exemptions, the corresponding environmental regulations are infrequently more stringent than federal guidelines (STAPPA, ALAPCO, 2002). 	X
AL	Water	<ul style="list-style-type: none"> NMSR with regard to regulations promulgated by EPA pertaining to wellhead areas associated with public water supply (Alabama Code, Title 22-36-7). 	
	Waste	<ul style="list-style-type: none"> NMSR on municipal landfills, which includes plans for their closure and post-closure maintenance. There is no clause that allows exemptions to the rule (Alabama Code, Title 22-27-8(c)). Additionally, the state is restricted from listing hazardous wastes that are not also listed under the Resource Conservation and Recovery Act (or the regulations promulgated under the RCRA) (Alab. Code, Title 22-30-10(e)). 	
AR	Water	<ul style="list-style-type: none"> Arkansas allows more stringent regulations as long as there is reason to justify the more stringent requirements. The regulation must be supported by an economic and environmental impact analysis that outlines effects on the people of Arkansas. During the rulemaking process, the impact analysis must be made public and allow for a formal comment period. Following the comment period, the agency must make public a "...reasoned evaluation of the relative impact and benefits of the more stringent regulation" (Arkansas Code Ann. §§8-4-201(b)(1)). 	X
	Air	<ul style="list-style-type: none"> Arkansas allows more stringent regulations as long as there is reason to justify the stricter provisions. The rule or regulation must be supported by an economic and environmental impact analysis that outlines effects on the people of Arkansas. During the rulemaking process, the impact analysis must be made public and allow for a formal comment period. Following the comment period, the agency must make public a "...reasoned evaluation of the relative impact and benefits of the more stringent regulation" (Arkansas Code Ann. §§8-1-203(b)(1)). 	X
	Waste	<ul style="list-style-type: none"> Within the state, there is a tighter stringency restriction on regulations addressing underground storage tanks, which also appears to restrict the regulation of pollutants not also regulated by the EPA (Organ, 1995) (Ark. Code Ann. §§8-7-803). 	
AZ	Water	<ul style="list-style-type: none"> Arizona has NMSR and also prevents the state from regulating additional pollutants or sources not also regulated by federal requirements (Hecht, 2004). There is an ambiguity in that the state law does not distinguish what federal pollutant regulations to which the state may not apply additional limits (Organ, 1995). 	
	Waste	<ul style="list-style-type: none"> Under Arizona's NMSR, no exemptions are allowed, so the federal law is applied in the state just as it is written. This law applies most commonly to underground storage tanks. 	
CA	Water	<ul style="list-style-type: none"> There is no restriction on state regulations regarding drinking water. California has regulated contaminants not regulated by the EPA and set standards for some contaminants before there was a federal standard. 	
CT	Air	<ul style="list-style-type: none"> Under Connecticut's stringency restriction, exemptions are allowed and state environmental regulations occasionally take advantage of this provision by making their rules more stringent than federal requirements (STAPPA, ALAPCO, 2002). 	X
	General Provision	<ul style="list-style-type: none"> The Connecticut Department of Environmental Protection may adopt regulations that differ from federal standards and regulations as long as they are "...clearly distinguishable from such [federal] standards or procedures either on the face of the proposed regulation or through supplemental documentation accompanying the proposed regulation at the time of the notice concerning such regulation" (Con. Gen. Stat. Sec. 22a-6(h)). Explanations for provisions that differ from federal rules and regulations shall be recorded and made publically available. 	X

CO	Water	<ul style="list-style-type: none"> Colorado limits whether additional sources that are not also regulated by the CAA or CWA may be regulated; however, exemptions are allowed where proven necessary (Organ, 1995). Exemptions must be justified using "sound scientific or technical evidence" for issues pertaining to health, water and environmental impacts. The necessity of the exemption and the evidence must be presented in a public comment period (Organ, 1995; Hecht, 2004). 	X
	Air	<ul style="list-style-type: none"> Under the Colorado stringency rule, exemptions are allowed and state environmental rules (in regards to air regulations) are occasionally more stringent than their federal counterparts (STAPPA, ALAPCO, 2002). 	X
	Waste	<ul style="list-style-type: none"> Hazardous waste regulations are restricted from being more stringent than their federal counterparts (Organ, 1995). 	X

DE	Water	<ul style="list-style-type: none"> There is no specific law that limits the stringency of drinking water regulations. Delaware has preempted EPA by already setting maximum concentration limits on methyl-tertiary-butyl ether, for which many drinking water agencies are awaiting federal standards. 	
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FL	Water	<ul style="list-style-type: none"> Florida state environmental agencies may not regulate sources or pollutants that are not also regulated by federal regulations (Hecht, 2004). State regulations must accord to corresponding standards set by federal agencies (or "counterpoised"). This means state standards may not be "...stricter or more stringent than one which has been set by federal agencies pursuant to federal law or regulation" (Fla. Stat. Ann. 403.804). Where federal agencies have set standards (e.g., EPA technological effluent discharge limits), there may not be a clear corresponding state law for comparison. Federal and state agencies may regulate the same pollutant through different methods, so the measurements are not comparable. The state courts, in these instances, have difficulty applying the law when there is no clear federal counterpart, or the state law and its federal counterpart are constructed differently for measuring the same pollutant or point of discharge (Organ, 1995). The Florida NMSR may only be more stringent than federal standards when necessary to prevent economic or environmental impacts. These exemptions must be approved by legislative or executive powers, which may make them susceptible to political climates or special interests (Hecht, 2004). Exemptions must provide a cost/benefit analysis; therefore, one of the primary concerns of the state's stringency regulation is its economic impact. In regards to drinking water regulations, Florida may regulate contaminants that are not regulated by the federal agency, and they have done so in the past. In order for Florida to adopt regulations more stringent than the federal standard, gubernatorial approval is required. (The state does have some restrictions that are stricter that were grandfathered in before federal standards existed.) (Organ, 1995). 	X
	Air	<ul style="list-style-type: none"> The Florida NMSR allows exemptions; however, state environmental regulations are never stricter than federal regulations. The state is also prevented from regulating additional pollutants or sources not also regulated by federal regulations (STAPPA, ALAPCO, 2002). The Florida rule requires a cost/benefit analysis of any regulation that is stricter than federal requirements. Florida's NMSR is tied to regulations used by federal agencies, which presents a 'counterpoised' question. If a federal agency acts on a regulation and the corresponding state agency has a regulation that is implemented under similar but different circumstances, the corresponding federal regulations become less clear as applied in the state. Often this demands case evaluation (Organ, 1995). 	X

GA	Water	<ul style="list-style-type: none"> Georgia "generally" makes it a practice to not adopt stricter standards than federally required. It is unclear whether there exists a formal rule that prohibits higher standards. 	
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IA	Water	<ul style="list-style-type: none"> Exemptions are not allowed except for effluent standards for particular point sources in order to meet water quality standards (Hecht, 2004; Organ, 1995). Iowa rules are tied to the same jurisdictions that are controlled by federal regulations (Hecht, 1995). Additional pollutants may be regulated from sources also regulated by the EPA. Iowa is allowed to restrict additional pollutants from a source for which the EPA has drawn "effluent or pretreatment standards pursuant to Section 301, 306, or 307 of the Federal Water Pollution Control Act" (Organ, 1995). The state also does not specify whether standards must be met or merely achieved (Organ, 1995). 	
	Air	<ul style="list-style-type: none"> The Iowa NMSR allows exemptions. State regulations are rarely stricter than federal regulations (STAPPA, ALAPCO, 2002). 	X

ID	Water	<ul style="list-style-type: none"> Idaho environmental regulations must adhere to the federal requirements at the broadest level. The NMSR explicitly states that state environmental agencies may not "impose requirements beyond those of the federal Clean Water Act" (Idaho Code, 39-3601) (ELI, 1997). There is no provision that makes room for exemptions. However, this provision does not include programs that are not authorized by the CWA; groundwater programs administered by the state DEQ are not restricted by this state rule. In regards to regulations surrounding drinking water, the state agency may not regulate contaminants not federally required (ASDWA, 2002). 	
	Air	<ul style="list-style-type: none"> Idaho Code provides that, to the extent the EPA adopts or has adopted a specific standard, emission limitation, or control technology requirement under the Clean Air Act, a more stringent standard, emission limitation, or control technology requirement promulgated by DEQ shall not become effective until specifically approved by state statute. 	X
	Waste	<ul style="list-style-type: none"> The Idaho DEQ may not promulgate rules that would impose conditions or requirements more stringent than or broader in scope than the federal regulations governing municipal solid waste landfills. With regard to petroleum remediation sites, DEQ standards shall be no more stringent than applicable or relevant and appropriate federal and state standards. Specifically, state standards shall be consistent with Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Section 39-107D(2), Idaho Code, taking into consideration site specific conditions. The Idaho DEQ may not promulgate any rule that would impose conditions or requirements more stringent or broader in scope than the Resource Conservation and Recovery Act (RCRA). The DEQ may, however, promulgate procedural rules and rules specifically authorized by state statutes without showing that those rules are required by RCRA or the regulations of the EPA, provided that those rules do not conflict with the RCRA or the regulations of the EPA. 	
	General Provision	<ul style="list-style-type: none"> There are additional requirements the state must meet in order to adopt rules that are "broader in scope or more stringent than" federal regulations or to regulate an activity not also federally regulated. These requirements include using the best available science and data collecting methods to support stricter or broader regulations (Idaho Stat. Title 39-107D). Using the best available science includes peer reviewed research and data as well as sound objective methods. 	X
IN	General Provision	<ul style="list-style-type: none"> Indiana does not have a specific restriction preventing the state from adopting rules more stringent than federal requirements. Instead, state agencies identify rules and regulations that are more stringent than federal requirements. Where rules are more stringent, the environmental agency must show that the benefits of the more stringent regulation are worth the associated costs. Indiana has set up informal agreements between political heads and environmental agencies in adopting environmental regulations and rules that are more stringent than federal requirements. 	X
KS	Air	<ul style="list-style-type: none"> Kansas imposes a restriction on the ability of the Secretary of the environmental agency to impose standards that are "...more stringent, restrictive, or expansive than those required by the federal Clean Air Act, as amended." (K.S.A. 65-3005(b)(1)). However, the Secretary may impose more stringent standards as it deems necessary through approval of the Legislature. This restriction on regulations does not apply to nonattainment areas outlined by a State Implementation Plan that need to be brought into compliance. 	X
	Waste	<ul style="list-style-type: none"> In regards to solid waste, Kansas has a provision that allows the Legislature to pass a law to undo or modify more stringent regulations prior to their implementation. Specifically, this provision prevents rules or regulations that are adopted by the Secretary that are more stringent than federal requirements from becoming effective until "...45 days after the beginning of the next ensuing session of the [L]egislature." (K.S.A. 65-3406(c)(1)). 	X
KY	Water	<ul style="list-style-type: none"> Kentucky has one of the most restrictive rules on the stringency of environmental regulations. Exemptions are not allowed and additional pollutants not federally regulated are also not regulated by state agencies. Additionally, state agencies may only assign jurisdiction over areas under federal jurisdiction. DNR permit regulations must be written as if they were written by a federal agency (ELI, 1997). Kentucky's NMSR is broadly written towards all administrative regulations and does not explicitly refer to environmental standards. Regulations are imposed only "to the extent required by federal law" (Organ, 1995). This has been interpreted to mean no additional sources or pollutants may be regulated. On the other hand, Kentucky's 	

		drinking water regulations are not restricted to federal requirements. If the state wanted to regulate contaminants not federally required, it would be able to do so as long as it justified the need for stricter restrictions. This has prevented the state from adopting stricter standards, as it has reported a lack of capacity to perform the necessary research or produce evidence.	
	Air	<ul style="list-style-type: none"> The Kentucky NMSR is imposed by the state and requires that state regulations be "...no more stringent than federal law or regulations" (Kentucky Rev. State. Ann. 13A.120(1)(1993)). Even though exemptions are permitted, state regulations are rarely more stringent. The state may not regulate additional pollutants or sources, which is designed for the sake of economic growth (Organ, 1995). 	X
LA	Water	<ul style="list-style-type: none"> Louisiana's drinking water regulations are not restricted to federal requirements. If the state wanted to regulate contaminants not federally required, it would be able to do so as long as it justified the need for stricter restrictions. This has prevented the state from adopting stricter standards, as it has reported a lack of capacity to perform the necessary research or produce evidence. 	X
MA	Water	<ul style="list-style-type: none"> In order to place controls on contaminants not required by the federal standards, Massachusetts must hold a public hearing on the rationale for a new regulation. 	X
MD	Water	<ul style="list-style-type: none"> Maryland's NMSR is fairly weak in that state regulations may not be more stringent than federal requirements unless otherwise needed to meet environmental needs (Hecht, 2004). 	X
ME	Water	<ul style="list-style-type: none"> Maine has a rule that prevents state agencies from adopting rules more stringent than federal requirements; however, this state rule is fairly weak in that exemptions may be made under a broad range of circumstances (Hecht, 2004). The rule prevents regulations more stringent than federal requirements unless there is a scientific finding that justifies the need for a tougher "standard, method or procedure." 	X
MN	Water	<ul style="list-style-type: none"> Minnesota's regulations in relation to water (Chap. 115) may only be stricter if the agency explains: the difference between the new regulation and the corresponding federal requirements; similar regulations in surrounding states; and similar regulations across the Region 5 of EPA's jurisdiction. Statements must outline the "need and reasonableness" of each variation. It explicitly refers to the Clean Water Act. 	X
	Air	<ul style="list-style-type: none"> Minnesota's regulations in relation to air (Chap. 14) may only be stricter if the agency explains: the difference between new regulations and federal requirements; similar regulations in surrounding states; and similar regulations across the Region 5 of EPA's jurisdiction. Statements must outline the "need and reasonableness" of each variation. It explicitly refers to the Clean Air Act. 	X
	Waste	<ul style="list-style-type: none"> Minnesota's regulations in relation to solid and hazardous waste (Chap. 14) may only be stricter if the agency explains: the difference between new regulations and federal requirements; similar regulations in surrounding states; and similar regulations across the Region 5 of EPA's jurisdiction. Statements must outline the "need and reasonableness" of each variation. It explicitly refers to the Resource Conservation and Recovery Act. 	X
	General Provision	<ul style="list-style-type: none"> Minnesota's stringency restriction was recently replaced by a new rule that addresses solid and hazardous waste and air quality standards (Chap. 14) and water quality standards (Chap. 115). Regulations may only be stricter if the agency explains: the difference between new regulations and federal requirements; similar regulations in surrounding states; and similar regulations across the Region 5 of EPA's jurisdiction. These statements must outline the "need and reasonableness" of each variation (H.F. No. 1, 4th Engrossment, Sec. 7.6 - 7.19). 	X
MO	Air	<ul style="list-style-type: none"> The Missouri Air Conservation Law contains a provision in 643.055, Revised Statutes of Missouri, that precludes the state from imposing rules stricter than or sooner than the federal Clean Air Act, as amended. There is an exemption for regulations necessary for areas violating National Ambient Air Quality Standards to come into compliance through state implementation plans. Subsequent case law has further interpreted this to mean that if the federal Clean Air Act does not address an area of regulation, the state is free to impose standards. 	X

MS	Water	<ul style="list-style-type: none"> Mississippi's NMSR does not allow exemptions and may only be applied to areas under federal jurisdiction. State agencies, however, may pass regulations where no federal standards exist in relation to health, welfare, and the environment (ELI, 1997). In the state rule, environmental agencies cannot pass regulations more stringent than the federal regulations, standards, criteria, or guidance concerning "...water pollutants included as water quality or discharge standards and the numerical and narrative limitations of such standards" (Mississippi Code, 49-17-34(2)) (ELI, 1997). 	
MT	Water	<ul style="list-style-type: none"> Montana regulations may not be more stringent than federal regulations, unless proven necessary for environmental and other needs. These exemptions must be presented in a public hearing where there is opportunity for comment (ELI, 1997). Montana may regulate additional contaminants not federally regulated and set higher restrictions as long as there exists scientific evidence that justifies the need for stricter regulations. Scientific findings must be publicly presented and there needs to be a public comment period. The board of the acting Department has the power to adopt tougher restrictions. 	X
	Air	<ul style="list-style-type: none"> The Montana NMSR allows exemptions, and environmental regulations are occasionally more stringent than federal regulations. The NMSR is designed to prohibit rules "more stringent than the comparable federal regulations and guidelines that address the same circumstances" (Mont Code Ann. 75-2-203, -309) (STAPPA, ALAPCO, 1995; Organ, 1995). 	X
ND	Water	<ul style="list-style-type: none"> North Dakota state regulations may not be more stringent than federal standards except where needed for the sake of health or environmental impacts. These exemptions must be publicly presented and allow comments (Hecht, 2004). The regulation lists specific federal regulations where this provision applies. The state agency may regulate additional pollutants not mentioned in federal laws, where needed, if it provides the required justification for deviation from the federal standard (Organ, 1995). In regards to drinking water, North Dakota regulations may not be more stringent than federal standards, unless approved by state legislature. 	X
	Air	<ul style="list-style-type: none"> The North Dakota NMSR allows exemptions. State environmental regulations are rarely more stringent than required under federal law (STAPPA, ALAPCO, 2002). The NMSR refers to specific federal laws that it may not regulate more stringently than: CWA, CAA, RCRA, Drinking Water, TSCA, AEA, Drinking Water Act, EPCRKA, CERCLA (Organ, 1995). North Dakota environmental agencies may adopt more stringent laws where federal requirements do not adequately address public health and environment quality or where there are no federal requirements. Such additional exemptions or regulations may be approved only in the aftermath of a public comment period and hearing wherein the need for additional state action is established (Organ, 1995). 	X
NE	Water	<ul style="list-style-type: none"> Nebraska state regulations must not exceed limitations imposed by federal requirements, and exemptions are not allowed. This rule applies only to very specific instances or regulations; therefore, its strength is narrowly determined. 	
NH	Water	<ul style="list-style-type: none"> The New Hampshire law regarding drinking water requires state standards to be "consistent with and at least as stringent as the Federal Safe Drinking Water Act standards" (New Hamp. Rev. Stat. Ann. Sec. 485:1, 485:3). New Hampshire currently regulates many contaminants that are not also federally mandated. In attempting to set stricter regulations on arsenic, the agency almost lost its ability to set stricter standards due to the stir it caused in the Legislature. 	X
	Waste	<ul style="list-style-type: none"> In relation to closing unlined solid waste disposal sites, New Hampshire may not adopt plans and specifications (pursuant to NH RSA 541-A) that are more stringent than federal requirements (New Hamp. Rev. Stat. Ann. Sec. 149-M:46). Specifically, this impacts grant funding to applicants providing plans and specifications to close solid waste sites or provide post-closure monitoring and maintenance of a closed landfill or incinerator site. 	
NJ	Air	<ul style="list-style-type: none"> The New Jersey NMSR is state-imposed and allows exemptions. Occasionally, state environmental regulations are more stringent than their federal counterparts due to the exemption provision (STAPPA, ALAPCO, 2002). 	X

NM	Air	<ul style="list-style-type: none"> The New Mexico NMSR allows exemptions; however, environmental regulations in the state are infrequently more stringent than federal requirements. This is largely due to the fact that the state law lacks clarity as to what is to be regulated at levels set by EPA. The law may be confusing for state environmental agencies attempting to write regulations where there is not a comparable federal regulation (Organ, 1995). The state may, in some cases, regulate additional pollutants and performance standards for sources that are also listed by EPA (Organ, 1995). Many such pollutants deal with air quality and visibility. 	X
NV	Water	<ul style="list-style-type: none"> Nevada regulations may not be more stringent than federal regulations and apply only where federal regulations apply, in that the state is prevented from controlling additional sources or pollutants not also regulated by the federal regulations (Hecht, 2004). Essentially, the state may only apply regulations in the same way they are applied at the federal level. At the same time in regards to drinking water, Nevada may adopt stricter regulations as long as there is public support. The language of the state rule is fairly loose as it merely requires the environmental commission to "...consider...the standards pursuant to the Federal Act." (Nev. Rev. Stat. Chap. 445a, Sec. 855). 	X
NY	Water	<ul style="list-style-type: none"> In regards to drinking water, New York has the ability to set regulations as it sees fit; however, justifying the need for stricter regulations or for regulations on contaminants not federally required must be approved by the acting administration. For this reason, there is often a "political window of opportunity" if new regulations need to be set. 	X
	Air	<ul style="list-style-type: none"> The New York NMSR is strict in that it is state-imposed and does not allow exemptions. Under this state rule, the way regulations are implemented under federal law is how they are applied in New York (STAPPA, ALAPCO, 2002). 	
OH	Water	<ul style="list-style-type: none"> Ohio regulations may not be more stringent than federal standards over bodies of water under federal jurisdiction, unless necessary for some other cause (unmentioned) (Hecht, 2004). (Justification for an exemption is not explained further in the existing research, which may indicate complexity in the implementation and interpretation of the rule at the state level.) 	X
OK	Water	<ul style="list-style-type: none"> Under the Oklahoma Discharge Elimination System, the agency shall reference rules adopted by the EPA under the federal Clean Water Act and shall be in "reasonable accordance" with those rules (O.S. 27A Sec. 2-6-203 (A)). Rules pertaining to the monitoring and recording of sludge from non-industrial wastewater treatment systems shall adhere to federal requirements (O.S. 27A Sec. 2-6-402(A)(6)). Rules that describe procedures for amending and updating the Water Quality Management Plan or that are otherwise consistent with the Continuing Planning Process shall be in substantial conformance with any applicable federal requirements and may incorporate appropriate U.S. EPA regulations by reference (O.S. 27A Sec. 2-6-103(B)(3)). 	X
	Air	<ul style="list-style-type: none"> Oklahoma also prevents stricter than federal regulations on railroad cars from being adopted by smaller (than state) political subdivisions (O.S. 27A Sec. 2-5-103(B)). Additionally (unless otherwise provided), to maintain consistency between state and federal rules, state rules shall be no more stringent than and shall reference the corresponding final federal rules (O.S. 27A Sec. 2-5-114(A)(1)). 	
	General Provision	<ul style="list-style-type: none"> Under Oklahoma Code, environmental agencies shall consider the economic benefits and environmental impacts when adopting rules and regulations that are more stringent than federally required (O.S. 27A Sec. 1-1-206(A)). 	X
	Waste	<ul style="list-style-type: none"> Oklahoma has specific provisions that restrict standards for the transportation of waste from being more stringent than federal regulations: standards for the transportation of solid waste shall not be more stringent than standards set forth by the U.S. DOT or the U.S. Interstate Commerce Commission (O.S. 27A Sec. 2-10-201(A)(5)); standards for the transportation of hazardous waste shall be in accordance with standards set forth by the U.S. DOT (O.S. 27A Sec. 2-7-107(C)). In regards to general hazardous waste rules, OK has imposed the following restrictions. Any rule promulgated pursuant to the OK Hazardous Materials Planning and Notification Act shall not be more stringent than any such federal act or rules (O.S. 27A § 4-2-102(F)(2) and (3)). Any rules promulgated in relation to lead-based paint services shall not be more restrictive than corresponding federal regulations (O.S. 27A § 2-12-201(E)). 	

	UST	<ul style="list-style-type: none"> Oklahoma also has specific provisions pertaining to rules surrounding underground storage tanks. If the environmental commission promulgates any rule that is different from a federal standard or regulation on the same subject, the commission shall clearly express the deviation from the federal standard or regulation and the reasons for the deviation at a public hearing or at time of adoption of the rule (O.S. 17 §307(D)). The requirement for financial responsibility coverage specified by this subsection shall not be more stringent than is required by EPA for storage tank systems of equal type, age, and classification (O.S. 17 § 308(H)). 	X
OR	Water	<ul style="list-style-type: none"> Oregon's NMSR is of limited applicability in that it applies only to specific regulations. Effluent limitations from non-point source discharges from forest operations are exempt from being more stringent than federal standards (SERC, 2004). Oregon laws may not regulate additional pollutants or sources not also regulated by the federal laws (Hecht, 2004). In regards to drinking water, Oregon has broad authority "...to adopt water quality standards that are necessary to protect the public health through ensuring safe drinking water within a water system." At the same time, it asserts that it does not have the capacity to independently set the standards, which implies scientific justification is needed for approval of water quality standards. 	X
	Air	<ul style="list-style-type: none"> When the state agency adopts rules or regulations more stringent than federal mandates, it must explain and report the need for deviation from federal standards (Organ, 1995). Exemptions from the Oregon NMSR allow more stringent rules where needed to protect the public health, safety, and welfare or "sensitive environmental amenities" (Organ, 1995). 	X
	Waste / UST	<ul style="list-style-type: none"> In regards to underground storage tanks, the state regulating authority may not adopt standards stricter than federal requirements for soil assessment or tank tightness requirements unless necessary for environmental impacts or site-specific conditions. Regulations different from those of federal counterparts must be explained at the time of adoption (Organ, 1995). 	X
PA	Water	<ul style="list-style-type: none"> Pennsylvania's NMSR is written broadly and effective retroactively. It charges state agencies with identifying state regulations more stringent than federal requirements and rolling them back to federal levels (SERC, 2004). The retroactive provision comes in the form of an executive order (Penn. Exec. Order 1996-1 (2a.)). Exemptions may be made when there is a proven need for more stringent regulations (Hecht, 2004). Exemption requirements may be broad if a strong case is made for their necessity (Hecht, 2004). 	X
	Air	<ul style="list-style-type: none"> In Pennsylvania, deviations from the federal requirements must be justified with written testament. More stringent rules are allowed under rules connected to S. 112 of the CAA where needed to protect public safety and welfare and the environment from hazardous air pollutants (Organ, 1995). The NMSR is careful to prohibit the regulation of additional pollutants from existing sources when no evidence supports the necessity for more stringent action. On the other hand, additional sources not listed under Section 112 (c) of CAA may be regulated (Organ, 1995). This may get complicated when new technologies update older sources. 	X
RI	Air	<ul style="list-style-type: none"> The Rhode Island NMSR focuses more narrowly on certain activities. It prevents state laws from going beyond mandatory standards set by federal laws concerning "specific control technologies and emissions characteristics of fuel" (Organ, 1995). Rhode Island's stringency restriction is of limited applicability and applies only to specific circumstances. It prevents state rules from being more stringent than federally required on emissions from stationary or mobile sources of pollutants, unless stricter regulations can show the use of newer technologies or controls are needed to maintain air quality standards (R.I. Gen. Laws 23-25-5(12)). 	X
SD	Water	<ul style="list-style-type: none"> South Dakota drinking water rules may be no more stringent than the federal Safe Drinking Water Act for MCLs (S.D. Cod. Laws Ann. 34A-3A-3). The general SD NMSR (S.D. Cod. Laws Ann. 1-40-4.1.) also applies. There are no exemptions. 	
	Air	<ul style="list-style-type: none"> The South Dakota Department of Natural Resources also has a program-specific "no more stringent than" law for air pollution control sources under general permits (S.D. Cod. Laws Ann. 34A-1-56). 	

	Waste	<ul style="list-style-type: none"> South Dakota also has a provision that restricts drinking water rules from being no more stringent than the EPA's standards for hazardous waste affecting drinking water (S.D. Cod. Laws Ann. 34A-11-1.1). The general SD NMSR also applies to hazardous waste (S.D. Cod. Laws Ann. 1-40-4.1). There is an exemption, however, for polychlorinated bi-phenyls, which may be regulated as hazardous waste by the Board of Minerals and Environment, due to federal classification of these contaminants under the Toxic Substance Control Act, rather than the RCRA (S.D. Cod. Laws Ann. 34A-11-1.1). 	X
	General Provision	<ul style="list-style-type: none"> South Dakota has a very broadly applied NMSR that sweeps across federal requirements that cover "an essentially similar subject or issue" to the state regulation in question. This quickly prevents state agencies from imposing any kind of regulation that is not controlled by the federal agency and also does not allow for exemptions to these rules (S.C. Cod. Laws Ann. 1-40-4.1). Additionally, any federal program that is voluntary is also not allowed by SD environmental regulations (Hecht, 2004; ELI, 1997). Specifically, it says state regulations may be "no more stringent than any corresponding federal law, rule, or regulation governing an essentially similar subject or issue." (S.D. Codified Laws Ann. 1-40-4.1) (Organ, 1995). 	
TN	Water	<ul style="list-style-type: none"> Tennessee's NMSR is applied retroactively in that it charges states agencies with rolling back any state law that is more stringent than federal requirements to federal levels. Also, the law prevents the regulation of additional pollutants or sources not also regulated by federal requirements (Hecht, 2004). This provision applies only to a narrow range of environmental regulations and thus is relatively small in effect. The Tennessee NMSR may be preempted if the more stringent regulation is more costly for local authorities to implement, unless those authorities are able to procure separate funding for its implementation (Organ, 1005). Pollutants or sources not regulated by the federal statutes may not be regulated by the state environmental agencies (Hecht, 2004). 	X
TX	Water	<ul style="list-style-type: none"> Texas has no restriction on the state's ability to set water quality standards. As such, it has adopted several water quality rules that are more stringent than federal requirements and has placed regulations on activities and contaminants that are not also federally addressed. 	
	Air	<ul style="list-style-type: none"> Texas does not have a general provision that prevents more stringent state regulations than federally required in regards to the Clean Air Act. It does have specific provisions that would prevent a more stringent state rule on certain issues, however. The Texas Clean Air Act, Chap. 382 has provisions preventing deviation from federal standards for specific activities: TCAA Sec. 382.021 restricts the TCEQ from adopting rules lessening the efficacy of a hospital or medial disinfectant except as specifically required to comply with federal law or regulation; TCAA Sec. 382.0275 restricts the TCAA from adopting standards for residential water heater emissions that are lower than federal statutes or rules; TCAA Sec. 382.205 restricts the TCEQ from allowing alternative inspections than federal procedures. 	
	Waste	<ul style="list-style-type: none"> In regards to underground storage tanks, the commission may not impose regulations that are more stringent than federal requirements, unless they are deemed necessary to protect human health or the environment (Texas Water Code Ann. Sec. 26.357 (b)). 	X
UT	Water	<ul style="list-style-type: none"> Utah state environmental agencies are prevented from enacting regulations more stringent than federal requirements, unless necessary to protect public health and environmental integrity. This necessity must be presented in a public hearing that allows for public comments (Hecht, 2004; Organ, 1995). Utah has the ability to regulate contaminants that not federally regulated as long as the state can prove the health risks of the contaminant. It can also set stricter standards than federally required as long as it can prove federal standards do not protect public health. 	X
	Air	<ul style="list-style-type: none"> The Utah NMSR allows exemptions; occasionally, state environmental regulations are more stringent than required by federal requirements, due to the exemption provision (STAPPA, ALAPCO, 2002). The state law has been interpreted in such a way that additional sources may be regulated, as the term 'stringency' applies to instances when federal regulations are merely 'similar' (Organ, 1995). Specifically, the law makes the connection between state and federal "...corresponding rule that addresses the same, or essentially similar, circumstances" (Utah Code Ann. 19-2-106(1), (2)). The NMSR limits state regulations from being more stringent than the corresponding federal regulations unless written findings following a public hearing and comment period prove that federal regulations do not adequately protect public health and the environment (Organ, 1005). 	X

VA	Water	<ul style="list-style-type: none"> The Code of Virginia does not prohibit the adoption of requirements more stringent than federal requirements. However, there are special statutory procedures mandated in such cases. Specifically, the state mandates that "...a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable," (Va. Ann. Code 62.1-44.15(10)). The Code of Virginia contains restrictions on requiring treatment levels of municipal treatment systems beyond "applicable provisions" of the Clean Water Act unless costs of meeting treatment levels are reimbursed from available federal or state funds, the owner agrees to the treatment levels, or the system is no longer operating in compliance with its permit (Va. Ann. Code 62.1-44.15:1). Treatment levels necessary to comply with state adopted and federally approved water quality standards are not considered beyond "applicable provisions" of Clean Water Act. In addition, Virginia has an Executive Order that allows agencies to adopt only regulations that are necessary to interpret the law or to protect the public health, safety, or welfare and based on the best reasonably available and reliable scientific/economic information concerning the need for, and consequences of, the intended regulation. 	X
	Air	<ul style="list-style-type: none"> Virginia has a provision similar to its water regulation that strictly addresses regulations on waste controls that follow similar language (Va. Ann. Code 10.1-1308 A). In addition, Virginia has an Executive Order that allows agencies to adopt only regulations that are necessary to interpret the law or to protect the public health, safety, or welfare and based on the best reasonably available and reliable scientific/economic information concerning the need for, and consequences of, the intended regulation. 	X
	Waste	<ul style="list-style-type: none"> Virginia has a similar provision that strictly addresses regulations on waste controls that follow similar language as the stringency requirements for water regulations (Va. Ann. Code 10.1-1402 11). 	X

WI	Water	<ul style="list-style-type: none"> Wisconsin state agencies are prevented from writing regulations more stringent than federal standards, but they may allow exemptions in the event that more stringent rules are necessary to protect public health and the environment. These rules, however, only apply to the same waters under federal jurisdiction (Hecht, 2004). 	X
	Air	<ul style="list-style-type: none"> Wisconsin allows state rules and regulations to deviate from federal regulations. Before a state may adopt a more stringent regulation, the agency must make a determination that the more restrictive standards are necessary to protect public health and welfare. This determination would have to be approved by the Wisconsin Natural Resources Board (Wis. Code Chap. Sec. 285.27(1), 2003 Act 118). 	X
	Waste	<ul style="list-style-type: none"> The Wisconsin Department of Natural Resources is required to have rules identical to the federal rules for defining hazardous wastes. The agency is provided with the authority to list additional hazardous wastes if it is determined they are necessary to protect public health. While DNR has statutory authority to be more stringent than EPA's rules, the hazardous waste program's current policy is to propose rules equivalent to the federal rules, unless there is good evidence that a federal rule does not sufficiently protect human health or the environment. Under the state's authorization, the agency may not be less stringent than the federal hazardous waste rules. 	X

WV	Water	<ul style="list-style-type: none"> West Virginia's NMSR only applies to the same jurisdiction as federal regulations. Exemptions to this rule are allowed following proper justification in a written finding that outlines the need for more stringent rules due to site-specific conditions or in order to preserve or enhance the environment and protect public health (Hecht, 2004; Organ, 1995). The restrictions on West Virginia's water quality regulations specifically refer to groundwater quality and require state standards to prevent contaminant levels in groundwater that exceed the maximum contaminant levels pursued by the Safe Drinking Water Act. The state does allow exemptions where needed to protect the beneficial uses of groundwater and to protect drinking water, provided scientific evidence supports the need for stricter maximum contaminant levels (W. Va. Code Sec. 22-12-4(b)). The state must go through a legislative process for approval to regulate contaminants not federally addressed. 	X
	Air	<ul style="list-style-type: none"> The state statute essentially provides that state air quality regulations be enacted and designed as required by the federal Clean Air Act. Air quality standards shall be no more stringent than federal regulations unless "to the limited extent") scientific evidence proves that conditions specific to WV "or some area thereof" requires deviation from federal standards (W. Va. Code Sec. 22-5-4(a)(f)). The state has outlined a procedure for these types of rule requests. 	X

	Waste	<ul style="list-style-type: none"> In regards to hazardous waste, the state restricts state regulations from being "...more stringent in effect than the rules and regulations promulgated by the federal EPA pursuant to the Resource Conservation and Recovery Act" (W. Va. Code Sec. 22-18-6(a)). 	
	General Provision	<ul style="list-style-type: none"> West Virginia's general provision allows for standards or rules more stringent than its "federal counterpart rule or program," as long as its agency provides findings for the necessity of more stringent actions (W. Va. Code Sec. 22-12, 22-17, 22-18). In the absence of a federal regulation, "... the adoption of a state rule shall not be construed to be more stringent than a federal rule, unless the absence of a federal rule is the result of a specific federal exemption" (W. Va. Code 22-5-4(a)(4)(1994)). This demonstrates the tension between how state agencies interpret and implement the corresponding federal regulations to ensure appropriate levels of ambient and source specific standards are met under its jurisdiction (Organ, 1995). At the same time, if a federal rule recommends, but does not require, standards at specific levels, West Virginia's NMSR allows for <i>less</i> stringent than federal guidelines as long as relaxed standards are supported by specific findings that demonstrate more stringent regulations are not needed to "...protect, preserve, or enhance the quality of West Virginia's environment or human health or safety..." (W. Va. Code Sec. 22-1-3a). 	
WY	Waste	<ul style="list-style-type: none"> Wyoming's NMSR is narrowly applied to hazardous waste or mining operations. Environmental regulations are prevented from being more stringent than federal requirements, and additional pollutants, technical standards, or sources may not be regulated if not also regulated by federal guidelines (Hecht, 2004; SERC, 2004). 	

Comments

NMSR - No More Stringent Rules

Information pertaining to drinking water rules was provided by a 2002 survey conducted by the Association of State Drinking Water Administrators.

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