



Regulatory Plan and Semiannual Regulatory Agenda



FALL 2008

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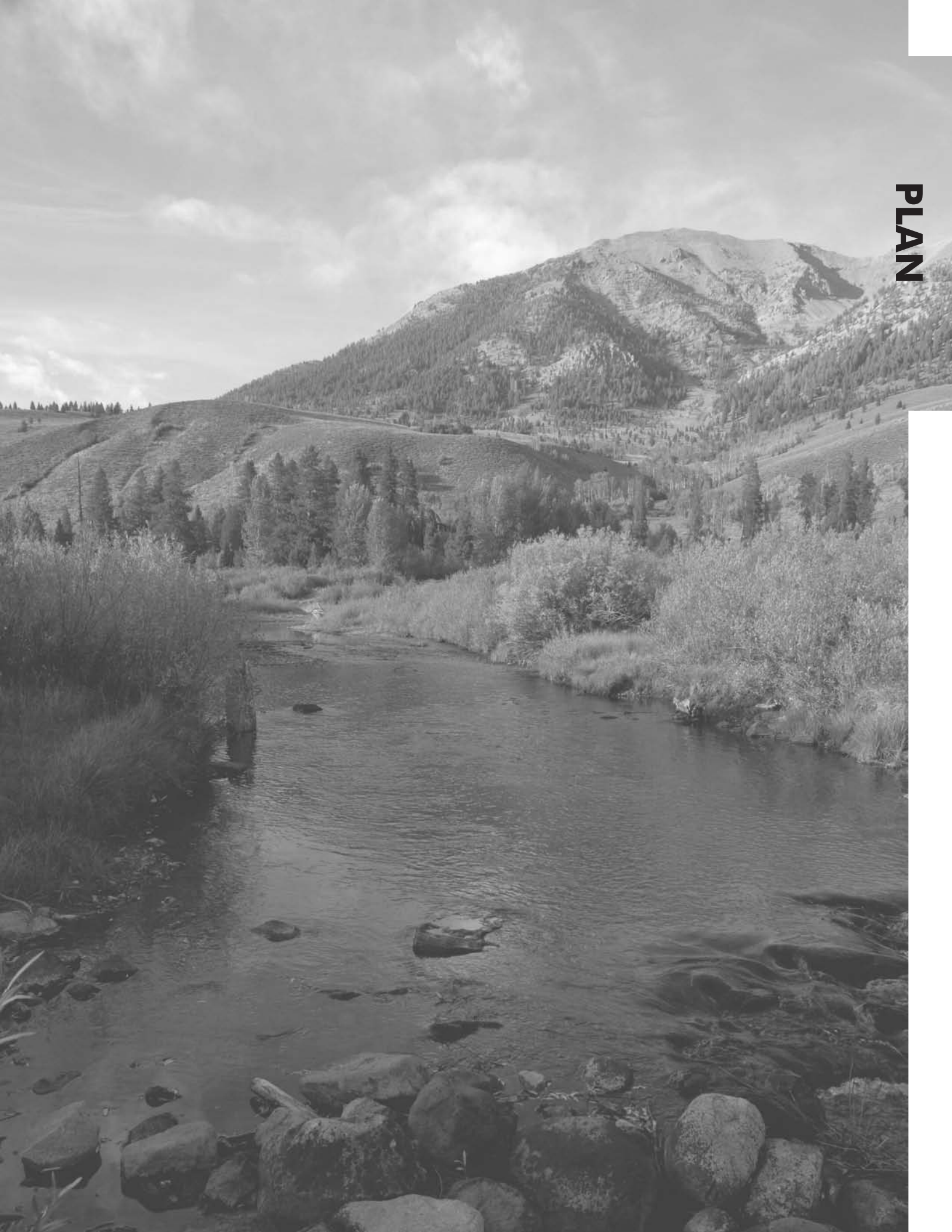
"America is shifting to a "green culture" – where all of our citizens understand that environmental responsibility is everyone's responsibility. By equipping Americans with environmental information, EPA is helping the public pass down a cleaner, healthier world."

— Administrator, Stephen L. Johnson



United States Environmental Protection Agency
Office of Policy, Economics and Innovation
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ENVIRONMENTAL PROTECTION AGENCY

REGULATORY PLAN CONTENTS

Part 1: Statement of Priorities

Part 2: Actions Described in the Regulatory Plan

Sequence Number	Title	Regulation Identifier Number	Rulemaking Stage
98	Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide	2060-AO19	Prerule Stage
99	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur	2060-AO72	Prerule Stage
100	Formaldehyde Emissions from Pressed Wood Products	2070-AJ44	Prerule Stage
101	Definition of Solid Waste for Non-Hazardous Materials	2050-AG44	Prerule Stage
102	Greenhouse Gas Mandatory Reporting Rule	2060-AO79	Proposed Rule Stage
103	Renewable Fuels Standard Program	2060-AO81	Proposed Rule Stage
104	Risk and Technology Review Phase II Group 2A	2060-AO91	Proposed Rule Stage
105	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category	2040-AE91	Proposed Rule Stage
106	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units	2060-AN28	Final Rule Stage
107	Hazardous Waste Manifest Revisions – Standards and Procedures for Electronic Manifests	2050-AG20	Final Rule Stage
108	CERCLA – Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms	2050-AG37	Final Rule Stage

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

OVERVIEW

The mission of the Environmental Protection Agency (EPA) is to protect and safeguard human health and the environment. Since 1970, EPA, together with its partners and stakeholders, has been delivering a cleaner, healthier environment to the public. EPA's achievements, from regulating auto emissions to banning the use of DDT, from cleaning up toxic waste to protecting the ozone layer, and from increasing recycling to revitalizing inner-city brownfields, have resulted in cleaner air, purer water, and better protected land. Our air is cleaner, our water is purer, and our land is healthier than just a generation ago.

Between 1970 and 2004, total emissions of the six major air pollutants dropped by 54 percent. This is particularly impressive when noted that the gross domestic product increased 187 percent, energy consumption increased 47 percent, and U.S. population grew by 40 percent during the same time. Through land restoration efforts, 600,000 acres of contaminated land now provide ecological, economic, and recreational benefits. In 2004, EPA and its partners took action to restore, enhance, and protect nearly 830,000 acres of wetlands. EPA continues to build on its past success by using regulatory and innovative approaches to achieve effective results. In doing so, the Agency uses three guiding principles to govern its work to maintain the strongest level of environmental protection.

The Agency uses three guiding principles to govern its work to maintain the strongest level of environmental protection:

- **Results and Accountability.** EPA is committed to being a good steward of our environment and a good steward of America's tax dollars. To provide the public with the environmental results it expects and deserves, we must operate as efficiently and effectively as possible. Accountability for results is a key component of the President's Management Agenda, designed to make government citizen-centered, results-oriented, and market-based.
- **Innovation and Collaboration.** Our progress depends both on our ability and continued commitment to identify and use innovative tools, approaches, and solutions to address

environmental problems and to engage extensively with our partners, stakeholders, and the public. Under each of our goals, we are working to promote a sense of environmental stewardship and a shared responsibility for addressing today's challenges.

- **Best Available Science.** EPA needs the best scientific information available to anticipate potential environmental threats, evaluate risks, identify solutions, and develop protective standards. Sound science helps us ask the right questions, assess information, and characterize problems clearly to inform Agency decision makers.

Science guides EPA's identification and treatment of emerging issues and advances our understanding of long-standing human health and environmental challenges. EPA's research is typically crosscutting, multidisciplinary, and at the cutting edge of environmental science; reflects the dynamic nature of science; and brings scientific rigor to the characterization of uncertainty and risk.

EPA applies these principles as it works with its Federal, State, tribal, and local government partners to advance the mission of protecting human health and the environment. As a result of these collaborations, tremendous progress has been made in protecting and restoring the Nation's air, water, and land:

- EPA has strengthened the Nation's air quality standards for ground-level ozone, revising the standards for the first time since 1997. Ozone levels have dropped 21 percent nationwide since 1980 as EPA, States, and local governments have worked together to continue to improve the Nation's air.
- In FY 2007, 91.5 percent of the population served by community water systems received drinking water that met all applicable health-based drinking water standards.
- EPA issued four national drinking water regulations to boost public health and reduce risks from pathogens and other contaminants: the *Cryptosporidium* Rule, the *Disinfection Byproducts* Rule, the *Ground Water* Rule, and the *Lead in Drinking Water* Rule.
- EPA assessed over 8,000 properties while creating 28,500 new jobs through the *Brownfields and Land Revitalization* program since 2002.
- EPA established a permanent National Homeland Security Research Center

in 2004 to provide scientific expertise, advice and guidance on homeland security issues, including how to respond to chemical and biological attacks.

- EPA established the U.S. as the first country in the world to reassess all pesticides used in food, removing unsafe products from the marketplace and bringing about stronger and more effective health protections for consumers.
- EPA's ocean survey vessel, the *BOLD*, has conducted scientific surveys from the Gulf of Mexico and the Caribbean, to the waters of New England since 2005. The *BOLD* has researched red tide, monitored coral reefs and most notably, assisted in the Federal response to hurricanes Katrina and Rita — testing the coastal impact of those storms and analyzing the health of marine life. In 2007, the *BOLD* completed 40 oceanographic surveys while spending over 270 days at sea.
- EPA released the first-ever, national Report on the Environment in 2003 to educate the American people about environmental trends in the condition of the air, water, and land and related trends in human health and ecological condition in the United States.
- Over the past 6 years, EPA's climate change partnership programs have prevented an estimated 500 million metric tons of greenhouse gas emissions. That is equivalent to taking 55 million cars off the road.
- EPA also promotes international partnerships to reduce greenhouse gasses and deploy clean technologies. Through the *Methane to Markets Partnership*, we work with other countries and the U.S. private sector to reduce global methane emissions, enhance economic growth, promote energy security, and improve the environment by using cost-effective methane recovery technologies. In addition, the United States has joined Australia, China, India, Japan, and South Korea in the *Asia-Pacific Partnership on Clean Development and Climate*), which will advance the President's goal for cleaner and more efficient technologies and practices.

EPA continues to accelerate its pace of environmental protection while maintaining the Nation's economic competitiveness. To that end, the Agency has a number of regulatory goals in order to meet the challenge while demonstrating progress consistent with its principles of results and accountability, innovation and collaboration, and the use of the best

available science. Using these three principles as the foundation of its activity, EPA is sharpening focus on achieving measurable environmental results on the following five strategic goals:

Clean Air and Global Climate Change

Among the high-priority issues for EPA over the next year and beyond are climate change, energy efficiency, and energy security. These issues are closely related, and this Regulatory Plan describes current efforts to address them.

EPA also continues to advance its efforts to control the more familiar air pollutants, such as smog, soot, and oxides of nitrogen and sulfur. While EPA has made tremendous progress toward achieving clean, healthy air that is safe to breathe, air pollution continues to be a great problem. The average adult breathes more than 3000 gallons of air every day, and children breathe more air per pound of body weight. Air pollutants, such as those that form urban smog can remain in the environment for long periods of time and can be carried by the wind hundreds of miles from their origin. This year's Regulatory Plan describes efforts to review standards for oxides of nitrogen and oxides of sulfur.

EPA's programs will allow the Nation to make substantial progress in protecting human health and ecosystems from air pollution. For example, by 2011, new motor vehicles, including trucks and buses, will emit 75 to 95 percent less particulate matter and nitrogen oxides than they did in 2003. These programs, when fully implemented, may prevent tens of thousands of premature deaths and hospitalizations, and may prevent millions of lost work and school days each year. These national programs will be supplemented by local control strategies designed to ensure that the air quality standards are achieved and maintained.

EPA also works to address climate change. Since the beginning of the industrial revolution, concentrations of several greenhouse gases (particularly carbon dioxide) have increased substantially. EPA is currently working with other Federal Agencies to implement the President's 20 in 10 program, to reduce gasoline consumption up to 20% in the next ten years.

Clean and Safe Water

EPA's "Clean and Safe Water" goal defines the improvements that EPA

expects to see in the quality of the Nation's drinking water and of surface waters over the next 4 years. These goals include improving compliance with drinking water standards, maintaining safe water quality at public beaches, restoring more than 2,000 polluted waterbodies, and improving the health of coastal waters.

In an effort to address the Nation's aging water infrastructure system, EPA is developing and implementing more innovative, market-based infrastructure financing tools for States, tribes, and communities. These initiatives will increase and accelerate investment in water infrastructure and offer greater flexibility and cost-effectiveness to provide clean and safe water for every American. Through technology, innovation, and collaboration, EPA makes better use of its resources to help the Nation's water and wastewater systems be highly efficient and to move infrastructure toward greater sustainability for many years to come.

Land Preservation and Restoration

EPA's land preservation and restoration goal addresses the need for managing waste, conserving and recovering the value of wastes, preventing releases, responding to emergencies, and cleaning up contaminated land. Uncontrolled wastes can cause acute illness or chronic disease and can threaten healthy ecosystems.

Over the next 4 years, EPA will establish or update approved controls to prevent dangerous releases at approximately 500 hazardous waste treatment, storage, and disposal facilities and also will address 2 long-standing tribal waste management concerns: increasing the number of tribes covered by integrated waste management plans and cleaning up open dumps.

To reduce and control the risks posed by accidental and intentional releases of harmful substances, EPA plans to maintain a high level of readiness to respond to emergencies, lead or oversee the response at more than 1,600 hazardous waste removals and reduce by 25 percent the number of gallons of oil spilled by facilities subject to Facility Response Plan regulations relative to previous levels. EPA and its partners, and responsible parties will remediate contaminated land, reduce risk to the public, and enable communities to return properties to beneficial reuse. We will also apply leading-edge scientific research to improve our capability to assess

conditions and determine relative risks posed by contamination at hazardous waste sites.

Healthy Communities and Ecosystems

With a mix of regulatory programs and partnership approaches the Agency achieves results in ways that are efficient, innovative and sustainable. EPA continues to work collaboratively with other nations and international organizations to identify, develop, and implement policy options to address global environmental issues of mutual concern. Following this, EPA strives to build a community's capability to make decisions that affect the environment.

EPA's efforts to share information and provide assistance offers the tools needed to effectively address the myriad aspects of planned development or redevelopment. These contributions are tailored to circumstances spanning the issues of sensitive communities and international cooperation. In a similar manner, EPA's ecosystem protection programs encompass a wide range of approaches that address specific at-risk regional areas, such as large waterbodies. EPA also works with partners to protect larger categories of threatened systems, such as estuaries and wetlands. In cooperation with the U.S. Army Corps of Engineers, EPA will assure "no net loss" of wetlands.

Compliance and Environmental Stewardship

EPA ensures that government, business, and the public comply with Federal laws and regulations by monitoring compliance and taking enforcement actions that result in reduced pollution and improved environmental management practices. To accelerate the Nation's environmental protection efforts, EPA works to prevent pollution at the source, to advance other forms of environmental stewardship, and to employ the tools of innovation and collaboration.

Effective compliance assistance and strong, consistent enforcement are critical to achieving the human health and environmental benefits expected from the country's environmental laws. EPA monitors compliance patterns and trends and focuses on priority problem areas identified in consultation with States, tribes, and other partners. The Agency supports the regulated community by assisting regulated entities in understanding environmental requirements, helping them identify cost-effective compliance options and strategies, and providing incentives for compliance.

EPA promotes the principles of responsible environmental stewardship, sustainability, and accountability to achieve its strategic goals. Collaborating closely with other Federal agencies, States, and tribes, the Agency identifies and promotes innovations that assist businesses and communities in improving their environmental performance. EPA works to improve and encourage pollution prevention and sustainable practices, helping businesses and communities move beyond compliance and become partners in protecting our national resources and improving the environment and our citizens' health.

Performance Management

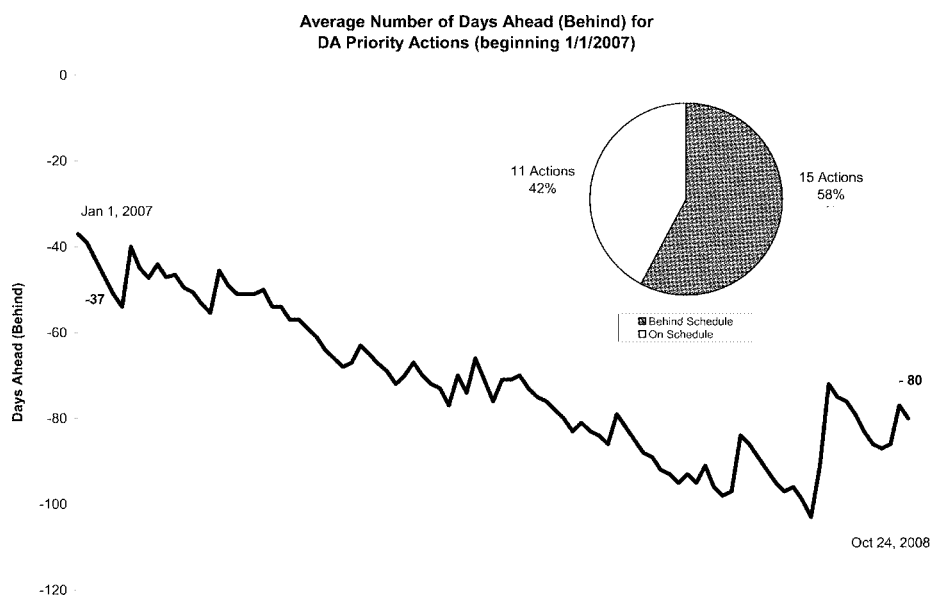
In 2007, the Environmental Protection Agency (EPA) was awarded the President's *Quality Award for Overall Management* for operating a results-oriented, data-driven, performance management system. In 2008, EPA's management achievements included: EPA receiving "all greens" in the five government-wide management initiatives under the President's Management Agenda; the Government

Accountability Office acknowledging EPA as a positive "outlier" among Federal Agencies and Departments in its use of performance management data; EPA leading development of improved efficiency measures for research projects across government; working with our State partners to align performance measures; creating the Performance Management Council to provide guidance on incorporating performance management into the Agency; establishing a division devoted to improving Agency outcomes; and EPA's launch of the first Federal 'stat' program, *EPASat*, to provide frequent information about how the Agency performs and how our operations can be improved. As a result, EPA is increasingly viewed not only as a well-managed organization, but also as a model for making the government more effective and efficient. You can find additional information on performance management and indicators, as well as the EPA's Quarterly Management Report at <http://www.epa.gov/ocfo/qmr/index.htm>

Timeliness and Transparency of Regulatory Actions

Completing actions on time or ahead of schedule means EPA keeps its commitments, improves the quality of decisions, and the public and environment benefit from EPA's key actions sooner. As part of *EPASat*, the Agency is focusing management attention on several dozen key actions and tracking their adherence to an agreed-to schedule for the completion of a standard set of development milestones leading to promulgation of rules or finalization of other types of actions. Actions that are completed on time or early are used by EPA as potential exemplars of best practices; program offices that achieve timely completion of actions are encouraged to share their success stories and lessons learned. Actions that are off-track are identified early and corrective steps are taken to expedite their completion.

The following shows the results of EPA's effort to track the timeliness of the Deputy Administrator's priority actions since January 2007:



Of the 26 actions being tracked against internal milestones, 15 actions accounted for the days behind schedule as of 10/24/08.

EPA is also making Federal environmental regulation more transparent by providing on-line information as soon as the agency begins the development of a new rule. EPA is using Action Initiation Lists (AILs) to notify the public about new rules and other regulatory actions. AILs will be posted on the EPA Web site at

roughly the end of each month; they will describe those actions that were approved for commencement during the given month. Formerly, the public had to wait for EPA's *Semiannual Regulatory Agenda*, which is updated only every six months, to learn about new regulatory actions. Visit the AIL at <http://www.epa.gov/lawsregs/search/ail.html>

Aggregate Costs and Benefits

Per the amendments to E.O. 12866, we are providing a combined aggregate estimate of costs and benefits of regulations included in the Regulatory Plan. Any aggregate estimate of total costs and benefits must be highly qualified. Problems with aggregation arise due to differing baselines, data gaps, and inconsistencies in methodology and type of regulatory costs and benefits considered. The aggregate estimates presented combine

annualized and annual numbers. Cost savings are treated as benefits. Dollars were converted to 2001 using the GDP deflator. The ranges presented below do not reflect the full range of uncertainty in the benefit and cost estimates for these rules.

It is critical to note that the aggregate estimates omit important benefits and costs that cannot be monetized. For example, the estimates leave out many health and welfare benefits, such as ecosystem functions, visibility, avoided cases of chronic respiratory damage, hypertension, and coronary heart disease, among many others. In addition, for many of the rules in the Plan, we were unable to estimate costs and benefits at this time because the range of policy options under consideration is wide and varied.

The monetized aggregate estimates provided below reflect the following rules in the Regulatory Plan: (1) Monetized cost and benefit information was provided for: Hazardous Waste Manifest Revisions — Standards for Electronic Manifests Final Rule; and Expanding the Comparable Fuels Exclusion under RCRA; (2) Monetized cost information (but no monetized benefits) was provided for: Test Rule — Certain High Production Volume (HPV) Chemicals; (3) Monetized benefit information (but no monetized costs) was provided for: Spill Prevention, Control and Countermeasure (SPCC).

Aggregate annual monetized benefits range from \$329 million to \$422 million per year. Aggregate annual monetized costs are estimated to range from \$144 million to \$153 million per year.

Rules Expected to Affect Small Entities

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. A number of rules included in this Plan might be of particular interest to small businesses including:

- Control of Emissions from Spark-Ignition Engines and Fuel Systems from Marine Vessels and Small Equipment (2060-AM34);
- Renewable Fuel Standard Program (2060-AO810); and
- Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category (2040-AE91).

Reducing States' Reporting Burden

In an effort to address State concerns over escalating reporting requirements, EPA and the Environmental Council of the States (ECOS) launched a joint Burden Reduction Initiative in October 2006. This Initiative aimed to reduce States' low-value, high-burden reporting requirements, thus conserving both States' and EPA's valuable resources while maintaining a commitment to protecting human health and the environment.

Each of the 50 States was asked to identify their top five reporting requirements for potential streamlining or elimination. Thirty-eight States responded, recommending more than 200 ways to reduce reporting frequency and level of detail. States also recommended that EPA enable States to submit more data electronically and, to the extent possible, standardize regional differences in reporting requirements.

EPA has been steadily working to address the States' recommendations since the Initiative began. In 2008, EPA has focused on:

1. Addressing priority areas identified by the States in summer 2007;
2. Improving the Initiative's transparency and accuracy; and
3. Creating tools for incorporating burden reduction into EPA's standard operating procedures.

Examples of the priority areas include:

- a. Integrated Compliance Information System for the National Pollutant Discharge Elimination System (ICIS-NPDES) - States recommended that EPA harmonize and reduce reporting requirements.
- b. Disadvantaged Business Enterprise (DBE) - States recommended that EPA reduce DBE utilization reporting frequency.
- c. National Emissions Inventory (NEI) - States recommended that EPA streamline NEI reporting requirements.

More information about the Burden Reduction Initiative is available at <http://www.epa.gov/burdenreduction/>.

Trade and Environment Policy

EPA is committed to encouraging the development of environmentally sound international policy. In part, EPA pursues this goal by advancing environmental objectives in international trade agreements, investment projects, and financial ventures. In so doing, EPA supports the

realization of two of the three critical elements of sustainable development: environmental and economic progress.

Recognizing that the relationship between trade and environmental policy is complex, EPA helps ensure that trade agreements balance both economic and environmental interests. EPA encourages the development of agreements that: 1) encourage high levels of environmental protection; 2) include commitments to effective enforcement of environmental laws and regulations; 3) provide capacity building in response to relevant environmental needs and issues in the developing world; and, 4) do not undercut domestic health, safety and environmental measures.

EPA promoted the development of environmental reviews of trade agreements and that these reviews follow specific guidelines. EPA plays a lead role in negotiating the environmental provisions of a number of bilateral and regional trade agreements (e.g., with Jordan, Chile, Singapore and Central America, among others).

EPA's Regulatory Plan

EPA's Regulatory Plan is an important element of the Agency's strategy for achieving environmental results within the framework described above. The Agency's regulatory program includes several efforts that will reduce the burden placed on small businesses while ensuring the integrity of the environment. Many of these have been nominated for Agency action through the public nomination process initiated by the Office of Management and Budget (OMB) in 2001, 2002, and 2004 and many of these have been completed. Taken as a whole, the Agency's Regulatory Plan will ensure that the Nation continues to achieve improvements in environmental quality while minimizing burden to States and the regulated community.

HIGHLIGHTS OF EPA'S REGULATORY PLAN

Office of Air and Radiation

This year EPA plans to take initial steps to address the interconnected issues of climate change, energy efficiency, and energy security. In taking these steps, EPA is carrying out two Congressional mandates. Title II of the 2007 Energy Independence and Security Act amended Section 211(o) of the Clean Air Act, directing EPA to set a modified standard that will increase the quantities of renewable fuels available to consumers. EPA is implementing this

mandate by developing the Renewable Fuels Standard Program outlined in this Regulatory Plan. Moreover, in the FY 2008 Consolidated Appropriations Act, Congress directed EPA to develop a rule to establish monitoring, reporting and recordkeeping requirements on facilities that produce, import or emit greenhouse gases above a specific threshold in order to inform future regulatory policy options related to greenhouse gases. EPA is fulfilling this mandate through the Greenhouse Gas Reporting Rule currently under development and summarized below in this Regulatory Plan.

Another important and ongoing OAR regulatory priority is to protect public health and the environment from exposure to harmful pollutants. In the coming year, EPA will reach important milestones in the development of two rules that address the harmful effects of Oxides of Nitrogen and Oxides of Sulfur. The first of these two efforts is a review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide, which can constrict the body's air passages and impair pulmonary function, and also increase respiratory illness in children. The second effort is a review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur. Reviews of these two pollutants are being combined due to the fact that these two pollutants and their associated transformation products are linked from an atmospheric chemistry perspective, as well as from an environmental effects perspective, most notably through aerosol formation and acidification in ecosystems. Both of these review efforts are summarized below in this Regulatory Plan.

EPA continues to address toxic air pollution under authority of the Clean Air Act Amendments of 1990. The largest part of this effort is the "Maximum Achievable Control Technology" (MACT) program, which is now well into its second phase consisting of evaluation of the effectiveness of work done so far, assessment of the need for additional controls, and assessment of advances in control technology. These evaluations and assessments are grouped into rulemakings called "Risk and Technology Reviews." The remaining MACT source categories requiring Risk and Technology Reviews are being combined into several groups to help meet statutory dates, raise and resolve programmatic issues more effectively, minimize resources by using available

data and focusing on high risk sources, and provide consistent review and analysis. One example of the rulemakings currently underway is summarized in this Regulatory Plan. The example, called "Risk and Technology Review Phase II Group 2a," covers nine source categories including rubber production, mineral wool production, pharmaceuticals production, printing and publishing, and marine vessel loading operations.

Since many air quality programs are administered through permitting and monitoring programs, OAR continues to work toward improving these programs to increase efficiency and reduce regulatory burden. OAR is continuing to develop rulemakings to streamline and improve its New Source Review (NSR) permitting program. This effort will clarify the circumstances under which companies must obtain construction permits before building new facilities or significantly modifying existing facilities. These revisions will provide more regulatory certainty by clarifying compliance requirements, and will also make the program easier to administer while maintaining its environmental benefits. In developing these NSR rule revisions, OAR is drawing upon many years of intense involvement with major stakeholders, who have helped shape a suite of reforms that are expected to both improve the environmental effectiveness of these programs and make them easier to comply with. One example of this effort is included in this Regulatory Plan, entitled "NSR: Electric Generating Units," addressing issues in emission measurement.

Office of Solid Waste and Emergency Response

The Office of Solid Waste and Emergency Response (OSWER) contributes to the Agency's overall mission of protecting public health and the environment by focusing on preparing for, preventing and responding to chemical and oil spills, accidents, and emergencies; enhancing homeland security; increasing the beneficial use and recycling of secondary materials, the safe management of wastes and cleaning up contaminated property and making it available for reuse. EPA carries out these missions in partnership with other Federal agencies, States, tribes, local governments, communities, nongovernmental organizations, and the private sector. To further these missions, OSWER has identified several regulatory priorities for the upcoming fiscal year that will promote stewardship and resource conservation

and focus regulatory efforts on risk reduction and statutory compliance.

Consistent with the Agency's goal to reduce unnecessary reports where there would be no likely Federal, State or local emergency response to such notice(s), the Agency is considering an administrative reporting exemption from particular notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended. The exemption being considered is for releases of hazardous substances to the air where the source of those hazardous substances is animal waste at farms. If finalized, it is estimated that the rule will reduce burden on farms associated with making notifications under CERCLA section 103 by approximately 3,408,000 hours over the ten year period beginning in 2009 and associated costs by approximately \$155,313,000 over the same period.

Under the Clean Air Act (CAA), EPA applies different standards to the combustion of waste materials than to the combustion of fuels or feedstocks which are not solid wastes. The definition of non-hazardous solid waste can have a significant impact on whether certain materials (including biomass, tires, etc.) are used as a fuel or feedstock or are disposed. In this rulemaking, EPA will look to define which secondary materials are fuels or feedstocks, and not considered "solid wastes" under RCRA subtitle D. Allowing for the legitimate use of secondary materials as a fuel or feedstock can preserve natural resources, conserve energy, reduce greenhouse emissions, as well as save money by reducing costs for raw materials and disposal that would otherwise be necessary.

EPA is continuing its pursuit to improve and modernize the hazardous waste tracking system by developing an "E-manifest." This system will allow electronic processing of hazardous waste transactions that will greatly enhance tracking capabilities, while significantly reducing administrative burden and costs for governments and the regulated community. The E-manifest will build on the new standardized manifest form that took effect in September 2006, and will ensure the continued safe management of hazardous waste. However, such regulations cannot be promulgated until legislative authority is provided to implement such a system.

Office of Prevention, Pesticides, and Toxic Substances

The primary goal of EPA's Office of Prevention, Pesticides, and Toxic Substances (OPPTS) is to prevent and reduce pesticide and industrial and commercial chemical risks to humans, communities and ecosystems. OPPTS employs a mix of regulatory and non-regulatory methods to achieve this goal. For more information about OPPTS's regulatory actions, as well as information about our other programs and activities, please visit our Web site at www.epa.gov/oppts.

In Spring of 2008, EPA received a section 21 petition to use section 6 of TSCA to adopt a recently promulgated California State regulation concerning emissions of formaldehyde from certain composite wood products. OPPTS has responded to the petition and has initiated the development of an advanced notice of proposed rule-making (ANPRM) to investigate whether and what type of regulatory or other action might be appropriate to protect against risks posed by formaldehyde emitted from pressed wood products. OPPTS is working to publish the ANPRM and plans to hold five stakeholder meetings to solicit comments by the end of 2008. OPPTS is also working with ORD to develop a hazard characterization for formaldehyde and to initiate peer review early in 2009. In addition, OPPTS has embarked on a study of substitutes to formaldehyde used in pressed wood, and plans to initiate an industry survey to better understand the use of formaldehyde within the pressed wood market. OPPTS plans to determine the appropriate course of regulatory action in 2009 based on the ANPRM and supporting work.

Office of Water

Among EPA's Office of Water's primary goals are to ensure that drinking water is safe; to restore and maintain oceans, watersheds, and their aquatic ecosystems; to protect human health; to support economic and recreational activities; and to provide healthy habitat for fish, plants, and wildlife. OW's regulatory priority for the coming year is a proposed rulemaking that will address erosion and sediment discharges associated with construction and development activities. This rulemaking and its schedule respond to a court order that requires the Agency to promulgate final regulations by December of 2009.

EPA

PRERULE STAGE

98. REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE**Priority:**

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7408; 42 USC 7409

CFR Citation:

40 CFR 50

Legal Deadline:

None

Abstract:

The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) periodically. On October 11, 1995, the EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO₂). That action provided the Administrator's final determination, after careful evaluation of comments received on the October 1995 proposal, that revisions to neither the primary nor the secondary NAAQS for NO₂ were appropriate at that time. On December 9, 2005, the EPA/ORD initiated the current periodic review of NO₂ air quality criteria, the scientific basis for the NAAQS, with a call for information in the Federal Register. This regulatory action is for the Agency's review of the primary NO₂ NAAQS. Review of the secondary NO₂ NAAQS will be part of a separate regulatory action combined with review of the sulfur dioxide NAAQS. As part of the review process, the Agency will prepare an Integrated Review Plan, an Integrated Science Assessment, and a Risk/Exposure Assessment. These documents will be reviewed by the public and by the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS. The final documents will reflect the input received through these reviews. An Advance Notice of Proposed Rulemaking (ANPRM) reflecting Agency views will then be published. This ANPRM will also be reviewed by the public and by CASAC

during a public comment period. Input received through these reviews will inform the development of a proposed rulemaking. The Administrator's proposal to retain or revise the NO₂ NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for NO₂ are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate "primary" and "secondary" national ambient air quality standards for pollutants identified under section 108 (the "criteria" pollutants). The "primary" standards are established for the protection of public health, while "secondary" standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for NO₂ are whether to reaffirm or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States and Regional Planning Organizations information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Typically, an analysis plan for preparing a regulatory impact plan for a NAAQS proposed rulemaking will begin after CASAC has reviewed two drafts of the Integrated Science Assessment (ISA) as well as the 1st draft of the Agency's Risk/Exposure Assessment. Therefore, work on the

developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments will be conducted to evaluate health risks associated with retention or revision of the NO₂ standards

Timetable:

Action	Date	FR Cite
ANPRM	12/00/08	
NPRM	05/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 5111; EPA Docket information: EPA-HQ-OAR-2006-0922

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RIN: 2060-AO19

EPA

99. REVIEW OF THE SECONDARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OXIDES OF NITROGEN AND OXIDES OF SULFUR

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7408; 42 USC 7409

CFR Citation:

40 CFR 50

Legal Deadline:

NPRM, Judicial, February 12, 2010, No court schedule has been ordered for this review as of yet. This date represents the date submitted by EPA to the court.

Final, Judicial, October 19, 2010, No court schedule has been ordered for this review as of yet. This date represents the date submitted by EPA to the court.

Abstract:

The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise air quality criteria, primary (health-based), and secondary (welfare-based) national ambient air quality standards (NAAQS) every five years. On October 11, 1995, the EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO₂). That action provided the Administrator's final determination, after careful evaluation of comments, that revisions to neither the primary nor the secondary NAAQS for NO₂ were appropriate at that time. On May 22, 1996, the EPA published a final decision that revisions of the primary and secondary NAAQS for sulfur dioxide (SO₂) were not appropriate at that time, aside from several minor technical changes. That action provided the Administrator's final determination, after careful evaluation of comments, that significant revisions to the primary and the secondary NAAQS for SO₂ would not be made at that time. On December 9, 2005, the EPA/ORD initiated the current periodic review of NO₂ air quality criteria with a call for information in the Federal Register. On May 3, 2006, the EPA/ORD initiated the current periodic review of SO₂ air quality criteria with a call for information in the Federal Register. The decision was made to review the oxides of nitrogen and the oxides of sulfur together, rather than individually, as has been done in the past. This decision derives from the fact that NO_x, SO_x, and their associated transformation products are linked from an atmospheric chemistry perspective, as well as from an environmental effects perspective (most notably in the case of secondary aerosol formation and acidification in ecosystems).

A workshop was held in July 2007 to discuss key policy-relevant issues around which EPA would structure the review and to provide an opportunity for peer review of draft chapters of the Integrated Science Assessment being prepared by ORD. In addition to

providing input into the Science Assessment, the workshop also provided important input as OAR and ORD consider the appropriate design and scope of the major elements that inform the Agency's Policy Assessment under the new NAAQS process: an integrated plan highlighting the key policy-relevant issues prepared by OAR and ORD, an Integrated Science Assessment prepared by ORD, and a Risk/Exposure Assessment prepared by OAR.

The Policy Assessment prepared by OAR will evaluate the policy implications of key information contained in the Integrated Science Assessment and Risk/Exposure Assessment, as well as any appropriate technical analyses. The Policy Assessment will be published as an ANPRM that reflects Agency views regarding options to retain or revise the NO₂ and/or SO₂ NAAQS. EPA will solicit comments from the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public several times during the development of the critical documents identified above, including the ANPRM. A Scope and Methods Plan for the review was developed and released to CASAC and the public for comment. CASAC provided comment on both the ISA (developed by ORD) and the Scope and Methods Plan on April 2-3 2008. The second draft ISA and first draft risk and exposure assessment will be released to CASAC and the public in August, 2008 for a public meeting on October 1-2, 2008. Upon the completion of the risk assessments and the development of the ANPR, the Administrator will propose to retain or revise the secondary NO₂ and/or SO₂ NAAQS, as appropriate, taking into consideration CASAC and public comment on the ANPR. Input received during the public comment period for the proposed decision will be considered in the Administrator's final decision.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for oxides of nitrogen and oxides of sulfur are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate "primary" and "secondary" national ambient air quality standards for pollutants

identified under section 108 (the "criteria" pollutants). The "primary" standards are established for the protection of public health, while "secondary" standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for oxides of nitrogen and oxides of sulfur are whether to reaffirm or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States and Regional Planning Organizations information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Typically, an analysis plan for preparing a regulatory impact plan for a NAAQS proposed rulemaking will begin after CASAC has reviewed two drafts of the Integrated Science Assessment (ISA) as well as the 1st draft of the Agency's Risk/Exposure Assessment. Therefore, work on the developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments may be conducted to evaluate public welfare risks associated with retention or revision of the standards.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/09	
NPRM	02/00/10	
Final Action	11/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 5170; EPA Docket information: EPA-HQ-OAR-2007-1145

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RIN: 2060-AO72

EPA

100. • FORMALDEHYDE EMISSIONS FROM PRESSED WOOD PRODUCTS

Priority:

Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates:

Undetermined

Legal Authority:

15 USC 2605 "TSCA 6"

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

In response to a petition filed under TSCA section 21, EPA has initiated a proceeding to investigate risks posed by formaldehyde emitted from pressed wood products. As indicated in that response, EPA plans to issue an advance notice of proposed rulemaking (ANPRM) in the Fall of 2008. As part of the ANPRM process, EPA will engage stakeholders to contribute to obtaining a better understanding of the available control technologies and approaches, industry practices, and the implementation of California's regulations. Concurrently, EPA plans to

develop and conduct an industry survey and initiate development of an exposure assessment and a hazard characterization that could be used for evaluating emissions standards or other approaches. Subsequently, EPA plans to develop an irritation risk assessment and quantify costs and benefits. At the conclusion of this work, OPPTS anticipates determining whether it should take action, which may include action under TSCA, or via the development of a voluntary consensus standard or other approaches. As OPPTS evaluates risks and options under TSCA, OPPTS intends to coordinate its efforts with other interested EPA offices and agencies, as well as engage the public and stakeholders.

Statement of Need:

On March 24, 2008, 25 organizations/5,000 individuals petitioned EPA to use TSCA § 6 to adopt a California Air Resources Board regulation as a national standard for formaldehyde emissions from composite wood products. In response, EPA committed to initiate a proceeding to investigate whether and what type of regulatory or other action might be appropriate to protect against risks posed by formaldehyde emitted from pressed wood products. This decision was based on the hazards of formaldehyde, in combination with the potential for prolonged exposure to potentially problematic levels of formaldehyde for occupants of newly constructed housing.

Summary of Legal Basis:

The Agency has not decided to take any rulemaking action, but it is evaluating potential actions under TSCA sections 6(a) and 6(b).

Alternatives:

The Agency has not yet determined that any action is necessary, but it is evaluating potential actions under TSCA sections 6(a) and 6(b) as well as voluntary action.

Anticipated Cost and Benefits:

The Agency has not determined that any action is necessary or evaluated the costs and benefits of any possible actions.

Risks:

Formaldehyde is an eye, nose, throat, and skin irritant. At this time, the Agency is primarily concerned with the irritation risks posed by formaldehyde emissions from pressed wood products.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/08	
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Additional Information:

SAN No. 5287

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RIN: 2070-AJ44

EPA**101. • DEFINITION OF SOLID WASTE FOR NON-HAZARDOUS MATERIALS****Priority:**

Other Significant

Unfunded Mandates:

Undetermined

Legal Authority:

42 USC 7429(a)(1)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

The DC Circuit Court of Appeals vacated and remanded two EPA rules promulgated under the Clean Air Act (CAA) - the Commercial and Industrial Solid Waste Incineration (CISWI) definitions rule, issued under section 129 of the CAA, and the Boiler MACT, issued under section 112. The court

concluded that EPA erred by excluding units that combust solid waste for the purpose of energy recovery from the CISWI rule and including such units in the Boilers rule. In response to the court's decision, EPA is now preparing to establish new standards under sections 112 and 129 for the various units subject to each section.

Section 129 regulates solid waste incineration units, defining them as units that combust "any" solid waste. It further defines "solid waste" as having the meaning established by the Administrator pursuant to the Solid Waste Disposal Act (SWDA). Thus, if a material is not a solid waste as established by the Administrator pursuant to the SWDA, the unit in which it is burned would not be covered under section 129.

Statement of Need:

The Office of Solid Waste and Emergency Response (OSWER) needs to determine which non-hazardous materials are "solid wastes" under SWDA so that the Office of Air and Radiation (OAR) can conduct appropriate sampling and determine MACT standards.

Summary of Legal Basis:

Section 129 of the CAA directs EPA to promulgate emission standards for "solid waste incineration units" under the Act. 42 U.S.C. Section 7429(a)(1). Previous rulemaking was vacated by the Court, therefore it is critical for OSWER to determine what constitutes a solid waste for purposes of section 129 of the CAA.

Alternatives:

No alternatives exist at this time.

Anticipated Cost and Benefits:

Non-hazardous industrial materials, such a coal combustion products and refuse materials, spent foundry sands, and construction and demolition (C&D) materials, as well as scrap tires, wood/biomass, used oil, and solvents, all represent examples of "usable materials" that are generated by industry in the process of producing primary products. These materials, when used as "secondary materials" for fuel or as ingredients in production processes, can provide significant and wide-spread benefits. The productive reuse of "secondary materials" for these purposes is central to the very principles of conservation and sustainability.

Risks:

Risks to human health and the environment, if any, will be addressed by either Section 112 or Section 129 of the CAA.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/08	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Additional Information:

SAN No. 5266

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RIN: 2050-AG44

EPA**PROPOSED RULE STAGE****102. GREENHOUSE GAS MANDATORY REPORTING RULE****Priority:**

Other Significant

Legal Authority:

42 USC 7401 et seq

CFR Citation:

Not Yet Determined

Legal Deadline:

NPRM, Statutory, September 26, 2008,
FY08 Consolidated Appropriations

directed EPA to publish a proposal 9 months after enactment.

Final, Statutory, June 26, 2009, FY08 Consolidated Appropriations directed EPA to publish final 18 months after enactment.

Abstract:

On December 26, 2007, President Bush signed the FY2008 Consolidated Appropriations Amendment which authorized funding for EPA to “develop and publish a draft rule not later than 9 months after the date of enactment of this Act, and a final rule not later than 18 months after the date of enactment of this Act, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.” The accompanying joint explanatory statement directed EPA to “use its existing authority under the Clean Air Act” to develop a mandatory greenhouse gas reporting rule. The joint explanatory statement went on to say that “The Agency is further directed to include in its rule reporting of emissions resulting from upstream production and downstream sources, to the extent that the Administrator deems it appropriate.” Accordingly this rulemaking would establish monitoring, reporting, and recordkeeping requirements on facilities that produce, import, or emit greenhouse gases above a specific threshold in order to provide comprehensive and accurate data to support a range of future climate policy options.

Statement of Need:

This action is necessary because the FY2008 Consolidated Appropriations Amendment signed by President Bush on December 26, 2007, authorized EPA to “develop and publish a draft rule not later than 9 months after the date of enactment of this Act, and a final rule not later than 18 months after the date of enactment of this Act, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.”

Summary of Legal Basis:

The legal basis is the Clean Air Act, 42 U.S.C. 7401, et seq.

Alternatives:

Not yet determined.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	02/00/09	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5242

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RIN: 2060-AO79

EPA

103. RENEWABLE FUELS STANDARD PROGRAM

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

Clean Air Act Section 211(o)

CFR Citation:

40 CFR Part 86, 40 CFR Part 80

Legal Deadline:

Final, Statutory, December 19, 2008.

Abstract:

This action will implement certain provisions in Title II of the 2007 Energy Independence and Security Act that amend Section 211 (o) of the Clean Air Act. The new law sets a modified standard for renewable fuels increasing the national requirement to 9.0 billion gallons in 2008 and rising to 36 billion

gallons by 2022. Of the latter total, 21 billion gallons is required to be obtained from cellulosic ethanol and other advanced biofuels. Starting in 2016, all of the increase in the RFS target must be met with advanced biofuels, defined as cellulosic ethanol and other biofuels derived from feedstock other than corn starch — with explicit standards for cellulosic biofuels and biomass-based diesel. Renewable fuels produced from new biorefineries will be required to reduce by at least 20% the life cycle greenhouse gas (GHG) emissions relative to life cycle emissions from gasoline and diesel.

Statement of Need:

This action will implement certain provisions in Title II of the 2007 Energy Independence and Security Act that amend Section 211 (o) of the Clean Air Act. This new law sets a modified standard for renewable fuels and directs EPA to implement that standard.

Summary of Legal Basis:

Clean Air Act Section 211(o)

Alternatives:

Alternatives are being developed and will be presented in the Preamble to the proposed rule.

Anticipated Cost and Benefits:

We haven't completed the necessary analytical work that supports calculating and developing the costs and benefits of this rule. Once the analysis plan/work is completed, we can then compile and present the information.

Risks:

This rule will increase energy security by increasing the domestic supply of energy, and will reduce greenhouse gas emissions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

Energy Effects:

Statement of Energy Effects planned as required by Executive Order 13211.

Additional Information:

SAN No. 5250

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RIN: 2060-AO81

EPA**104. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 2A****Priority:**

Other Significant

Legal Authority:

CAA Section 112(f)(2); CAA Section 112(d)(6)

CFR Citation:

Not Yet Determined

Legal Deadline:

Final, Statutory, September 19, 2003, 5 MACT included in RTR Group 2A. EPA required to complete RTR 8 yrs after promulgation. RTR due for this rule: 09/2003 to 06/2007.

Abstract:

This action is the Risk and Technology Review (RTR) Group 2A and its title is: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Epichlorohydrin Elastomers Production, Hypalon™ Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production); National Emission Standards for Marine Vessel Loading Operations; National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production; National Emission Standards for Pharmaceuticals Production; and National Emission Standards for the Printing and Publishing Industry. It will address both EPA's obligation to conduct a residual risk review and to conduct a technology review. It includes nine

source categories, each affected by one of five MACT standards.

Statement of Need:

CAA section 112(f)(2) requires us to determine for source categories subject to certain CAA section 112(d) standards whether the emissions limitations provide an ample margin of safety to protect public health. If the MACT standards for HAP "classified as a known, probable, or possible human carcinogen do not reduce lifetime excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than 1-in-1 million," EPA must promulgate residual risk standards for the source category (or subcategory), as necessary, to provide an ample margin of safety to protect public health. EPA must also adopt more stringent standards, if necessary, to prevent an adverse environmental effect, "Adverse environmental effect" is defined in CAA section 112(a)(7) as any significant and widespread adverse effect which may be reasonably anticipated to wildlife, aquatic life, or natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas. but must consider cost, energy, safety, and other relevant factors in doing so. This residual risk review is due 8 years after MACT standard compliance date. EPA is also required to review and revise the MACT standards every 8 years with regard to practices, processes and control technologies according to Section 112(d)(6) of the CAA.

Summary of Legal Basis:

Clean Air Act Sections 112(f)(2) and 112(d)(6).

Alternatives:

Alternatives are developed for residual risk to evaluate ample margin of safety or if risk is unacceptable. Alternatives are developed for technology review if there have been significant advances in practices, processes and control technologies. For the Printing and Publishing MACT, risks were acceptable and an ample margin of safety was achieved, and no significant technological advances were identified. Therefore, no alternatives were evaluated. For the other eight source categories in RTR Group 2A, alternatives were considered; none was cost-effective relative to the associated reduction in risk.

Anticipated Cost and Benefits:

No revisions to the MACT standards were proposed; therefore, there are no associated costs or emissions reductions.

Risks:

The risk assessment found that after application of the MACT standards the chronic cancer risks are below 100-in-1 million, which is acceptable, and additional controls were not cost-effective; therefore, the MACT standards provide an ample margin of safety to protect public health and no further cancer risk reduction was required. The analysis also found that non-cancer and acute risks to humans, as well as ecological risks from these facilities, were low and that no further controls were warranted.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5093.2; Split from RIN 2060-AN85.

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RIN: 2060-AO91

EPA**105. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY****Priority:**

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

CWA 301; CWA 304; CWA 306; CWA 501

CFR Citation:

Not Yet Determined

Legal Deadline:

Other, Judicial, December 1, 2007, Data collection, identification of best options, and development of cost-benefit models completed.

NPRM, Judicial, December 1, 2008, FR Publication by 12/1/2008 as per 12/5/2006 Court Order.

Final, Judicial, December 1, 2009, FR Publication by 12/1/2009 as per 12/5/2006 Court Order.

Abstract:

This rulemaking will establish effluent limitations guidelines (ELG) and new source performance standards (NSPS) for stormwater discharges associated with construction and development activities. This rulemaking and its schedule respond to a court order that requires the Agency to promulgate final regulations by December 2009. The ELGs and NSPSs will control the discharge of pollutants such as sediment in stormwater discharges from construction and development activities and will be implemented through the issuance of NPDES permits.

Statement of Need:

Despite substantial improvements in the nation's water quality since the inception of the Clean Water Act, 45 percent of assessed river and stream miles, 47 percent of assessed lake acres, and 32 percent of assessed square miles of estuaries show impairments from a wide range of sources. Improper control of stormwater discharges from construction activity is among the many contributors to remaining water quality problems throughout the United States. Sediment is the primary pollutant that causes water quality impairment for streams and rivers.

Construction generates significantly higher loads of sediment per acre than other sources. The rulemaking would constitute the nationally applicable, technology-based ELGs and NSPS applicable to all dischargers required to obtain a National Pollutant Discharge Elimination System (NPDES) permit.

Summary of Legal Basis:

The Clean Water Act authorizes EPA to establish ELGs and NSPS to limit the pollutants discharged from point sources. In addition, EPA is bound by the district court decision, in *NRDC v. EPA*, 437 F.Supp.2d 1137, (C.D. Cal.2006), to propose ELGs and NSPS for the construction and development industry by December 1, 2008 and to promulgate ELGs and NSPS as soon as practicable, but in no event later than December 1, 2009.

Alternatives:

The Clean Water Act directs EPA to establish a technology basis for the ELGs and NSPS, which are based on the performance of specific technology levels, such as the best available technology economically achievable. EPA is considering a range of pollution control approaches and technologies, and is also considering waivers based on construction site size, rainfall, and soil erosivity to reduce the impact on small dischargers.

Anticipated Cost and Benefits:

The annualized social costs of the rulemaking are estimated to range from \$141 million to \$3.8 billion, and the annualized monetized benefits are estimated to range from \$11 million to \$327 million. The costs include compliance costs, administrative costs, and partial equilibrium estimates of quantity effects and deadweight loss to society. The monetized benefit categories include avoided costs of dredging for navigation and water storage, avoided costs of drinking water treatment, and monetizable water quality benefits.

Risks:

Sediment is currently one of the major pollutants that causes water quality impairment for streams and rivers, and presents a risk to aquatic life. The ELGs and NSPS are expected to result in a reduction of the discharge of pollutants to surface waters, primarily as sediment and turbidity.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses, Governmental Jurisdictions

Government Levels Affected:

Federal, Local, State

Additional Information:

SAN No. 5119

URL For More Information:

www.epa.gov/guide/construction

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RIN: 2040-AE91

EPA**FINAL RULE STAGE****106. PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSION INCREASES FOR ELECTRIC GENERATING UNITS****Priority:**

Other Significant

Legal Authority:

Clean Air Act, Title I Parts C and D and Section 111(a)(4)

CFR Citation:

40 CFR Part 51; 40 CFR Part 52

Legal Deadline:

None

Abstract:

This rulemaking would revise the emissions test for existing electric generating units (EGUs) that are subject to the regulations governing the Prevention of Significant Deterioration

(PSD) and nonattainment major New Source Review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA). The existing emissions test compares actual emissions to either potential emissions or projected actual emissions. Under this rulemaking's revised NSR emissions test (a maximum hourly test like that used in the NSPS program), we would compare the EGU's maximum hourly emissions (considering controls) before the change for the past 5 years to the maximum hourly emissions after the change. The maximum hourly emissions test will be based either on maximum achieved or maximum achievable hourly emissions, measured on an input or an output basis. One proposed option provides that the maximum hourly emissions increase test would be followed by the annual emissions increase test in the current rules.

Statement of Need:

Utilization of this rulemaking's alternative NSR applicability test for existing EGUs would encourage increased utilization at the more efficient units by displacing energy production at less efficient ones.

Summary of Legal Basis:

Parts C and D of title I of the Clean Air Act; CAA section 111(a)(4)

Alternatives:

The proposed basis for the applicability test is a comparison of maximum hourly emissions, which will enhance the implementation and environmental benefits for existing EGUs.

Anticipated Cost and Benefits:

We are not able to provide quantitative estimates of the costs and benefits of this rule because of the difficulty in identifying the quantity and locations of sources that will utilize this rulemaking in the future, and the difficulty in specifically quantifying the difference in environmental outcomes that would result with and without the rule. Qualitatively, our analysis indicates that we anticipate a reduction in recordkeeping and reporting - and therefore a decrease in cost - and we expect that the environmental benefits of the program would not significantly change and may improve as a result of the positive impact on the safety, reliability, and efficiency of EGUs as a result of this rulemaking.

Risks:

We are not able to provide quantitative risk information because of the

difficulty in identifying the quantity and locations of sources that will utilize this rulemaking in the future, and the difficulty in specifically quantifying the difference in environmental outcomes that would result with and without the rule.

Timetable:

Action	Date	FR Cite
NPRM	10/20/05	70 FR 61081
Supplemental NPRM	05/08/07	72 FR 26202
Notice of public hearing	06/07/07	72 FR 31491
Final Action	12/00/08	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 4794.2; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-20/a20983.htm>; Split from RIN 2060-AM95.; EPA Docket information: EPA-HQ-OAR-2005-0163

URL For More Information:

www.epa.gov/nsr

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RIN: 2060-AN28

EPA

107. HAZARDOUS WASTE MANIFEST REVISIONS — STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

Priority:

Other Significant

Legal Authority:

42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6926; PL 105-277

CFR Citation:

40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline:

None

Abstract:

This action is aimed at finalizing the development of EPA's Resource Conservation and Recovery Act (RCRA) regulatory standards and procedures that will govern the initiation, signing, transmittal, and retention of hazardous waste manifests using electronic documents and systems. There are 2.4 million Federal-defined RCRA hazardous waste paper manifests processed each year, and a total of 5.1 million manifests processed each year including State-defined hazardous waste paper manifests. EPA proposed electronic manifest standards in May 2001 as part of a more general manifest revision action that also addressed standardizing the paper manifest form's data elements and procedures for its use across all states (EPA Form 8700-22). The manifest form revisions were decoupled from action on the electronic manifest, and the Final Form Revisions Rule was published on June 16, 2005. The May 2001 proposed rule included: (1) Electronic file formats for the manifest data elements; (2) electronic signature options; and (3) computer security controls aimed at ensuring data integrity and reliable commercial e-manifest systems. However, since publication of the 2001 proposed rule, EPA found that there is a broad consensus in favor of a single national "eManifest" system sponsored by EPA, rather than assorted de-centralized commercial systems. Subsequently in May 2004, EPA conducted a manifest stakeholder meeting to collect additional stakeholder views on the future direction of eManifest. Based on public comment on the 2001 proposed electronic standards and stakeholder feedback at the May 2004 meeting, EPA published a Notice of Data Availability (NODA) on 18 April 2006 announcing EPA's preferred approach to develop a centralized web-based eManifest system to be hosted on EPA's Central Data Exchange (CDX) computer hub. To that end, in Autumn 2006 EPA provided technical assistance to the US Senate for drafting S.3871 which would have authorized the CDX-based solution, as well as authorized EPA to charge and retain user fees to fund a "share-in-

revenue” contracting approach to build and operate eManifest. EPA’s ability to publish a final rule in 2009 that will recognize this system as a compliant voluntary alternative to the current paper manifest form, and to pursue this centralized eManifest design and funding solution will depend on new Congressional authority for EPA to collect user fees.

Statement of Need:

This revision of the RCRA regulation is necessary to establish the standards and procedures under which hazardous waste handlers will be authorized to use electronic manifests in lieu of the existing paper manifest form (EPA Form 8700-22). EPA’s current RCRA regulations only allow the use of the paper manifest form which must be carried physically with the waste shipment, signed by hand with each change of custody, and filed among each waste handler’s operating records for three years. This revision to the RCRA manifest regulation will specify the conditions under which electronic manifests may be obtained, completed, electronically signed, and transmitted, so that the electronic manifests may be used and accepted as the legal equivalent of the current paper manifest form.

Summary of Legal Basis:

There is currently not in place a statute or court order that requires EPA to revise the RCRA manifest regulations to adopt the electronic manifest regulation. However, on September 7, 2006 the U.S. Senate introduced S.3871 that would mandate the development of an electronic manifest system by EPA. The U.S. Senate also introduced a similar bill S.3109 on June 10, 2008. In addition to authorizing EPA to collect user fees to build and annually operate and maintain the e-manifest information technology (IT) system using a novel share-in-revenue contracting approach, this new bill, also authorizes the collection of user fees to process paper manifests, should EPA require their collection and provides for the tracking of state regulated hazardous wastes. The bill also clarifies what state governments would not be subject to the user fees authorized by the bill. If enacted by the Congress, the bill could include a deadline to EPA for promulgating revisions to the RCRA manifest regulations to authorize the voluntary use of electronic manifests. Whether or not there is such a statutory mandate, EPA could develop a regulation prescribing the conditions for electronic

manifesting under the authority of RCRA Section 3002(a)(5), which authorizes EPA to promulgate regulations establishing standards for generators of hazardous waste, including standards on “the use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage, or disposal in and arrives at” permitted facilities.

Alternatives:

Based on public comments submitted on EPA’s 2001 electronic manifest proposed rule, and additional manifest stakeholder input received at EPA’s 2004 public meeting on eManifest, EPA’s preferred alternative is now the development of a centralized national eManifest system that EPA would develop and operate under a share-in-revenue contract funded by user fees, and hosted on EPA’s Central Data Exchange (CDX) computer hub. Other alternatives include (1) a national system that would be developed entirely commercially and operated by the NGO; (2) a decentralized option like the one suggested in the EPA’s 2001 proposed rule, under which various private entities would develop numerous eManifest systems adhering to standards announced by EPA; and a no action alternative, under which all manifesting would continue only with paper manifests. Although too early for EPA to evaluate as of 2007, the 2006-2009 electronic manifesting pilot project hosted by the Michigan state government may provide a new alternative for EPA to consider scaling-up to become the national eManifest system.

Anticipated Cost and Benefits:

As initially estimated by an EPA contractor in 2002, the first-year start-up (i.e., design, build, and installation) costs to EPA for a centralized national eManifest system to be hosted on EPA’s CDX computer hub, are projected to be in the range of \$2 million to \$7 million. EPA’s annual operation and maintenance (O&M) costs for such a system are projected in the range \$1.6 million to \$3.2 million. EPA updates and refines the system cost estimates but refrains from making them publicly available because they constitute EPA’s confidential independent government cost estimate (IGCE) which EPA will use as a benchmark to evaluate contractor bids to procure the system. In addition to EPA system costs, (a) the regulated community consisting of 227,000 industrial facilities involved in

shipping hazardous wastes every year, may voluntarily need to purchase \$60 million to \$69 million in computer equipment and services to connect to eManifest, and (b) state governments may voluntarily need to spend around \$3 million to integrate with the eManifest system, although EPA’s over \$100 million in grants the past few years to integrate state governments with EPA’s CDX via EPA’s National Environmental Information Exchange Network (NEIEN) has nearly provided integration for all state governments and many large industrial facilities with CDX via NEIEN nodes. National economic benefits from eManifest are expected to provide 45% reduction in paperwork burden costs to manifest users and to RCRA-authorized state government agencies of up to \$233 million per year (relative to a baseline national cost for paper manifest burden of \$513 million per year), assuming that 75% of manifests can be completed electronically. These projected savings can also be expressed as a net unit paperwork burden savings of \$23 to \$40 per manifest. Other expected benefits of eManifest include: (1) better quality and more timely waste shipment data; (2) nearly real time shipment tracking capabilities for users and public safety agencies (rather than a 30-day wait); (3) enhanced inspection and compliance monitoring capabilities for regulators; (4) more rapid notification and response to problems or discrepancies with waste shipments; (5) more efficient or “one-stop” submission of manifest data to States; and (6) new possibilities to manage manifest data and to simplify or consolidate existing systems for reporting and tracking manifest and RCRA Biennial Report hazardous waste shipment data.

Risks:

This action addresses administrative requirements for tracking hazardous waste shipments and does not involve the control of “risks” in the sense that RCRA regulations typically address environmental, human health, and public safety risks posed by the possible mis-management of hazardous wastes. Consequently, EPA has developed a CPIC Exhibit 300 business case “Risk Management Plan” for this action, rather than a hazardous waste chemical exposure risk analysis. Since the e-manifest regulation could authorize the voluntary use of an information technology (IT) system that would be developed to create and transmit electronic manifests, there would be information system

management risks and information security risks associated with developing and operating such an IT system. EPA is assessing and managing these IT risks as part of OMB's annual Capital Planning and Investment Control (CPIC) process that governs the management of EPA's IT investments.

Timetable:

Action	Date	FR Cite
NPRM Original	05/22/01	66 FR 28240
Notice of Public Meeting	04/01/04	69 FR 17145
NODA	04/18/06	71 FR 19842
NODA #2	02/26/08	73 FR 10204
Final Action	09/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State

Additional Information:

SAN No. 3147.1; EPA publication information: NPRM Original - http://www.gpo.gov/su_docs/aces/fr-cont.html; Split from RIN 2050-AE21.; EPA Docket information: EPA-HQ-RCRA-2001-0032

Sectors Affected:

325 Chemical Manufacturing; 2211 Electric Power Generation, Transmission and Distribution; 332 Fabricated Metal Product Manufacturing; 2122 Metal Ore Mining; 2111 Oil and Gas Extraction; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 3221 Pulp, Paper, and Paperboard Mills; 482 Rail Transportation; 484 Truck Transportation; 5621 Waste Collection; 56221 Waste Treatment and Disposal; 483 Water Transportation

URL For More Information:

www.epa.gov/epaoswer/hazwaste/gener/manifest/

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RIN: 2050-AG20

EPA

108. CERCLA—ADMINISTRATIVE REPORTING EXEMPTION FOR AIR RELEASES OF HAZARDOUS SUBSTANCES FROM ANIMAL WASTE AT FARMS

Priority:

Other Significant

Legal Authority:

42 USC 9603; 42 USC 11004

CFR Citation:

40 CFR 302; 40 CFR 355

Legal Deadline:

None

Abstract:

EPA is considering finalizing an administrative reporting exemption from particular notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. This exemption would apply to releases of hazardous substances to the air that meet or exceed their reportable quantity where the source of those hazardous substances is animal waste at farms. The proposed rule also included a parallel administrative reporting exemption (also for the release of hazardous substances to the air that meet or exceed their reportable quantity from animal waste at farms) from the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA is not making a final decision on this part of the proposed rule at this time. Persons still have an obligation to file reports under EPCRA, as appropriate, until EPA makes a final decision and amends the section 304 requirements. Nothing

in the rule will change the notification requirements if hazardous substances are released to the air from any other source other than animal waste at farms (i.e., ammonia tanks), as well as releases of any hazardous substances from animal waste to any other environmental media, (i.e., soil, ground water, surface water) when the release of those hazardous substances is at or above its reportable quantity. This administrative reporting exemption is protective of human health and the environment and consistent with the Agency's goal to reduce reporting burden where there would likely be no Federal response to such release reports. Eliminating such reporting will allow response officials to better focus on releases where EPA is more likely to take a response action. The administrative reporting exemption from the notification requirements under CERCLA section 103(a) will not limit any of its authorities under CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA.

Statement of Need:

Under this action, the Agency is considering the primary purpose of CERCLA and EPCRA notification requirements and is considering an exemption based on the likelihood of whether there would or would not be a governmental response to those notifications.

Summary of Legal Basis:

This action is not required by statute or court order. This action is being done at the discretion of the Agency.

Alternatives:

Not applicable.

Anticipated Cost and Benefits:

If finalized, it is estimated that the rule will reduce burden on farms associated with making modifications under CERCLA section 103 by approximately 3,408,000 hours over the ten-year period beginning in 2009 and associated costs by approximately \$155,313,000 over the same period.

Risks:

Not estimated.

Timetable:

Action	Date	FR Cite
NPRM	12/28/07	72 FR 73700
Final Action	11/00/08	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State

Additional Information:SAN No. 5117; EPA publication
information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-28/a25231.pdf>; EPA Docket
information: EPA-HQ-SFUND-2007-0469

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AGENDA

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-8702-9]

Fall 2008 Regulatory Agenda; EPA-HQ-OAR-2008-0205; EPA-HQ-OAR-2008-0206; EPA-HQ-OW-2008-0226

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-agenda) at www.reginfo.gov to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda. *Definitions:*

“Semiannual regulatory agenda,” “E-Agenda,” and “online regulatory agenda,” all refer to the same comprehensive collection of information that used to be published in the **Federal Register**, but which is now available through an online database but not be published in the **Federal Register**.

“Regulatory Plan” refers to the document published in part 2 of the **Federal Register** that addresses the core of the Agency’s regulatory priorities that will be issued in the coming fiscal year.

“Regulatory Flexibility Agenda” refers to a document about regulations with a significant impact on a

substantial number of small entities that will continue to be published in the **Federal Register** because of a requirement of the Regulatory Flexibility Act.

“Unified Agenda” refers to the collection of all agencies’ agendas with an introduction prepared by the Regulatory Information Service Center.

“Monthly Action Initiation List” (AIL) refers to a list that EPA posts online each month of the regulations newly approved for development.

“Regulatory agenda preamble” refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA’s regulatory flexibility agenda and the e-agenda.

FOR FURTHER INFORMATION CONTACT If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about EPA’s regulatory agenda, regulatory plan, regulatory flexibility agenda, or EPA’s regulatory development process, please contact: Phil Schwartz (schwartz.philip@epa.gov; 202-564-6564) or Caryn Muellerleile (muellerleile.caryn@epa.gov; 202-564-2855).

TO BE PLACED ON AN AGENDA MAILING LIST: If you would like to receive an e-mail with a link to new regulatory agendas as soon as they are published, please send an e-mail message to: nscep@bps-lmit.com and put “E-Regulatory Agenda: Electronic Copy” in the subject line.

If you would like to receive a monthly e-mail with a link to our new update, the Action Initiation List, go to

<http://www.epa.gov/lawsregs/search/ail.html#notification> and complete the five steps listed there.

If you would like to receive a hard copy of the semiannual agenda about 2 to 3 months after publication, please send an e-mail with your name and complete address to: nscep@bps-lmit.com and put “Regulatory Agenda Hard Copy” in the subject line, or call 800-490-9198. There is no charge for a single copy of the agenda.

SUPPLEMENTARY INFORMATION:

Table of Contents

- Map of Regulatory Agenda Information
- What Are EPA’s Regulatory Goals, and What Key Principles, Statutes, and Executive Orders Inform Our Rule and Policymaking Process?
- How Can You Be Involved in EPA’s Rule and Policymaking Process?
- What Actions Are Included in the Regulatory Agenda?
- How Are Regulatory Plan and Regulatory Flexibility Agenda Organized?
- What Information Is in the Regulatory Flexibility Agenda, the E-Agenda, and the Regulatory Plan?
- New Monthly Update Tool: The Action Initiation List
- What Other Tools for Finding Out About EPA Rules and Policies Are Available at EPA.gov, Regulations.gov, and Reginfo.gov?
- What Special Attention Do We Give to the Impacts of Rules on Small Businesses, Small Governments, and Small Nonprofit Organizations?
- Thank You for Collaborating With Us.

A. Map of Regulatory Agenda Information

Part of Agenda	Online locations	Federal Register Location
Semiannual Regulatory Agenda	www.reginfo.gov/ and www.epa.gov/opei/orpm.html	Not in FR
Annual Regulatory Plan	www.reginfo.gov/ and www.epa.gov/opei/orpm.html	Part 2 of today’s issue
Semiannual Regulatory Flexibility Agenda	www.reginfo.gov/ and www.epa.gov/opei/orpm.html	Part 22 of today’s issue
Monthly Action Initiation List	http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OA-2008-0265 and www.epa.gov/lawsregs/search/ail.html	Not in FR

EPA

B. What Are EPA's Regulatory Goals, and What Key Principles, Statutes, and Executive Orders Inform Our Rule and Policymaking Process?

Our primary objective is to protect human health and the environment. One way we achieve this objective is through the development of regulations. In the United States, Congress passes laws and authorizes certain Government agencies, including EPA, to create and enforce regulations. EPA regulations cover a range of environmental and public health protection issues from setting standards for clean water, to establishing requirements for proper handling of toxic wastes, to controlling air pollution from industry and other sources.

To ensure that our regulatory decisions are scientifically sound, cost-effective, fair, and effective in achieving environmental goals, we conduct high quality scientific, economic, and policy analyses. These analyses are planned and initiated at early stages in the regulatory development process so that Agency decisionmakers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to protect the environment, such as: Building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. We seek collaborative solutions to shared challenges. Research, testing, and adoption of new environmental protection methods are also a central tenet in environmental problem solving. The integration of all of these elements via a well-managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective. Our overall success is measured by our effectiveness in protecting human health and the environment. For a more expansive discussion of our regulatory philosophy and priorities, please see the Statement of Priorities in the FY 2009 regulatory plan (<http://epa.gov/opei/orpm.html#agenda>).

Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act. We also must meet a number of requirements contained in Executive Orders: 12866 (Regulatory Planning and Review; 58 FR 51735; October 4, 1993), 12898 (Environmental Justice; 59 FR 7629; February 16, 1994), 13045 (Children's Health Protection; 62 FR 19885; April 23, 1997), 13132 (Federalism; 64 FR 43255; August 10, 1999), 13175 (Consultation and Coordination With Indian Tribal Governments; 65 FR 67249; November 9, 2000), 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use; FR 28355; May 22, 2001).

C. How Can You Be Involved in EPA's Rule and Policymaking Process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register** (FR). Information on submitting comments to the rulemaking docket is provided in each of our Notices of Proposed Rulemaking (NPRMs), and we always accept comments through the regulations.gov e-docket. To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or nonregulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems, and we stress this point most strongly in all of our training programs for rule and policy developers.

Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process. For more information about public involvement in EPA activities, please visit www.epa.gov/publicinvolvement.

D. What Actions Are Included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations and certain major policy documents in the e-agenda. However, there is no legal significance to the omission of an item from the agenda, and we generally do not include minor amendments or the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes;
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

The Regulatory Flexibility Agenda normally includes:

- Actions that are likely to have a significant economic impact on a substantial number of small entities, and

EPA

- Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act

E. How Are Regulatory Plan and Regulatory Flexibility Agenda Organized?

The Regulatory Plan is organized according to the current stage of development. The stages are:

1. Prerulemaking-Prerulemaking actions are generally intended to determine whether EPA should

initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule-This section includes EPA rulemaking actions that are within a year of proposal

(publication of Notices of Proposed Rulemakings (NPRMs)).

3. Final Rule-This section includes rules that will be issued as a final rule within a year.

We have organized the Regulatory Flexibility Agenda as follows:

First, into divisions based on the law that would authorize a particular action. A "General" division which includes crosscutting actions, such as rules authorized by multiple statutes and general acquisition rules precedes the media statutes (Clean Air Act (CAA), Clean Water Act (CWA), etc.)

Second, by the current stage of development. The stages are:

1. Prerulemaking-Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule-This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule-This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions-This section includes rulemakings for which the next scheduled regulatory action is after October 2009.
5. Completed Actions-This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2008 agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the Agenda.

F. What Information Is in the Regulatory Flexibility Agenda, the E-Agenda, and the Regulatory Plan?

Regulatory Flexibility Agenda entries include:

Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, Contact Person.

E-Agenda entries include:

Title: Titles for new entries (those that have not appeared in previous agendas) are preceded by a bullet (?). The notation "Section 610 Review" follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below. OMB reviews all significant rules including both of the first two categories, "economically significant" and "other significant."

Economically Significant: Under E.O. 12866, a rulemaking action that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g., certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under E.O. 12866, then we would classify the action as either "Economically Significant" or "Other Significant."

Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of E.O. 12866.

Also, if we believe that a rule may be "major" as defined in the Congressional Review Act (5 U.S.C. 801, *et seq.*) because it is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in this law, we indicate this under the "Priority" heading with the statement "Major under 5 U.S.C. 801."

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (P.L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed

EPA

Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates (and citations) that documents for this action were published in the **Federal Register** and, where possible, a projected date for the next step. Projected publication dates frequently change during the course of developing an action. The projections in the agenda are our best estimates as of the date we submit the agenda for publication. For some entries, the timetable indicates that the date of the next action is "to be determined."

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether we expect the rule to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether we expect the rule to have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Unfunded Mandates: Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than \$100 million in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If we expect to exceed this \$100 million threshold, we note it in this section.

Energy Impacts: Indicates whether the action is a significant energy action under E.O. 13211.

International Trade Impacts: Indicates whether the action is likely to have

international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and e-mail address, if available, of a person who is knowledgeable about the regulation.

SAN Number: An identification number that EPA uses to track rulemakings and other actions under development.

URLs: For some of our actions we include the Internet addresses for: Reading copies of rulemaking documents; submitting comments on proposals; and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to our electronic docket which is at: www.regulations.gov. Once there, follow the online instructions to access the docket and submit comments. A Docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the agenda entries that have already been proposed.)

RIN: The Regulatory Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN stand for the EPA office with lead responsibility for developing the action.

Regulatory Plan entries include all categories of information included in E-Agenda entries, plus:

Sequence Number, Statement of Need, Summary of Legal Basis, Alternatives, Anticipated Costs and Benefits, and Risks.

G. New Monthly Update Tool: The Action Initiation List

Continuing to build on EPA's tradition of open, transparent rulemaking, last April we started posting each month a list of the regulations which had been approved for development. We call this list the Action Initiation List. You can see the current list at <http://www.epa.gov/lawsregs/search/ail.html> where you will also find information about how to get an e-mail notification when a new list is posted.

H. What Other Tools for Finding Out About EPA Rules and Policies Are Available at [Reginfo.gov](http://www.reginfo.gov), [Regulations.gov](http://www.regulations.gov), and [EPA.gov](http://www.epa.gov)?

1. Regulatory Agenda Search Engines

If you want to quickly identify the regulation(s) of interest to you, we recommend that you go to www.reginfo.gov/public/do/eAgendaMain and use the E-Agenda database and its powerful search, and advanced search features. With advanced searches you can specify the values you are interested in for up to 21 Agenda data fields. This database also lets you access information from previous versions of the Agenda and Plan.

2. Public Dockets

When EPA publishes either an Advanced Notice of Proposed Rulemaking (ANPRM) or a NPRM in the **Federal Register**, the Agency may establish a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act section 610 reviews of rules with significant impacts on a substantial number of small entities and various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. If there is a docket on a particular action, information about the location will be in that action's Agenda entry. EPA opens an electronic docket for each of our proposed rules by the time we publish them in the **Federal Register**. All of our electronic dockets are housed at www.regulations.gov where you can review the proposed rule, supporting documents, and public comments, and where you may electronically submit your own comments and make use of the bookmarking and notification features.

3. Subject Matter EPA Web sites

More than 100 of the actions listed in the agenda include a URL that provides additional information about the program that the action belongs to.

4. Listservers

If you want to get automatic e-mails about areas of particular interest, we maintain 12 listservers including:

- Air
- Water
- Wastes and emergency response
- Pesticides

EPA

- e. Toxic substances
- f. Right-to-know and toxic release inventory
- g. Environmental impacts
- h. Endangered species
- i. Meetings
- j. The Science Advisory Board
- k. Daily full-text notices with page numbers, and
- l. General information.

For more information and to subscribe via our FR Web site, visit:

www.epa.gov/fedrgstr/subscribe.htm. If you have e-mail without full Internet access, please send an e-mail to envsubset@epa.gov to request instructions for subscribing to the EPA **Federal Register** listservers.

I. What Special Attention Do We Give to the Impacts of Rules on Small Businesses, Small Governments, and Small Nonprofit Organizations?

For each of our rulemakings, we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation. Under RFA/SBREFA (the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act), the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a

significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA Web site at <http://www.epa.gov/sbrefa/>. You may search <http://www.reginfo.gov/public/do/eAgendaAdvancedSearch> to find a list of EPA's entries for which a Regulatory Flexibility Analysis is required or for a list of EPA's entries that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SEIOSNOSE). EPA has three rules under 610 review in 2008.

Rule Being Reviewed	RIN	Docket ID
VOC Regulation for Architectural Coatings (Section 610 Review)	2060-AP09	EPA-HQ-OAR-2008-0205
Control of Emissions of Air Pollution From Nonroad Diesel Engines (Section 610 Review)	2060-AO82	EPA-HQ-OAR-2008-0206
National Primary Drinking Water Regulations: Stage I Disinfectant/Disinfection By-Products Rule (Section 610 Review)	2040-AE97	EPA-HQ-OW-2008-0226

EPA undertakes section 610 reviews to decide whether the agency should continue a rule unchanged, amend it, or withdraw it. EPA announced these three 610 reviews in the "Prerule" section of the spring 2008 Agenda. We encouraged small entities to provide comments on the need to change these rules, and in particular, how the rules could be made clearer, more effective, or if there is need to remove conflicting or overlapping requirements with other

Federal or State regulations. More information on the results of each of these reviews is available in the abstract section of each individual 610 review Agenda entry.

J. Thank You for Collaborating With Us.

Finally, we would like to thank those of you who choose to join with us in solving the complex issues involved in protecting human health and the

environment. Collaborative efforts such as EPA's open rulemaking process are a proven tool for solving the environmental problems we face and the regulatory agenda is an important part of that process.

Dated: August 29, 2008.

Louise P. Wise,

Deputy Associate Administrator, Office of Policy, Economics, and Innovation.

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2945	SAN No. 5288 Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions	2020-AA48
2946	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030-AA67

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2947	SAN No. 5291 Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency	2015-AA01

EPA

GENERAL—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2948	SAN No. 5248 Regulation to Adjust Civil Monetary Penalties for Inflation	2020-AA46
2949	SAN No. 5295 Cross-Media Electronic Reporting Regulation (CROMERR) Technical Amendment	2025-AA23
2950	SAN No. 5121 Age Discrimination Regulations: EPA-Assisted Programs; Age Discrimination Act of 1975	2090-AA37

GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2951	SAN No. 3240 Public Information and Confidentiality Regulations	2025-AA02

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2952	SAN No. 3580 Incorporation of Class Deviations Into EPAAR	2030-AA37
2953	SAN No. 5225 Authorize Additional Emergency Procurement Procedures	2030-AA97

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2954	SAN No. 5266 Definition of Solid Waste for Non-Hazardous Materials (Reg Plan Seq No. 101)	2050-AG44
2955	SAN No. 4266 Review of the National Ambient Air Quality Standards for Carbon Monoxide	2060-AI43
2956	SAN No. 5111 Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide (Reg Plan Seq No. 98)	2060-AO19
2957	SAN No. 5163 Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide	2060-AO48
2958	SAN No. 5170 Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur (Reg Plan Seq No. 99)	2060-AO72
2959	SAN No. 4699.1 Revisions to Emissions Monitoring Regulations	2060-AM63
2960	SAN No. 5168 New Source Performance Standards (NSPS) Review Strategy	2060-AO60
2961	SAN No. 5196 Risk and Technology Review Phase II Group 3	2060-AO97
2962	SAN No. 5265 Greenhouse Gases Under the Clean Air Act	2060-AP12

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2963	SAN No. 5269 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Methyl Bromide and Methyl Iodide	2060-AP22
2964	SAN No. 5280 NESHAP: Group I and IV Polymers and Resins: Amendments	2060-AP25
2965	SAN No. 5231 NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments	2050-AG43
2966	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings)	2060-AF72
2967	SAN No. 4782 Petition to Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate	2060-AK84
2968	SAN No. 4585.1 NESHAP: Portland Cement Notice of Reconsideration	2060-AO15
2969	SAN No. 5071 Hospital/Medical/Infectious Waste Incineration Units—Response to Remand	2060-AO04
2970	SAN No. 4309 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments	2060-AI62
2971	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060-AJ61
2972	SAN No. 5115 Air Quality Index Reporting and Significant Harm Level for PM2.5	2060-AO11

EPA

CLEAN AIR ACT (CAA)—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2973	SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.	2060-AN48
2974	SAN No. 5235 Protection of Stratospheric Ozone: The 2009 Critical Use Exemption From the Phaseout of Methyl Bromide	2060-AO78
2975	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060-AM09
2976	SAN No. 4991 Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas	2060-AN30
2977	SAN No. 5052 Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances	2060-AN58
2978	SAN No. 4988 NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments	2060-AN33
2979	SAN No. 3380 NSPS: SOCM—Wastewater Amendments	2060-AE94
2980	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060-AJ86
2981	SAN No. 4633 Performance-Based Measurement System for Fuels: Criteria for Self-Qualifying Alternative Test Methods; Description of Optional Statistical Quality Control Measures	2060-AK03
2982	SAN No. 4846 NESHAP and NSPS for Municipal Solid Waste Landfills—Amendments	2060-AM08
2983	SAN No. 4874 NESHAP: Area Source Standards for Miscellaneous Chemical Manufacturing	2060-AM19
2984	SAN No. 4884 Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources	2060-AM44
2985	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment	2060-AM84
2986	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments	2060-AM87
2987	SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs	2060-AN00
2988	SAN No. 4866.1 NESHAP: Site Remediation Amendments—Response to Litigation	2060-AN36
2989	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry	2060-AN46
2990	SAN No. 5016 NESHAP: Area Source Standards—Paint and Allied Products Manufacturing	2060-AN47
2991	SAN No. 5025 Revisions to the Definition of Potential to Emit (PTE)	2060-AN65
2992	SAN No. 5093 Risk and Technology Review Phase II Group 2	2060-AN85
2993	SAN No. 5079 Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval	2060-AN93
2994	SAN No. 5106 National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations—Amendment	2060-AO03
2995	SAN No. 5105 Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines	2060-AO12
2996	SAN No. 5122 NESHAP: Ferroalloys Production—Area Source Standards	2060-AO13
2997	SAN No. 5131 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Family of Four Hydrofluoropolyethers (HFPEs) and HFE-347pc-f	2060-AO17
2998	SAN No. 5116 Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)	2060-AO23
2999	SAN No. 5129 Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder	2060-AO38
3000	SAN No. 5155 Measurement of PM 2.5 and PM 10 Emissions by Dilution Sampling	2060-AO50
3001	SAN No. 5147 Amend Methods 201a and 202 To Improve Measurement of PM2.5	2060-AO58
3002	SAN No. 5185 Plywood and Composite Wood Products (PCWP) NESHAP—Amendments To Address “No Emission Reduction” MACT Floors	2060-AO66
3003	SAN No. 5153 Adoption of International NOx Standard for Aircraft Engines	2060-AO70
3004	SAN No. 5224 Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export	2060-AO76
3005	SAN No. 5234 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009	2060-AO77
3006	SAN No. 5242 Greenhouse Gas Mandatory Reporting Rule (Reg Plan Seq No. 102)	2060-AO79
3007	SAN No. 5250 Renewable Fuels Standard Program (Reg Plan Seq No. 103)	2060-AO81
3008	SAN No. 5035.1 NSPS for Equipment Leaks; Amendments	2060-AO90
3009	SAN No. 5093.2 Risk and Technology Review Phase II Group 2A (Reg Plan Seq No. 104)	2060-AO91
3010	SAN No. 5093.3 Risk Technology Phase II Group 2B	2060-AO92
3011	SAN No. 5189 NESHAP: Area Source Standards—Aluminum, Copper, and Other Nonferrous Foundries	2060-AO93
3012	SAN No. 5191 NESHAP: Area Source Standards—Asphalt Roofing Manufacture	2060-AO94
3013	SAN No. 5194 Implementation of the 8-Hour Ozone National Ambient Air Quality Standards: Revisions for Subpart 1 Areas and 1-Hour Contingency Measures	2060-AO96
3014	SAN No. 5201 NESHAP: Area Source Standards—Prepared (Animal) Feeds Manufacturing	2060-AO98
3015	SAN No. 5216 Prevention of Air Pollution Emergency Episodes	2060-AP00
3016	SAN No. 5232 NESHAP: Reinforced Plastic Composites Production Rule Amendments	2060-AP05
3017	SAN No. 5233 New Source Performance Standards for Grain Elevators—Amendments	2060-AP06
3018	SAN No. 5236 Reconsideration of Halogenated Solvent Cleaning Final Residual Risk Rule	2060-AP07

EPA

CLEAN AIR ACT (CAA)—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3019	SAN No. 5257 Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	2060-AP11
3020	SAN No. 5259 Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements	2060-AP15
3021	SAN No. 5260 NESHAP: Gasoline Distribution Amendments—Area Source Standard	2060-AP16
3022	SAN No. 5261 Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Methods	2060-AP17
3023	SAN No. 5273 Restructuring of the Stationary Source Audit Program	2060-AP23
3024	SAN No. 5275 Implementation of 2008 8-Hour Ozone NAAQS	2060-AP24
3025	SAN No. 5286 Transportation Conformity PM2.5 and PM10 Amendments	2060-AP29
3026	SAN No. 5194.2 Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR Anti-Backsliding	2060-AP30
3027	SAN No. 5297 National Volatile Organic Compound Emission Standards for Aerosol Coatings; Amendments	2060-AP33
3028	SAN No. 5035.2 NSPS Equipment Leaks (Subpart VV SOCMI and GGG Petroleum Refineries); Amendments	2060-AP34

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3029	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009-AA00
3030	SAN No. 4794.2 Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units (Reg Plan Seq No. 106)	2060-AN28
3031	SAN No. 4070 Revisions to the General Conformity Regulations	2060-AH93
3032	SAN No. 5059 Review of the National Ambient Air Quality Standards for Lead	2060-AN83
3033	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060-AH37
3034	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements	2060-AH23
3035	SAN No. 4119 Performance Specification 16—Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources	2060-AO74
3036	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060-AK54
3037	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	2060-AM46
3038	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060-AK26
3039	SAN No. 5143 Review of New Source Performance Standards—Portland Cement	2060-AO42
3040	SAN No. 4722 California Gasoline Technical Correction	2060-AK56
3041	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060-AK69
3042	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation, and Project Netting	2060-AL75
3043	SAN No. 4809 Control of Emissions of Air Pollution From New Motor Vehicles: On-Board Diagnostic Requirements for Heavy-Duty Engines and Vehicles Above 14,000 lbs and In-Use, Not-To-Exceed Emission Standard Testing	2060-AL92
3044	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair	2060-AL98
3045	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing	2060-AM37
3046	SAN No. 4885 Flexible Air Permit Rule	2060-AM45
3047	SAN No. 4908 NESHAP: General Provisions (Once In Always In)—Amendments	2060-AM75
3048	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions	2060-AM91
3049	SAN No. 4970 Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments	2060-AN17
3050	SAN No. 4951 Revisions to Air Emissions Reporting Requirements	2060-AN20
3051	SAN No. 5022 Requirements for Reformulated Gasoline (RFG) Under the 8-hour Ozone Standard for Bump-Up Areas Designated Attainment for the 1-hour Ozone Standard Prior to Revocation	2060-AN63
3052	SAN No. 5029 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule	2060-AN68
3053	SAN No. 5036 Petroleum Refineries—New Source Performance Standards (NSPS)—Subpart J	2060-AN72
3054	SAN No. 5045 Revision to Definition of Volatile Organic Compounds—Exclusion of Compounds	2060-AN75
3055	SAN No. 5095 NESHAP: Mercury Cell Chlor-Alkali Plants—Amendments	2060-AN99
3056	SAN No. 5100 Prevention of Significant Deterioration: Refinement to Increment Modeling Procedures	2060-AO02

EPA

CLEAN AIR ACT (CAA)—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3057	SAN No. 4891.1 NESHAP: Miscellaneous Organic Chemical Manufacturing—Amendments	2060–AO07
3058	SAN No. 5126 Risk and Technology Review for Group 1: Polymers & Resins I; Polymers & Resins II, Acetal Resins, and Hydrogen Fluoride	2060–AO16
3059	SAN No. 5068 Prevention of Significant Deterioration for PM _{2.5} —Increments, Significant Impact Levels and Significant Monitoring Concentrations	2060–AO24
3060	SAN No. 5114 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides	2060–AO31
3061	SAN No. 5124 Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections	2060–AO36
3062	SAN No. 5145 New Source Performance Standards Review for Nonmetallic Mineral Processing Plants and Amendments to Subpart UUU Applicability	2060–AO41
3063	SAN No. 5146 Addition of Method 208, Protocol for the Source Testing, Analysis, and Reporting of VOC Emissions From Hot Mix Asphalt Plant Dryers	2060–AO51
3064	SAN No. 5156 National Emission Standards for Hazardous Air Pollutants: Appendix A—Test Methods; Amendments to Method 301	2060–AO53
3065	SAN No. 5093.1 Petroleum Refinery Residual Risk Standards	2060–AO55
3066	SAN No. 5144 Standards of Performance for Coal Preparation Plants—Amendments	2060–AO57
3067	SAN No. 5174 Clarification of Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units	2060–AO61
3068	SAN No. 5154 Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel	2060–AO71
3069	SAN No. 5226 Group IV: CTGs in Lieu of Regulations for Misc. Metal Products Coatings, Plastic Parts, Auto and Light Duty Truck Assembly Coatings, Fiberglass Boat Mfg. Materials, and Misc. Industrial Adhesives	2060–AP01
3070	SAN No. 5237 Standards of Performance for New Stationary Sources, Test Method 2H	2060–AP08
3071	SAN No. 5194.1 Implement the 8-Hour Ozone NAAQS: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas	2060–AP10
3072	SAN No. 5282 Air Quality Designations and Classifications for the 24-Hour Fine Particles (PM _{2.5}) National Ambient Air Quality Standards	2060–AP27
3073	SAN No. 5289 Protocols for Monitoring and Measuring Mercury Emissions	2060–AP31

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3074	SAN No. 4607 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Availability of Information to the Public; Technical Amendment	2050–AE95
3075	SAN No. 5094 Clean Air Mercury Rule: Federal Plan	2060–AN98
3076	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060–AH01
3077	SAN No. 5169 Review of the National Ambient Air Quality Standards for Particulate Matter	2060–AO47
3078	SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004	2060–AN43
3079	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition To Delist	2060–AK73
3080	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060–AM20
3081	SAN No. 4689 Section 126 Rule Withdrawal Provision	2060–AK41
3082	SAN No. 4676.3 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments	2060–AM62
3083	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	2060–AJ82
3084	SAN No. 4757.1 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks, and Heavy Duty Vehicles	2060–AN01
3085	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060–AI03
3086	SAN No. 4697.1 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060–AN87

EPA

CLEAN AIR ACT (CAA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3087	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060-AL94
3088	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants	2060-AM49
3089	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060-AM55
3090	SAN No. 5151 Protection of Stratospheric Ozone: Labeling of Products Using HCFCs	2060-AO68
3091	SAN No. 4918 Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	2060-AM54
3092	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060-AH31
3093	SAN No. 4348 Amendment to Inspection/Maintenance Program Requirements for Federal Facilities	2060-AI97
3094	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060-AL83
3095	SAN No. 4797 Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")	2060-AL84
3096	SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines	2060-AN73
3097	SAN No. 5120 Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs)	2060-AO18
3098	SAN No. 5137 Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers	2060-AO29
3099	SAN No. 5206 Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing	2060-AO75
3100	SAN No. 5268 Response to Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana	2060-AP21
3101	SAN No. 5281 NESHAP Subpart W: Standards for Radon Emissions From Operating Uranium Mill Tailings: Amendments	2060-AP26

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3102	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins—Amendments	2060-AH47
3103	SAN No. 4752.2 Implementation of the New Source Review (NSR) Program for PM2.5	2060-AN86
3104	SAN No. 4161.1 Update of Continuous Instrumental Test Methods: Technical Amendments	2060-AP13
3105	SAN No. 5047 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration) ..	2050-AG29
3106	SAN No. 5090 Federal Implementation Plan for Forest County Potawatomi Class I Redesignation	2005-AA00
3107	SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment	2060-AM34
3108	SAN No. 5212 Ohio SO2 Rules / FIP Rescission	2005-AA01
3109	SAN No. 5161 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area	2008-AA01
3110	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder	2060-AM06
3111	SAN No. 4960 Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport	2060-AN12
3112	SAN No. 4993 Optional Chassis Certification for Diesel Vehicles	2060-AN39
3113	SAN No. 5055 National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing: Amendments	2060-AN80
3114	SAN No. 5080 Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska	2060-AN94
3115	SAN No. 5135 NESHAP—Area Source Standards—Nine Metal Fabrication and Finishing Source Categories (12 SICs, 23 NAICS Codes)	2060-AO27
3116	SAN No. 5140 Method 207—Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources	2060-AO39
3117	SAN No. 5142 Review of New Source Performance Standards (Subpart UUU)—Mineral Dryers/Calciners	2060-AO43
3118	SAN No. 5157 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008	2060-AO44
3119	SAN No. 5175 NESHAP: Aviation Gasoline Distribution MACT Standards	2060-AO62
3120	SAN No. 5180 Federal Plan Requirements for Large Municipal Waste Combustors Constructed On or Before September 20, 1994	2060-AO63
3121	SAN No. 5186 Pulp and Paper Sector Model	2060-AO67
3122	SAN No. 5166 Opportunity To Provide Feedback to the Agency on Emissions Standards for Stationary Diesel Engines	2060-AO73
3123	SAN No. 5249 Renewable Fuel Standard Technical Amendments	2060-AO80

EPA

CLEAN AIR ACT (CAA)—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3124	SAN No. 5254 Control of Emissions of Air Pollution From Nonroad Diesel Engines (Completion of a Section 610 Review)	2060-AO82
3125	SAN No. 4907.1 National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution; Amendments—Area Source Standard	2060-AO84
3126	SAN No. 5203 Control of Emissions of Air Pollution From Snowmobiles	2060-AO88
3127	SAN No. 5193 Implementation of the 8-Hour Ozone National Ambient Air Quality Standard: Anti-Backsliding Provisions on Section 185 Penalty Fees Under Former 1-Hour Ozone Standard	2060-AO95
3128	SAN No. 5202 NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments	2060-AO99
3129	SAN No. 5227 Consumer and Commercial Products: National VOC Emission Standards for Miscellaneous Industrial Adhesives and Sealants	2060-AP02
3130	SAN No. 5230 NESHAP: Area Source Standards—Aluminum Foundries	2060-AP04
3131	SAN No. 5255 VOC Regulation for Architectural Coatings (Completion of a Section 610 Review)	2060-AP09
3132	SAN No. 5263 Protection of Stratospheric Ozone: Revision of Refrigerant Recovery-Only Equipment Standards ...	2060-AP18
3133	SAN No. 5264 NESHAP: Gasoline Distribution Amendments; Area Source Standard	2060-AP19
3134	SAN No. 5267 Final Determination To Extend Deadline for Promulgation of Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana	2060-AP20
3135	SAN No. 5283 Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for 2008 Ozone NAAQS Monitoring Data	2060-AP28
3136	SAN No. 5108.1 Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule	2060-AP32

ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3137	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060-AH63
3138	SAN No. 4003 Technical Change to Dose Methodology	2060-AH90

ATOMIC ENERGY ACT (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3139	SAN No. 4964 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada	2060-AN15

NOISE CONTROL ACT (NCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3140	SAN No. 5102 Revision of Hearing-Protector Regulations	2060-AO25

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3141	SAN No. 5183 Pesticides; Reconsideration of Exemptions for Insect Repellents	2070-AJ45

EPA

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3142	SAN No. 5031 Pesticides; Expansion of Crop Grouping Program	2070-AJ28
3143	SAN No. 5082 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	2070-AJ32
3144	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2015-AA00

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3145	SAN No. 4728 Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening	2070-AD61
3146	SAN No. 3222 Groundwater and Pesticide Management Plan Rule	2070-AC46
3147	SAN No. 5276 Pesticides; Technical Amendments	2070-AJ42

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3148	SAN No. 5050 Pesticide Agricultural Container Recycling Program	2070-AJ29
3149	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070-AD30
3150	SAN No. 4027 Pesticides; Tolerance Processing Fees	2070-AJ23
3151	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes	2070-AD49
3152	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070-AD55
3153	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070-AD56
3154	SAN No. 5007 Pesticides; Competency Standards for Occupational Users	2070-AJ20
3155	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions	2070-AJ22
3156	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070-AD14
3157	SAN No. 4985 Pesticides; Determination of Status of Prions as Pests	2070-AJ26
3158	SAN No. 5005 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)	2070-AJ27

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3159	SAN No. 5223 Pesticides; Revisions to Pesticide Container/Containment Rule	2070-AJ37

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3160	SAN No. 5187 Test Rule; Nonylphenol (NP) and Its Ethoxylates (NPE)	2070-AJ34
3161	SAN No. 5256 Polychlorinated Biphenyls (PCBs); Use and Distribution in Commerce	2070-AJ38
3162	SAN No. 5287 Formaldehyde Emissions from Pressed Wood Products (Reg Plan Seq No. 100)	2070-AJ44

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

EPA

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3163	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070-AB27
3164	SAN No. 5238 Significant New Use Rule for Elemental Mercury in Flow Meters, Manometers, and Pyrometers	2070-AJ36
3165	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	2070-AD16
3166	SAN No. 5270 Electronic Premanufacture Notice (PMN) Reporting	2070-AJ41

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3167	SAN No. 5271 Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors	2070-AJ40
3168	SAN No. 4984 Clarification on TSCA Inventory Status of Activated Phosphors	2070-AJ21
3169	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Certain Polymers	2070-AD58
3170	SAN No. 3528 Refractory Ceramic Fibers (RCFs)	2070-AC37
3171	SAN No. 3493.1 Testing Agreement for Perfluorooctanoic Acid (PFOA)	2070-AJ06
3172	SAN No. 3493.4 HAPs Testing Agreement for Diethanolamine	2070-AJ09
3173	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070-AB11
3174	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070-AC21

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3175	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070-AC51
3176	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins	2070-AJ04
3177	SAN No. 2150.2 Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption For Disposal	2050-AG42
3178	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Petitions Seeking a Manufacturing (Import) Exemption for Use ..	2070-AJ39
3179	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA	2070-AJ15
3180	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070-AA59
3181	SAN No. 1923 Follow-Up Rules on Existing Chemicals	2070-AA58
3182	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070-AD48
3183	SAN No. 1923.1 Significant New Use Rule for Chloranil	2070-AJ31
3184	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070-AB79
3185	SAN No. 3493 Testing for Existing Chemicals (Overview Entry for Future Needs)	2070-AB94
3186	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP)	2070-AC27
3187	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070-AC76
3188	SAN No. 3882 Test Rule; Certain Metals	2070-AD10
3189	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program	2070-AD25
3190	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives	2070-AD28
3191	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070-AD44
3192	SAN No. 3493.2 Testing Agreement for Aryl Phosphates (ITC List 2)	2070-AJ07
3193	SAN No. 3493.3 Test Rule; Brominated Flame Retardants (BFRs)	2070-AJ08
3194	SAN No. 3493.5 HAPS Testing Agreement for Hydrogen Fluoride	2070-AJ10
3195	SAN No. 3493.7 HAPS Testing Agreement for Phthalic Anhydride	2070-AJ11
3196	SAN No. 3493.6 Testing Agreement for Maleic Anhydride	2070-AJ13
3197	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070-AB08
3198	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule	2070-AC64
3199	SAN No. 4777 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing	2070-AD64
3200	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070-AD53

EPA**TOXIC SUBSTANCES CONTROL ACT (TSCA)—Long-Term Actions (Continued)**

Sequence Number	Title	Regulation Identifier Number
3201	SAN No. 5279 TSCA Inventory Update Reporting Modifications	2070-AJ43

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3202	SAN No. 5058 Nanoscale Materials Under TSCA	2070-AJ30

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3203	SAN No. 2425.3 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals	2025-AA19

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3204	SAN No. 4753 Emergency Planning and Community Right-To-Know Act: Modification to the Threshold Planning Quantity Methodology for the Extremely Hazardous Substances That Are Solids in Solution	2050-AF08
3205	SAN No. 5296 Toxics Release Inventory Articles Exemption Clarification	2025-AA24
3206	SAN No. 5262 Waste Energy Recovery Registry	2060-AP14

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3207	SAN No. 3215 Amendments to Emergency Planning and Community Right-To-Know Act	2050-AE17

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3208	SAN No. 3215.1 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule	2050-AG40
3209	SAN No. 2425.4 TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory	2025-AA16
3210	SAN No. 2425.1 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	2025-AA17
3211	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025-AA11

EPA**EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3212	SAN No. 5207 Toxic Chemical Release Reporting Using Revised 2007 North American Industry Classification System (NAICS) Codes	2025-AA22

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3213	SAN No. 5274 Standards for the Safe and Environmentally Protective Placement of Coal Combustion Products as Minefill in Coal Mines Not Regulated Under the Surface Mining Control and Reclamation Act	2050-AG45
3214	SAN No. 5070 Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts	2050-AG34
3215	SAN No. 4606 Revisions to the Requirements for Transboundary Shipments of Wastes Destined for Recovery Between the U.S. and Other OECD Countries and for Export Shipments of Spent Lead Acid Batteries	2050-AE93
3216	SAN No. 2647 RCRA Subtitle C Financial Test Criteria Regulatory Determination	2050-AC71
3217	SAN No. 5127 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals	2050-AG39

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3218	SAN No. 3147.1 Hazardous Waste Manifest Revisions — Standards and Procedures for Electronic Manifests (Reg Plan Seq No. 107)	2050-AG20
3219	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050-AE51
3220	SAN No. 4977 Expanding the Comparable Fuels Exclusion Under RCRA	2050-AG24
3221	SAN No. 4920 Rulemaking to Streamline Laboratory Waste Management in Academic and Research Laboratories	2050-AG18

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3222	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050-AE23
3223	SAN No. 3856 Management of Cement Kiln Dust (CKD)	2050-AE34
3224	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers	2050-AE81
3225	SAN No. 5128 Waste Management System; Testing and Monitoring Activities; Methods Innovation Rule; Correction	2050-AG38
3226	SAN No. 4735 RCRA Smarter Waste Reporting	2050-AF01
3227	SAN No. 4828 RCRA Incentives for Performance Track Members	2090-AA34

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3228	SAN No. 4834 Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)	2050-AG15
3229	SAN No. 4670.1 Definition of Solid Wastes Revisions	2050-AG31

EPA

55OIL POLLUTION ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3230	SAN No. 2634.7 Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities Compliance Dates	2050-AG49

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3231	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites	2050-AD75
3232	SAN No. 5292 Additional Reference to New Forestland Phase I Standard to Referenced Compliant Standards in All Appropriate Inquiries	2050-AG47

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3233	SAN No. 5117 CERCLA—Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms (Reg Plan Seq No. 108)	2050-AG37

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3234	SAN No. 4971 National Contingency Plan Revisions To Align With the National Response Plan	2050-AG22
3235	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050-AF03

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3236	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	2050-AE87
3237	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations	2040-AE69
3238	SAN No. 5119 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category (Reg Plan Seq No. 105)	2040-AE91
3239	SAN No. 5210 Criteria and Standards for Cooling Water Intake Structures—Phase II Remand	2040-AE95
3240	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters	2040-AD89

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3241	SAN No. 2634.2 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule	2050-AG16
3242	SAN No. 4996 Concentrated Animal Feeding Operation Rule	2040-AE80
3243	SAN No. 5098 Implementation Guidance for Mercury Water Quality Criteria	2040-AE87
3244	SAN No. 5162 NPDES General Permit for Discharges Incidental to the Normal Operations of a Vessel	2040-AE93

EPA**CLEAN WATER ACT (CWA)—Final Rule Stage (Continued)**

Sequence Number	Title	Regulation Identifier Number
3245	SAN No. 5205 Revisions to the Clean Water Act Regulatory Definition of "Discharge of Dredged Material"	2040-AE96

CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3246	SAN No. 2634.6 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"	2050-AG48
3247	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040-AC93
3248	SAN No. 4049 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act	2040-AD09
3249	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II	2040-AD39
3250	SAN No. 3786 NPDES Applications Revisions	2040-AC84
3251	SAN No. 3999 NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities	2040-AD02
3252	SAN No. 4690 NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy	2040-AD87
3253	SAN No. 3663.1 Availability of and Procedures for Removal Credits	2040-AE88
3254	SAN No. 4980 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process	2040-AE82
3255	SAN No. 5251 NPDES Program Management Information Rulemaking	2020-AA47
3256	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	2040-AE77

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3257	SAN No. 5040 Water Transfers Rule	2040-AE86
3258	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	2040-AE61
3259	SAN No. 5064 2008 Effluent Guidelines Program Plan	2040-AE89
3260	SAN No. 5243 NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula	2040-AE99

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3261	SAN No. 5066 Second 6-Year Review of Existing National Primary Drinking Water Regulations	2040-AE90
3262	SAN No. 5211 Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO ₂) Geologic Sequestration (GS) Wells	2040-AE98
3263	SAN No. 5272 National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts Rule and Changes Related to References of Analytical Methods	2040-AF00

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3264	SAN No. 4745 Drinking Water Contaminant Candidate List 3	2040-AD99
3265	SAN No. 4966 Drinking Water Regulations for Aircraft Public Water System	2040-AE84

EPA**SAFE DRINKING WATER ACT (SDWA)—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3266	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040-AA94
3267	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040-AC13
3268	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040-AD54
3269	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues	2040-AD94
3270	SAN No. 4236 Underground Injection Control: Update of State Programs	2040-AD40
3271	SAN No. 5284 Revising Underground Storage Tank Regulations—Revisions to Existing Requirements and Additions To Incorporate the Provisions of the Energy Policy Act	2050-AG46

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3272	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	2040-AE60
3273	SAN No. 5258 National Primary Drinking Water Regulations: Stage I Disinfectant/Disinfection By-Products Rule (Completion of a Section 610 Review)	2040-AE97

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3274	SAN No. 2820 Shore Protection Act Regulations	2040-AB85

Environmental Protection Agency (EPA)**Proposed Rule Stage****General****2945. • PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT AND ASSESSING THE ENVIRONMENTAL EFFECTS ABROAD OF EPA ACTIONS****Priority:** Info./Admin./Other**Legal Authority:** NEPA**CFR Citation:** 40 CFR 6**Legal Deadline:** None

Abstract: The Environmental Protection Agency is taking direct final action on its revisions to “Procedures for Implementing the National Environmental Policy Act and Assessing the Effects Abroad of EPA Actions.” These revisions make two minor, technical corrections to the regulations. The first change is to correct the number of extraordinary circumstances from 14 to 10, as referenced at 40 CFR part 6.204(a)(2)(ii). The second change

clarifies the language in a categorical exclusion (found at 40 CFR part 6.204(f)(2)(vi)) to include vacant land. Neither of these changes affects the substantive conditions of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/09	
Direct Final Action	02/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5288

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RIN: 2020-AA48**2946. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The purpose of this rule is to revise the Agency’s conflict of interest (COI) acquisition regulations.

EPA—General

Proposed Rule Stage

The specific revisions involve more stringent requirements for submission of relevant information from Agency contractors and potential contractors regarding their relationships with parent companies, affiliates, subsidiaries, and sister companies. Current Agency regulations do not require the submission of this level of information. Receipt and evaluation of this information is critical in order for the Agency to decide whether or not COI situations exist and how they are to be handled. This revised rule will also codify several COI clauses that have been developed since the issuance of the previous rule in 1994.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4319

Sectors Affected: 5413 Architectural, Engineering and Related Services; 54162 Environmental Consulting Services; 5416 Management, Scientific and Technical Consulting Services; 5417 Scientific Research and Development Services; 562 Waste Management and Remediation Services

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RIN: 2030-AA67

Environmental Protection Agency (EPA)

Final Rule Stage

General

2947. • SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY

Priority: Info./Admin./Other

Legal Authority: 5 USC 7301

CFR Citation: 5 CFR 6401 (Revision)

Legal Deadline: None

Abstract: The Environmental Protection Agency will, with the concurrence of the Office of Government Ethics (OGE), revise the Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency (regulation) at 5 CFR part 6401. The regulation supplements the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) issued by OGE. The revisions to the regulation are necessary to update, clarify, and address ethical issues unique to EPA employees. The regulation prohibits certain EPA employees from holding certain financial interests, including compensated outside employment with certain persons; and it requires EPA employees to obtain prior approval to engage in certain categories of outside employment.

Timetable:

Action	Date	FR Cite
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5291

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RIN: 2015-AA01

2948. • REGULATION TO ADJUST CIVIL MONETARY PENALTIES FOR INFLATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, March 13, 2008, The DCIA requires that each federal agency adjust its civil monetary penalties at least once every 4 years.

Abstract: This rule adjusts EPA's civil monetary penalties for inflation since EPA's last adjustment in March of 2004 as required by Congress in the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 note (DCIA). The DCIA provides that each federal agency is required to issue regulations adjusting for inflation the maximum civil monetary penalties that can be imposed pursuant to such agency's statutes. The

purpose of the adjustments is to maintain the deterrent effect of civil monetary penalties and to further the policy goals of the laws. The DCIA requires adjustments to be made at least once every 4 years.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5248

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RIN: 2020-AA46

EPA—General

Final Rule Stage

2949. • CROSS-MEDIA ELECTRONIC REPORTING REGULATION (CROMERR) TECHNICAL AMENDMENT**Priority:** Info./Admin./Other**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: EPA published the final Cross-Media Electronic Reporting Rule (CROMERR) on October 13, 2005. The rule establishes a legal framework for electronic reporting by regulated entities to EPA and states, tribes, and local governments that are authorized to administer EPA programs. Specifically CROMERR (1) removes all regulatory obstacles to e-reporting under EPA and EPA-authorized programs; (2) sets requirements for electronic reporting to EPA; (3) requires EPA approval of modifications or revisions to authorized programs that allow or wish to allow e-reporting; (4) creates a special, optional process for obtaining EPA approval of program modifications or revisions to e-reporting and (5) sets mandatory standards for e-reporting systems operated by authorized programs. CROMERR applies to any document submissions required by or permitted under any EPA or authorized program governed by EPA's regulations in title 40 of the Code of Federal Regulations (CFR), if it is submitted electronically. State, tribal, and local government applicants that have an existing electronic document receiving system (as defined in section 3.3 of the regulation), originally had until October 13, 2007, to submit their applications to apply for EPA approval of their system under CROMERR. On October 2, 2007, a direct final rulemaking to extend the October 13, 2007, Cross-Media Electronic Reporting Regulation (CROMERR) deadline for authorized programs (States, tribes, or local governments) with existing electronic document receiving systems became effective. Under section 3.1000(a)(3) of CROMERR, authorized program applicants that have an existing

electronic document receiving system now have until October 13, 2008, to submit their applications for EPA approval of their system under CROMERR.

OEI would like to extend the October 13, 2008, deadline for existing systems by 15 months, to January 13, 2010, to provide additional time for authorized programs to develop their applications and upgrade their systems, if required.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5295

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RIN: 2025-AA23

2950. AGE DISCRIMINATION REGULATIONS: EPA-ASSISTED PROGRAMS; AGE DISCRIMINATION ACT OF 1975**Priority:** Other Significant**Legal Authority:** 42 USC 6101 et seq**CFR Citation:** 40 CFR 7.10 to 7.180**Legal Deadline:** None

Abstract: The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive Federal financial assistance, and requires Federal agencies to issue regulations implementing the Act.

Recipients are aware of this prohibition and are already in compliance with this requirement. This amendment will add Age as a protected classification to EPA's nondiscrimination regulations (40 CFR part 7), which already prohibit discrimination based on race, color, national origin, sex, or handicap in EPA-assisted programs or activities pursuant to title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and section 13 of the Federal Water Pollution Control Act of 1972. The 1975 Age Discrimination Act uses the same prohibitory language as title VI and section 504. Promulgating this amendment will bring EPA in line with other Federal agencies that have already issued age discrimination regulations—such as U. S. Department of Justice (DOJ) and the U.S. Department of Health and Human Services (HHS). HHS is responsible for approving age discrimination regulations before they are published and has already approved EPA's proposed amendment.

Timetable:

Action	Date	FR Cite
Direct Final Action	02/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5121

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RIN: 2090-AA37

Environmental Protection Agency (EPA)**Long-Term Actions****General****2951. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2005; 15 USC 2601 et seq; 21 USC 346; 33 USC 1251 et seq; 33 USC 1414; 42 USC 11001 et seq; 42 USC 300(f) et seq; 42 USC 4912; 42 USC 6901 et seq; 42 USC 7401 et seq; 42 USC 9601 et seq; 5 USC 552; 7 USC 136 et seq**CFR Citation:** 40 CFR 2; 40 CFR 57; 40 CFR 122; 40 CFR 123; 40 CFR 145; 40 CFR 233; 40 CFR 260; 40 CFR 270; 40 CFR 271; 40 CFR 281; 40 CFR 350; 40 CFR 403; 40 CFR 85; 40 CFR 86**Legal Deadline:** NPRM, Statutory, August 31, 2000, Proposed rule to eliminate the special treatment of CBI substantiations.**Abstract:** EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business

information (CBI). Although the current regulations have succeeded in protecting CBI, changes in Agency workload, practice, and statutory authority have made it difficult to handle CBI activities as expeditiously as desired. EPA is examining its CBI regulations to determine whether changes are needed to make them more efficient and effective. Provision 40 CFR 2.205(c), which automatically protects CBI substantiations claimed as confidential, is being examined individually and as part of the CBI regulations as a whole.

Timetable:

Action	Date	FR Cite
NPRM 1	11/23/94	59 FR 60446
NPRM 2	10/25/99	64 FR 57421
NPRM 3	12/21/99	64 FR 71366
NPRM 4	08/30/00	65 FR 52684
ANPRM	12/21/00	65 FR 80394
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3240**Agency Contact:** Sara Hisel-McCoy, Environmental Protection Agency, Office of Environmental Information, 2822-T, Washington, DC 20460

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RIN: 2025-AA02**Environmental Protection Agency (EPA)****Completed Actions****General****2952. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 1537; 48 CFR 1552**Completed:**

Reason	Date	FR Cite
Withdrawn	09/05/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul Schaffer

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RIN: 2030-AA37**2953. AUTHORIZE ADDITIONAL EMERGENCY PROCUREMENT PROCEDURES****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 15**Completed:**

Reason	Date	FR Cite
Withdrawn	09/05/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Eleanor Nolan

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RIN: 2030-AA97**Environmental Protection Agency (EPA)****Prerule Stage****Clean Air Act (CAA)****2954. • DEFINITION OF SOLID WASTE FOR NON-HAZARDOUS MATERIALS****Regulatory Plan:** This entry is Seq. No. 101 in part II of this issue of the Federal Register.**RIN:** 2050-AG44**2955. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE****Priority:** Other Significant**Legal Authority:** 42 USC 7409**CFR Citation:** 40 CFR 50**Legal Deadline:** Final, Statutory, August 1, 1999.**Abstract:** Review of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) is

mandated by the Clean Air Act. The review will include an assessment of the available science on health and environmental effects associated with ambient levels of CO and an evaluation of the science in the context of policy decisions on whether or not to revise current standards. The last CO NAAQS review occurred in 1994 with a decision by the Administrator not to revise the existing standards.

EPA—Clean Air Act (CAA)

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	08/00/09	
NPRM	10/00/10	
Final Action	05/00/11	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

Additional Information: SAN No. 4266; EPA Docket information: EPA-HQ-OAR-2008-0015

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RIN: 2060-AI43**2956. REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE**

Regulatory Plan: This entry is Seq. No. 98 in part II of this issue of the **Federal Register**.

RIN: 2060-AO19**2957. REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR SULFUR DIOXIDE**

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7408 and 7409

CFR Citation: 40 CFR 50

Legal Deadline: None

Abstract: The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise air quality criteria primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) periodically. On May 22, 1996, the EPA published a final decision under section 109(d)(1) that revisions of the primary and secondary NAAQS for sulfur dioxide (SO₂) were not appropriate at that time, aside from

several minor technical changes. That action provided the Administrator's final determination, after careful evaluation of comments received on the November 1994 proposal, that significant revisions to the primary and the secondary NAAQS for SO₂ would not be made at that time. In 2006, the EPA/ORD initiated the current periodic review of SO₂ air quality criteria, the scientific basis for the NAAQS, with a call for information in the Federal Register. (This regulatory action is for the Agency's review of the primary SO₂ NAAQS. Review of the secondary SO₂ NAAQS will be part of a separate regulatory action combined with review of the secondary nitrogen dioxide NAAQS.) The EPA's ORD and OAR will prepare a plan for the primary SO₂ NAAQS review, which will be an integrated plan for addressing policy-relevant scientific and technical issues and will include a schedule of the review. Subsequently, an Integrated Science Assessment (ISA) will be prepared by ORD. This document will be reviewed by the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public, and will reflect the input received through these reviews. Following completion of the ISA, OAR will prepare and publish an exposure/risk assessment, as appropriate, and an Advance Notice of Proposed Rulemaking (ANPRM), that will include a policy assessment reflecting the Agency's views, based on information in the ISA and the exposure/risk report. As the primary SO₂ NAAQS review is completed, the Administrator's proposal to retain or revise the SO₂ NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/09	
NPRM	07/00/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5163; EPA Docket information: EPA-HQ-OAR-2007-0352

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RIN: 2060-AO48**2958. REVIEW OF THE SECONDARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OXIDES OF NITROGEN AND OXIDES OF SULFUR**

Regulatory Plan: This entry is Seq. No. 99 in part II of this issue of the **Federal Register**.

RIN: 2060-AO72**2959. REVISIONS TO EMISSIONS MONITORING REGULATIONS****Priority:** Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60 and 61; 40 CFR 63

Legal Deadline: None

Abstract: This project is part of a larger effort to improve the emissions factors program, development of emissions factors, and the accuracy of emissions factors. Although the first part of this rulemaking is slated to be an ANPRM seeking comment on different aspects of emissions factors' development, collection of data used for emissions factors, replacing AP-42 with the WebFIRE database, use of the Electronic Reporting Tool, and other related issues. The specific purpose of this rulemaking is to revise data reporting provisions in parts 60, 61, and 63 to require the submissions of performance test data and supporting information to EPA. More specifically, the purpose of this project is to revise the data reporting provisions in parts 60, 61, and 63 to require submission of performance test data and supporting information. The project will benefit the Agency by ensuring that we have data to update emissions factors, but

EPA—Clean Air Act (CAA)**Prerule Stage**

also save money on data collection requests. More data will result in more accurate and up-to-date emissions factors as well.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/05	70 FR 7905
Supplemental ANPRM	11/00/08	
NPRM	10/00/09	
Final Action	10/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4699.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-16/a2995.htm>; Split from RIN 2060-AK29; EPA Docket information: EPA-HQ-OAR-2003-0180

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RIN: 2060-AM63

2960. NEW SOURCE PERFORMANCE STANDARDS (NSPS) REVIEW STRATEGY

Priority: Other Significant

Legal Authority: 42 USC 7411; 42 USC 7429

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Clean Air Act (CAA) requires the Environmental Protection Agency (EPA) to review new source performance standards (NSPS) within a specified time frame following the initial promulgation of the standard and, if appropriate, revise the standard. The required review cycle varies depending on the applicable section of the CAA. The NSPS written to comply with section 111 of the CAA should be reviewed every 8 years. The review time frame for NSPS written to comply

with section 129 of the CAA should be reviewed every 5 years. This strategy outlines EPA's proposed procedure for fulfilling our statutory obligation to review and, if appropriate, revise the NSPS.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5168

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RIN: 2060-AO60

2961. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 3

Priority: Other Significant

Legal Authority: CAA sec 112(f); CAA sec 112(d)(6)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with MACT air-toxic emission standards according to section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices, processes and control technologies according to section 112(d)(6) of the CAA. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and resolve programmatic issues, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. RTR Phase II originally included 34 MACT standards and 50 source

categories, which was split into 2 groups. Group 2 was addressed in a previous action. This action focuses on RTR Phase II Group 3 which consists of 18 MACT standards (covering 20 source categories) with MACT compliance dates of 2002 and earlier. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data to assess the draft preliminary risks for each source category. Each MACT source category will be assessed for inhalation risks, including cancer risk and incidence, population cancer risk, and non-cancer effects (chronic and acute). We also plan to evaluate multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP. We will follow the Benzene Policy to identify the source categories as low risk, acceptable risk, or unacceptable risk. We then plan to publish the emissions data and risk results in an ANPRM by May 2008 and solicit public comments and corrections, including better source data. We will then reassess the source categories based on the updated data. EPA will then evaluate the effectiveness and cost of additional risk reduction options and make acceptability and ample-margin-of-safety determinations. We anticipate that the source categories below will split in to 2-3 proposal/promulgation packages. We intend to propose the first subset of source categories in a NPRM by Jan 2009, address public comments, and promulgate the final action by Jan 2010. Where the need for additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards. Portland Cement was removed from this group due to remand of the NESHAP and will be put into a later ANPRM in RTR Phase III.

The 17 MACT source categories and associated NAICS codes are listed below.

Pulp and Paper Production, 3221

Chrome Electroplating, 332813

Flexible Polyurethane Foam, 326150

Offsite Waste and Recovery Operations, 526

Secondary Lead Smelters, 331452

Wood Furniture Coatings, 337122

EPA—Clean Air Act (CAA)**Prerule Stage**

Polycarbonates, 325199
 Acrylic/Modacrylic Fibers, 325222
 Phosphate Fertilizer Production, 325312
 Phosphoric Acid Manufacturing, 325312
 Primary Lead Smelting, 331419
 Publicly Owned Treatment Works, 221320
 Ferroalloys Production, 331112
 Steel Pickling — HCL Process, 331111
 Secondary Aluminum Production, 331314
 Wool Fiberglass Manufacturing, 327993
 Polyether Polyols Production, 325199

Timetable:

Action	Date	FR Cite
ANPRM	11/00/08	
NPRM	07/00/09	
Final Action	10/00/10	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 5196

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RIN: 2060-AO97**2962. GREENHOUSE GASES UNDER THE CLEAN AIR ACT****Priority:** Other Significant**Legal Authority:** Clean Air Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This notice will solicit public input as EPA considers the specific effects of climate change and potential regulation of greenhouse gas emissions from stationary and mobile sources under the Clean Air Act. As EPA has considered how best to respond to the Supreme Court's decision in *Massachusetts v. EPA*, as well as how to respond to petitions and comments received in rulemakings asking EPA to regulate greenhouse gas emissions from mobile and stationary sources, it has become clear that implementing the Supreme Court's decision could affect many sources beyond cars and trucks. In this advance notice, EPA will present and request comment on the best available science including specific and quantifiable effects of greenhouse gases relevant to making an endangerment finding and the implications of this finding with regard to the regulation of both mobile and stationary sources. This notice will also seek comment, relevant data, and questions about the implications of the possible regulation of stationary and mobile sources, particularly covering the various petitions, lawsuits and court deadlines before the Agency. These include the Agency response to the *Massachusetts v. EPA* decision,

several mobile source petitions (on-road, non-road, marine, and aviation), and several stationary source rulemakings (petroleum refineries, Portland cement, and power plant and industrial boilers). Finally, the notice will also raise potential issues in the New Source Review program, including greenhouse gas thresholds and whether permitting authorities might need to define best available control technologies.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/08	73 FR 44353
ANPRM Comment Period End	11/28/08	
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5265;
 EPA publication information: ANPRM

<http://edocket.access.gpo.gov/2008/pdf/E8-16432.pdf>; EPA Docket information: EPA-HQ-OAR-2008-0318

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RIN: 2060-AP12**Environmental Protection Agency (EPA)****Proposed Rule Stage****Clean Air Act (CAA)****2963. • AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF METHYL BROMIDE AND METHYL IODIDE****Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This action proposes to revise EPA's definition of volatile organic

compounds (VOC) for purposes of preparing State Implementation Plans (SIPs) to attain the National Ambient Air Quality Standards (NAAQS) for ozone under title I of the Clean Air Act (CAA). This proposed revision would add methyl bromide and methyl iodide to the list of compounds excluded from the definition of VOC on the basis that these compounds make a negligible contribution to tropospheric ozone formation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5269;
 We are receiving assistance from the Significant New Alternatives Policy (SNAP) Program and from Regional Office 4.

EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AP22

2964. • NESHAP: GROUP I AND IV POLYMERS AND RESINS: AMENDMENTS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action amends the final MACT rule for Group IV Polymers and Resins (Subpart JJJ) under National Emission Standard for Hazardous Air Pollutants (NESHAP) for thermoplastics (Group IV Polymers and Resins) by addressing a petition by Arteva Specialties for reconsideration concerning subcategorization and the control requirements for leaking equipment. The action will clarify the categorization of polyethylene terephthalate (PET) resin using the continuous terephthalic acid high viscosity multiple end finisher process and determine whether the cost analysis used to regulate leaking equipment should be based on individual component types rather than the aggregated approach used in the final rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5280

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RIN: 2060-AP25

2965. NESHAP: NATIONAL EMISSION STANDARD FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS; PM STANDARDS AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7412; 42 USC
7414

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: On October 12, 2005, EPA promulgated national emission standards for hazardous air pollutants from new and existing hazardous waste combustors. Subsequently, the Administrator received four petitions for reconsideration of the final rule. Two petitioners requested that EPA reconsider the particulate matter standard for new cement kilns. On March 23, 2006, EPA published a Federal Register notice granting the petitioners' request for reconsideration on that issue and proposing a revised particulate matter standard for kiln combustion emissions. In response to the proposed rule, two commenters requested that the Agency adopt an alternative measurement approach to show compliance with the particulate matter standard when a certain cement plant design is used.

The cement plant design at issue would use heat from the clinker cooler exhaust, in addition to kiln combustion gas that traditionally is used, to dry the incoming raw material feed to the kiln. This use of the clinker cooler exhaust would result in significant energy savings. Combining the clinker cooler and the kiln combustion exhausts, each of which are subject to a different particulate matter standard (i.e., 40 CFR part 63, subparts LLL and EEE, respectively), into a single gas stream presents a measurement issue that the Agency did not anticipate when promulgating the particulate matter standards. This rulemaking would not

revise either of these particulate matter standards, but would provide a methodology to assess compliance with the particulate matter standards when a source elects to combine these exhaust streams.

The Agency is aware of only one new cement operation that currently proposes to use this configuration. However, we anticipate that additional facilities will use similar designs in the future because this kiln system design beneficially uses available hot clinker cooler exhaust gases that would otherwise be vented to the atmosphere. In order to ensure a consistent approach to regulating similar facilities, the Agency believes that it is appropriate to address the compliance issues raised by this design through a single rulemaking rather than a series of separate alternative compliance demonstration requests.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: Federal,
State, Tribal

Additional Information: SAN No. 5231

URL For More Information:

<http://www.epa.gov/hwcmact>

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RIN: 2050-AG43

2966. AMENDMENTS TO METHOD 24 (WATER-BASED COATINGS)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, June
15, 2001.

Abstract: The determination of volatile organic compounds (VOCs) content of

EPA—Clean Air Act (CAA)

Proposed Rule Stage

a surface coating by reference Method 24 involves determination of its water content and calculation of its VOC content as the difference of the two measurements (volatile content minus water content). Method 24 is inherently less precise for water-based coatings than it is for solvent-based coatings and the imprecision increases as water content increases. This action will amend Method 24 by adding a direct measurement procedure for measuring VOC content of water-based coatings, thereby improving the method's precision.

Timetable:

Action	Date	FR Cite
NPRM	03/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3649

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RIN: 2060-AF72
**2967. PETITION TO DELIST
HAZARDOUS AIR POLLUTANT:
4,4'-METHYLENE DIPHENYL
DIISOCYANATE**
Priority: Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there

are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two reviews: a completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team is required to make a recommendation to the Administrator on whether to grant the petition. If the Administrator decides to grant a petition, a proposed rule is published in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing and all additional substantive information received during the public's involvement is evaluated prior to the decision on the issuance of a final rule. However, if the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in the CAA.

Timetable:

Action	Date	FR Cite
Notice of Complete Petition	05/26/05	70 FR 30407
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

Additional Information: SAN No. 4782; EPA publication information: Notice of Complete Petition - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-26/a10579.htm>; EPA Docket information: EPA-HQ-OAR-2005-0085

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RIN: 2060-AK84
**2968. NESHAP: PORTLAND CEMENT
NOTICE OF RECONSIDERATION**
Priority: Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63.1340 to 63.1359

Legal Deadline: Final, Judicial, December 20, 2007, Litigation stayed until 12/20/07—date we indicated to court we would complete the reconsideration. May request extension from court.

Abstract: On December 20, 2006, we published final amendments to the Portland Cement NESHAP. These amendments were in response to a remand by the D.C. Circuit Court of portions of the final rule published in 1999. At the same time as the final amendments were published, we also published a notice of reconsideration of the final new source limits for mercury and total hydrocarbons (a surrogate for non-dioxin organic HAP), and a reconsideration of the ban on the use of certain mercury containing fly ash in both new and existing kilns. We took this action because there are still substantive technical issues and there was not sufficient opportunity for public comment on parts of the final action. In addition to the reconsiderations published in the notice, we subsequently agreed to reconsider the decision not to regulate HCl, and the existing source standards for mercury and total hydrocarbons.

We stated in the notice that we would complete reconsideration by December 20, 2007. However, this date has been moved back due to the extensive data gathering and analysis now involved. As part of this effort, we are requesting that four cement facilities that have wet scrubbers for SO₂ control perform inlet and outlet testing for speciated mercury

EPA—Clean Air Act (CAA)**Proposed Rule Stage**

emissions and submit the test data to EPA to be used in the reconsideration for the new source mercury standard. Due to the impacts of the decision of the D.C. Circuit Court on the Brick Manufacturing NESHAP, we also performed significant additional data gathering on information on cement kiln mercury and total hydrocarbon inputs and emissions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Tribal

Additional Information: SAN No. 4585.1; Split from RIN 2060-AJ78.; EPA Docket information: EPA-HQ-OAR-2002-0051

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RIN: 2060-AO15

2969.**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATION UNITS—RESPONSE TO REMAND**

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, November 15, 2008, As per 12/04/2007 modification of Consent Order. Final, Judicial, September 15, 2009, As per 12/04/2007 modification of Consent Order.

Abstract: Under section 129 of the Clean Air Act (CAA), EPA is required to adopt and implement maximum achievable control technology (MACT) standards for both new and existing hospital/medical/infectious waste incineration units (HMIWI). Regulations for HMIWI were promulgated on

September 15, 1997, and those standards have been adopted and fully implemented with all retrofits completed. However, these regulations were subsequently remanded by the Court on March 2, 1999. The fundamental issue leading to the remand was the approach and methodology used by EPA to develop the HMIWI regulations. In effect, the Court questioned whether the regulations developed by EPA reflected the actual emission performance of the best controlled similar unit for new HMIWI and the average of the best performing 12 percent of units for existing HMIWI, and remanded the regulations to EPA for further explanation of its reasoning in determining the minimum regulatory “floors” for new and existing HMIWI. On February 6, 2007, EPA published a proposal that responded to the questions raised in the Court’s remand and also addressed the CAA section 129(a)(5) requirement that EPA review and, if necessary, revise standards developed under section 129 every 5 years. Recent Court decisions that impact the February 2007 proposal, as well as issues raised in the public comments regarding that proposal, necessitate a re-proposal of responses to the questions raised in the Court’s remand. We note that implementation of these MACT standards has been highly effective, reducing emissions of the nine section 129 pollutants (particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium) by more than 95 percent, and has reduced dioxin/furan and mercury emissions by more than 99 percent since 1995. Additionally, the number of operational units has dropped significantly since promulgation in 1997 from 2,400 units to approximately 60 units today.

Timetable:

Action	Date	FR Cite
Original NPRM	02/06/07	72 FR 5510
Supplemental NPRM	12/00/08	
Final Action	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5071; EPA publication information: Original NPRM - <http://www.epa.gov/fedrgstr/EPA->

[AIR/2007/February/Day-06/a1617.htm](http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html); NPRM is a re-proposal of remand response; EPA Docket information: EPA-HQ-OAR-2006-0534

URL For More Information:

<http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html>

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RIN: 2060-AO04

2970. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS AND ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59

Legal Deadline: None

Abstract: This action consists of amendments to the consumer products and the architectural and industrial maintenance (AIM) coatings Part 59 VOC rules under Clean Air Act Section 183(e). Consistent with Clean Air Act Advisory Committee recommendations AQM2.3 and AQM2.4, these rules are being updated to align them with the model rules adopted by the Ozone Transport Commission. This action has also been requested by the Consumer Products industry and the Coatings industry to promote consistency in requirements nationwide. This action incorporates requirements that are already in force in several States. In addition, this action will subsume SAN 5009, Determining Emissions Reductions Achieved from Rules Limiting VOC Content of AIM Coatings.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	04/00/09	

Regulatory Flexibility Analysis

Required: No

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4309

Sectors Affected: 32599 All Other Chemical Product Manufacturing

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RIN: 2060-AI62

2971. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES

Priority: Substantive, Nonsignificant

Legal Authority: CAA 211

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: All gasoline must contain additives to control the formation of deposits in the fuel supply system and engine of motor vehicles. If uncontrolled, such deposits can result in a significant increase in motor vehicle emissions. This action will propose that updated test procedures be adopted for the certification of gasoline deposit control additives regarding their ability to control fuel injector and intake valve deposits. The adoption of the updated procedures will ensure that the gasoline deposit control program continues to ensure an adequate level of deposit control, thereby preventing an increase in motor vehicle emissions. The updated test procedures require less time to perform and are less costly. Therefore, the adoption of the proposed procedures will reduce the burden on industry of complying with the gasoline deposit control program. This proposed action will not impact small businesses, or State, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	
Final Action	11/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4531

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RIN: 2060-AJ61

2972. AIR QUALITY INDEX REPORTING AND SIGNIFICANT HARM LEVEL FOR PM2.5

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 58.50; 40 CFR 58 app G; 40 CFR 51.150 subpart H

Legal Deadline: None

Abstract: On July 23, 1999, EPA adopted revisions to the uniform air quality index used by States for daily air quality reporting to the general public in accordance with section 319 of the Clean Air Act (Act). These changes included the addition of the following elements: A new category described as “unhealthy for sensitive groups”; two new requirements 1) to report a pollutant-specific sensitive group statement when the index is above 100, 2) to use specific colors if the index is reported in a color format; new breakpoints for the ozone (O3) sub-index in terms of 8-hour average O3 concentrations; a new sub-index for fine particulate matter (PM2.5); and conforming changes to the sub-indices for coarse particulate matter (PM10), carbon monoxide (CO), and sulfur dioxide (SO2). In addition, EPA changed the name of the index from the Pollutant Standards Index to the Air Quality Index (AQI). The revisions enhance the communication of pollutant-specific health effects information to members of sensitive groups, including precautionary actions that can be taken by individuals to reduce exposures of concern. The revisions also enhance the usefulness of the AQI with regard to other programs that provide air quality

information and related health information to the general public, including State and local real-time air quality data mapping and community action programs.

In 2006, EPA promulgated a revised national ambient air quality standard (NAAQS) for PM2.5 levels of 35 ug/m3, 24-hour average. The purpose of this rulemaking is to make revisions to the AQI sub-index for PM2.5 to be consistent with the new daily standard. It is important to make this revision expeditiously to allow members of the public, especially members of sensitive groups, to take exposure reduction measures when PM2.5 levels are forecasted to be high. State and local air agencies are encouraging EPA to make the revisions as soon as possible.

EPA has never set a Significant Harm Level (SHL) for PM2.5. There are SHLs for sulfur dioxide, ozone, carbon monoxide, PM10 and nitrogen dioxide. Designated areas must have contingency plans in place to prevent ever reaching this level. There is not currently an SHL for PM2.5. The SHL is typically the same concentration as the 500 level of the AQI. So along with revising the AQI for PM2.5, we will also set an SHL for PM2.5.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	04/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5115; EPA Docket information: EPA-HQ-OAR-2007-0195

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RIN: 2060-AO11

EPA—Clean Air Act (CAA)

Proposed Rule Stage

2973. PROTECTION OF STRATOSPHERIC OZONE: AMENDING REQUIREMENTS TO IMPORT OZONE-DEPLETING SUBSTANCES FOR DESTRUCTION IN THE U.S.**Priority:** Other Significant**Legal Authority:** 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

Abstract: This regulation will streamline the process for importing used ozone-depleting substances for destruction into the U.S. This will further reduce the amount of substances that could otherwise harm the stratospheric ozone layer.

Timetable:

Action	Date	FR Cite
NPRM	03/00/09	
Final Action	09/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5017; EPA Docket information: EPA-HQ-OAR-2006-0130

URL For More Information:

<http://www.epa.gov/ozone/destruction.html>

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RIN: 2060-AN48**2974. PROTECTION OF STRATOSPHERIC OZONE: THE 2009 CRITICAL USE EXEMPTION FROM THE PHASEOUT OF METHYL BROMIDE****Priority:** Other Significant**Legal Authority:** 42 USC 7671c(d)(6)**CFR Citation:** 40 CFR 82**Legal Deadline:** None

Abstract: EPA is authorizing uses that will qualify for the 2009 critical use exemption from the phaseout of methyl bromide. This action also authorizes the amount of methyl bromide that may be produced, imported, or supplied from inventory for those uses in 2009. EPA takes this action under the authority of the Clean Air Act to reflect recent consensus Decisions taken by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the 19th Meeting of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5235; EPA Docket information: EPA-HQ-OAR-2008-0009

URL For More Information:

<http://www.epa.gov/ozone/mbr>

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RIN: 2060-AO78**2975. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS****Priority:** Other Significant**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 82, subpart F**Legal Deadline:** None

Abstract: This rulemaking will propose changes and amendments to the

refrigerant leak repair regulations (40 CFR 82, subpart F) promulgated under Section 608 of the Clean Air Act. The goal of the regulations is to protect the stratospheric ozone layer by promulgating regulations that reduce the use and emissions of ozone-depleting refrigerants to the lowest achievable level. This proposal will clarify the leak repair regulations by requiring that owners and operators of comfort cooling, commercial refrigeration, and industrial process refrigeration appliances that have ozone-depleting charges greater than 50 pounds calculate leak rates, verify all repairs, and document repair efforts. This rulemaking will provide further clarity by adding definitions and discussing compliance scenarios.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	11/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4856; EPA Docket information: EPA-HQ-OAR-2003-0167

URL For More Information:

www.epa.gov/ozone/title6608

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RIN: 2060-AM09**2976. PROTECTION OF STRATOSPHERIC OZONE: REVISION TO LISTING OF CARBON DIOXIDE TOTAL FLOODING FIRE EXTINGUISHING SYSTEMS RESTRICTING USE TO ONLY UNOCCUPIED AREAS****Priority:** Other Significant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Legal Deadline: None

Abstract: Section 612 of the Clean Air Act requires EPA to identify alternatives to Class I and II ozone-depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications. Independent of any petitions or notifications received, EPA may also initiate updates to the substitute lists based on new data on either additional substitutes or on characteristics of substitutes previously reviewed. Based on new information on the continued and growing use of carbon dioxide total flooding fire extinguishing systems, EPA is proposing to revise its listing of carbon dioxide as an acceptable total flooding substitute for ozone-depleting halons to acceptable subject to narrowed use limits. Use would be limited to unoccupied areas where personnel could not be exposed to lethal concentration of the agent. Recent changes to national fire protection industry standards reflect need to improve personnel safety requirements for carbon dioxide systems by limiting its applications. Carbon dioxide total flooding fire extinguishing systems are used in some industrial applications such as automobile paint rooms and in marine applications such as machinery spaces. Restricted use limits on carbon dioxide total flooding systems supports the use of substitutes that are not potentially lethal to personnel that could be exposed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4991**URL For More Information:**<http://www.epa.gov/ozone/snap>

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RIN: 2060-AN30

2977. PROTECTION OF STRATOSPHERIC OZONE: BAN ON THE SALE OR DISTRIBUTION OF PRE-CHARGED APPLIANCES

Priority: Other Significant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82**Legal Deadline:** None

Abstract: EPA is concerned with the environmental impacts that could result from the potential continued imports of appliances pre-charged with HCFCs after the domestic phaseout of the import and production of bulk substances. Similar concerns resulted in the banning the imports of refrigeration appliances pre-charged with CFCs after the 1996 phaseout of production and import of bulk substances. Therefore, this rule proposes to ban the import of HCFC pre-charged products under the provisions within title VI of CAAA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5052; EPA Docket information: EPA-HQ-OAR-2007-0163

URL For More Information:<http://www.epa.gov/ozone/title6/phaseout/classtwo.html>

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RIN: 2060-AN58

2978. NESHAP: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 4701 et seq**CFR Citation:** 40 CFR 63.210 to 63.217**Legal Deadline:** None

Abstract: This action would amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers. These standards were proposed on December 8, 2000 (65 FR 76958), and originally promulgated on July 10, 2002 (67 FR 45886), but were vacated by the D.C. Circuit on June 18, 2004, in *Mossville Environmental Action v. EPA*, 370 F.3d 1232 (D.C.Cir. 2004). This action assures continuity of the parts of the standard that were upheld by the court, and addresses the component of these standards, regarding the use of vinyl chloride as a surrogate for all other HAP, that was not upheld by the court.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
Final Action	05/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State

Additional Information: SAN No. 4988; EPA Docket information: EPA-HQ-OAR-2002-0037

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AN33

2979. NSPS: SOCMI—WASTEWATER AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60 app J; 40 CFR 63 app C

Legal Deadline: None

Abstract: These standards are based on a combination of control techniques that require removal or destruction of volatile organic compounds from wastewater at synthetic organic chemical manufacturing industry plants. Designated chemical process units; i.e., process lines or process units, would be subject to the rule. Constructed, reconstructed, or modified designated chemical process units would be required to apply appropriate controls to affected wastewater tanks, surface impoundments, containers, individual drain systems, and oil and water separators, and to treat process wastewater to remove or destroy the volatile organic compounds. On September 12, 1994, EPA proposed Standards of Performance for New Stationary Sources: Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Wastewater (40 CFR part 60, subpart YYY). On October 11, 1995, the EPA issued a supplemental proposal, which clarified and revised the previously proposed rule. On December 9, 1998, EPA published a supplement to the proposed rule that consisted of revised definitions, alternative test procedures, and clarifications of requirements, and that proposed to add appendix J to 40 CFR part 60. In conjunction with the rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004. The final rule will encompass the clarifications and revisions to subpart YYY, appendix J, and 40 CFR part 63, appendix C.

Timetable:

Action	Date	FR Cite
NPRM (NSPS)	09/12/94	59 FR 46780
Supplemental NPRM 1	10/11/95	60 FR 52889
Supplemental NPRM 2	12/09/98	63 FR 67988
NPRM Amdmt	06/30/04	69 FR 39383

Action	Date	FR Cite
Supplemental NPRM 3	11/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3380; EPA publication information: Supplemental NPRM 2 - <http://www.epa.gov/fedrgstr/EPA-AIR/1998/December/Day-09/a28472a.htm>; EPA Docket information: EPA-HQ-OAR-2003-0191

Sectors Affected: 3251 Basic Chemical Manufacturing

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RIN: 2060-AE94

2980. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412(b)(5) et seq

CFR Citation: 40 CFR 63 subpart SS; 40 CFR 63.8; 40 CFR 60 app B; 40 CFR 60 app F

Legal Deadline: None

Abstract: The PS-17 and QA Procedure 4 would apply to continuous parameter monitoring systems (CPMS) that are required under an applicable subpart to parts 60, 61, or 63. Therefore, this rulemaking would not require the installation or operation of additional CPMS. The specific types of CPMS covered by the proposed PS-17 and QA Procedure 4 are those that are used to measure and record temperature, pressure, liquid flow rate, gas flow rate, mass flow rate, pH, or conductivity on a continuous basis. The proposed PS-17 establishes procedures and other

requirements that will help to ensure that CPMS are properly selected, installed, and placed into operation. The proposed QA Procedure 4 specifies procedures that will help to ensure that CPMS provide quality data on an ongoing basis. The proposed amendments to QA Procedure 1, of 40 CFR 60, appendix F, add provisions to address CEMS that are used to monitor multiple pollutants and are subject to PS-9 or PS-15. The amendments to 40 CFR 63, subpart A, ensure consistency among the proposed PS-17, QA Procedure 4, and the General Provisions to part 63. The amendments to section 63.996(c) of 40 CFR 63, subpart SS, ensure consistency among PS-17, QA Procedure 4, and the monitoring requirements of subpart SS.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4584

Sectors Affected: 31-33 Manufacturing; 21 Mining; 486 Pipeline Transportation; 562213 Solid Waste Combustors and Incinerators; 562212 Solid Waste Landfill; 22 Utilities

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RIN: 2060-AJ86

2981. PERFORMANCE-BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF-QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES

Priority: Other Significant

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: None

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Abstract: Transportation fuels (like gasoline and diesel fuel) are regulated by EPA under the Clean Air Act to control the emissions that result when they are burned in engines, and also to protect engines' emission control equipment. Fuels regulations require measurement of various of the fuels' properties, and prescribe "designated" analytical methods for that purpose. This regulation is intended to provide a way for regulated parties to self-qualify alternatives to the designated measurement methods that may be cheaper, quicker, simpler, more amenable to automation, or otherwise preferable. The regulation will also prescribe a minimum level of statistical quality control for all fuels test methods, designated or alternative. The regulations should quicken the adoption of new measurement technologies by removing the need for multiple method-specific rule-makings, but to do so in a way that will not degrade the performance of the overall measurement system. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4633

Sectors Affected: 324199 All Other Petroleum and Coal Products Manufacturing; 54199 All Other Professional, Scientific and Technical Services; 334516 Analytical Laboratory Instrument Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 48691 Pipeline Transportation of Refined Petroleum Products

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RIN: 2060-AK03

2982. NESHAP AND NSPS FOR MUNICIPAL SOLID WASTE LANDFILLS—AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 to 7601

CFR Citation: 40 CFR 63.1960; 40 CFR 63.1975; 40 CFR 63.1980

Legal Deadline: None

Abstract: This action will address issues concerning the National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, that was published on January 16, 2003. We will revise the startup, shutdown, and malfunction provisions promulgated in the rule in response to requests for more flexibility. We will clarify that the moisture balance calculations should be calculated on a wet weight basis as a response to requests about the intent of the promulgated rule. We will correct errors in the compliance dates for the rule.

Another aspect of this action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR part 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it clarifies who is responsible for control of untreated landfill gas that is sold. This action is necessary to clarify our intent regarding the issues discussed above. It will improve implementation and compliance with this regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/08/06	71 FR 53272
Supplemental NPRM	06/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, Tribal

Additional Information: SAN No. 4846; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-08/a7493.htm>; NPRM was published

09/08/2006 (71 FR 53272) as RIN 2060-AJ41.; EPA Docket information: EPA-HQ-OAR-2003-0215

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Related RIN: Previously reported as 2060-AH13, Previously reported as 2060-AJ41

RIN: 2060-AM08

2983. NESHAP: AREA SOURCE STANDARDS FOR MISCELLANEOUS CHEMICAL MANUFACTURING

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, December 15, 2008, One of ten area source category standards to be promulgated by 12/15/2008 as per 3/31/2006 order.

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in pursuant to Clean Air Act section 112(c)(3) for the chemical manufacturing industry. The rule will cover the manufacturing of industrial organic chemicals, inorganic chemicals, pharmaceuticals, pesticides, inorganic pigments, synthetic rubber, and plastic materials. These source categories were listed for regulation under the Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	10/06/08	73 FR 58352
NPRM Comment Period End	11/05/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4874

URL For Public Comments:

EPA—Clean Air Act (CAA)**Proposed Rule Stage**

www.regulations.gov/
fdmspublic/component/main?
main=docketdetail&d= epa-hq-oar-2008-
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RIN: 2060-AM19

2984. COMBINED RULEMAKING FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS, AND PROCESS HEATERS AT MAJOR SOURCES OF HAP AND INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AT AREA SOURCES

Priority: Economically Significant.
Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial,
December 15, 2007, Number 2 of 10
area source categories to be
promulgated by 12/15/07.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112 mandates that EPA develop standards for hazardous air pollutants (HAP) for both major and area sources listed under section 112(c). Industrial boilers, commercial/institutional boilers, and process heaters are listed as major sources of HAP. Section 112(k) requires development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories. Both industrial boilers and institutional/commercial

boilers are on the list of section 112(c)(6) source categories.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: SAN No. 4884; This rulemaking combines the area source rulemaking for boilers and the rulemaking for reestablishing the vacated NESHAP for boilers and process heaters.; EPA Docket information: EPA-HQ-OAR-2006-0790

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RIN: 2060-AM44

2985. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This regulation will control emissions of hazardous air pollutants (HAP) from surface coating operations performed on-site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State) or the National Aeronautics and Space Administration and the surface coating of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State). Aerospace and shipbuilding surface coating operations at these installations

were originally covered by the already-promulgated MACT standards for aerospace manufacturing and rework and shipbuilding and ship repair. However, other recently promulgated surface coating MACT standards were also expected to address other surface coating operations at these installations (e.g., miscellaneous metal parts and products, plastic parts and products, etc.). Following proposal of these standards EPA received comments indicating that a separate standard for defense operations is a better approach. Accordingly, this rulemaking will address all surface coating activities at these installations which do not meet the applicability criteria of either the Aerospace Manufacturing and Rework or Shipbuilding and Ship Repair MACT standards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/09	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4926

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RIN: 2060-AM84

2986. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Taconite Iron Ore Processing on October 30, 2003 (68 FR 61867). EPA was subsequently petitioned by National Wildlife Federation (NWF) concerning several

EPA—Clean Air Act (CAA)

Proposed Rule Stage

technical issues, including the alleged failure for EPA to establish emission standards for mercury and asbestos. EPA has decided to voluntarily remand both the mercury and asbestos sections of the rule. The motions for both remands were granted by the United States Court of Appeals.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4929

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RIN: 2060-AM87

2987. IMPLEMENTING PERIODIC MONITORING IN FEDERAL AND STATE OPERATING PERMIT PROGRAMS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 70.6(c)(1); 40 CFR 71.6(c)(1); 40 CFR 64

Legal Deadline: None

Abstract: This rule would revise the Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rule (40 CFR parts 70 and 71) to define when periodic monitoring for monitoring stationary source compliance must be created, and to include specific criteria that periodic monitoring must meet. This rule satisfies our 4-step strategy announced in the final Umbrella Monitoring Rule (published January 22, 2004) to address monitoring inadequacies. The four steps were: 1) To clarify the role of title V permits in monitoring [Umbrella Monitoring Rule]; 2) to provide guidance for

improved monitoring in PM-Fine SIP's; 3) to take comment on correction of inadequate monitoring provisions in underlying rules; and 4) to provide guidance on periodic monitoring.

Timetable:

Action	Date	FR Cite
NPRM	02/00/09	
Final Action	10/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4699.2; Split from RIN 2060-AK29.

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RIN: 2060-AN00

2988. NESHAP: SITE REMEDIATION AMENDMENTS—RESPONSE TO LITIGATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63 subpart GGGGG

Legal Deadline: None

Abstract: The Site Remediation regulation was promulgated on October 8, 2003. We were challenged by the Sierra Club on several provisions in the rule. The main issues involve exemptions to the rule's requirements for cleanups performed under Resource Conservation and Recovery Act (RCRA) or Superfund authorities, and an exemption for units handling radioactive mixed waste. We anticipate that settlement negotiations will result in certain revisions to the rule's requirements, possibly removing exemptions for certain sources thereby increasing the compliance costs of the final rule by up to \$7.7 million due to an increase the number or sources that must comply with the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4866.1; Split from RIN 2060-AM30.; EPA Docket information: EPA-HQ-OAR-2002-0021

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RIN: 2060-AN36

2989. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical preparations industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5015

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EPA—Clean Air Act (CAA)**Proposed Rule Stage**

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RIN: 2060–AN46

2990. NESHAP: AREA SOURCE STANDARDS—PAINT AND ALLIED PRODUCTS MANUFACTURING

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the Paint and Allied Products Manufacturing industry. This source category was listed for regulation under EPA's Urban Air Toxics Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Additional Information: SAN No. 5016

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RIN: 2060–AN47

2991. REVISIONS TO THE DEFINITION OF POTENTIAL TO EMIT (PTE)

Priority: Other Significant

Legal Authority: 42 USC 7401; 42 USC 7412; 42 USC 7414; 42 USC 7416; 42 USC 7601

CFR Citation: 40 CFR 51 and 52; 40 CFR 63; 40 CFR 70 and 71

Legal Deadline: None

Abstract: This rule would revise the definition of the term “potential to emit” (PTE) used in numerous regulations to determine the applicability of major source requirements. The regulatory amendments will address enforceability issues raised in court decisions by the D.C. Circuit regarding the types of limitations allowed to be used in a source's PTE calculations. We plan revisions to the definitions of PTE for three major source Act programs: (1) Major New Source Review (NSR) program, (2) the section 112 program that regulates Hazardous Air Pollutants (HAPs), and (3) the title V state operating permit programs. We also plan to amend regulations that were not part of the court cases challenging the definition of potential to emit (e.g., visibility rules and Federal operating permits program rules) in order to be consistent with other EPA regulations. In addition to addressing the issue of whether PTE limitations have to be federally enforceable, the revised definition of PTE would set forth the specific criteria a limitation must meet to be effective. Finally, the proposal would clarify that EPA now uses the term “federally enforceable” to refer only to the ability of the Federal government or citizens to enforce the requirement in federal courts, and not to the effectiveness of PTE limits as well.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5025

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RIN: 2060–AN65

2992. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 2

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA sec 112(d)(6)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: All milestones are complete for this action (SAN). This action includes the ANPRM only. The source categories listed below were divided into 3 groups, groups 2A, 2B, and 2C, for proposal and promulgation. Please refer to SAN 5093.2 for the group 2A proposal and promulgation and SAN 5093.3 for the group 2B proposal and promulgation. SAN 5093.3 has not been initiated but will contain the group 2C proposal and promulgation.

Under CAA section 112(d)(6) EPA is required to review MACT standards and revise them “as necessary (taking into account developments in practices, processes and control technologies)” no less frequently than every 8 years. EPA also must evaluate the MACT standards within 8 years after promulgation and promulgate standards under CAA section 112(f)(2) if required to protect public health with an ample margin of safety. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and resolve programmatic issues in one action, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with

EPA—Clean Air Act (CAA)

Proposed Rule Stage

available site-specific data. This action was originally referred to as RTR Phase II and included 34 MACT standards and 50 source categories. We reduced the scope of this action and will now focus on RTR Phase II Group 2 which consists of 11 MACT standards covering 21 source categories with MACT compliance dates of 2002 and earlier. We plan to model each MACT source category to obtain inhalation risks, including cancer risk and incidence, population cancer risk, and non-cancer effects (chronic and acute). We also plan to evaluate multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP. We published an ANPRM in March 2007 to solicit public comments and corrections on emissions data that will be used to assess risk for these source categories. Public comments and corrections were received by EPA for all source categories during the ANPRM 90 day comment period. The comments and corrections were compiled by source category and underwent review by OAQPS, the Regions, and the States. We will then remodel the categories based on the updated dataset (this will serve as the NPRM dataset). EPA will then identify risk reduction options, evaluate the effectiveness and cost of these risk reduction options and make acceptability and ample-margin-of-safety determinations in accordance with Benzene NESHAP decision framework. Where the need for additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards.

The 11 MACT standards, the 21 source categories, and the associated NAICS codes are listed below.

Aerospace Manufacturing and Rework Facilities, 336411

Marine Tank Vessel Loading Operations, 4883

Mineral Wool Production, 32799

Natural Gas Transmission and Storage, 486210

Oil and Natural Gas Production, 211

Pharmaceuticals Production, 3254

Group I Polymers and Resins, 325212

Epichlorohydrin Elastomers Production

Hypalon™ Production

Nitrile Butadiene Rubber Production

Polybutadiene Rubber Production
Styrene-Butadiene Rubber and Latex Production,

Group IV Polymers and Resins, 325211

Acrylic-Butadiene-Styrene Production

Methyl Methacrylate-Acrylonitrile-Butadiene-Styrene Production

Methyl Methacrylate-Butadiene-Styrene Production

Nitrile Resins Production

Polyethylene Terephthalate Production

Polystyrene Production

Styrene-Acrylonitrile Production

Primary Aluminum Reduction Plants, 331312

Printing and Publishing Industry, 32311

Shipbuilding and Ship Repair Operations, 36611

Timetable:

Action	Date	FR Cite
ANPRM	03/29/07	72 FR 14734
ANPRM Comment Period Extended	05/25/07	72 FR 29287
ANPRM Comment Period End	05/29/07	
Second ANPRM Comment Period End	06/29/07	
NPRM	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-29/a5805.pdf>; EPA Docket information: EPA-HQ-OAR-2006-0859

Sectors Affected: 3364 Aerospace Product and Parts Manufacturing; 3313 Alumina and Aluminum Production and Processing; 32731 Cement Manufacturing; 3341 Computer and Peripheral Equipment Manufacturing; 32411 Petroleum Refineries; 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum); 22132 Sewage Treatment Facilities

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RIN: 2060-AN85

2993. TITLE V RULEMAKING TO CLARIFY CERTAIN PROVISIONS OF THE OPERATING PERMIT RULES IN RESPONSE TO CAAA COMMITTEE RECOMMENDATIONS READY FOR PROGRAM OFFICE APPROVAL

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 70 and 71

Legal Deadline: None

Abstract: This action addresses three potential improvements to the regulations implementing the Clean Air Act's title V operating permits program. These improvements were recommended to EPA by a Task Force that recently reviewed the implementation and performance of the program. The 18-member Task Force was formed by the Clean Air Act Advisory Committee, with representatives from industry, environmental groups, and State and local agencies. The action will focus on three of the issues that the Task Force addressed as important, and will take into account their perspectives on how best to address them. The recommendations include: (1) Clarifying the use of permit modification processes for administrative amendments and minor permit modifications, (2) the treatment of insignificant emission units (IEUs) in permits, and (3) alternatives to newspaper notices for public notice requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5079

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EPA—Clean Air Act (CAA)**Proposed Rule Stage**

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RIN: 2060-AN93

2994. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SHIPBUILDING AND SHIP REPAIR (SURFACE COATING) OPERATIONS—AMENDMENT

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, January 2, 2007, Compliance date for another MACT and this industry would be subject to if these amendments are not in place before then.

Abstract: On December 15, 1995, the EPA issued national emission standards for hazardous air pollutants (NESHAP) under section 112 of the Clean Air Act for shipbuilding and ship repair (surface coating) operations. The NESHAP requires existing and new major sources to control emissions of hazardous air pollutants to the extent achievable by the use of maximum achievable control technology. This action is intended to more clearly state the distinction between and the definition of ship and pleasure craft. It is being issued in response to questions concerning whether yachts greater than 20 meters (78.7 feet) in length are ships and, therefore subject to the NESHAP or pleasure craft. This proposed action will ensure that all activities such as pleasure vessels (yachts) intended to be subject to the NESHAP are in fact subject to it.

Timetable:

Action	Date	FR Cite
NPRM	12/29/06	71 FR 78392
Direct Final Action	12/29/06	71 FR 78369
Withdrawal of Direct Final	02/27/07	72 FR 8630
Reproposal	12/00/08	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5106; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-29/a22428.htm>; EPA Docket information: EPA-HQ-OAR-2004-0357

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RIN: 2060-AO03

2995. COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS; RESPONSE TO REMAND OF NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60; 40 CFR 62

Legal Deadline: None

Abstract: This action will propose EPA's response to the remand of the Commercial and Industrial Solid Waste Incineration (CISWI) New Source Performance Standards and Emission Guidelines under section 129 of the CAA, and this action will include revised definitions in accordance with the recent vacatur of the CISWI Definitions Rule. This action also will propose several other amendments to the standards. We are considering covering the following types of units located at commercial or industrial facilities that currently are not covered under CISWI: units with waste heat recovery, units that burn more than 30 percent municipal solid waste at commercial/industrial facilities, and cyclonic burn barrels. We also will clarify provisions regarding air curtain incinerators, the exemption for chemical recovery units, the exemption for spent sulfuric acid production, startup and shutdown, and the definition of clean wood waste. Finally,

in response to the voluntary remand of the CISWI rules, we will examine and revise as appropriate the methodology for developing the MACT floors and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5105

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RIN: 2060-AO12

2996. NESHAP: FERROALLOYS PRODUCTION—AREA SOURCE STANDARDS

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, December 15, 2008.

Abstract: Section 112 (k) of the Clean Air Act requires the development of standards for area sources that account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists ferroalloys production as an area source category. Pollutants emitted include mostly metallic HAP such as manganese, nickel, chromium compounds, as well as polycyclic aromatic hydrocarbons (PAH) such as benzoanthracene and benzopyrene. Ferroalloys are alloys of iron in which one or more chemical elements are added into molten metal, usually in steelmaking. Worldwide, the principal ferroalloys are those of chromium, manganese, and silicon. Ferroalloys are

EPA—Clean Air Act (CAA)

Proposed Rule Stage

also made with boron, titanium, cobalt, columbium, molybdenum, nickel, vanadium etc. Although calcium carbide and silicon metal are not ferroalloys, they are included in the proposed ferroalloys source category because each is manufactured using virtually the same equipment and processes as ferroalloys. This source category is currently regulated under both the new source performance standards (NSPS) and the national emissions standards for hazardous air pollutants (NESHAP) for major sources. There are ten area source facilities in the U.S. An informal information collection request was sent out to the facilities that use electric arc furnaces for production in July 2006.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 5122

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RIN: 2060-AO13

2997. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF FAMILY OF FOUR HYDROFLUOROPOLYETHERS (HFPEs) AND HFE-347PC-F

Priority: Other Significant**Legal Authority:** CAA title I**CFR Citation:** 40 CFR 51.100(s)**Legal Deadline:** None

Abstract: This is a deregulatory action to exclude this family of HFPE's and also HFE-347pc-f from the list of volatile organic compounds (VOCs) on

the basis that, as a precursor, these compounds make a negligible contribution to the formation of tropospheric ozone. These compounds have the potential for use as refrigerants because they are not stratospheric ozone depleters. This action will remove the necessity to control these particular HFPE's and HFE-347pc-f as VOCs in State Implementation Plans for attaining the ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5131

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RIN: 2060-AO17

2998. RECONSIDERATION OF STATIONARY COMBUSTION TURBINE NSPS (SUBPART KKKK)

Priority: Substantive, Nonsignificant**Legal Authority:** CAA 111**CFR Citation:** 40 CFR 60**Legal Deadline:** None

Abstract: EPA is granting reconsideration on several relatively minor issues in the recently finalized stationary combustion turbine NSPS rule, subpart KKKK. The final rule does not require NOx continuous emission monitors (CEMS), but many new turbines will be required to install CEMS due to other regulatory programs. The credible evidence rule requires that units with CEMS demonstrate continuous compliance. Issues under reconsideration include if

EPA should add a detailed methodology for units with CEMS to determine and report compliance under all situations. EPA will also be proposing to clarify that new and reconstruction shall be determined by looking only at the stationary combustion turbine engine itself.

Any changes that result from the reconsideration are not anticipated to result in additional controls being required or an increase in compliance costs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	04/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 5116

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RIN: 2060-AO23

2999. CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER

Priority: Other Significant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 1042**Legal Deadline:** None

Abstract: Emissions from Category 3 marine engines (greater than 30 liters per cylinder) contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a State or local level. EPA currently regulates marine

EPA—Clean Air Act (CAA)**Proposed Rule Stage**

diesel engines on ships flagged in the United States. This rulemaking will consider new standards for oxides of nitrogen and particulate matter. Technologies under consideration include aftertreatment devices and the use of distillate or low sulfur fuel. This rule will consider whether it is appropriate to apply these standards to foreign flagged vessels that use U.S. ports.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/07	72 FR 69521
NPRM	04/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 5129; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-07/a23556.htm>; EPA Docket information: EPA-HQ-OAR-2007-0121

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RIN: 2060-AO38

3000. MEASUREMENT OF PM 2.5 AND PM 10 EMISSIONS BY DILUTION SAMPLING

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This regulation describes the performance specifications and procedures for the measurement of particulate matter with an aerodynamic size cut of both 10 microns and 2.5 microns using a dilution air technique to cause the formation of condensable particulate matter. States which are in non-attainment to the national ambient

air quality standards may need to test with this method to determine what contribution specific sources cause to the particulate matter burden. The use of dilution sampling was recommended by EPA's Science Advisory Board. They believe that the dilution process simulates the formation process that occurs for particles in the ambient air. A cyclonic separator is used to separate the particulate matter into size cuts at 10 and 2.5 microns. The sample gas is then diluted and the condensable particles are formed and removed by filtration. These procedures are somewhat more complicated and costly but provide lower potential for artifact formation. Testing will be performed by the large sources electric utilities, municipal incinerators, cement manufacturing, etc., in areas which do not meet the ambient air standards of the national ambient air quality standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5155

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RIN: 2060-AO50

3001. AMEND METHODS 201A AND 202 TO IMPROVE MEASUREMENT OF PM2.5

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 51 app M

Legal Deadline: None

Abstract: This action adds new procedures to two methods required in State Implementation Plans to measure

fine PM or PM 2.5 with condensable emissions. Method 201a is amended to add procedures and equipment specifications for use of 2.5 micron size cut cyclone which may be used in conjunction with the current 10 micron size cut cyclone or alone if only PM2.5 is to be measured.

Method 202 is amended to add procedures and equipment specifications to be followed when the measurement of fine PM which includes condensable emissions is required. These amendments improve the accuracy and precision of current version of Method 202.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 5147

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RIN: 2060-AO58

3002. PLYWOOD AND COMPOSITE WOOD PRODUCTS (PCWP) NESHAP—AMENDMENTS TO ADDRESS “NO EMISSION REDUCTION” MACT FLOORS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Court (i.e., the U.S. Court of Appeals for the District of Columbia Circuit) ordered EPA to re-evaluate the MACT floor for certain PCWP process unit groups. These proposed amendments will make available for

EPA—Clean Air Act (CAA)

Proposed Rule Stage

public review and comment EPA's evaluation and decisions regarding PCWP process unit groups that had "no emission reduction" MACT floors in the final rule. (See Table 1 to the preamble of the July 30, 2004, final rule (69 FR 45949) for a list that identifies those process unit groups.)

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	
Final Action	02/00/10	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5185

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RIN: 2060-AO66

3003. ADOPTION OF INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

Priority: Other Significant

Legal Authority: 42 USC 7571

CFR Citation: 40 CFR 87 (Revision)

Legal Deadline: None

Abstract: This rulemaking would amend the existing United States regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. This action would adopt standards equivalent to the NOx standards of the United Nations International Civil Aviation Organization (ICAO), and thereby bring the United States emission standards into alignment with the internationally adopted standards. These NOx standards were adopted by ICAO in 2005, and the implementation of the standards is to begin in January 2008. The proposed rule would establish consistency between United States and international requirements. This action

is necessary to ensure that domestic commercial aircraft meet the current international standards, and thus, the public can be assured they are receiving the air quality benefits of the international standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	
Final Action	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5153

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RIN: 2060-AO70

3004. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTMENTS TO THE ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT, AND EXPORT

Priority: Other Significant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671; 42 USC 7671q

CFR Citation: 40 CFR 82 Subpart A

Legal Deadline: None

Abstract: Through this action, EPA seeks to adjust the allowance system that controls the U.S. consumption and production of ozone-depleting substances (ODSs) known as hydrochlorofluorocarbons (HCFCs) to lower the amount of available allowances. While much less destructive to stratospheric ozone than chlorofluorocarbons (CFCs), HCFCs contribute to ozone depletion and alternatives are generally available. The HCFC allowance system is part of EPA's program to reduce the emissions of ODSs to protect the stratospheric ozone layer. Protection of the

stratospheric ozone layer helps reduce rates of skin cancer and cataracts. The U.S. is obligated under the Montreal Protocol on Substances that Deplete the Ozone Layer to limit HCFC consumption and production in a stepwise fashion achieving specific levels by specific dates. The first major reduction occurred January 1, 2004. This rulemaking concerns the next major milestone, a reduction to 75% below the production and consumption baselines beginning January 1, 2010.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5224; EPA Docket information: EPA-HQ-OAR-2008-0496

URL For More Information:

<http://www.epa.gov/ozone/title6/phaseout/classtwo.html>

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RIN: 2060-AO76

3005. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2009

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671 to 7671q; 42 USC 7414; 42 USC 7601

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule allocates essential use allowances for the import and production of Class I stratospheric ozone depleting substances for 2009. Essential use allowances enable a person to obtain newly produced or imported controlled Class I ozone depleting substances under the

EPA—Clean Air Act (CAA)**Proposed Rule Stage**

essential use exemption to the regulatory phaseout of these chemicals, which became effective on January 1, 1996. Essential uses include the manufacture of important medical devices such as asthma inhalers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	03/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5234; EPA Docket information: EPA-HQ-OAR-2008-0503

URL For More Information:

<http://www.epa.gov/ozone/title6/exemptions/essential.html>

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RIN: 2060-AO77

3006. GREENHOUSE GAS MANDATORY REPORTING RULE

Regulatory Plan: This entry is Seq. No. 102 in part II of this issue of the **Federal Register**.

RIN: 2060-AO79

3007. RENEWABLE FUELS STANDARD PROGRAM

Regulatory Plan: This entry is Seq. No. 103 in part II of this issue of the **Federal Register**.

RIN: 2060-AO81

3008. NSPS FOR EQUIPMENT LEAKS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This rule amends the new source performance standards for equipment leaks in 40 CFR part 60, subparts VV, VVa, GGG, and GGGa, which was signed by the Administrator October 31, 2007, and published November 16, 2007. We are preparing the amendments to address concerns raised in a petition for reconsideration from the American Chemistry Council (ACC), American Petroleum Institute (API), and National Petrochemical Refiners Association (NPRA). Under this reconsideration we are amending 4 requirements: (1) The definition of process unit as it relates to the allocation of shared storage vessels, (2) the provisions for allocating shared storage vessels to process units, (3) connector monitoring for subpart VVa, and (4) the capital expenditure definition in subpart VVa.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5035.1; EPA publication information: NPRM; Split from RIN 2060-AN71.; EPA Docket information: EPA-HQ-OAR-2006-0699

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RIN: 2060-AO90

3009. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 2A

Regulatory Plan: This entry is Seq. No. 104 in part II of this issue of the **Federal Register**.

RIN: 2060-AO91

3010. RISK TECHNOLOGY PHASE II GROUP 2B

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA sec 112(d)(6)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is the Risk and Technology Review (RTR) Group 2B. It will address both EPA's obligation under CAA section 112(f)(2) and 112(d)(6) to conduct a residual risk review and to conduct a technology review. We plan to publish an NPRM in 2009. Where the need for additional controls are identified, additional standards will be developed and proposed. The three MACT standards that apply to the three RTR Group 2B source categories and the associated NAICS codes are listed below. These source categories were selected due to schedule deadlines.

Aerospace Manufacturing and Rework Facilities, 336411

Natural Gas Transmission and Storage, 486210

Oil and Natural Gas Production, 211

Timetable:

Action	Date	FR Cite
NPRM	03/00/09	
Final Action	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093.3; Split from RIN 2060-AN85.

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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3011. NESHAP: AREA SOURCE STANDARDS—ALUMINUM, COPPER, AND OTHER NONFERROUS FOUNDRIES

Priority: Other Significant
Legal Authority: CAA sec 112
CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting these three area source categories by June 15, 2009. EPA withdrew SAN 5230 (aluminum foundries) and merged the rulemaking regarding the aluminum foundries source category with the rulemaking regarding the copper and other nonferrous foundries source categories, under SAN 5189. These three foundries source categories utilize closely similar processes; therefore, it is appropriate to address them in one rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5189

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RIN: 2060-AO93

3012. NESHAP: AREA SOURCE STANDARDS—ASPHALT ROOFING MANUFACTURE

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: Section 112(k) of the Clean Air Act requires the development of standards for area sources that account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists asphalt roofing production as an area source category. The pollutant emitted from this category is polycyclic aromatic hydrocarbons (PAH). In asphalt roofing manufacturing, processed or modified asphalt (also called modified bitumen) is applied to a fibrous substrate (typically made of fiberglass or organic felt) to produce roofing shingles and other roofing products. This source category is currently regulated under both the new source performance standards (NSPS) and the national emissions standards for hazardous air pollutants (NESHAP) for major sources. There are approximately ninety area source facilities in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5191

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RIN: 2060-AO94

3013. IMPLEMENTATION OF THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS: REVISIONS FOR SUBPART 1 AREAS AND 1-HOUR CONTINGENCY MEASURES

Priority: Other Significant

Legal Authority: 42 USC 7410; 42 USC 7511 to 7511f; 42 USC 7601(a)(1)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking action proposes revisions to the Phase 1 and Phase 2 rule for implementation of the 8-hour ozone national ambient air quality standard (NAAQS) to address partial vacatur by the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The rulemaking would propose to do the following: (1) Remove the provision that places some 8-hour ozone nonattainment areas under title I, part D, subpart 1 of the CAA; (2) Remove the exemption from anti-backsliding for the following three obligations under the now-revoked 1-hour ozone NAAQS:

-New source review;

-CAA section 185 penalty fees for severe and extreme areas that fail to attain the 1-hour standard by their attainment date; and

EPA—Clean Air Act (CAA)**Proposed Rule Stage**

-contingency measures for failure to attain the 1-hour standard or make reasonable progress toward attainment.

The proposal also addresses: (1) the classification system for nonattainment areas that the implementation rule originally covered under Clean Air Act (CAA) title I, part D, subpart 1; and (2) contingency measures that apply as anti-backsliding measures under the now-revoked 1-hour standard.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5194

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RIN: 2060-AO96

3014. NESHAP: AREA SOURCE STANDARDS—PREPARED (ANIMAL) FEEDS MANUFACTURING

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: This rule will regulate hazardous air pollutants (HAP) emissions from area sources in the Prepared Feed Materials industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources. The area source rule can require control levels which are equivalent to maximum achievable control technology (MACT)

or generally available control technology (GACT), as defined in section 112 of the CAA. The legal basis for using GACT for area sources is discussed in the "National Air Toxics Program: The Integrated Urban Strategy" (64 FR 38706, July 19, 1999).

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5201

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RIN: 2060-AO98

3015. PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA proposes to revise subpart H of 40 CFR part 51, which establishes the significant harm levels (SHL) for sulfur dioxide (SO₂), particulate matter (PM), carbon monoxide (CO), nitrogen oxide (NO₂), and ozone (O₃), as well as the requirements for that portion of State Implementation Plan requirements to address air pollution emergency episodes. The proposal includes the following: (1) A new significant harm level for fine particulate matter (PM_{2.5}), consistent with the July 18, 1997 revision of the addition of national ambient air quality standards (NAAQS) for particulate matter PM_{2.5}; (2) revisions to the emergency episode requirements to simplify the emergency

episode classification system for air quality control regions; (3) distinction between the "classic" type of mounting emergency episodes (which are occurring less and less due to the improvement of air quality nationwide over the last 30 years), and the "catastrophic" emergency episode caused by a process or pollution control equipment malfunction at a single air pollution source; (4) revisions to address pollutant transport; and (5) removal of appendix L (an example State emergency episode regulation) from the Code of Federal Regulations in lieu of a more comprehensive guidance document. Since many areas today that are subject to the current emergency episode requirements are very unlikely to experience these types of episodes, EPA believes it is appropriate to update the emergency episode requirements to address current realities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5216; EPA publication information: NPRM-Date not available

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RIN: 2060-AP00

3016. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION RULE AMENDMENTS

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Abstract: In 2003, EPA issued national emission standards for hazardous air pollutants for reinforced plastic composites production (40 CFR 63, subpart WWWW). We issued amendments in 2005. Industry and states have asked for clarification regarding implementation of some rule requirements. This action will provide the needed clarifications, and will afford an opportunity to propose and take public comment before taking final action on them.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5232

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RIN: 2060-AP05

3017. NEW SOURCE PERFORMANCE STANDARDS FOR GRAIN ELEVATORS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411; CAA sec 111; 15 USC 2005

CFR Citation: 40 CFR 60.300 (Revision)

Legal Deadline: None

Abstract: The New Source Performance Standard for Grain Elevators was promulgated in 1978 with the latest amendments made in 1984. Since that time there have been a number of changes in the technology used for storing and loading/unloading grain at elevators. Definitions in the current regulation do not fit some of the current technologies being used at elevators throughout the country. These definitional issues have come to the

forefront most recently due to the increase in ethanol production that has lead to bumper crops of corn being grown, which has led to a need for increased grain storage. For these reasons a review/change of these definitions is necessary to ensure the appropriate standards are being applied consistently throughout the industry.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5233

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RIN: 2060-AP06

3018. RECONSIDERATION OF HALOGENATED SOLVENT CLEANING FINAL RESIDUAL RISK RULE

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: EPA promulgated technology-based emission standards for this source category in 1992 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR part 63, subpart T. On May 3, 2007, EPA also promulgated amendments to the NESHAP standards as required by sections 112(f) and 112(d)(6) of the Clean Air Act. Petitions have been filed requesting EPA to reconsider its emission standards under the May 3, 2007, final rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5236

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RIN: 2060-AP07

3019. ● PROTECTION OF STRATOSPHERIC OZONE: NEW SUBSTITUTE IN THE MOTOR VEHICLE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7671k

CFR Citation: 40 CFR 82, subpart G

Legal Deadline: None

Abstract: In this action, the Agency will propose a decision on a new refrigerant substitute for use in new motor vehicle air-conditioning systems. The substitute is currently under review by the Significant New Alternatives Policy (SNAP) program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment

EPA—Clean Air Act (CAA)

Proposed Rule Stage

effects, or otherwise be of international interest.

Additional Information: SAN No. 5257

URL For More Information:

<http://www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html>

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RIN: 2060-AP11

3020. • AMBIENT OZONE MONITORING REGULATIONS: REVISIONS TO NETWORK DESIGN REQUIREMENTS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 50

Legal Deadline: None

Abstract: Ozone monitoring requirements were revised in October 2006 during a comprehensive revision of ambient monitoring requirements contained in 40 CFR parts 50, 53, and 58. These changes included revised minimum monitoring requirements for ozone monitors in urban areas as well as changes to the length of the required monitoring season. As stated in the Ozone National Ambient Air Quality Standards (NAAQS) final rule published on March 27, 2008 (73 FR 16436), EPA believes that certain changes are needed in the ozone minimum monitoring requirements to account for the newly revised levels of the NAAQS (primary and secondary NAAQS levels for ozone were revised from an eight-hour level of 0.08 ppm to an eight-hour level of 0.075 ppm). In this rulemaking, EPA will propose: (1) modest changes to minimum monitoring requirements in urban areas, (2) minimal monitoring requirements in rural areas, and (3) incremental adjustments to the length of the ozone monitoring season where indicated by statistical analysis. These proposed actions have been developed in response to comments that were received from some States, national monitoring associations, and environmental groups during the Ozone NAAQS proposal that was published on July 11, 2007 (72 FR 37818). No changes will be proposed in ozone

measurement methodology, quality assurance requirements, or probe siting requirements. Therefore, the implementation of any proposed changes should be routine for affected monitoring agencies.

Timetable:

Action	Date	FR Cite
NPRM	02/00/09	
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5259

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RIN: 2060-AP15

3021. • NESHAP: GASOLINE DISTRIBUTION AMENDMENTS—AREA SOURCE STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On January 10, 2008 (73 FR 1916), EPA issued final national emission standards for hazardous air pollutants for gasoline distribution bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities. Subsequently, we received two petitions from industry to clarify some applicability and implementation provisions of the final rule. This action would propose and promulgate amendments to address issues raised by the petitioners and other commenters.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5260; EPA Docket information: EPA-HQ-OAR-2006-0406

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RIN: 2060-AP16

3022. • REGULATION OF FUEL AND FUEL ADDITIVES: GASOLINE AND DIESEL FUEL TEST METHODS

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 211

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rule would allow refiners and laboratories to use more current and improved fuel testing procedures for certain American Society for Testing and Materials (ASTM) analytical test methods. Once these test method changes are adopted, they will supersede the corresponding earlier versions of these test methods in EPA's motor vehicle fuel regulations. Finally, the rule would allow an alternative test method for olefins in gasoline. This rule would allow improvements in the test method procedure to ensure better operation and provide additional flexibility to the regulated community. The clean air benefits of EPA's gasoline and diesel motor vehicle fuel programs will continue to be realized. There will be no adverse health or environmental impact as a result of these test method changes or updates.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Direct Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Government Levels Affected: None

Additional Information: SAN No. 5261

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RIN: 2060-AP17

3023. • RESTRUCTURING OF THE STATIONARY SOURCE AUDIT PROGRAM

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 60; 40 CFR 63

Legal Deadline: None

Abstract: 40 CFR parts 51, 60, 61, and 63 contain EPA's air toxics emissions standards (NESHAPS) and emission standards for new stationary sources (NSPS). 40 CFR 63.7(c)(2)(ii) requires an external Quality Assurance (QA) program that at a minimum includes an application of plans for a test method performance audit during the performance test. 40 CFR part 60 Appendices also contain similar requirements within individual test methods. Currently EPA provides these audit samples; however, this rulemaking proposes to revise 40 CFR parts 60 and 63 to allow accredited audit providers to provide these samples.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5273

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RIN: 2060-AP23

3024. • IMPLEMENTATION OF 2008 8-HOUR OZONE NAAQS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking action proposes rules for implementation of the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS). EPA promulgated that standard on March 12, 2008, under section 109 of the Clean Air Act (73 FR 16436, March 27, 2008). The rulemaking will cover the various elements of State implementation plans that States must submit under the Clean Air Act to implement that standard. These elements include the attainment demonstration, reasonable further progress requirements, and reasonably available control technology requirements. The rule will address how to transition from the 1997 8-hour ozone standard, and also rules for classification of nonattainment areas, although the actual designation of nonattainment areas will be addressed in a separate rulemaking action. Nonattainment new source review will be addressed either in this rulemaking or in a separate rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5275; Region 2

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RIN: 2060-AP24

3025. • TRANSPORTATION CONFORMITY PM2.5 AND PM10 AMENDMENTS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, March 1, 2009, CAA gives new areas 1 year before conformity applies, from effective date of designation (3/09). Rule needed for new areas.

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a state's plan for achieving air quality standards. These technical amendments will clarify 1) how certain highway and transit projects meet statutory conformity requirements for particulate matter, to respond to a December 2007 court ruling, and 2) how to implement conformity requirements in light of the revocation of the October 17, 2006, revisions to the PM10 and 24-hour PM2.5 standards. EPA will likely designate areas for the 2006 PM2.5 standard by December 2008, effective March 2009. The statute requires that conformity apply 1 year after the effective date of designations; i.e., March 2010.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5286

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RIN: 2060-AP29

EPA—Clean Air Act (CAA)

Proposed Rule Stage

3026. • IMPLEMENTING THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD: NSR ANTI-BACKSLIDING**Priority:** Other Significant**Legal Authority:** 42 USC 7410; 42 USC 7511 to 7511f; 42 USC 7601(a)(1)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

Abstract: This rulemaking action will provide an NSR and section 185 penalty fee component to a soon-to-be-proposed rule for implementation of the 8-hour ozone national ambient air quality standard (NAAQS) to address a partial vacatur by the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The action will address anti-backsliding aspects of the court decision as they apply to nonattainment areas that the implementation rule originally covered under Clean Air Act (CAA) title I, part D, subpart 1. The court decision specified reinstatement of NSR requirements and section 185 penalty fee requirements from the revoked 1-hour NAAQS, but left unanswered the conditions under which those requirements were to be applied. This action will answer questions left open by the court.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 5194.2; Split from RIN 2060-AO96.

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RIN: 2060-AP30**3027. • NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS; AMENDMENTS****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined

Legal Deadline: Other, Statutory, September 17, 2008, 9/17/08 deadline required for regulated entities to submit initial reports 90 days before 1/1/09 compliance date in final rule.

Abstract: Under this rule, regulated entities are allowed to petition the Agency to add compounds to the Tables of Reactivity Factors (Tables 2A, 2B, and 2C). This is a new action in response to the petitions the Agency received since promulgation. Three petitions were received from regulated entities. This action will add compounds to Table 2 and make minor corrections.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Direct Final Action	11/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5297; OPEI, OGC, OECA

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RIN: 2060-AP33**3028. • NSPS EQUIPMENT LEAKS (SUBPART VV SOCMI AND GGG PETROLEUM REFINERIES); AMENDMENTS****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60**Legal Deadline:** None

Abstract: This rule amends the new source performance standards for equipment leaks in 40 CFR part 60, subparts VV, VVa, GGG, and GGGa which was signed by the Administrator October 31, 2007, and published November 16, 2007. We are preparing the amendments to address concerns raised in a petition for reconsideration from the American Chemistry Council (ACC), American Petroleum Institute (API), and National Petrochemical Refiners Association (NPRA). Under this reconsideration we are amending 4 requirements: (1) the definition of process unit as it relates to the allocation of shared storage vessels, (2) the provisions for allocating shared storage vessels to process units, (3) connector monitoring for subpart VVa, and (4) the capital expenditure definition in subpart VVa.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: SAN No. 5035.2; EPA publication information: NPRM; Split from RIN 2060-AO90. Split from RIN 2060-AN71.; EPA Docket information: EPA-HQ-OAR-2006-0699

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RIN: 2060-AP34

Environmental Protection Agency (EPA)
Clean Air Act (CAA)
Final Rule Stage
3029. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION
Priority: Substantive, Nonsignificant**Legal Authority:** CAA 301(d)**CFR Citation:** 49 CFR 123**Legal Deadline:** None

Abstract: EPA is finalizing Federal Implementation Plans to regulate emissions from the Navajo Generating Station and the Four Corners Power Plant. The plants were previously complying with emissions limits in the Arizona and New Mexico State Implementation Plans. However, EPA's promulgation of the Tribal Authority Rule clarified that State air quality regulations generally could not be extended to facilities located on the reservation. These FIPs establish federally enforceable emissions limitations for sulfur dioxide, nitrogen oxides, total particulate matter, and opacity, and a requirement for control measures for dust.

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
Notice	01/26/00	65 FR 4244
NPRM 2	09/12/06	71 FR 53639
Final Action	11/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal

Additional Information: SAN No. 4315; EPA publication information: NPRM 2 - frwebgate4.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=62332828065+1+0+0&WASAction=retrieve; Formerly listed as RIN 2060-AI79; EPA Docket information: epa-r09-oar-2006-0185

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RIN: 2009-AA00
3030. PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSION INCREASES FOR ELECTRIC GENERATING UNITS

Regulatory Plan: This entry is Seq. No. 106 in part II of this issue of the Federal Register.

RIN: 2060-AN28
3031. REVISIONS TO THE GENERAL CONFORMITY REGULATIONS
Priority: Other Significant**Legal Authority:** 42 USC 7401 to 7671**CFR Citation:** 40 CFR 51.850 to 51.860; 40 CFR 93.150 to 93.160**Legal Deadline:** None

Abstract: Section 176(c) of the Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). In November 1993, EPA promulgated two sets of regulations to implement section 176(c). First, on November 24, EPA promulgated the Transportation Conformity Regulations to establish the criteria and procedures for determining that transportation plans, programs, and projects which are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the requirements for areas designated nonattainment for the newly promulgated NAAQS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/08	73 FR 1402
Final Action	04/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal

Additional Information: SAN No. 4070; EPA publication information: NPRM -

<http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=620448219337+0+0+0&WASAction=retrieve>; EPA Docket information: EPA-HQ-OAR-2006-0669

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3032. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7408 and 7409**CFR Citation:** 40 CFR 50

Legal Deadline: NPRM, Judicial, May 1, 2008, As per May 14, 2005, order. Final, Judicial, October 15, 2008, As per July 1, 2008, order.

Abstract: On October 5, 1978, the EPA promulgated primary and secondary National Ambient Air Quality Standards (NAAQS) for lead under section 109 of the Clean Air Act (43 FR 46258). Both primary (health-based) and secondary (welfare) standards were set at a level of 1.5 µg/m3 as a quarterly average (maximum arithmetic mean averaged over a calendar quarter). Subsequent to this initial standard-setting, the Clean Air Act requires that the standard be reviewed periodically. The last such review occurred during the period 1986 to 1990. For that review, an Air Quality Criteria Document (AQCD) was completed in 1986 with a supplement in 1990. Based on information contained in the AQCD, an EPA Staff Paper and Exposure Assessment were prepared. Following the completion of these documents, the Agency did not propose any revisions to the 1978 Pb NAAQS. The current review of the Pb air-quality criteria was initiated in November 2004 by EPA's National Center for Environmental Assessment (NCEA) with a general call for information published in the Federal Register. In January 2005, NCEA released a work plan for the review and revision of the Pb AQCD. Workshops were held to provide author feedback on a developing draft of the AQCD in August 2005. The final AQCD

EPA—Clean Air Act (CAA)**Final Rule Stage**

was released October 1, 2006. The EPA Office of Air Quality Planning and Standards prepared a draft Staff Paper for the Administrator, which included an initial evaluation of the key studies and scientific information contained in the AQCD and additional preliminary technical analyses. Drafts of the AQCD and the draft Staff Paper were reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public. A final Staff Paper was completed on November 1, 2007. An ANPRM was published in December 2007 outlining the results of the final risk assessment and giving consideration to the policy assessment. The Administrator's proposal to revise the lead NAAQS was published on May 20, 2008, with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

Timetable:

Action	Date	FR Cite
ANPRM	12/17/07	72 FR 71488
ANPRM Comment Period End	01/16/08	
NPRM	05/20/08	73 FR 29184
NPRM Comment Period End	07/21/08	
Final Action	11/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

Additional Information: SAN No. 5059; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/May/Day-20/a10808a.pdf>; EPA Docket information: EPA-HQ-OAR-2006-0735

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RIN: 2060-AN83**3033. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY****Priority:** Other Significant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 49**Legal Deadline:** None

Abstract: As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of minor stationary sources throughout Indian Country and major stationary sources of air pollution in nonattainment areas in Indian country. The proposed Federal NSR rules would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) new minor sources, (2) existing minor sources undergoing modification, (3) new major sources in nonattainment areas in Indian country, (4) existing major sources in nonattainment areas in Indian country undergoing minor modification, or (5) existing major sources in nonattainment areas in Indian Country undergoing major modification. The proposed rule would also allow new or existing stationary sources of regulated NSR pollutants and HAPs to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permits program. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs, but these permitting programs would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization to manage such programs. These rules would not impose any mandates on Tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/21/06	71 FR 48696
Final Action	08/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Tribal

Additional Information: SAN No. 3975; EPA publication information: NPRM - www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-21/a6926.htm; EPA Docket information: EPA-HQ-OAR-2003-0076

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RIN: 2060-AH37**3034. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Statutory, June 15, 2001.

Abstract: This rulemaking adds a procedure 3 to appendix F of 40 CFR part 60. This action provides quality assurance specifications for continuous opacity monitor system (COMS) installed for compliance. States may cite this procedure for sources with installed COMS subject to compliance limitations.

Timetable:

Action	Date	FR Cite
NPRM	02/28/01	66 FR 12780
Final Action	02/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3958

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EPA—Clean Air Act (CAA)

Final Rule Stage

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 RIN: 2060-AH23

3035. PERFORMANCE SPECIFICATION 16—SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: Performance Specification 16 is being promulgated to provide performance criteria for predictive emission monitoring systems. Predictive systems represent a new technology that uses process information or parameters to predict pollutant emissions instead of directly measuring them. Performance Specification 16 was proposed on August 8, 2005. The comments received from the public have been considered and the performance specification has been edited to reflect those comments that warrant revision. Performance Specification 16 will primarily apply to facilities whose emissions can be predicted from process parameters such as combustion processes (including gas turbines and internal combustion engines).

Timetable:

Action	Date	FR Cite
NPRM	08/08/05	70 FR 45608
Supplemental NPRM	11/01/05	70 FR 65873
Final Action	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4119; EPA publication information: NPRM - www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-08/a15330.htm; This rule was mistakenly listed as Completed in the Spring 2006 Regulatory Agenda under RIN 2060-

AH84.; EPA Docket information: EPA-HQ-OAR-2003-0074

Sectors Affected: 331111 Iron and Steel Mills; 336112 Light Truck and Utility Vehicle Manufacturing; 32411 Petroleum Refineries; 33241 Power Boiler and Heat Exchanger Manufacturing; 32211 Pulp Mills; 562213 Solid Waste Combustors and Incinerators; 333611 Turbine and Turbine Generator Set Unit Manufacturing

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 RIN: 2060-AO74

3036. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.2; 40 CFR 63.17 and 63.18

Legal Deadline: None

Abstract: We are amending the Part 63 General Provisions to allow facilities that are subject to a maximum achievable control technology (MACT) to discontinue unnecessary requirements if, through pollution prevention measures, they achieve and can demonstrate continued hazardous air pollutant (HAP) emission reductions equivalent to or better than the MACT level of control. The amendments would also allow a source to avoid MACT by completely eliminating HAP emissions. We are promulgating these amendments to encourage and promote pollution prevention, which is our strategy of first choice in reducing HAP emissions. We expect these amendments to result in no additional burden for sources and air pollution control agencies. This effort is the product of discussions with State and local air pollution control officials.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26249
Final Action	05/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4719; EPA publication information: NPRM - www.epa.gov/fedrgstr/EPA-AIR/2003/May/Day-15/a12180.htm; EPA Docket information: EPA-HQ-OAR-2002-0044

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 RIN: 2060-AK54

3037. PROTECTION OF STRATOSPHERIC OZONE: IMPORT PETITIONING REQUIREMENTS FOR HALON-1301 AIRCRAFT FIRE EXTINGUISHING VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule will provide an exemption under the import petitioning requirements for used ozone-depleting substances. The petitioning requirements outline the information that importers must submit to the Administrator at least forty working days before a shipment is to leave the foreign port of export. This rule will reduce the administrative burden of anyone petitioning to import aircraft fire extinguishing spherical pressure vessels containing halon-1301 ("halon bottles") for hydrostatic testing in the United States. The rule would require importers to adhere to all import petitioning requirements but would require one petition to be submitted annually for all shipments rather than submission of a petition for each

EPA—Clean Air Act (CAA)

Final Rule Stage

individual shipment forty working days prior to export. Halon bottles are individual bottles containing halon-1301 that are connected to a larger fire suppression system within an aircraft. The halon bottles are brought into the United States for hydrostatic testing in which the halon is removed, the bottles are tested to ensure durability and effectiveness, and the same amount or more of halon is replaced back in the bottles and exported once again. The halon bottles must be routinely tested under Federal Aviation Administration and United States Department of Transportation regulations. The exemption to minimize the import petitioning requirements is being initiated because the bottles are not being imported for the eventual use or resale of the halon contained in the bottles and because hydrostatic testing of the bottles is required under FAA and DOT regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/11/06	71 FR 18259
Direct Final Action	04/11/06	71 FR 18219
Withdrawal of DFRM	06/07/06	71 FR 32840
Final Action	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4900; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/April/Day-11/a3462.htm>; EPA Docket information: EPA-HQ-OAR-2005-0131

URL For More Information:

www.epa.gov/ozone/title6/608/halons/index.html

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RIN: 2060-AM46

3038. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES: N-PROPYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule would list whether n-propylbromide (nPB) is an acceptable substitute for Class I and Class II ozone depleting substances used in aerosol solvent and adhesives end uses. This could provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. Provisions in this rule could include specific conditions on the use of nPB as a solvent, such as limiting the specific applications in which it may be used to those with low emissions and requiring exposure limits consistent with industry practices. Any conditions would be for the purpose of ensuring that nPB is used in a manner that is safe and environmentally protective. OSHA does not currently regulate nPB. If EPA establishes any use conditions in a final rule, we would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB.

Timetable:

Action	Date	FR Cite
NPRM 1	06/03/03	68 FR 33283
NPRM Correction	10/02/03	68 FR 56809
NPRM 2—Adhesives	05/30/07	72 FR 30168
Final Action	03/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4599; EPA publication information: NPRM1 - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/June/Day-03/a13254.htm>; Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.; EPA Docket information: EPA-HQ-OAR-2002-0064

Sectors Affected: 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 331 Primary Metal Manufacturing; 336

Transportation Equipment Manufacturing; 32615 Urethane and Other Foam Product (except Polystyrene) Manufacturing

URL For More Information:

<http://www.epa.gov/ozone/snap/index.html>

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RIN: 2060-AK26

3039. REVIEW OF NEW SOURCE PERFORMANCE STANDARDS—PORTLAND CEMENT

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 111

CFR Citation: 40 CFR 60, subpart F

Legal Deadline: NPRM, Judicial, May 31, 2008, Court ordered deadline. Final, Judicial, May 31, 2009, Court ordered deadline.

Abstract: New Source Performance Standards (NSPS) regulate criteria pollutants from new stationary sources. The Portland Cement NSPS were originally promulgated in 1971 and last reviewed in 1988. Section 111 of the Clean Air Act requires that NSPS be reviewed every 8 years, and revised as appropriate, so the review is overdue. The Sierra Club filed a lawsuit to compel us to perform this review. We have agreed to review the NSPS and propose any appropriate changes by May 31, 2008, and to promulgate the final changes by May 31, 2009.

Timetable:

Action	Date	FR Cite
NPRM	06/16/08	73 FR 34072
NPRM Comment Period End	08/15/08	
Extension of Comment Period	09/30/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

EPA—Clean Air Act (CAA)

Final Rule Stage

Government Levels Affected: None

Additional Information: SAN No. 5143; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-16/a12619.pdf>; EPA Docket information: EPA—HQ—OAR—2007— 0877

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RIN: 2060-AO42

3040. CALIFORNIA GASOLINE TECHNICAL CORRECTION

Priority: Info./Admin./Other

Legal Authority: 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.81(a)

Legal Deadline: None

Abstract: This rule corrects final regulations which were published in the Federal Register on March 29, 2001 (66 FR 17230). The corrected regulatory provision restores the definition of California gasoline as used in the enforcement exemptions for California gasoline under the regulation of fuels and fuel additives.

Timetable:

Action	Date	FR Cite
Direct Final Action	08/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4722

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RIN: 2060-AK56

3041. ANTI-DUMPING BASELINE RECALCULATION FOR DOWNSTREAM OXYGENATE ADDITION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.91

Legal Deadline: None

Abstract: This rule would allow a refiner who added oxygenate after sampling and just before shipment to exclude that oxygenate from its anti-dumping baseline determination. This exclusion of oxygenate is already allowed for a refinery's gasoline to which oxygenate was added outside of the refinery gate. This rule will have limited application, and could provide relief to small refiners.

Timetable:

Action	Date	FR Cite
Direct Final Action	09/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4706

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RIN: 2060-AK69

3042. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): DEBOTTLENECKING, AGGREGATION, AND PROJECT NETTING

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.165 and 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: This project will revise rules governing the major new source review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA). The new regulations will clarify and codify our policy of when multiple activities at a single major stationary source must be considered together for the purposes of determining major NSR applicability ("aggregation"). Also, we are changing the way emissions from permitted emissions units upstream or downstream from those undergoing a physical change or change in the method of operation are considered when determining if a proposed project will result in a significant emissions increase ("debottlenecking"). Finally, we are clarifying how emissions decreases from a project may be included in the calculation to determine if a significant emissions increase will result from a project ("project netting"). When final, these rules will improve implementation of the program by articulating and codifying principles for determining major NSR applicability that we currently address through guidance only. These rule changes reflect the EPA's consideration of the EPA's 2002 Report to the President and its associated recommendations as well as discussions with various stakeholders including representatives of environmental groups, State and local governments, and industry.

Timetable:

Action	Date	FR Cite
NPRM	09/14/06	71 FR 54235
Final Action	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4793; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-14/a15248.htm>; EPA Docket information: EPA-HQ-OAR-2003-0064

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EPA—Clean Air Act (CAA)

Final Rule Stage

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RIN: 2060-AL75

3043. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON-BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY-DUTY ENGINES AND VEHICLES ABOVE 14,000 LBS AND IN-USE, NOT-TO-EXCEED EMISSION STANDARD TESTING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA is establishing On-Board Diagnostic (OBD) requirements for Heavy-Duty On-Highway and Non-Road vehicles and engines greater than 14,000 pounds gross vehicle weight. This action will also require manufacturers of these vehicles and engines to make available emissions-related service information to after market service providers. OBD systems are intended to monitor the performance of emission controls on these vehicles and engines to ensure proper functionality and compliance with emissions standards.

Timetable:

Action	Date	FR Cite
NPRM	01/24/07	72 FR 3200
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4809; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-24/a110a.htm>; EPA Docket information: EPA-HQ-OAR-2005-0047

URL For More Information:

<http://www.epa.gov/fedrgstr/epa-air/2007/january/day-24/a110a.htm>

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RIN: 2060-AL92

3044. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR

Priority: Other Significant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60 and 61; 40 CFR 63; 40 CFR 65

Legal Deadline: Other, Statutory, March 31, 2007, Thompson Report commitment date for proposal and 3/2007 for promulgation.

Abstract: This rule would amend existing regulations controlling emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP) under the Clean Air Act. These regulations are codified at 40 CFR parts 60, 61, 63, and 65. These regulations require periodic leak detection and repair (LDAR) of pumps, valves, and connectors. The current work practice requires each pump, valve, and connector to be individually monitored for leaks. Facilities have had LDAR programs in place for over 20 years and view them as burdensome because they are labor intensive. Newer image based monitoring technology is being developed which will detect leaks at a reduced costs because of the ability to monitor multiple components at one time. This rule would amend the existing regulations to enable the plant operators to use the new technology.

Timetable:

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17401
NPRM, Extension Comment Period	06/07/06	71 FR 32885
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4830; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/April/Day-06/a5005.htm>

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RIN: 2060-AL98

3045. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2008, One of ten area source category standards to be promulgated by 06/15/2008 as per 03/31/2006 order.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. The Integrated Urban Air Toxics Strategy lists plating and polishing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	03/14/08	73 FR 14125
NPRM Comment Period End	04/14/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4886; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/March/Day-14/a4974.pdf>

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EPA—Clean Air Act (CAA)**Final Rule Stage**

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RIN: 2060-AM37

3046. FLEXIBLE AIR PERMIT RULE

Priority: Other Significant

Legal Authority: CAA title V, parts C and D

CFR Citation: 40 CFR 70; 40 CFR 51 and 52

Legal Deadline: None

Abstract: This package revises our regulations governing State and Federal operating permit programs required by title V of the Act and the NSR programs required by parts C and D of title I of the Act. These final actions are based, in large part, on the lessons learned through EPA's pilot experience in which EPA worked closely with States and sources to develop flexible air permitting approaches that provide greater operational flexibility and, at the same time, ensure environmental protection and compliance with applicable laws. In our pilot permits, increased flexibility is primarily achieved through advance approvals under NSR and alternative operating scenarios (AOSs). The revisions clarify how this can often be done in the existing regulatory framework of the operating permit programs. The revisions also add major NSR requirements for Green Groups, which allow future changes to occur within a group of emissions activities, provided that they are to meet "best available control technology" (BACT) or "lowest achievable emission rate" (LAER) and control requirements, as applicable and are determined to comply with all relevant ambient requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/12/07	72 FR 52206
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4885; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-12/a17418.htm>; EPA Docket information: EPA-HQ-OAR-2004-0087

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RIN: 2060-AM45

3047. NESHAP: GENERAL PROVISIONS (ONCE IN ALWAYS IN)—AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.1

Legal Deadline: None

Abstract: The proposed amendments would revise and codify EPA's policy on when a major source can become an area source, and thus become not subject to national emission standards for hazardous air pollutants (NESHAP) for major sources. EPA is reconsidering the policy, established in a May 16, 1995, memorandum, which allows sources to attain area source status prior to the source's first substantive compliance date of an applicable NESHAP for major sources. No source would be subject to the requirements unless they voluntarily decided to implement them.

Timetable:

Action	Date	FR Cite
NPRM	01/03/07	72 FR 69
NPRM; Extension of Comment Period	03/05/07	72 FR 9718
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4908; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-03/a22283.htm>; EPA Docket information: EPA-HQ-OAQ-2004-0094

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RIN: 2060-AM75

3048. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION OF INCLUSION OF FUGITIVE EMISSIONS

Priority: Other Significant

Legal Authority: CAA title I

CFR Citation: 40 CFR 51 and 52

Legal Deadline: None

Abstract: On July 11, 2003, EPA received a petition for reconsideration on behalf of Newmont USA Limited, dba Newmont Mining Corporation ("Newmont") that stated that the December 31, 2002 (67 FR 80185), final rule included fugitive emissions for the purposes of determining whether a facility had undergone a major modification for the first time. The EPA will finalize their reconsideration of this issue arising from our final rules of December 31, 2002.

Timetable:

Action	Date	FR Cite
NPRM	11/13/07	72 FR 63850
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4940; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/November/Day-13/a22131.htm>; EPA Docket information: EPA-HQ-OAR-2004-0014

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EPA—Clean Air Act (CAA)**Final Rule Stage**

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RIN: 2060-AM91

3049. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, EMISSION GUIDELINES FOR EXISTING SOURCES, AND FEDERAL PLAN: SMALL MUNICIPAL WASTE COMBUSTORS: AMENDMENTS

Priority: Other Significant

Legal Authority: CAA Section 111; CAA Section 129

CFR Citation: 40 CFR 60 subpart AAAA; 40 CFR 60 subpart BBBB; 40 CFR 62 subpart JJJ

Legal Deadline: None

Abstract: This rule would amend the final (Dec. 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. The amendments will not change the response (the types of emission controls that will be used) of the facilities to the rule, but will provide clarification and correction. Specifically, the amendments will include: (1) fixing typographical errors created by the Office of the Federal Register; (2) approval of State operator training programs for MWC operators in the State of Minnesota (this was previously done for MWC operators in the States of Maryland and Connecticut); (3) addressing carbon monoxide (CO) emission limits during MWC malfunctions (this same provision was already added to large MWC standards in a previous rulemaking); (4) revising a CO limit for one type of MWC and a NO_x limit for another type of MWC; and (5) removing one voluntary consensus standard, ASTM D-6522, which is not an appropriate test method for this industry.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4970; EPA Docket information: EPA-HQ-OAR-2005-0514

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RIN: 2060-AN17

3050. REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 51 subpart A

Legal Deadline: None

Abstract: This action will update, consolidate, and harmonize air emission reporting requirements from the Consolidated Emissions Reporting Rule (CERR) and the NO_x SIP Call. The purpose of this action is to resolve differences in the reporting requirements in each of these regulations so that the regulated community will have a single location in the Code of Federal Regulations that details air emission reporting requirements. For example, the CERR and the NO_x SIP Call use similar but not identical terminology to describe what data must be reported to EPA. The final rule will resolve these differences.

Timetable:

Action	Date	FR Cite
NPRM	01/03/06	71 FR 69
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4951; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-03/a24614.pdf>; EPA Docket information: EPA-HQ-OAR-2004-0489

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RIN: 2060-AN20

3051. REQUIREMENTS FOR REFORMULATED GASOLINE (RFG) UNDER THE 8-HOUR OZONE STANDARD FOR BUMP-UP AREAS DESIGNATED ATTAINMENT FOR THE 1-HOUR OZONE STANDARD PRIOR TO REVOCATION

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Reformulated Gasoline (RFG) is gasoline blended to reduce emissions that cause ozone smog. The Clean Air Act (CAA) requires certain areas to use RFG, depending on how serious is the ozone problem—i.e., how far it is from attaining the National Ambient Air Quality Standards (NAAQS) for ozone. In some cases, areas that previously had a less-serious ozone problem subsequently experience worse air quality, and in such cases the Clean Air Act requires them to be “bumped up” to a higher category, thereby requiring RFG use. One complication is that the Agency is now implementing the transition from the previous ozone standard, based on the amount of pollution measured over a 1-hour period, to the new ozone standard, based on an 8-hour period. This rule would set regulations for such cases. EPA is inviting comment on two options for such cases. Under the first

EPA—Clean Air Act (CAA)

Final Rule Stage

option, an area would be required to use RFG at least until it is redesignated to attainment for the 8-hr NAAQS. This option would rely on an anti-backsliding approach that emphasizes that the area is still an ozone nonattainment area notwithstanding its redesignation to attainment of the 1-hr NAAQS. EPA would interpret the Act as requiring continued use of RFG in the proposal areas due to their continued status as ozone nonattainment areas under the 8-hour NAAQS. An area would remain an RFG area at least until it is redesignated to attainment for the 8-hr NAAQS. Under the second option, EPA would interpret CAA section 211(k)(10)(D) such that an area would no longer be considered an RFG area after redesignation to attainment for the 1-hour NAAQS, if the State requests removal of RFG and demonstrates that removal would not result in loss of emission reductions relied upon in the State attainment plan. This option would allow for removal of the RFG program for proposal areas during transition to the 8-hour NAAQS, unlike the approach adopted for other bump-up areas. This option would implement an antibacksliding approach with a trigger date (date of revocation of the 1-hour NAAQS) that is different from that otherwise used. EPA recently redesignated Atlanta to attainment of the 1-hour NAAQS, prior to revocation of the 1-hour NAAQS. Thus, Atlanta is the only bump-up area that would fall within the scope of this proposal.

Timetable:

Action	Date	FR Cite
NPRM	06/23/06	71 FR 36042
Final Action	03/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5022; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-23/a5620.htm>; EPA Docket information: EPA-HQ-OAR-2006-0318

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RIN: 2060-AN63**3052. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: SAFETEA-LU HOV FACILITIES RULE****Priority:** Other Significant**Legal Authority:** 23 USC 1121**CFR Citation:** 40 CFR 86**Legal Deadline:** NPRM, Judicial, March 2, 2008.

Abstract: It is the sense of Congress to encourage the purchase and use of hybrid and other fuel efficient vehicles, which have been proven to minimize air emissions and decrease consumption of fossil fuels. This regulation establishes the criteria for certifying a vehicle as low emitting and energy-efficient. State HOV programs will reference this regulation in their request to Federal Highway Administration for exceptions to the two-person minimum occupancy HOV requirement. These regulations are optional for states to implement and will sunset in 2009.

Timetable:

Action	Date	FR Cite
NPRM	05/24/07	72 FR 29102
Final Action	02/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

Additional Information: SAN No. 5029; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-24/a9821.htm>; EPA Docket information: EPA-HQ-OAR-2005-0173

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RIN: 2060-AN68**3053. PETROLEUM REFINERIES—NEW SOURCE PERFORMANCE STANDARDS (NSPS)—SUBPART J****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60

Legal Deadline: NPRM, Judicial, April 30, 2007, As per 7/2005 Consent Decree.

Final, Judicial, April 28, 2008, As per 7/2005 Consent Decree.

Abstract: Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and, if appropriate, revise the new source performance standards for petroleum refineries (subpart J in part 60). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current standards should be revised.

Timetable:

Action	Date	FR Cite
NPRM	05/14/07	72 FR 27178
Extension of Public Comment Period	06/28/07	72 FR 35375
Final Action	06/24/08	73 FR 35838
Response to Reconsideration – Final	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5036; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-14/a8547.htm>; EPA Docket information: EPA-HQ-OAR-2007-0011

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RIN: 2060-AN72

EPA—Clean Air Act (CAA)

Final Rule Stage

3054. REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF COMPOUNDS**Priority:** Other Significant**Legal Authority:** CAA**CFR Citation:** 40 CFR 51.100**Legal Deadline:** None

Abstract: EPA is adding two compounds (propylene carbonate and dimethyl carbonate) to the list of negligible reactive compounds in EPA's regulatory definition of VOC. Granting VOC exemption status to these compounds will remove a regulatory burden from industries that want to use these compounds and states will be relieved of the burden of controlling these compounds without adversely affecting air quality.

Timetable:

Action	Date	FR Cite
NPRM	10/01/07	72 FR 55717
Final Action	05/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State

Additional Information: SAN No. 5045; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/October/Day-01/a19324.htm>; EPA Docket information: EPA-HQ-OAR-2006-0948

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RIN: 2060-AN75**3055. NESHAP: MERCURY CELL CHLOR-ALKALI PLANTS—AMENDMENTS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: This rule was promulgated in 2003 in 40 CFR part 63, subpart V (NESHAP), to require MACT for both major and area sources. The pollutant of concern is elemental mercury. At the time of the rule, 12 plants existed in the U.S. In 2003, NRDC submitted a petition for reconsideration requesting EPA to more accurately quantify the fugitive emissions of mercury from this industry and to set numerical standards, among other items. EPA granted NRDC's petition for reconsideration and, in response to NRDC's concerns, initiated a testing and monitoring study to evaluate and better characterize fugitive emissions from mercury cell chlor-alkali plants. The results of this study will improve EPA's ability to predict mercury emissions from chlor-alkali plants and to evaluate the next steps in the reconsideration. Currently, there are only 8 plants operating in the US, with three plants expecting to close or convert by 2008. The Chlorine Industry, in its 2005 report to the Great Lakes Bi-National Toxic Strategy, reported that only 3 tons of mercury were unaccounted in 2005, significantly lower than the 65 tons reported as unaccounted in the preamble to the MACT rule in 2003.

Timetable:

Action	Date	FR Cite
NPRM	06/11/08	73 FR 33258
NPRM Comment Period End	08/11/08	
Final Action	05/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5095; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-11/a12618.pdf>; EPA Docket information: EPA-HQ-OAR-2002-0017

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RIN: 2060-AN99**3056. PREVENTION OF SIGNIFICANT DETERIORATION: REFINEMENT TO INCREMENT MODELING PROCEDURES****Priority:** Other Significant**Legal Authority:** Clean Air Act Title I, Part C**CFR Citation:** 40 CFR Part 51**Legal Deadline:** None

Abstract: Part C of Title I of the Clean Air Act (CAA) contains the requirements for a component of the major New Source Review (NSR) program known as the Prevention of Significant Deterioration (PSD) program. This program sets forth procedures for the preconstruction review and permitting of new and modified major stationary sources of air pollution locating in areas meeting the National Ambient Air Quality Standards (NAAQS), i.e., "attainment" areas, or in areas for which there is insufficient information to classify an area as either attainment or nonattainment, i.e., "unclassifiable" areas. The applicability of the PSD program to a particular source must be determined in advance of construction and is pollutant-specific.

The PSD program also established increments, which are maximum increases in ambient air concentrations allowed in a PSD area over a baseline concentration. These increments follow the three-tiered area classification system established by Congress in Section 163 of the CAA. Class I areas include certain national parks and wilderness areas that were designated by Congress as areas of special national concern, where the need to prevent air quality deterioration is the greatest. Class II areas are all areas not specifically designated in the CAA as Class I areas and Class III areas are the ones originally designated as Class II, where higher levels of industrial development (and emission growth) are desired.

In this rulemaking, we will finalize refinements to several aspects of the method that may be used to calculate an increase in concentration for increment purposes. These refinements are intended to clarify how States and regulated sources may calculate increases in concentration for purposes

EPA—Clean Air Act (CAA)

Final Rule Stage

of determining compliance with the PSD increments.

Timetable:

Action	Date	FR Cite
NPRM	06/06/07	72 FR 31372
Final Action	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 5100; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-06/a10459.htm>; EPA Docket information: EPA-HQ-OAR-2006-0888

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RIN: 2060-AO02

3057. NESHAP: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: A final rule for this source category was published on November 10, 2003. Several parties petitioned the rule. Final amendments to address issues raised by the petitioners were published on July 14, 2006. This action will correct several errors in the final amendments. Also, this action will propose an alternative control option for wastewater treatment tanks operated under negative pressure. Because the rule references the Hazardous Organic NESHAP rulemaking (HON), the change will be made to the wastewater standards in the HON.

Timetable:

Action	Date	FR Cite
NPRM	08/06/08	73 FR 45673
NPRM Comment Period End	09/22/08	
Final Action	03/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4891.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/August/Day-06/a18142.pdf>; Split from RIN 2060-AM43.; EPA Docket information: EPA-HQ-OAR-2003-0121

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RIN: 2060-AO07

3058. RISK AND TECHNOLOGY REVIEW FOR GROUP 1: POLYMERS & RESINS I; POLYMERS & RESINS II, ACETAL RESINS, AND HYDROGEN FLUORIDE

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA sec 112(d)(6)

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This action is called Risk and Technology Review (RTR) Group 1. It will address both EPA's obligation to conduct a residual risk review and to conduct a technology review. It includes eight source categories, each affected by one of four MACT standards. The eight source categories are: polysulfide rubber manufacturing (P&R I MACT); ethylene propylene rubber manufacturing (P&R I MACT); butyl rubber manufacturing (P&R I MACT); neoprene manufacturing (P&R I MACT); epoxy resins manufacturing

(P&R II MACT); non-nylon polyamides manufacturing (P&R II MACT); hydrogen fluoride manufacturing (GMACT); and acetal resins manufacturing (GMACT). EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with MACT air-toxic emission standards according to section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices, processes and control technologies according to section 112(d)(6) of the CAA.

Timetable:

Action	Date	FR Cite
NPRM	12/12/07	72 FR 70543
Final Action	01/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5126; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-12/a24076.htm>; EPA Docket information: EPA-HQ-OAR-2007-0211

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RIN: 2060-AO16

3059. PREVENTION OF SIGNIFICANT DETERIORATION FOR PM2.5—INCREMENTS, SIGNIFICANT IMPACT LEVELS AND SIGNIFICANT MONITORING CONCENTRATIONS

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: None

Abstract: Section 166 of the Clean Air Act authorizes the Environmental

EPA—Clean Air Act (CAA)

Final Rule Stage

Protection Agency to establish regulations to prevent significant deterioration of air quality due to emissions of any pollutant for which a NAAQS has been promulgated. The NAAQS for PM_{2.5} was promulgated in 1997. On November 1, 2005, EPA proposed regulations for the implementation of the PM_{2.5} program including the New Source Review (NSR) provisions. In that NPRM, we indicated that we would be proposing a separate rule for developing increments and Significant Impact Levels (SILs) to facilitate implementation of a PM_{2.5} PSD program. Increments are maximum allowable increases in ambient PM_{2.5} concentrations (PM_{2.5} increments) allowed in an area above the baseline concentration. SILs are a screening tool used by a major source to determine if it needs to do a comprehensive increments analysis. If a source's impacts of PM_{2.5} emissions are less than the corresponding SIL, the source's impacts are considered to be de minimis and no further modeling analyses are required.

In this final, we are promulgating 2 options for developing PM_{2.5} increments. EPA's final option would be the % of NAAQS option, also known as the "safe harbor" approach, but we are also seeking comment on the "Equivalent Increment" approach. For SILs, we requested comments on 3 options in the NPRM and will address them in the final.

Timetable:

Action	Date	FR Cite
NPRM	09/21/07	72 FR 54112
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5068; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-21/a18346.htm>; EPA Docket information: EPA-HQ-OAR-2005-0605

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3060. AMENDMENT OF DEFINITIONS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS POLLUTANTS FOR RADIONUCLIDES**Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 61.90(a); 40 CFR 61.101(a)**Legal Deadline:** None

Abstract: Subparts H and I of 40 CFR part 61 establish standards under the Clean Air Act for emissions of radionuclides other than radon from Department of Energy (DOE) and other non-DOE federal facilities. The current definition of "effective dose equivalent" refers to a method of calculation in International Commission on Radiological Protection (ICRP) publication no. 26. Removing this reference will prevent confusion if EPA incorporates newer ICRP methods for calculating effective dose equivalent in its compliance models.

Timetable:

Action	Date	FR Cite
Direct Final Action	04/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 5114

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3061. FUEL ECONOMY REGULATIONS FOR AUTOMOBILES: TECHNICAL AMENDMENTS AND CORRECTIONS**Priority:** Other Significant**Legal Authority:** 49 USC 32901 et seq**CFR Citation:** 40 CFR 600**Legal Deadline:** None

Abstract: This action amends and corrects portions of the Environmental Protection Agency's (EPA) existing fuel economy regulations, located at 40 CFR part 600. There are two reasons for this action. First, some minor corrections and amendments are needed to correct portions of EPA's final rule for fuel economy labeling requirements for cars and light trucks (71 FR 77872, Dec. 27, 2006). Some typographical errors and errors of omission will be corrected. Second, the Department of Transportation finalized new average fuel economy standards for light trucks on April 6, 2006 (71 FR 77872). This rule amended the existing DOT regulations at 49 CFR parts 523, 533, and 537, by adding new definitions, setting new fuel economy standards for light trucks, and amending some reporting requirements. In order for DOT to execute its new requirements, DOT's regulations rely on EPA to reference the new definitions and collect the new information from automobile manufacturers, so that EPA can determine the new light truck average fuel economy targets. The new definitions include "medium duty passenger vehicle" and "footprint". Under the Energy Policy and Conservation Act (EPCA), EPA is required to calculate the average fuel economy of a manufacturer using methods it prescribes by regulation. (49 U.S.C. 32904(a)(1)(A)). EPA has conducted this activity for about 30 years and this rulemaking only updates the information the Agency will receive from the auto manufacturers. The changes adopted by DOT include a new requirement to determine the "footprint" for each model type of vehicle, so that target standards can be calculated. EPA must therefore collect "footprint" data from auto manufacturers, which includes measurements for front track width, rear track width, wheelbase and final sales of each model type. EPA's current regulations do not require manufacturers to submit this information, thus a minor amendment is needed to add this information collection. The DOT rule takes effect with 2008 model year trucks, which can begin to be produced as early as January 2, 2007, thus it is important that EPA begin collecting this new information as soon as possible. These changes do not change the existing EPA

EPA—Clean Air Act (CAA)

Final Rule Stage

test procedures or calculation methods for average fuel economy.

Timetable:

Action	Date	FR Cite
Direct Final Action	03/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5124

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RIN: 2060-AO36

3062. NEW SOURCE PERFORMANCE STANDARDS REVIEW FOR NONMETALLIC MINERAL PROCESSING PLANTS AND AMENDMENTS TO SUBPART UUU APPLICABILITY

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Judicial, April 16, 2008, As per 11/16/2006 Consent Decree.

Final, Judicial, April 16, 2009, As per 11/16/2006 Consent Decree.

Abstract: Section 111(b)(1)(B) of the Clean Air Act mandates that EPA review and if appropriate revise existing NSPS at least every 8 years. The NSPS was initially promulgated on August 1, 1985. The NSPS was reviewed in the mid-1990s. Final revisions for that review were promulgated on June 9, 1997. On October 2006, EPA entered into a consent decree with the Sierra Club and other environmental groups. The decree requires proposal of any further revisions by April 2008 and final revisions promulgated on April 2009.

Timetable:

Action	Date	FR Cite
NPRM	04/22/08	73 FR 21559
Final Action	04/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5145; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/April/Day-22/a8677.pdf>; EPA Docket information: EPA-HQ-OAR-2007-1018

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RIN: 2060-AO41

3063. ADDITION OF METHOD 208, PROTOCOL FOR THE SOURCE TESTING, ANALYSIS, AND REPORTING OF VOC EMISSIONS FROM HOT MIX ASPHALT PLANT DRYERS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: Method 208 will produce more accurate measurement of the mass of volatile organic carbon (VOC) emissions from asphalt paving operations than any other current method for measuring VOC. The method will allow the EPA to make a more accurate assessment of whether asphalt paving plants are major sources under the Federal programs for New Source Review and Prevention of Significant Deterioration. This method was developed by the National Asphalt Paving Association specifically for asphalt paving plants as an alternative to existing EPA methods for measuring VOC. The National Asphalt Paving Association requested that EPA promulgate these methods to make them more widely available and acceptable for use in meeting various environmental regulations.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5146; EPA Docket information: EPA-HQ-OAR-2008-0622

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RIN: 2060-AO51

3064. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: APPENDIX A—TEST METHODS; AMENDMENTS TO METHOD 301

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action amends EPA's Method 301; Field Validation of Pollutant Measurement Methods from Various Waste Media. Method 301 can be found in appendix A of 40 CFR part 63 (Test Methods). Method 301 was promulgated with 40 CFR part 63, subpart D (Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants)(58 FR 27338, June 13, 1991), pursuant to section 112 of the Clean Air Act (as amended in 1990). This action finalizes amendments to Method 301 based on comments received on proposed changes to the Method published in the Federal Register on December 22, 2004 (69 FR 76642), and amends errors identified in the proposed amendments to the Method.

Timetable:

Action	Date	FR Cite
NPRM	12/22/04	69 FR 76642
Final Action	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

EPA—Clean Air Act (CAA)**Final Rule Stage**

Additional Information: SAN No. 5156; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2004/December/Day-22/a27985.htm>; EPA Docket information: EPA-HQ-OAR-2004-0080

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RIN: 2060-AO53

3065. PETROLEUM REFINERY RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA 112(d)(6)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: NPRM, Judicial, October 20, 2007, Consent Decree. Final, Judicial, October 20, 2008, Consent Decree.

Abstract: Section 112(f) of the Clean Air Act requires EPA to assess residual risks that remain after implementation of technology-based standards for each category of major sources of air-toxic emissions. Section 112(f) also mandates EPA to develop additional emission standards for these sources, as necessary, to protect public health with an ample margin of safety or to prevent significant and widespread adverse environmental effects. The current rule covers emissions from certain process vents, storage vessels, wastewater streams, loading racks, marine tank vessel loading operations, and equipment leaks. Under this project, we will model the emissions to determine the residual risk associated with the current control technologies. Section 112(d)6 requires EPA to review and revise as necessary emissions standards taking into account developments in practices, processes, and control technologies. We will examine the refinery control technologies to see what improvements have been made in the 12 years since this rulemaking was promulgated. This rulemaking is under

a consent decree to fulfill requirements of section 112(d)6 requiring proposal by August 21, 2007, and promulgation by August 21, 2008.

Timetable:

Action	Date	FR Cite
NPRM	09/04/07	72 FR 50716
Notice of Public Hearing and Reopening of Comment Period	11/08/07	72 FR 63159
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5093.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-04/a17009.pdf>; Split from RIN 2060-AN85.; EPA Docket information: EPA-HQ-OAR-2003-0146

URL For More Information: www.epa.gov/fedrgstr/epa-air/2007/september/day-04/a17009.pdf

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RIN: 2060-AO55

3066. STANDARDS OF PERFORMANCE FOR COAL PREPARATION PLANTS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 111

CFR Citation: 40 CFR 60, subpart Y

Legal Deadline: NPRM, Judicial, April 16, 2008, As per 11/16/2006 Consent Decree. Final, Judicial, April 16, 2009, As per 11/16/2006 Consent Decree.

Abstract: EPA entered into a consent decree to propose amendments the coal

preparation (subpart Y) new source performance standard (NSPS) by April 16, 2008. The consent decree date for final action is April 16, 2009. Subpart Y was last reviewed in 1989. EPA anticipates that the review will result in a tightening of the particulate emissions standard to reflect the performance of current control technologies and updated monitoring requirements. In addition, EPA anticipates setting work practice standards to control fugitive PM emissions.

Timetable:

Action	Date	FR Cite
NPRM	04/28/08	73 FR 22901
NPRM Comment Period Extended	06/10/08	73 FR 32667
NPRM Comment Period End	06/12/08	
Second NPRM Comment Period End	07/14/08	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5144; EPA publication information: NPRM; EPA Docket information: EPA-HQ-OAR-2008-0260

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RIN: 2060-AO57

3067. CLARIFICATION OF RECONSIDERATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY, INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL STEAM GENERATING UNITS

Priority: Other Significant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60

EPA—Clean Air Act (CAA)

Final Rule Stage

Legal Deadline: NPRM, Judicial, May 30, 2008.
Final, Judicial, November 28, 2008.

Abstract: The amendments will address minor issues that have recently come to the agency's attention and clarify the regulatory text to be consistent with the intent (as described in the response to comments document) of the final action of the "Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institution Steam Generating Units" that was signed on 13 June 2007. Amendments include clarifying that both utility and industrial steam generating units burning low sulfur oil are exempt from continuously monitoring opacity, adding monitoring requirements for subpart D units complying with the optional 30 day SO₂ standard, clarifying control device monitoring requirements for new utility units that do not install PM CEMS, and clarifying requirements for industrial sources burning coke oven gas. The amendments will not change the cost of the rule.

Timetable:

Action	Date	FR Cite
NPRM	06/12/08	73 FR 33642
NPRM Comment Period End	07/28/08	
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5174; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-12/a12621.pdf>; EPA Docket information: EPA—HQ—OAR—2005—0031

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RIN: 2060—AO61

3068. REGULATION OF FUELS AND FUEL ADDITIVES: ALTERNATIVE QUALITY ASSURANCE REQUIREMENTS FOR ULTRA-LOW SULFUR DIESEL

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 211

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This rule provides flexibility to refiners, importers and distributors of diesel fuel by amending the ultra-low sulfur diesel (ULSD) regulations to allow a nationwide sampling and testing program to be used as an alternative means of meeting the sampling and testing defense elements under 40 CFR section 80.613. This alternative method would consist of a comprehensive program of quality assurance sampling and testing calculated to achieve the same objectives as the current regulatory quality assurance requirement; i.e., that the sulfur content in ULSD does not exceed regulatory limits. The program would be carried out by an independent association funded by an industry consortium, and would be conducted pursuant to a survey plan, approved by EPA.

Timetable:

Action	Date	FR Cite
Direct Final Action	03/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5154

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RIN: 2060—AO71

3069. GROUP IV: CTGS IN LIEU OF REGULATIONS FOR MISC. METAL PRODUCTS COATINGS, PLASTIC PARTS, AUTO AND LIGHT DUTY TRUCK ASSEMBLY COATINGS, FIBERGLASS BOAT MFG. MATERIALS, AND MISC. INDUSTRIAL ADHESIVES

Priority: Other Significant

Legal Authority: 42 USC 183(e)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Judicial, September 30, 2008.

Abstract: This action would announce the Administrator's determinations under section 183(e) for 5 categories of consumer and commercial products that Control Techniques Guidelines (CTGs) are substantially as effective as national rules for these categories. These determinations are made based on considerations affecting VOC emission reductions in ozone nonattainment areas. The proposal would solicit comments on the proposed determinations and announce availability of draft CTGs for each of the product categories. The final notice would finalize the determinations and announce availability of final CTGs covering these categories. NOTE: This action now includes the Miscellaneous Industrial Adhesives category formerly tracked under RIN 2060-AP02 and should now subsume that action.

Timetable:

Action	Date	FR Cite
NPRM	07/14/08	73 FR 40230
NPRM Comment Period End	08/13/08	
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5226; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-14/a15722.pdf>; EPA Docket information: EPA-HQ-OAR-2008-0411; EPA-HQ-OAR-2008-0412; EPA-HQ-OAR-2008-0413; EPA-HQ-OAR-2008-0415; EPA-HQ-OAR-2008-0460

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RIN: 2060—AP01

EPA—Clean Air Act (CAA)

Final Rule Stage

3070. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, TEST METHOD 2H

Priority: Substantive, Nonsignificant

Legal Authority: CAA title I

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This test method enables the representative measurement of pollutant emissions and/or total volumetric flow from stationary sources. When the method was originally developed, it addressed only sources where the flow measurements were made in locations with circular cross-sections within an exhaust stack. This technical update to the test method will address flow measurement locations with both circular and rectangular cross-sections. The revisions also include changes that increase the accuracy of the method and simplify its application. The primary users of the method will be owners and operators of utility units subject to the Acid Rain Program under title IV of the Clean Air Act and certain large electric generating units and large non-electric generating units that are subject to the nitrogen oxides (NOX) state implementation plan (SIP) call under title I of the Clean Air Act. These sources use volumetric stack flow rate monitors in order to measure sulfur dioxide (SO₂) and NOX mass emissions and heat inputs emissions and must conduct periodic relative accuracy test assessments (RATAs) of the flow rate monitors at these units.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5237

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RIN: 2060-AP08

3071. • IMPLEMENT THE 8-HOUR OZONE NAAQS: ADDRESSING A PORTION OF THE PHASE 2 OZONE IMPLEMENTATION RULE CONCERNING REASONABLE FURTHER PROGRESS EMISSIONS REDUCTIONS CREDITS OUTSIDE OZONE NONATTAINMENT AREAS

Priority: Info./Admin./Other

Legal Authority: 42 USC 7410; 42 USC 7511 to 7511f; 42 USC 7601(a)(1)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking action proposes revisions to the Phase 2 rule for implementing the 8-hour ozone NAAQS to address partial vacatur by the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The rulemaking would propose to revise the RFP policy portion for the 8-hour NAAQS that allows credit for emissions reductions outside an ozone nonattainment area to be consistent with the same policy in the PM_{2.5} implementation rule.

Timetable:

Action	Date	FR Cite
NPRM	07/21/08	73 FR 42294
NPRM Comment Period End	08/20/08	
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5194.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-21/a16668.pdf>; Split from RIN 2060-AO96.

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RIN: 2060-AP10

3072. • AIR QUALITY DESIGNATIONS AND CLASSIFICATIONS FOR THE 24-HOUR FINE PARTICLES (PM_{2.5}) NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, December 18, 2008, CAA sec 107 establishes the date for the final rule.

Abstract: This rule establishes final air quality designations for the 2006 24-hour PM_{2.5} National Ambient Air Quality Standards (NAAQS), which encompasses all areas of the United States as required by section 107 of the Clean Air Act (CAA). The air quality status of an area is represented by its classification. An area designated as “attainment/unclassifiable” means that the area has sufficient data to determine that the area is meeting the 24-hour PM_{2.5} NAAQS, or that, due to no data being available, EPA cannot make a determination for the area. An area designation of “nonattainment” means that the area is in violation of, or contributing to a violation of, the 24-hr PM_{2.5} NAAQS. States and Tribes made their designation recommendations to EPA in December 2007. EPA reviewed these designation recommendations and will make modifications as deemed appropriate. EPA is required by the CAA to notify States and Tribes of any modifications that they intend to make to their recommendations no later than 120 days prior to promulgation of the designations. Consistent with the CAA requirements, EPA expects to issue final 24-hour PM_{2.5} designations no later than December 18, 2008, with an effective date 90 days after Federal Register publication.

Timetable:

Action	Date	FR Cite
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

EPA—Clean Air Act (CAA)**Final Rule Stage****Government Levels Affected:** None**Additional Information:** SAN No. 5282; Regional Offices play a significant role in the designations process; EPA Docket information: EPA-HQ-OAR-2007-0562**Agency Contact:** Amy Vasu, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711
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RIN: 2060-AP27**3073. • PROTOCOLS FOR MONITORING AND MEASURING MERCURY EMISSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7601**CFR Citation:** 40 CFR 60**Legal Deadline:** None**Abstract:** This action would codify two optional mercury emissions test methods and two optional performance specifications for mercury emissions monitoring. These standardized test methods and monitoring specifications may be used at the discretion of emission sources, states, testing organizations and others to characterize vapor phase mercury emissions from boilers and other sources of mercury; the test methods may also be used to perform relative accuracy test audits of mercury emissions monitoring systems. The mercury test methods, an instrumental test method and a sorbent trap-based test method, may be preferred over existing standardized mercury test methods because of decreased costs, simpler implementation, and/or more timely results; they will be codified in appendix A of 40 CFR part 60. The mercury monitoring specifications will provide for standardization of mercury monitoring measurements and would be codified in appendix B of 40 CFR part 60. This action does not change any emission standards or add any

recordkeeping or reporting requirements.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5289**Agency Contact:** William Grimley, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711
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Email: segall.robin@epamail.epa.gov**RIN:** 2060-AP31**Environmental Protection Agency (EPA)****Clean Air Act (CAA)****Long-Term Actions****3074. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT****Priority:** Info./Admin./Other**Legal Authority:** CAA 112(r)(7)**CFR Citation:** 40 CFR 68.210**Legal Deadline:** None**Abstract:** Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISFRRRA) was enacted. The Act requires the President to promulgate

regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR part 1400. The part 1400 regulations restrict the public's access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of part 68 states that RMPs are available to the public under CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR

part 1400. This revision is not meant to regulate any new entities.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4607**Agency Contact:** Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564-8019
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Email: jacob.sicy@epa.gov**RIN:** 2050-AE95**3075. CLEAN AIR MERCURY RULE: FEDERAL PLAN****Priority:** Other Significant**Legal Authority:** CAA sec 111

EPA—Clean Air Act (CAA)**Long-Term Actions****CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This action is a Federal Plan to implement the requirements of the Clean Air Mercury Rule (CAMR) for any States that do not have a timely, approved State Plan, as well as the two tribes affected by the rule. The status of this action is “undetermined.” On February 8, the U.S. Court of Appeals for the DC Circuit vacated CAMR and subsequently issued the mandate. Until the deadline for seeking review by the Supreme Court has passed, and any subsequent legal proceedings concluded if review is sought, the Agency is putting the Federal Plan rulemaking action on hold during the period for potential appeal.

The Federal Plan implements the requirements of CAMR by requiring that these States and tribes participate in the EPA-administered CAMR cap-and-trade program. While this rule provides for Federal implementation of the cap and trade program, it makes no other substantive changes to the model cap and trade program already finalized as part of CAMR. During the CAMR rulemaking process, EPA conducted extensive analysis of the economic, environmental, and health impacts of CAMR. Because the requirements and major programmatic elements of CAMR remain the same under the Federal Plan, these analyses remain unchanged under this action, as do conclusions regarding consideration of Executive orders. This rule also reflects any modifications based on the CAMR Final Action on Reconsideration. This action also finalizes revisions concerning the biomass cogeneration unit exemption under the applicability provisions of the Federal Plan, and minor revisions to the CAMR State Plan model cap-and-trade rule and the Acid Rain Program regulations. In addition, this action revises the Notice of Finding that Certain States Did Not Submit Clean Air Mercury Rule State Plans for New and Existing Electric Utility Steam Generating Units and Status of Submission of Such Plans.

Timetable:

Action	Date	FR Cite
NPRM	12/22/06	71 FR 77099
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Local, State, Tribal**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.

Additional Information: SAN No. 5094; EPA publication information: NPRM - <http://epa.gov/EPA-AIR/2006/December/Day-22/a21573.htm>; EPA Docket information: EPA-HQ-OAR-2006-0905

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RIN: 2060-AN98

3076. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS

Priority: Other Significant**Legal Authority:** 42 USC 7670 to 7479; CAA 160 to 169**CFR Citation:** 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

Abstract: Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate their lands as class I areas to provide enhanced protection for their air quality resources. This rule will clarify the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.

Timetable:

Action	Date	FR Cite
ANPRM	05/16/97	62 FR 27158
NPRM	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** State, Tribal**Additional Information:** SAN No. 3919

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RIN: 2060-AH01

3077. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

Priority: Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 7408 and 7409**CFR Citation:** 40 CFR 50**Legal Deadline:** Final, Statutory, October 17, 2011.

Abstract: Under the Clean Air Act Amendments of 1977, EPA is required to review the air quality criteria every 5 years for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) and, if appropriate, revise these standards. On October 17, 2006, the EPA published a final rule to revise the primary and secondary NAAQS for particulate matter (PM) to provide increased protection of public health and welfare. With regard to the primary standards for fine particles (generally referring to particles less than or equal to 2.5 micrometers in diameter, PM_{2.5}), EPA revised the level of the 24-hour PM_{2.5} standard to 35 micrograms per cubic meter (ug/m³) and retained the level of the annual PM_{2.5} standard at 15 ug/m³. With regard to primary standards for particles generally less than or equal to 10 micrometers in diameter (PM₁₀), EPA retained the 24-hour PM₁₀ standard and revoked the annual PM₁₀ standard. With regard to secondary PM standards, EPA made them identical in all respects to the primary PM standards, as revised. This review of the PM NAAQS is being conducted using a new NAAQS review process. The review began in 2007 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. The workshop discussions will provide important input as OAR and ORD consider the appropriate design and scope of the major elements that will

EPA—Clean Air Act (CAA)

Long-Term Actions

inform the Agency's policy assessment under the new NAAQS process: an integrated plan highlighting the key policy-relevant issues prepared by OAR and ORD, an Integrated Science Assessment prepared by ORD, and a Risk/Exposure Assessment prepared by OAR. In addition, an ANPRM prepared by OAR will evaluate the policy implications of key information contained in the Integrated Science Assessment and Risk/Exposure Assessment, as well as additional appropriate technical analyses. The ANPRM will reflect Agency views regarding options to retain or revise the PM NAAQS. EPA will solicit comments from the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public several times during the development of the critical documents identified above, including the ANPRM. The Administrator will propose to retain or revise the PM NAAQS, as appropriate, taking into consideration CASAC and public comment on the ANPRM. Input received during the public comment period for the proposed decision will be considered in the Administrator's final decision.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/10	
NPRM	01/00/11	
Final Action	10/00/11	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

Additional Information: SAN No. 5169; EPA Docket information: EPA-HQ-OAR-2007-0492

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RIN: 2060-AO47

3078. FEDERAL PLAN REQUIREMENTS FOR OTHER SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE DECEMBER 9, 2004

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 129; CAA sec 111(d)

CFR Citation: 40 CFR 62 (New)

Legal Deadline: Final, Statutory, December 16, 2007, The CAA requires promulgation of Federal plans within 2 years of promulgation of the corresponding emission guidelines.

Abstract: In this OSWI Federal plan rulemaking, EPA becomes an implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, this rulemaking would impose a Federal plan that applies to OSWI in any State, tribe, or locale that has not submitted an approvable plan within the time allotted. When the State submits an approvable State Plan, the Federal plan will no longer apply to units in that State.

Timetable:

Action	Date	FR Cite
NPRM	12/18/06	71 FR 75816
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5011; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/December/Day-18/f21285.htm>; Legal Deadline continued: Federal Plan must be promulgated 2 years after the final publication of the Emission Guidelines rule (December 16, 2005, 70 FR 74869, <http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-16/a23716.htm>); EPA Docket information: EPA-HQ-OAR-2006-0364

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RIN: 2060-AN43

3079. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: In August 2002, the Agency received a petition to remove certain types of stationary gas-fired combustion turbines from the list of hazardous air pollutant sources under section 112(c) of the Clean Air Act. After negotiating with the petitioner regarding the acquisition of additional data regarding its petition and reviewing the additional data, the Agency proposed a partial granting of the petition by delisting 4 subcategories of stationary gas-fired turbines in April 2004. Simultaneously, the Agency proposed a stay of the effectiveness of the combustion turbine MACT for those subcategories of turbines, delaying the imposition of control requirements for the delisted turbines until a final action is taken regarding the delisting. The Agency is waiting until the completion of the final IRIS assessment regarding the carcinogenic potency of formaldehyde before taking final action on the petition. The final IRIS action on formaldehyde is expected to occur in early 2010.

Timetable:

Action	Date	FR Cite
NPRM—Delisting	04/07/04	69 FR 18327
NPRM—Stay	04/07/04	69 FR 18338
Final Action—Stay	08/18/04	69 FR 51184
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4751; EPA publication information: NPRM-STAY - <http://www.epa.gov/fedrgstr/EPA->

EPA—Clean Air Act (CAA)

Long-Term Actions

AIR/2004/April/Day-07/a7775.htm; EPA Docket information: EPA-HQ-OAR-2003-0196

Sectors Affected: 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 221112 Fossil Fuel Electric Power Generation

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RIN: 2060-AK73

3080. PETITION TO DELIST A HAZARDOUS AIR POLLUTANT FROM SECTION 112 OF THE CLEAN AIR ACT: METHYL ISOBUTYL KETONE (MIBK)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Ketones Panel of the American Chemistry Council (ACC) has petitioned the Agency to remove methyl isobutyl ketone (MIBK) from the Clean Air Act (CAA) hazardous air pollutant (HAP) list. The ACC originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 2-generation reproductive effects study. That study is now complete. On October 17, 2003, the ACC submitted an addendum to the 1997 petition which includes: The results of the 2-generation reproductive effects study, a presentation of the updated EPA IRIS file for MIBK, updated air dispersion modeling and an analysis of potential transformation products. Based on this new submission, the ACC requested that EPA reopen its review of the MIBK petition. EPA did reopen its review of the petition. However, since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program (NTP) has been completed. A draft report of this study was reviewed by the NTP Board of Scientific Counselors Technical Reports Review Subcommittee, which accepted unanimously the conclusions in the report that there is some evidence of carcinogenic activity of MIBK. EPA has notified the petitioner that further review of the petition will require that the petitioner submit information regarding the relevance of the NTP

study and a risk characterization for the human risk of cancer from MIBK exposures, which would include the derivation of a cancer unit risk estimate. Given the significant time that will be necessary to prepare and submit this information, we are considering the MIBK petition review a long-term action.

Timetable:

Action	Date	FR Cite
Notice	07/19/04	69 FR 42954
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4849; EPA publication information: Notice - <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-16335.htm>

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RIN: 2060-AM20

3081. SECTION 126 RULE WITHDRAWAL PROVISION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: EPA is proposing to revise one narrow aspect of the Section 126 Rule, which was promulgated January 18, 2000. That rule requires certain sources located in the eastern United States to reduce their NOx emissions for purposes of reducing ozone transport. EPA coordinated the Section 126 Rule with a related ozone transport rule, known as the NOx State implementation plan call (NOx SIP Call), which also addresses ozone transport in the eastern United States. The EPA established the same compliance date for both rules, May 1, 2003. The EPA included a provision in the Section 126 Rule which provided that where a State adopted, and EPA approved, a SIP controlling transport under the NOx SIP Call, and with a

May 1, 2003, compliance date, EPA would withdraw the Section 126 requirements for sources in that State. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have both been delayed until May 31, 2004. In addition, the NOx SIP Call has been divided into two phases. Therefore, it is necessary to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. This action also proposes to withdraw the Section 126 Rule in States that meet the proposed revised criteria.

Timetable:

Action	Date	FR Cite
NPRM	04/04/03	68 FR 16644
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4689; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/April/Day-04/a8152.htm>

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RIN: 2060-AK41

3082. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR, AND REPLACEMENT (RMRR); MAINTENANCE AND REPAIR AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.165 and 51.166; 40 CFR 52.21

EPA—Clean Air Act (CAA)

Long-Term Actions

Legal Deadline: None

Abstract: This rulemaking is a follow up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as “routine maintenance, repair, and replacement” (RMRR) under the Clean Air Act’s New Source Review (NSR) Program (40 CFR parts 51 and 52). SAN 4676’s final action—referred to as the “equipment replacement provision” (ERP)—was promulgated in the Federal Register on October 27, 2003 (68 FR 61248). The action summarized here, SAN 4676.3, when finalized, will establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR. We previously proposed options for this SAN in our RMRR proposal on December 31, 2002 (67 FR 80920). However, this action will propose and take comments on an additional approach.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4676.3; Split from RIN 2060-AK28

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RIN: 2060-AM62

3083. MODIFICATION OF THE ANTI-DUMPING BASELINE DATE CUT-OFF LIMIT FOR DATA USED IN DEVELOPMENT OF AN INDIVIDUAL BASELINE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.91(b)(1)(i); 40 CFR 80.93(a)

Legal Deadline: None

Abstract: “Dumping” refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and “dump” them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing “anti-dumping” rules on the books that codify this Clean Air Act prohibition. This regulation is a minor technical amendment to those existing regulations. It would amend a portion of those regulations to allow the use of data collected after January 1, 1995, in the development of baselines, and it would establish a cut-off date of January 1, 2002, for the submission of all individual baselines under the anti-dumping program. This date is the same as that allowed for foreign refineries seeking a unique individual baseline under the anti-dumping program.)

Timetable:

Action	Date	FR Cite
Direct Final Action	01/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4604

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RIN: 2060-AJ82

3084. COMPONENT DURABILITY PROCEDURES FOR NEW LIGHT DUTY VEHICLES, LIGHT DUTY TRUCKS, AND HEAVY DUTY VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: On October 22, 2002, the United States Court of Appeals for the District of Columbia Circuit vacated durability provisions that automotive manufacturers used to demonstrate that the emissions of their vehicles would comply with emission standards for the useful lives of those vehicles. The Court also required EPA to issue new regulations. This action fulfills the mandate. The new durability regulations will include options that a manufacturer may choose from to age pre-production vehicles to determine the rate of emission deterioration over the vehicle’s useful life. The options will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change the federal emission standards or the test procedures used to quantify emissions. Although there is no court-ordered deadline, this is a court-ordered action. During the comment period of the NPRM the Agency received a comment from the Afton Chemical Corporation (“formally known as Ethyl Corporation”) suggesting that EPA did not address the component durability portion of the new vehicle emission certification process and should establish a procedure for rulemaking requesting comment on whether our current component durability process is appropriate or if we should revise the process to include a limited amount of testing.

Timetable:

Action	Date	FR Cite
Supplemental 2 NPRM	01/17/06	71 FR 2843
Final Action	01/00/10	

EPA—Clean Air Act (CAA)

Long-Term Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4757.1; Split from RIN 2060-AK76.**Agency Contact:** David Good, Environmental Protection Agency, Air and Radiation, Ann Arbor, MI 48105
Phone: 734 214-4450
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Email: good.david@epamail.epa.gov**RIN:** 2060-AN01**3085. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS****Priority:** Other Significant**Legal Authority:** 42 USC 7522 CAA 203; 42 USC 7525 CAA 206; 42 USC 7541 CAA 207; 42 USC 7542 CAA 208; 42 USC 7601 CAA 301; 42 USC 7522 CAA 203; 42 USC 7550 CAA 216; 42 USC 7601 CAA 301**CFR Citation:** 40 CFR 85**Legal Deadline:** None**Abstract:** This action will amend the regulations in 40 CFR part 85, subpart P to allow entry into the United States of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a certificate of conformity from EPA. This action is in response to a petition for review of import rules. The final rule also will address certain other issues in part 85, subpart P and subpart R, including: (1) formalizing a long-standing EPA policy regarding the importation of owned vehicles that are proven to be identical to a vehicle certified for sale in the United States (2) establishing new emission standards applicable to imported nonconforming vehicles; (3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements; and (4) providing several minor clarifications to the existing regulations.**Timetable:**

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Final Action	05/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 2665**Agency Contact:** Bob Doyle, Environmental Protection Agency, Air and Radiation, 6405J, Washington, DC 20460

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RIN: 2060-AI03**3086. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None**Abstract:** This action amends prior action by the Agency related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to US companies for Class I ozone-depleting substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action revises established Article 5 allowances independently of total production allowances based on new data.**Timetable:**

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49395
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4697.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-23/a13951.htm>; Split from RIN 2060-AK45.; EPA Docket information: EPA-HQ-OAR-2005-0151**URL For More Information:**<http://www.epa.gov/ozone/title6/phaseout/index.html>**Agency Contact:** Cindy Newberg, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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Ross Brennan, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460
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Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**Additional Information:** SAN No. 4819**URL For More Information:**www.epa.gov/ozone/mbr**Agency Contact:** Marta Montoro, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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EPA—Clean Air Act (CAA)

Long-Term Actions

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RIN: 2060-AL94

3088. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS

Priority: Other Significant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule would amend the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants. This amendment would clarify how the requirements of Clean Air Act section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4916

URL For More Information:
www.epa.gov/ozone/title6/608

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RIN: 2060-AM49

3089. PROTECTION OF STRATOSPHERIC OZONE: MODIFICATIONS TO THE TECHNICIAN CERTIFICATION REQUIREMENTS UNDER SECTION 608 OF THE CLEAN AIR ACT

Priority: Other Significant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is amending appendix D to subpart F of 40 CFR part 82—Standards for Becoming a Certifying Program for Technicians. The Refrigerant Recycling Regulations governing standards for certifying programs for technicians were promulgated under section 608 of the Clean Air Act Amendments of 1990 (May 1994; 59 FR 28660). These regulations were amended in November 9, 1994 (59 FR 559120), to clarify the scope of the technician certification requirements and to provide a limited exemption from certification requirements for apprentices. This amendment to the regulation will provide specific requirements for programs applying to become certifying organizations, will specify reporting and recordkeeping requirements in order to enhance implementation of the program, and will define other administrative components of the program to improve accountability.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4901

URL For More Information:
<http://www.epa.gov/ozone/title6/608/index.html>

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RIN: 2060-AM55

3090. PROTECTION OF STRATOSPHERIC OZONE: LABELING OF PRODUCTS USING HCFCs

Priority: Other Significant

Legal Authority: 42 USC 7601

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This action will require a warning statement to be placed on containers or products made with or that contain a Class II ozone depleting substance (ODS) in accordance with section 611 of the Clean Air Act. Similarly, a rule was promulgated in 1993 requiring a warning statement for all for all Class I and II containers and products of Class I substances. A warning statement will help consumer choose products that do not contain a Class II ODS which will result in protecting the stratosphere and ultimately protecting the environment and human health.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5151

URL For More Information:
<http://www.epa.gov/ozone/title6/labeling/index.html>

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EPA—Clean Air Act (CAA)

Long-Term Actions

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3091. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES IN THE MOTOR VEHICLE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 7671k

CFR Citation: 40 CFR 82.180

Legal Deadline: None

Abstract: The Clean Air Act provides for the review of alternatives to ozone-depleting substances and the approval of substitutes that do not present a risk more significant than other alternatives that are available. Under that authority, the Significant New Alternatives Policy (SNAP) program, the EPA is expanding the list of acceptable substitutes for ozone-depleting substances (ODS). The substitute addressed in this final rule (R-152a) is for the motor vehicle air conditioning (MVAC) end-use within the refrigeration and air-conditioning sector. This substitute does not pose significantly more risk than other substitutes that are available in this end use. Additionally, this substitute is a non ozone-depleting gas and consequently does not contribute to stratospheric ozone depletion.

Timetable:

Action	Date	FR Cite
NPRM	09/21/06	71 FR 55140
First Final Action	06/12/08	73 FR 33304
Second Final Action	11/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4918; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-21/a7967.htm>; EPA Docket information: EPA-OAR-2004-0488

URL For More Information:

<http://www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html>

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RIN: 2060-AM54

3092. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS

Priority: Info./Admin./Other

Legal Authority: 42 USC 7401 to 7671 CAA 176(c)

CFR Citation: 40 CFR 51; 40 CFR 93

Legal Deadline: None

Abstract: The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air quality standards. The Open Market Trading Guidance provides guidance to states for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs) that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 3917

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3093. AMENDMENT TO INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES

Priority: Other Significant

Legal Authority: 23 USC 101; 42 USC 7401 et seq

CFR Citation: 40 CFR 51 (Revision); 40 CFR 93 (New)

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations which states would use in the development of their I/M State Implementation Plans (SIPs). Those rule requirements effectively gave States certain authorities over the Federal government. The Department of Justice has now ruled that Federal sovereign immunity was not fully waived under the CAA for those requirements and EPA should amend its rule to remove the requirement that States include those elements in their SIPs. EPA is proposing to: (1) Amend the Federal facilities I/M requirements by removing that section; (2) correct existing I/M SIP approval actions which include these elements; (3) establish new Federal facilities I/M program requirements which Federal facilities in I/M program areas must meet in order to comply with the Act; and (4) designate for each State which section of the Act Federal agencies must comply with based on how that State promulgated its I/M regulations. These changes will have minimal to no impact on the States as no new requirements are being created. The States are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

EPA—Clean Air Act (CAA)

Long-Term Actions

Timetable:

Action	Date	FR	Cite
Direct Final Action	12/00/09		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4348**Agency Contact:** Kathryn Sargeant, Environmental Protection Agency, Air and Radiation, 6406, Ann Arbor, MI 48105

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RIN: 2060-AI97**3094. SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 52.34**Legal Deadline:** None

Abstract: EPA coordinated the Section 126 Rule with another rule known as the NOx State implementation plan (SIP) Call, because both rules addresses ozone transport in the eastern half of the United States. EPA established a mechanism in the Section 126 Rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that

proposal, where a State submits a NOx SIP that meets only Phase 1 of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of Section 126 sources to the same stringency as the Section 126 Rule would before the Section 126 Rule could be withdrawn. In this current action, EPA is proposing that the Michigan Phase I SIP meets the proposed revised Section 126 Rule withdrawal criteria, and therefore, if EPA finalizes the withdrawal criteria as proposed, EPA would withdraw the Section 126 Rule for sources in Michigan.

Timetable:

Action	Date	FR	Cite
NPRM	To Be	Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local**Additional Information:** SAN No. 4796**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711

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RIN: 2060-AL83**3095. LIFTING THE STAY OF THE 8-HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT ("NOX SIP CALL")****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51.121**Legal Deadline:** None

Abstract: In the Nitrogen Oxides State Implementation Plan Call (NOx SIP Call)(63 FR 57356, Oct. 27, 1998), EPA found that emissions of NOx from 22 States and the District of Columbia (hereinafter referred to as "23 States") significantly contribute to downwind areas' nonattainment of the 1-hour

ozone NAAQS. EPA also separately found that NOx emissions from the same 23 States significantly contribute to downwind nonattainment of the 8-hour ozone NAAQS. Subsequently, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded the 8-hour ozone NAAQS. [American Trucking Associations, Inc. v. EPA, 175 F.3d 1027 on rehearing 195 F.3d 4 (D.C. Cir. 1999).] EPA stayed the 8-hour basis of the NOx SIP Call rule on September 18, 2000 (65 FR 56245), based on the uncertainty created by the D.C. Circuit's decision. EPA has now completed the actions necessary to address the aforementioned remand, and therefore is now conducting rulemaking to lift the stay. EPA is proposing to lift the stay of our findings in the NOx SIP Call contained in 40 CFR section 51.121(a)(2), related to the 8-hour ozone national ambient air quality standards (NAAQS). This action does not create any new requirements; it merely reinstitutes a requirement of the NOx SIP Call that had previously been stayed.

Timetable:

Action	Date	FR	Cite
NPRM	To Be	Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN No. 4797**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711

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RIN: 2060-AL84**3096. DEFECT REPORTING FOR ON-HIGHWAY MOTOR VEHICLES AND ENGINES****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined

EPA—Clean Air Act (CAA)

Long-Term Actions

Legal Deadline: None

Abstract: EPA regulations require manufacturers to report defects of emissions-related equipment or emissions control systems of on-highway motor vehicles and heavy-duty engines. Under the current regulations a defect report is required when a manufacturer determines that the same defect has occurred in 25 or more vehicles or engines. This is an unreasonably small threshold for large engine families/test groups. This action would create new thresholds that would depend upon the size of the engine family/test group. It would also obligate manufacturers to conduct investigations under certain circumstances to determine if an emission-related defect is present. The investigations would be triggered by warranty information, parts shipments and any other information which may be available indicate need for an investigation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5043

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RIN: 2060-AN73

3097. RESPONSE TO REQUEST FOR RECONSIDERATION OF FINAL AIR EMISSION MACT RULES FOR LARGE MUNICIPAL WASTE COMBUSTORS (MWCS)

Priority: Other Significant

Legal Authority: CAA sec 129

CFR Citation: 40 CFR 60

Legal Deadline: Final, Judicial, July 16, 2007, Litigation stayed until 07/16/2007. EPA must publish final

response to request for reconsideration by that date.

Abstract: EPA originally adopted air emission standards for new and existing large municipal waste combustors (MWCs) in 1995. As required by section 129 of the CAA, EPA reviewed these standards and proposed revised standards. The proposal occurred on December 19, 2005, and final standards were published on May 10, 2006 (71 FR 27323). A number of individuals, including Earthjustice, filed litigation on various aspects of the standards. Earthjustice also filed a request for EPA to reconsider four items included in the final standards. Earthjustice did not believe the changes made to the four items following proposal were adequately explained in the final FR notice. EPA agreed to reconsider the items and, following reconsideration, would publish a FR notice explaining EPA's logic for the changes, take comment on the action, and publish a final action. A notice was drafted addressing the reconsideration issues. However, as a result of recent court decisions on various CAA sections 112 and 129 rules, EPA petitioned the court to remand the LMWC rule to EPA to allow EPA to review the MACT floor determination conducted as part of the 1995 rulemaking. The court issued the remand on February 2008. This action will put the reconsideration notice on "hold" until the MACT floor review is completed (estimated to take 1 year).

Timetable:

Action	Date	FR Cite
Notice of Reconsideration of Final Rule	03/20/07	72 FR 13016
NPRM	11/00/09	
Final Action	11/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5120; EPA publication information: Notice of reconsideration of final rule - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-20/a5022.htm>

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RIN: 2060-AO18

3098. PROTECTION OF STRATOSPHERIC OZONE: RESERVING PRE-2005 STOCKS OF METHYL BROMIDE FOR CRITICAL USE GROWERS

Priority: Other Significant

Legal Authority: 42 USC 7671 to 7671q; 42 USC 7401 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is concerned with the environmental impacts that could result from the need to manufacture additional methyl bromide to serve the needs of approved critical users where part of their overall need could be served by drawing from the inventory of methyl bromide produced prior to January 1, 2005. Therefore, EPA intends to issue an advance notice considering the need to propose a regulation restricting access to pre-2005 inventory only to meet the needs of the approved critical users, recognizing that such a restriction would not replace in whole or in part, the critical use nomination process. This restriction would ensure that those uses of methyl bromide that do not seek and receive a critical use nomination could not access pre-phaseout inventory.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5137

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RIN: 2060-AO29

EPA—Clean Air Act (CAA)

Long-Term Actions

3099. PROTECTION OF THE STRATOSPHERIC OZONE: MOTOR VEHICLE AIR CONDITIONING SYSTEM SERVICING**Priority:** Substantive, Nonsignificant**Legal Authority:** CAA title VI**CFR Citation:** 40 CFR 82**Legal Deadline:** None

Abstract: The motor vehicle air conditioning industry is considering a move to alternative refrigerants. This action would establish service, maintenance, and equipment provisions, as required by the Clean Air Act, for new alternative refrigerants in the motor vehicle air conditioning sector. These provisions will help ensure the safe and effective servicing of motor vehicle air conditioning systems.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5206**URL For More Information:**

<http://www.epa.gov/ozone/snap>

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RIN: 2060-AO75**3100. • RESPONSE TO SECTION 126 PETITION FROM WARRICK COUNTY, INDIANA, AND THE TOWN OF NEWBURGH, INDIANA****Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Legal Authority:** CAA sec 126**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This rulemaking will respond to a petition submitted by Warrick County, Indiana, and the Town of Newburgh, Indiana, under section 126 of the Clean Air Act. The petition requests that EPA make a finding that a power plant being proposed to be built in Henderson County, Kentucky (Cash Creek), will emit air pollutants that will significantly contribute to nonattainment in, or interfere with maintenance by, Warrick County and Newburgh, Indiana, with respect to the national ambient air quality standards for ozone and particulate matter. Based on such a finding, the petition requests that EPA establish emission limitations for the proposed power plant to prevent the significant contribution.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** SAN No. 5268

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RIN: 2060-AP21**3101. • NESHAP SUBPART W: STANDARDS FOR RADON EMISSIONS FROM OPERATING URANIUM MILL TAILINGS: AMENDMENTS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: NESHAP subpart W protects human health and the environment by setting radon emission standards and work practices for operating uranium mill tailings impoundments. As required by the Clean Air Act Amendments of 1990, EPA will review and, if necessary, revise the NESHAP requirements for radon emissions from operating uranium mill tailings.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Additional Information: SAN No. 5281; OECA, Region 8

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RIN: 2060-AP26

Environmental Protection Agency (EPA) Clean Air Act (CAA)

Completed Actions

3102. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS—AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63.480 to 63.506 (Revision); 40 CFR 63.1310 to 63.1335 (Revision)

Completed:

Reason	Date	FR Cite
ANPRM	11/25/96	61 FR 59849
Direct Final—Petition Judicial Review	03/09/99	64 FR 11536
NPRM—Petition Judicial Review	03/09/99	64 FR 11555
Direct Final—Compliance Extension	05/07/99	64 FR 24511
Direct Final—Petition Received Equipment Leaks	06/08/99	64 FR 30406
Direct Final—Stay Notice	06/30/99	64 FR 35023
NPRM—Stay Notice	06/30/99	64 FR 35107
Direct Final 00	08/29/00	65 FR 52319
Direct Final 4	10/26/00	65 FR 64161
Final Action 01	02/23/01	66 FR 11233
Direct Final Compliance	02/26/01	66 FR 11543
Final 1	07/16/01	66 FR 36924
Final 2	08/06/01	66 FR 40903

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AH47

3103. IMPLEMENTATION OF THE NEW SOURCE REVIEW (NSR) PROGRAM FOR PM_{2.5}

Priority: Other Significant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
Final Action	05/16/08	73 FR 28321

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2060-AN86

3104. UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS: TECHNICAL AMENDMENTS

Priority: Info./Admin./Other

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	09/07/07	72 FR 51392
Direct Final Action	09/07/07	72 FR 51365
Withdrawal of Direct Final	11/05/07	72 FR 62414
Final Action	05/22/08	73 FR 29691

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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Related RIN: Previously reported as 2060-AO09

RIN: 2060-AP13

3105. NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (SOLICITATION OF COMMENT ON LEGAL ANALYSIS AND RESPONSE TO PETITIONS FOR RECONSIDERATION)

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	10/28/08	73 FR 64068

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

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RIN: 2050-AG29

3106. • FEDERAL IMPLEMENTATION PLAN FOR FOREST COUNTY POTAWATOMI CLASS I REDESIGNATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410; 42 USC 7601; 42 USC 7474

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: In this rulemaking EPA is approving the request by the Forest County Potawatomi Community's (FCP Community) Tribal Council to redesignate certain portions of the FCP Community Reservation as a non-Federal Class I area under the Clean Air Act (Act or CAA) program for the Prevention of Significant Deterioration of air quality. These regulations are designed to preserve the air quality in national parks and other areas that are meeting the National Ambient Air Quality Standards (NAAQS). The Class I designation will result in lowering the allowable increases in ambient concentrations of particulate matter, sulfur dioxide, and nitrogen dioxide on the Reservation.

Timetable:

Action	Date	FR Cite
NPRM	12/18/06	71 FR 75694
Notice – Michigan	04/29/08	73 FR 23107
Notice – Wisconsin	04/29/08	73 FR 23111
Final Action	04/29/08	73 FR 23086

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5090; EPA publication information: Notice - Wisconsin - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/April/Day-29/a8970.pdf>; EPA Docket information: EPA-RO5-OAR-2004-WI-0002

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RIN: 2005-AA00

EPA—Clean Air Act (CAA)

Completed Actions

3107. CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND EQUIPMENT

Priority: Economically Significant.
Major under 5 USC 801.

CFR Citation: 40 CFR 90 and 91

Completed:

Reason	Date	FR Cite
Final Action	10/08/08	73 FR 59034
Final Action Effective	12/08/08	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060-AM34

3108. • OHIO SO2 RULES / FIP RESCISSION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: This is a Final rule approving a variety of revisions concerning sulfur dioxide in Ohio. The most significant revisions provide for State rules to reflect the limits in the Federal Implementation Plan (FIP). With this action, EPA will now have approved State sulfur dioxide rules for the entire state of Ohio, thereby superseding the entire FIP. Consequently, this action rescinds the entire sulfur dioxide FIP which was originally promulgated in 1976.

Timetable:

Action	Date	FR Cite
Final Action	03/21/08	73 FR 15081

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5212;

Final action

-<http://www.epa.gov/fedrgstr/EPA-AIR/2008/March/Day-21/a5667.htm>

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RIN: 2005-AA01

3109. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO2) AREA

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	04/21/08	73 FR 21418

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses,
Organizations

Government Levels Affected: None

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RIN: 2008-AA01

3110. CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER

Priority: Economically Significant.
Major under 5 USC 801.

CFR Citation: 40 CFR 92; 40 CFR 94

Completed:

Reason	Date	FR Cite
ANPRM	06/29/04	69 FR 39276
NPRM	04/03/07	72 FR 15938
Final Action	05/06/08	73 FR 25097

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 2060-AM06

3111. RESPONSE TO PETITION OF RECONSIDERATION FOR FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51; 40 CFR 78;
40 CFR 97

Completed:

Reason	Date	FR Cite
NPRM	06/08/07	72 FR 31771
Final Action	04/22/08	73 FR 21528

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 2060-AN12

3112. OPTIONAL CHASSIS CERTIFICATION FOR DIESEL VEHICLES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 86.1863-07

Completed:

Reason	Date	FR Cite
Withdrawn	08/29/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AN39

3113. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SEMICONDUCTOR MANUFACTURING: AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

EPA—Clean Air Act (CAA)

Completed Actions

Completed:

Reason	Date	FR Cite
NPRM	10/19/06	71 FR 61701
Final Action	07/22/08	73 FR 42529

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Schaefer

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RIN: 2060-AN80**3114. REGULATION OF FUELS AND FUEL ADDITIVES: REVISED DEFINITION OF SUBSTANTIALLY SIMILAR RULE FOR ALASKA****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 80**Completed:**

Reason	Date	FR Cite
Direct Final Action	04/25/08	73 FR 22277

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jaimee Dong

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RIN: 2060-AN94**3115. NESHAP—AREA SOURCE STANDARDS—NINE METAL FABRICATION AND FINISHING SOURCE CATEGORIES (12 SICs, 23 NAICS CODES)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
NPRM	04/03/08	73 FR 18334
Final Action	07/23/08	73 FR 42978

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Donnalee Jones

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RIN: 2060-AO27**3116. METHOD 207—PRE-SURVEY PROCEDURE FOR CORN WET-MILLING FACILITY EMISSION SOURCES****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51**Completed:**

Reason	Date	FR Cite
Direct Final Action	05/29/08	73 FR 30775

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gary McAlister

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RIN: 2060-AO39**3117. REVIEW OF NEW SOURCE PERFORMANCE STANDARDS (SUBPART UUU)—MINERAL DRYERS/CALCINERS****Priority:** Other Significant**CFR Citation:** 40 CFR 60**Completed:**

Reason	Date	FR Cite
Withdrawn	05/16/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bill Neuffer

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RIN: 2060-AO43**3118. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2008****Priority:** Other Significant**CFR Citation:** 40 CFR 82**Completed:**

Reason	Date	FR Cite
NPRM	06/12/07	72 FR 32269
Final Action	06/11/08	73 FR 33007

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**Agency Contact:** Kirsten Cappel

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RIN: 2060-AO44**3119. NESHAP: AVIATION GASOLINE DISTRIBUTION MACT STANDARDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Withdrawn	07/28/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steve Shedd

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RIN: 2060-AO62

EPA—Clean Air Act (CAA)

Completed Actions

3120. FEDERAL PLAN REQUIREMENTS FOR LARGE MUNICIPAL WASTE COMBUSTORS CONSTRUCTED ON OR BEFORE SEPTEMBER 20, 1994**Priority:** Other Significant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
Withdrawn	06/02/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local**Agency Contact:** Walt Stevenson

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RIN: 2060-AO63**3121. PULP AND PAPER SECTOR MODEL****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Withdrawn	09/03/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Elizabeth Palma

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RIN: 2060-AO67**3122. OPPORTUNITY TO PROVIDE FEEDBACK TO THE AGENCY ON EMISSIONS STANDARDS FOR STATIONARY DIESEL ENGINES****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Withdrawn	11/05/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Chris Stoneman

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RIN: 2060-AO73**3123. • RENEWABLE FUEL STANDARD TECHNICAL AMENDMENTS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7414; 42 USC 7542; 42 USC 7545**CFR Citation:** 40 CFR 80**Legal Deadline:** Other, Statutory, May 31, 2008, Amendments extend May 31, 2008, deadline for attest engagements from non-obligated regulated parties to May 31, 2009.**Abstract:** Following publication of the final RFS program regulations (72 FR 23900, May 1, 2007) and as part of our continuous implementation review, we discovered a number of areas within the RFS regulations at 40 CFR part 80, subpart K, that were either in error, unclear, or otherwise could benefit from modification. This action will correct and/or modify these sections of the final RFS program regulations.**Timetable:**

Action	Date	FR Cite
Direct Final Action	10/02/08	73 FR 57248
Direct Final Action Effective	12/01/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5249**Agency Contact:** Megan Brachtel, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460
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RIN: 2060-AO80**3124. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES (COMPLETION OF A SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610**CFR Citation:** None**Legal Deadline:** None**Abstract:** On October 23, 1998 (63 FR 56968), EPA promulgated a rule setting emission standards for nonroad compression-ignition (CI) engines under authority of section 213 of the Clean Air Act. These standards are codified in the Code of Federal Regulations at 40 CFR part 89. Pursuant to section 610 of the Regulatory Flexibility Act, EPA has reviewed this rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. This review was announced in the Regulatory Agenda on May 5, 2008 (73 FR 24761). As part of this review, EPA considered, and solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. No comments were received. The results of EPA's review have been summarized in a report and placed in the rulemaking docket (docket number EPA-HQ-OAR-2008-0206 at www.regulations.gov). These results are briefly summarized here.One of the factors that must be considered in a section 610 review is the continued need for the rule under review. The Agency finds that there is a continued need for the emission standards and related provisions for nonroad CI engines. Many areas of the country do not meet the National Ambient Air Quality Standards (NAAQS) for ozone or particulate matter (PM_{2.5}). Both of these environmental problems are addressed in part by the October 1998 rule. The Agency must also consider the complexity of the rule under review.

EPA—Clean Air Act (CAA)**Completed Actions**

The 1998 rule incorporated a number of provisions aimed at easing the burden of compliance for equipment manufacturers, many of whom are small businesses. These included provisions that allow the limited use of engines meeting the previous emission standards during the initial years of the program to help smooth the transition to the new standards. EPA believes that the transitional flexibilities afforded by these provisions mitigate the implementation complexity of the rule while meeting statutory objectives. The Agency must also consider the extent to which the nonroad CI engine rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules. The Agency believes the rules for nonroad CI engines do not duplicate or conflict with any other rule. Under the CAA, both EPA and the state of California are authorized to have emission control program requirements covering these engines and, indeed, both do now have such programs. EPA worked closely with the State of California in developing the October 1998 Federal rule to assure that the two rules do not conflict or overlap. Finally, the Agency must consider the length of time since the rule in question has been evaluated, or the degree to which technology, economic conditions, or other factors have changed. Technology advances since 1998 have enabled EPA to adopt a new set of emission requirements that will succeed the 1998 standards between 2008 and 2015. These new standards include provisions similar to those from the 1998 rule aimed at easing the burden of compliance for both engine manufacturers and equipment manufacturers, many of which are small businesses. Based on EPA's section 610 review, including the fact that no comments were received as a result of the review, no amendments are planned at this time. As part of any future rulemakings in this area, EPA will continue to work with small-entity representatives to reduce unfavorable impacts to the extent appropriate while meeting the need for emission reductions.

Timetable:

Action	Date	FR Cite
Final Rule	10/23/98	63 FR 56967
Begin Review	05/05/08	73 FR 24755
End Comment Period	08/04/08	
End Review	09/02/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5254; EPA Docket information: EPA-HQ-OAR-2008-0206**Agency Contact:** Tom Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460

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RIN: 2060-AO82**3125. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: GASOLINE DISTRIBUTION; AMENDMENTS—AREA SOURCE STANDARD****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Technical Correction	03/07/08	73 FR 12275

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steve Shedd

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RIN: 2060-AO84**3126. CONTROL OF EMISSIONS OF AIR POLLUTION FROM SNOWMOBILES****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 1051**Completed:**

Reason	Date	FR Cite
Direct Final Action	06/25/08	73 FR 35946

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Muller

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RIN: 2060-AO88**3127. IMPLEMENTATION OF THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD: ANTI-BACKSLIDING PROVISIONS ON SECTION 185 PENALTY FEES UNDER FORMER 1-HOUR OZONE STANDARD****Priority:** Other Significant**CFR Citation:** 40 CFR 51**Completed:**

Reason	Date	FR Cite
Withdrawn	07/28/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Agency Contact:** Denise Gerth

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RIN: 2060-AO95**3128. NESHAP: ORGANIC LIQUID DISTRIBUTION (NON-GASOLINE); AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63 subpart EEEE**Completed:**

Reason	Date	FR Cite
NPRM	04/23/08	73 FR 21889
Direct Final Action	04/23/08	73 FR 21825
Withdrawal of Direct Final and Final Amendments	07/17/08	73 FR 40977

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steve Shedd

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RIN: 2060-AO99

EPA—Clean Air Act (CAA)

Completed Actions

3129. CONSUMER AND COMMERCIAL PRODUCTS: NATIONAL VOC EMISSION STANDARDS FOR MISCELLANEOUS INDUSTRIAL ADHESIVES AND SEALANTS**Priority:** Other Significant**CFR Citation:** 40 CFR 59**Completed:**

Reason	Date	FR Cite
Withdrawn	05/21/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bruce Moore

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RIN: 2060-AP02**3130. NESHAP: AREA SOURCE STANDARDS—ALUMINUM FOUNDRIES****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Withdrawn	08/18/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Cole

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RIN: 2060-AP04**3131. VOC REGULATION FOR ARCHITECTURAL COATINGS (COMPLETION OF A SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610**CFR Citation:** None**Legal Deadline:** None

Abstract: On September 11, 1998 (63 FR 48848), EPA promulgated a regulation to control volatile organic compound (VOC) emissions from architectural coatings. These requirements, codified at 40 CFR part 79, subpart D, were promulgated under section 183(e) of the Clean Air Act (CAA). Pursuant to section 610 of the Regulatory Flexibility Act, EPA has reviewed this rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA considered, and solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The results of EPA's review have been summarized in a report and placed in the rulemaking docket (docket number EPA-HQ-OAR-2008-0205 at www.regulations.gov). These results are briefly summarized here.

One of the factors that must be considered in a section 610 review is the continued need for the rule under review. The rule remains necessary to help fulfill the requirements of CAA section 183(e), which addresses the persistent ozone nonattainment problem in many areas. The Agency must also consider the nature of any complaints about the rule. One comment letter was received. The commenter asserted that the use of relative reactivity should be incorporated into this rule. We agree that not all VOC are equal in their effects on ground-level ozone formation. However, we believe that adoption of a reactivity-based approach for the architectural coatings rule at this time would not provide significant benefits to small coatings manufacturers and, in some cases, could present small businesses with the additional burden of research and development to carry out product reformulation that could be required to comply with a new, reactivity-based rule. The Agency must also consider

the complexity of the rule under review. The 1998 rule incorporated a number of provisions aimed at easing the burden of compliance, and the Agency published accompanying guidance to help small businesses comply with the rule. Accordingly, and in light of the fact that we received no comments on rule complexity, we do not believe that complexity is a barrier to understanding and complying with the rule. The Agency must also consider the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules. Several States have architectural coatings rules that are more stringent and cover more categories than the 1998 Federal architectural coatings rule. Consequently, many entities are marketing architectural coatings that are lower in VOC content than required by the Federal rule. However, we know of no instances where the federal rule conflicts with existing State rules. Finally, the Agency must consider the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since it was promulgated. Many low-VOC and non-VOC architectural coatings have been developed since promulgation of this rule in 1998. Consequently, the VOC limits in the existing Federal rule pose no unreasonable burden on small or large companies. Regarding reactivity, as discussed above, although we believe that changes in technology do not warrant revision of the architectural coatings rule at this time, we are open to initiating dialogue on the subject of broadly applied reactivity-based approaches to VOC regulation. Based on the foregoing considerations, the Agency believes that the current architectural coatings rule provides for needed VOC reductions without undue burden on small entities, and does not warrant revision at this time.

Timetable:

Action	Date	FR Cite
Final Action	09/11/98	63 FR 48848
Begin Review	05/05/08	73 FR 24755
End Comment Period	08/04/08	
End Review	09/02/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

EPA—Clean Air Act (CAA)

Completed Actions

Additional Information: SAN No. 5255; EPA Docket information: EPA-HQ-OAR-2008-0205

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RIN: 2060-AP09

3132. • PROTECTION OF STRATOSPHERIC OZONE: REVISION OF REFRIGERANT RECOVERY-ONLY EQUIPMENT STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 609

CFR Citation: 40 CFR 82 subpart F

Legal Deadline: None

Abstract: The existing regulations covering specifications for motor vehicle air conditioning refrigerant recovery-only machines reference outdated Society of Automotive Engineers (SAE) standards. This regulation updates existing regulations to match newly updated SAE standards.

Timetable:

Action	Date	FR Cite
NPRM	06/18/08	73 FR 34676
Direct Final Action	06/18/08	73 FR 34644

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5263; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-18/a13754.pdf>; EPA Docket information: EPA-HQ-OAR-2008-0231

URL For More Information:

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RIN: 2060-AP18

3133. • NESHAP: GASOLINE DISTRIBUTION AMENDMENTS; AREA SOURCE STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On January 10, 2008 (73 FR 1916), EPA issued final national emission standards for hazardous air pollutants for gasoline distribution bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities. Subsequently, we have received requests to clarify and amend the rule text on pressure-vacuum (PV) valve setting for vapor balance systems. The direct-final and proposed amendments to correct the PV valve settings was published on June 25, 2008. The direct final action is effective September 23, 2008, unless EPA receives an adverse comment by August 11, 2008.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/25/08	73 FR 35939

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5264; EPA Docket information: EPA-HQ-OAR-2006-0406

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RIN: 2060-AP19

3134. • FINAL DETERMINATION TO EXTEND DEADLINE FOR PROMULGATION OF ACTION ON SECTION 126 PETITION FROM WARRICK COUNTY, INDIANA, AND THE TOWN OF NEWBURGH, INDIANA

Priority: Info./Admin./Other

Legal Authority: CAA sec 126

CFR Citation: 40 CFR 52

Legal Deadline: Final, Statutory, May 5, 2008, 60-day deadline by which EPA must act on petition or take action to extend the statutory deadline by up to 6 months.

Abstract: In this procedural action, EPA is extending by 6 additional months the deadline for taking final action on a petition submitted by Warrick County, Indiana, and the Town of Newburgh, Indiana, under section 126 of the Clean Air Act (CAA). Section 126 requires EPA to grant or deny a petition within 60 days. However, the CAA authorizes EPA to grant a time extension of up to 6 months for responding to a petition if EPA determines that the extension is necessary, among other things, to meet the purposes of the CAA's rulemaking requirements. Actions under section 126 are subject to notice-and-comment rulemaking requirements. EPA is determining that the 60-day time period is not sufficient for EPA to develop an adequate proposal on the petition and to allow for public input on the proposal.

Timetable:

Action	Date	FR Cite
Final Action	05/01/08	73 FR 23959

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5267; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/May/Day-01/a9485.pdf>; EPA Docket information: EPA-HQ-OAR-2008-0314

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EPA—Clean Air Act (CAA)**Completed Actions**

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3135. • REVISED EXCEPTIONAL EVENT DATA FLAGGING SUBMITTAL AND DOCUMENTATION SCHEDULE FOR 2008 OZONE NAAQS MONITORING DATA

Priority: Other Significant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 50

Legal Deadline: None

Abstract: The Exceptional Events Rule (Treatment of Data Influenced by Exceptional Events, 72 FR 13560 published Mar. 22, 2007) provides a general schedule for the flagging of monitored data affected by exceptional events and the submission of final documentation in the Air Quality Subsystem Database (AQS) for support analysis of air quality related to National Ambient Air Quality Standards (NAAQS) attainment. If the general schedule does not allow sufficient time to flag and document data prior to statutory deadlines, the Agency reserved the authority to provide revised schedules when new NAAQS are finalized.

This new direct final rule and parallel proposal action amend the Exceptional Events Rule by providing a revised exceptional event data flagging and documentation schedule for Ozone data submitted relating to the 2008 Revised Ozone NAAQS. States are required to flag all monitored data influenced by exceptional events (including forest

fires and hurricanes) between the years 2005 and 2007 not later than December 31, 2008, in order for that data to be considered for exclusion by the Agency for Ozone attainment designations. Data to be considered from calendar year 2008 must be flagged in the Agency's AQS database on or before March 12, 2009, with supporting technical documentation for all four calendar years to be provided not later than March 12, 2009.

Timetable:

Action	Date	FR Cite
Direct Final Action	10/06/08	73 FR 58080

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5283; EPA Docket information: EPA-HQ-OAR-2005-0159

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RIN: 2060-AP28

3136. • WITHDRAWAL OF FEDERAL IMPLEMENTATION PLANS FOR THE CLEAN AIR INTERSTATE RULE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: This action will provide an additional CAIR FIP withdrawal rule to withdraw the CAIR FIPs in States where EPA's approval of the State's full CAIR SIP became effective before January 16, 2008. This additional rule is necessary because the Automatic FIP Withdrawal Rule, which becomes effective on January 16, 2008, will not operate retroactively. Once EPA approves a State's full CAIR SIP, this corrects the deficiency for which EPA originally promulgated the FIP and thus EPA no longer has the authority for the FIP in that State.

Timetable:

Action	Date	FR Cite
Final Action	04/28/08	73 FR 22818

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5108.1; Split from SAN 5108.

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RIN: 2060-AP32

Environmental Protection Agency (EPA)**Proposed Rule Stage****Atomic Energy Act (AEA)**

3137. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982

CFR Citation: 40 CFR 193

Legal Deadline: None

Abstract: This rulemaking would address the problem of disposal of low-activity mixed radioactive wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rulemaking is intended to increase disposal options for these wastes and

offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule would not mandate a disposal method, but rather would permit an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule. An Advanced

EPA—Atomic Energy Act (AEA)**Proposed Rule Stage**

Notice of Proposed Rulemaking was issued to solicit early public input on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
NPRM	07/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4054; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-18/f28651.htm>

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RIN: 2060-AH63

3138. TECHNICAL CHANGE TO DOSE METHODOLOGY

Priority: Info./Admin./Other

Legal Authority: 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No 3 of 1970; Nuclear Waste Policy Act of 1982

CFR Citation: 40 CFR 190(B); 40 CFR 191(A)

Legal Deadline: None

Abstract: The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste and Transuranic Waste; the current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International Commission on Radiological Protection (ICRP) in Report No. 2. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being

recommended by the ICRP in Report No. 26. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state-of-the-art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

Timetable:

Action	Date	FR Cite
NPRM	03/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4003

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RIN: 2060-AH90

Environmental Protection Agency (EPA)**Final Rule Stage****Atomic Energy Act (AEA)****3139. AMENDMENT OF THE STANDARDS FOR RADIOACTIVE WASTE DISPOSAL IN YUCCA MOUNTAIN, NEVADA**

Priority: Other Significant

Legal Authority: PL 102-486

CFR Citation: 40 CFR 197

Legal Deadline: None

Abstract: This action will amend the standards for Yucca Mountain, Nevada (40 CFR part 197). These standards were issued in 2001 and were partially remanded by a Federal court in 2004. These amendments will address the remanded portion of the standards, viz., the compliance period. Yucca Mountain is the site of a potential geologic repository for spent nuclear fuel and high-level radioactive waste. It is about 100 miles northwest of Las Vegas, Nevada, and straddles the boundaries of the Nevada Test Site, Bureau of Land Management land, and an Air Force bombing range. The site is being developed by the Department of Energy (DOE). The DOE will submit a license application to the Nuclear

Regulatory Commission (NRC). We (EPA) were given the authority to set Yucca Mountain-specific standards in the Energy Policy Act of 1992 (EnPA). The EnPA also requires NRC to adopt our standards in its licensing regulations and use them as a basis to judge compliance of the repository's performance. The Agency issued final Yucca Mountain standards in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame. The Court found that the 10,000-year compliance period violates our authorizing statute for Yucca Mountain regulation because it is not "based upon and consistent with" scientific recommendations required from the National Academy of Sciences under the legislation. To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future.

Timetable:

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49014
Final Action	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4964; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-22/a16193.htm>; EPA Docket information: EPA-HQ-OAR-2005-0083

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EPA—Atomic Energy Act (AEA)**Final Rule Stage**

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Environmental Protection Agency (EPA)
Noise Control Act (NCA)
Proposed Rule Stage
**3140. REVISION OF
 HEARING–PROTECTOR
 REGULATIONS**

Priority: Substantive, Nonsignificant
Legal Authority: Noise Control Act of 1972, sec 8
CFR Citation: 40 CFR 211, subpart B
Legal Deadline: None

Abstract: The Office of Air and Radiation plans to undertake a revision of EPA's regulation at 40 CFR part 211, subpart B, regarding the labeling of products that are sold wholly or in part on the basis of their ability to reduce the level of sound entering a person's ears, typically referred to as "Hearing Protectors." This action is being taken

under the authority of section 8 of the Noise Control Act of 1972, which authorizes EPA to revise the current compliance test methodologies as necessary, and incorporate new test methods and rating schemes to address hearing protector technologies that have evolved since initial promulgation of the regulation in 1979.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	03/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5102

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RIN: 2060–AO25
Environmental Protection Agency (EPA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Prerule Stage
**3141. • PESTICIDES;
 RECONSIDERATION OF EXEMPTIONS
 FOR INSECT REPELLENTS**

Priority: Routine and Frequent
Legal Authority: FIFRA sec 3 and 25
CFR Citation: 40 CFR 152.25
Legal Deadline: None

Abstract: On March 15, 2006, the Consumer Specialty Products Association (CSPA) petitioned EPA to modify the Minimum Risk Pesticides exemption under 40 CFR 152.25(f). Specifically, CSPA requested that EPA change section 152.25(f) to exclude from the exemption those pesticides that claim to control "pests of significant public health importance"

and require an abbreviated registration for any products that are to be used for the control of public health pests. The Agency agrees that the concerns have merit. In this action, EPA will explore options, including potential rulemaking, to respond to these concerns.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/09	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 5183

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RIN: 2070–AJ45
Environmental Protection Agency (EPA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Proposed Rule Stage
**3142. PESTICIDES; EXPANSION OF
 CROP GROUPING PROGRAM**

Priority: Substantive, Nonsignificant
Legal Authority: 21 USC 346a

CFR Citation: 40 CFR 180
Legal Deadline: None

Abstract: EPA is revising the pesticide crop grouping regulations to create new crop groupings, add new subgroups,

and expand existing crop groups by adding new commodities. EPA expects these revisions to promote greater use of crop grouping for tolerance-setting purposes and to facilitate the

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Proposed Rule Stage**

availability of pesticides for minor crop uses. The first revision in a series of revisions to the crop grouping regulations was finalized in December 2007. The next action is expected in 2009.

Timetable:

Action	Date	FR Cite
NPRM 1	05/23/07	72 FR 28920
Final Action 1	12/07/07	72 FR 69150
Final Action 1; Technical Amendment	01/02/08	73 FR 51
NPRM 2	02/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5031; EPA publication information: NPRM 1 - <http://www.epa.gov/fedrgstr/EPA-PEST/2007/May/Day-23/p9595.htm>; EPA Docket information: EPA-HQ-OPP-2006-0766

URL For More Information:

http://cfpub1.epa.gov/oppreff/food_feed/index.cfm

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RIN: 2070-AJ28

3143. REGULATIONS TO FACILITATE COMPLIANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT BY PRODUCERS OF PLANT-INCORPORATED PROTECTANTS (PIPS)

Priority: Other Significant

Legal Authority: 7 USC 136 et seq

CFR Citation: 40 CFR 174; 40 CFR 152; 40 CFR 156; 40 CFR 167; 40 CFR 168; 40 CFR 169; 40 CFR 172

Legal Deadline: None

Abstract: Plant-Incorporated Protectants (PIPs) are pesticidal substances intended to be produced and used in living plants and the genetic material needed for their production. EPA has been regulating PIPs under FIFRA, including issuing experimental use permits and commercial registrations, for over ten years, with the first commercial registration of a PIP under FIFRA issued in 1995. On July 19, 2001, EPA published rules establishing much of the current regulatory structure for PIPs. This rulemaking effort is intended to address the issues that were not addressed in 2001, including defining the nature of regulated production of PIPs and associated issues such as reporting, product labeling and recordkeeping. The rule will affect those persons who produce PIPs and is expected to clarify the legal requirements of their products at various production phases, improving their ability to conduct business. It is expected to also improve the ability of the EPA to identify and respond to instances where there are potentially significant violations. EPA also intends to address activities that the Agency does not believe warrant regulation and will consider exempting those activities, as appropriate, from FIFRA in whole or in part.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/07	72 FR 16312
Notice of Public Meeting	04/11/07	72 FR 18191
ANPRM: Extension of Comment Period	05/23/07	72 FR 28911
NPRM	09/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 5082; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/2007/April/Day-04/p6151.htm>; EPA Docket information: EPA-HQ-OPP-2006-1003

URL For More Information:

http://www.epa.gov/pesticides/biopesticides/pips/proposals/comments_pip_requirements.htm

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RIN: 2070-AJ32

3144. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a(c) and 136a(d); 7 USC 136b(d) to 136b(f); 7 USC 136d(b) to 7 USC 136d(e); 7 USC 136w(a)

CFR Citation: 40 CFR 164 (Revision)

Legal Deadline: None

Abstract: EPA is preparing a revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The existing Rules of Practice were originally promulgated by EPA in 1973. In the subsequent 35 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications which are not expressly provided for in the existing Rules of Practice. In order to include provisions tailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to revise the FIFRA Rules of Practice.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Proposed Rule Stage**

Additional Information: SAN No. 4618; Previous listed as RIN 2020-AA44.

Sectors Affected: 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing

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Related RIN: Previously reported as 2020-AA44

RIN: 2015-AA00

Environmental Protection Agency (EPA)**Final Rule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

3145. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); POLICY AND PROCEDURES FOR INITIAL SCREENING

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA; 21 USC 346(a) FFDCA; 42 USC 300(a)(17) SDWA; 7 USC 136 FIFRA

CFR Citation: None

Legal Deadline: None

Abstract: Section 408(p) of the Federal Food, Drug, and Cosmetic Act, as amended by the 1996 Food Quality Protection Act, directs EPA to establish and implement a program whereby industry will be required to screen and test all pesticide chemicals to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate. The requirements of section 408(p) were implemented through the creation of the Endocrine Disruptor Screening Program (EDSP) in 1998. The EDSP has the following three components that are proceeding simultaneously:

- 1) Developing and validating assays
- 2) Setting chemical testing priorities
- 3) Establishing FFDCA section 408(p) testing orders and related data procedures

1) **DEVELOPING AND VALIDATING ASSAYS:** Federal Advisory Committee Act committees have been providing advice to the EDSP on assay development and validation since the program's inception. On March 25-27, 2008, the FIFRA Science Advisory Panel (SAP) reviewed the proposed EDSP Tier 1 Screening Battery. The FIFRA SAP Report dated June 11, 2008, recommended using the Agency's proposed Tier 1 Screening Battery. The "final" EDSP Tier 1 Screening Battery

will be published in the Federal Register before the issuance of testing orders.

2) **SETTING CHEMICAL TESTING PRIORITIES:** For chemical testing priorities, the approach to selecting the first 50-100 chemicals was finalized in September 2005 (70 FR 56449) and EPA implemented that approach. EPA published a draft list of 73 pesticide active ingredients and high production volume (HPV) pesticide inert chemicals for initial screening in June 2007 (72 FR 33486). The public comment period for the draft initial list ended on February 11, 2008. EPA is revising the list based on further review and the received public comments. A final initial list will be published in the Federal Register before issuance of testing orders. 3) **ESTABLISHING FFDCA SECTION 408(P) TESTING ORDERS AND RELATED DATA PROCEDURES:** EPA intends to commence Tier 1 screening of the first group of pesticide active ingredients by issuing test orders under FFDCA section 408(p) and FIFRA section 3(c)(2)(B) to entities identified as technical pesticide registrants. EPA intends to commence Tier 1 screening of the first group of pesticide inert ingredients by issuing test orders under FFDCA section 408(p) to entities identified as manufacturers/importers of the identified chemicals. EPA has developed draft implementation policies and procedures that describe the procedures that EPA will use to issue orders, the procedures that order recipients would use to respond to the order, how data protection and compensation will be addressed in the test orders, and other related procedures or policies. The draft policies and procedures for the initial EDSP testing was made available for public comment with Federal Register Notice published December 13, 2007

(72 FR 70842). The public comment period for the draft policies and procedures for the initial EDSP testing was extended once to March 12, 2008. EPA is revising the policies and procedures for the initial EDSP Tier 1 Screening based on further review and the received public comments. The revised policies and procedures for the initial EDSP Tier 1 Screening will be published in the Federal Register before issuance of testing orders.

EPA is finishing the revisions to the initial list, the EDSP Tier 1 Screening Battery, and the EDSP Policies and Procedures as described above. EPA intends begin issuing test orders early in 2009.

Timetable:

Action	Date	FR Cite
Notice; Draft Procedures	12/13/07	72 FR 70842
Final; Procedures	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4728; EPA publication information: Notice; Draft Procedures - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/December/Day-13/t24166.pdf>; EPA Docket information: EPA-HQ-OPPT-2007-1080

URL For More Information:

<http://www.epa.gov/scipoly/oscpendo/index.htm>

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EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

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RIN: 2070-AD61

3146. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a) FIFRA sec 3; 7 USC 136(w)

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: As proposed, this regulation would have established Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved Plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule were reconsidered to determine whether the program could address water quality issues rather than groundwater only, and to determine the best partnership approach to implementation. During this period, the risk level associated with the named pesticides was reexamined and reduced. Moreover, since the proposal in 1996, many States have adopted the original concept and framework of Pesticide Management Plans and these programs are operational today. This experience and growth in knowledge has exceeded the requirements and

specifications of the original proposal. Accordingly, EPA intends to withdraw the proposed rule in the near future.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice; Metolachlor	02/23/00	65 FR 8925
Supplemental Notice & Extension of Comment Period	03/24/00	65 FR 15885
Notice: Withdrawal of NPRM	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3222; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/1996/June/Day-26/pr-768.html>

Sectors Affected: 9241 Administration of Environmental Quality Programs

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RIN: 2070-AC46

3147. • PESTICIDES; TECHNICAL AMENDMENTS

Priority: Routine and Frequent

Legal Authority: 7 USC 136 et seq; 21 USC 346a

CFR Citation: 40 CFR 150 to180

Legal Deadline: None

Abstract: EPA has reviewed its pesticide regulations contained in 40 CFR parts 150 to 180 and is making technical changes in a number of areas. These technical changes will correct errors and cross-references, improve presentation and format, and conform the regulations to current CFR practice. These changes have no substantive impact on any requirements.

Timetable:

Action	Date	FR Cite
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5276; EPA Docket information: EPA-HQ-OPP-2008-0247

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RIN: 2070-AJ42

Environmental Protection Agency (EPA)

Long-Term Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3148. PESTICIDE AGRICULTURAL CONTAINER RECYCLING PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 165

Legal Deadline: None

Abstract: EPA is proposing a regulation that would require certain pesticide registrants to recycle certain plastic

pesticide containers. All registrants who sell agricultural and professional specialty pesticides in rigid, nonrefillable high density polyethylene (HDPE) containers(with capacities of 55 gallons or less) would have to recycle, each year, a quantity of HDPE equivalent to a specified percentage (20, 30 or 40 percent or more) of the weight of all rigid nonrefillable HDPE

containers used for their pesticide products during the previous calendar year. When promulgated, pesticide container recycling programs subject to the rule would be required to meet the American National Standards Institute and American Society of Agricultural and Biological Engineers Standard S569 for "Recycling Plastic Containers from Pesticides and Pesticide-Related

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Long-Term Actions**

Products.” The proposed regulation is intended to protect human health and the environment by reducing the risk of unreasonable adverse effects to public health and the environment that may be associated with the improper disposal of certain nonrefillable pesticide containers and their associated residues.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5050; EPA Docket information: EPA-HQ-OPP-2006-0688

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RIN: 2070-AJ29

3149. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Other Significant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 158 and 161

Legal Deadline: None

Abstract: EPA will update and revise its pesticide data requirements for antimicrobial pesticide products. The revisions will revise its existing data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for antimicrobial pesticides, including product chemistry and residue chemistry, toxicology, and environmental fate and effects.

Timetable:

Action	Date	FR Cite
NPRM	10/08/08	73 FR 59381
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4173

Sectors Affected: 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

URL For More Information:

<http://www.epa.gov/pesticides/regulating/data.htm>

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RIN: 2070-AD30

3150. PESTICIDES; TOLERANCE PROCESSING FEES

Priority: Other Significant

Legal Authority: 21 USC 346(a)

CFR Citation: 40 CFR 180; 40 CFR 178

Legal Deadline: None

Abstract: Section 408(m) of the Federal Food, Drug, and Cosmetic Act requires EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. EPA developed a final rule that would have adjusted the fee structure and fee amounts for tolerance actions. A final rule completed OMB review on December 31, 2003, but has not been

issued because the Consolidated Appropriations Act of 2004, signed on January 23, 2004, prohibits EPA from collecting any tolerance fees until September 30, 2008. This prohibition was expanded in 2005 to include a prohibition on using federal funding to perform any work on a final tolerance fee rulemaking. As such, no rulemaking activities are currently planned.

Timetable:

Action	Date	FR Cite
NPRM	06/09/99	64 FR 31039
Supplemental NPRM	07/24/00	65 FR 45569
Supplemental NPRM	08/31/00	65 FR 52979
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4027; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/1999/June/Day-09/p14477.htm>

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information:

<http://www.epa.gov/pesticides/regulating/fees/index.htm>

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RIN: 2070-AJ23

3151. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEIN GENES

Priority: Other Significant

Legal Authority: 21 USC 346(a) et seq; 7 USC 136 et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA is considering the addition of plant-incorporated protectants based on viral coat protein genes to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Long-Term Actions**

pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel, or mitigate any pest.” These substances are also “pesticide chemical residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat protein genes from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM 1	07/22/96	61 FR 37891
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
Reproposal	04/18/07	72 FR 19589
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4602; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

URL For More Information:

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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RIN: 2070-AD49

3152. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS

Priority: Other Significant

Legal Authority: 7 USC 136 et seq; 21 USC 346a et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: The Agency has determined that the record for this action, which was originally proposed in 1994, does not address the scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. In 1994, EPA believed that the proposed exemption for PIPs derived through genetic engineering from plants sexually compatible with the recipient plant had the potential to cover a number of low-risk products. However, experience in the last decade has shown that such PIPs have not been developed in great numbers. If EPA were to pursue such an exemption in the future, the Agency would issue a new proposed rule. As such, EPA is considering withdrawing the 1994 proposal. Withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. If withdrawn, the Agency would create a new entry in the Regulatory Agenda once the Agency decided to pursue such a rulemaking in the future.

Timetable:

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM 1	07/22/96	61 FR 37891
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
Supplemental NPRM 5	08/20/01	66 FR 43552
Notice; Withdrawal of NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4611; EPA publication information: Supplemental NPRM 4 - <http://www.epa.gov/fedrgstr/EPA-PEST/2001/July/Day-19/p17984.htm>; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

URL For More Information:

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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RIN: 2070-AD55

3153. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT

Priority: Other Significant

Legal Authority: 7 USC 136 et seq; 21 USC 346a et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: The Agency has determined that the record for this action, which was originally proposed in 1994, does not address the scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. In 1994, EPA believed that the proposed exemption

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Long-Term Actions**

for PIPs that act by primarily affecting the plant had the potential to cover a number of low-risk products. However, experience in the last decade has shown that such PIPs have not been developed in great numbers. If EPA were to pursue such an exemption in the future, the Agency would issue a new proposed rule. As such, EPA is considering withdrawing the 1994 proposal. Withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. If withdrawn, the Agency would create a new entry in the Regulatory Agenda once the Agency decided to pursue such a rulemaking in the future.

Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM	04/23/99	64 FR 19958
Supplemental NPRM	07/19/01	66 FR 37855
Notice; Withdrawal of NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4612; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

URL For More Information:

www.epa.gov/pesticides/biopesticides/pips/index.htm

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RIN: 2070-AD56

3154. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136i; 7 USC 136w

CFR Citation: 40 CFR 171; 40 CFR 156; 40 CFR 152

Legal Deadline: None

Abstract: The EPA is proposing change to federal regulations guiding the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations to better protect pesticide applicators and the public and the environment from harm due to pesticide exposure. Changes may include having certain occupational users of pesticides demonstrate competency by meeting minimum competency requirements. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 5007; EPA Docket information: EPA-HQ-OPP-2005-0561

URL For More Information:

www.epa.gov/pesticides/health/worker.htm

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RIN: 2070-AJ20

3155. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136w

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

Abstract: The EPA is developing a proposal to revise the federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to improve agricultural workers' ability to protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training, with improved worker safety the intended outcome. The need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Long-Term Actions****Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** SAN No. 5006; EPA Docket information: EPA-HQ-OPP-2005-0561**URL For More Information:**<http://www.epa.gov/pesticides/health/worker.htm>**Agency Contact:** Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

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RIN: 2070-AJ22**3156. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a)(h); 7 USC 136(w)**CFR Citation:** 40 CFR 152**Legal Deadline:** Final, Statutory, September 15, 2000, The Final Rule is due 240 days after close of comment period.**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.**Timetable:**

Action	Date	FR Cite
NPRM	09/17/99	64 FR 50671
Notice	11/16/99	64 FR 62145
Final Action 1	12/14/01	66 FR 64759
Final Action 2	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3892; EPA publication information: Final Action 1 - frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr14de01-9.pdf**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing**URL For More Information:**www.epa.gov/oppad001/regpolicy.htm**Agency Contact:** Jennifer McClain, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

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RIN: 2070-AD14**3157. PESTICIDES; DETERMINATION OF STATUS OF PRIONS AS PESTS****Priority:** Other Significant**Legal Authority:** 7 USC 136; 7 USC 136w**CFR Citation:** 40 CFR 152.5(d)**Legal Deadline:** None**Abstract:** In 2004, the Agency stated that it considered prions (proteinaceous infectious particles) to be a "pest" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Agency intends to issue a Notice of Proposed Rulemaking that will propose to incorporate prions into the definition of "pests" at 40 CFR 152.5(d).**Timetable:**

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4985**Agency Contact:** Carlton Kempter, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510P, Washington, DC 20460

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RIN: 2070-AJ26**3158. PESTICIDES; DATA REQUIREMENTS FOR PLANT-INCORPORATED PROTECTANTS (PIPS)****Priority:** Other Significant**Legal Authority:** 7 USC 136a; 7 USC 136w**CFR Citation:** 40 CFR 158; 40 CFR 174**Legal Deadline:** None**Abstract:** EPA intends to propose codifying data requirements for the pesticide registration of plant-incorporated protectants (PIPs). These data requirements are intended to provide EPA with data and other information necessary for the registration of PIPs. These requirements would improve the Agency's ability to make regulatory decisions about the human health and environmental effects of these products. By codifying data requirements specific to PIPs, the regulated community would have a better understanding of and could better prepare for the registration process. This proposed rule is one in a series of proposals to update and clarify pesticide data requirements.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/09	

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Long-Term Actions****Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal**Additional Information:** SAN No. 5005**URL For More Information:**

<http://www.epa.gov/oppbppd1/biopesticides/pips/index.htm>

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3159. PESTICIDES; REVISIONS TO PESTICIDE CONTAINER/CONTAINMENT RULE

Priority: Substantive, Nonsignificant**CFR Citation:** 40 CFR 156; 40 CFR 165**Completed:**

Reason	Date	FR	Cite
NPRM	06/11/08	73 FR	33035
Final Action	10/29/08	73 FR	64215

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal**Agency Contact:** Jeanne Kasai

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3160. TEST RULE; NONYLPHENOL (NP) AND ITS ETHOXYLATES (NPE)

Priority: Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

Abstract: In June 2007, EPA received a petition under section 21 of the Toxic Substances Control Act (TSCA) requesting that EPA require manufacturers and importers of nonylphenol (NP) and nonylphenol ethoxylates (NPEs) to conduct certain health and safety studies under TSCA section 4. Based on its review of the information submitted in support of the petition, additional information obtained by EPA, and public comments, EPA granted the request to initiate a proceeding to require chronic aquatic toxicity testing. In order to develop a properly tailored test requirement that would provide EPA with sufficient data to make a reasoned evaluation of the environmental effects of NPEs, EPA will commence the proceeding by issuing an ANPRM that solicits public comment on several testing issues prior to the issuance of any proposed rule. In this ANPRM,

EPA also intends to request public comment on potential additional testing related to certain of the other section 4 requests for NP and NPEs raised in the petition.

Timetable:

Action	Date	FR	Cite
ANPRM	01/00/09		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** SAN No. 5187

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3161. • POLYCHLORINATED BIPHENYLS (PCBS); USE AND DISTRIBUTION IN COMMERCE

Priority: Substantive, Nonsignificant**Legal Authority:** 15 USC 2605 TSCA 6(e)**CFR Citation:** 40 CFR 761**Legal Deadline:** None

Abstract: Section 6(e)(2) of the Toxic Substances Control Act (TSCA) prohibits, among other activities, the distribution in commerce and use of PCBs in a manner other than in a totally enclosed manner, unless the Administrator authorizes such activity by rule. To make such an authorization, the Administrator must find that the activity will not present an unreasonable risk of injury to health or the environment. EPA is reevaluating its TSCA PCB use and distribution in commerce regulations, 40 CFR subparts B and C, to address: (1) The use, distribution in commerce, marking and storage for reuse of liquid PCBs in equipment (2) the use of air, gas and liquid pipelines and transmission

EPA—Toxic Substances Control Act (TSCA)**Prerule Stage**

systems containing or contaminated with PCBs, (3) the use of non-liquid PCBs in carbonless copy paper, and (4) the use and distribution in commerce of PCBs in porous surfaces. EPA is also reevaluating certain definitions in 40 CFR section 761.3. EPA is soliciting written comments on these and other areas of the PCB use regulations. EPA is not soliciting comments on the PCB disposal regulations in this notice.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 5256

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RIN: 2070-AJ38

3162. • FORMALDEHYDE EMISSIONS FROM PRESSED WOOD PRODUCTS

Regulatory Plan: This entry is Seq. No. 100 in part II of this issue of the **Federal Register**.

RIN: 2070-AJ44

**Environmental Protection Agency (EPA)
Toxic Substances Control Act (TSCA)****Proposed Rule Stage****3163. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL-SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS**

Priority: Routine and Frequent

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to full notice and comment procedures and are listed below.

Timetable:

Action	Date	FR Cite
NPRM: Aromatic Amino Ether (P90-1840)	06/06/94	59 FR 29255
NPRM: Alkenyl Ether of Alkanetriol Polymer (93-458)	12/19/94	59 FR 65289
NPRM: Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)	06/26/97	62 FR 34421
NPRM: Batch SNUR Revocation	10/06/06	71 FR 59066
Direct Final Action: Certain Chemical Substances Batch FY07-1	03/29/07	72 FR 14681
Direct Final Action: Certain Chemical Substances, Batch FY07-2	09/19/07	72 FR 53470
NPRM—Proposed SNURs on Certain Chemical Substances	05/00/09	
Direct Final Action: Certain Chemical Substances, Batch FY08-1	05/00/09	
Direct Final Action: Certain Chemical Substances, Batch FY09-1	12/00/09	
Final Action: Batch SNUR Revocation	12/00/09	
Final: Alkenyl Ether of Alkanetriol Polymer (93-458)	12/00/09	
Final: Aromatic Amino Ether (P90-1840)	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3495; EPA publication information: NPRM: Batch SNUR Revocation - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/October/Day-06/t16574.htm>

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information:

<http://www.epa.gov/opptintr/newchems/cnosnurs.htm>

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RIN: 2070-AB27

EPA—Toxic Substances Control Act (TSCA)

Proposed Rule Stage

3164. SIGNIFICANT NEW USE RULE FOR ELEMENTAL MERCURY IN FLOW METERS, MANOMETERS, AND PYROMETERS**Priority:** Routine and Frequent**Legal Authority:** TSCA sec 5(a)**CFR Citation:** 40 CFR 721**Legal Deadline:** None

Abstract: Elemental mercury has been used in many industrial and consumer applications, due to its unique properties. Certain uses of elemental mercury can lead to releases to the environment during manufacturing, recycling, or disposal. Under certain conditions, mercury in the environment can cause adverse effects in humans and wildlife. Some State governments have restricted certain uses of mercury use and have requested federal action to bolster these efforts. In 2006, EPA committed to pursue reductions in mercury used in switches, relays, and measuring devices. In 2007, EPA issued a Significant New Use Rule (SNUR) for elemental mercury used in certain switches previously installed in motor vehicles. EPA has now identified three more discontinued uses of mercury that have cost-effective alternatives. The discontinued uses of mercury are use in flow meters, manometers on oil and gas pipelines, and pyrometers. The SNUR would require persons to notify EPA at least 90 days before commencing the manufacture or processing of mercury for these three uses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5238

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RIN: 2070-AJ36

3165. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS**Priority:** Other Significant**Legal Authority:** 15 USC 2603**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

Abstract: EPA is developing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis) that have not been sponsored under the voluntary HPV Challenge Program. Although varied based on specific data needs for the particular chemical, the data generally collected under these rules may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity, mutagenicity, ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. When finalized on March 16, 2006, the number of chemicals included in the first final rule was reduced to 17 based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. A second test rule, published in July 2008 for 19 chemicals, is expected to be finalized in late 2009. Subsequent test rules, including a third proposed rule scheduled to be published in early 2009 are expected to require similar screening level testing for additional unsponsored HPV Challenge Program chemicals.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Action	03/16/06	71 FR 13709
Direct Final Action; Revocation; Coke-Oven Light Oil (Coal)	12/08/06	71 FR 71058
NPRM2	07/24/08	73 FR 43314
NPRM3	08/00/09	
Final Action2	12/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 3990; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2000/December/Day-26/t32497.htm>; ; EPA Docket information: EPA-HQ-OPPT-2005-0033

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**<http://www.epa.gov/opptintr/chemtest>

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RIN: 2070-AD16

3166. • ELECTRONIC PREMANUFACTURE NOTICE (PMN) REPORTING**Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 15 USC 2604; 44 USC 3504**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: EPA is proposing amendments to the Toxic Substances Control Act (TSCA) section 5 Premanufacture Notification (PMN) regulations to facilitate the introduction and use of a new electronic reporting form (ePMN). Once established, chemical companies will, for the first time, be able to use the Internet, through EPA's Central Data Exchange (CDX), to submit ePMNs to EPA. EPA is also proposing to allow PMN submissions either on CD ROM or on

EPA—Toxic Substances Control Act (TSCA)**Proposed Rule Stage**

paper until a specific date, after which time the paper form will no longer be available.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5270

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Environmental Protection Agency (EPA)**Final Rule Stage****Toxic Substances Control Act (TSCA)**

3167. • LEAD-BASED PAINT ACTIVITIES; FEES FOR ACCREDITATION OF TRAINING PROGRAMS AND CERTIFICATION OF LEAD-BASED PAINT ACTIVITIES CONTRACTORS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: As specified in section 402(a)(3) of the Toxic Substances Control Act (TSCA), EPA must establish and implement a fee schedule to recover for the U.S. Treasury the Agency's cost of administering and enforcing the standards and requirements applicable to lead-based paint training programs and contractors engaged in lead-based paint activities. Specifically, this rule proposes to establish fees to be charged in those States and Indian country without authorized programs, for training programs seeking accreditation under 40 CFR 745.225 and for individuals or firms engaged in lead-based paint activities seeking certification under 40 CFR 745.226. EPA's Federal lead program will establish fees for training programs and firms covered under the 2008 Renovation, Repair, and Painting rule and the fees will be updated (based on current economics) for training programs, firms and individuals covered under the accreditation and certification programs for lead-based paint activities.

Timetable:

Action	Date	FR Cite
NPRM	08/21/08	73 FR 49378
NPRM Comment Period End	09/22/08	
Final Action	04/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5271; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/August/Day-21/t19432.pdf>; EPA Docket information: EPA-HQ-OPPT-2008-0382

URL For More Information:

<http://www.epa.gov/lead/>

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RIN: 2070-AJ40

3168. CLARIFICATION ON TSCA INVENTORY STATUS OF ACTIVATED PHOSPHORS

Priority: Info./Admin./Other

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: EPA is clarifying the chemical identification of activated phosphors for purposes of the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory). When an activated

phosphor chemical is electrically excited, it emits light and the chemicals are then used in applications such as televisions, identifying counterfeit bills, and light-emitting diodes (LEDs). Specifically, the Agency is clarifying that an activated phosphor not currently listed on the TSCA Inventory is considered a new chemical under TSCA. Prior to initiating the manufacture or import of a new chemical, TSCA section 5 requires a company to submit a premanufacture notice (PMN) to EPA. Apparently the Inventory status of activated phosphors has not been well understood by industry and several firms have initiated the manufacture of activated phosphor materials that are not listed on the TSCA Inventory without having submitted the required PMN. EPA has sought public comment through a clarification proposed in the Federal Register on draft interpretation in this area to ensure that the necessary clarity is provided. EPA intends to complete this activity with a Final notice in late 2008.

Timetable:

Action	Date	FR Cite
Notice; Proposed Clarification	01/16/08	73 FR 2854
Reopening of Comment Period	05/02/08	73 FR 24187
Final Clarification	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4984; EPA publication information: Notice; Proposed Clarification - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/January/Day-16/t681.pdf>; EPA Docket information: EPA-HQ-OPPT-2007-0392

EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

URL For More Information:

<http://www.epa.gov/opptintr/newchems/pubs/invntory.htm>

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RIN: 2070-AJ21

3169. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR CERTAIN POLYMERS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 723

Legal Deadline: None

Abstract: On March 7, 2006, EPA proposed an amendment to the Polymer Exemption Rule, which provides an exemption from the premanufacture notification (PMN) requirements of the Toxic Substances Control Act (TSCA). The proposed amendment would exclude from eligibility polymers containing as an integral part of their composition, except as impurities, certain perfluoroalkyl moieties consisting of a CF₃- or longer chain length. This proposed exclusion includes polymers that contain any one or more of the following: perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to either a carbon or sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule. If finalized as proposed, any person who intends to manufacture (or import) any of these polymers not already on the TSCA Inventory would have to complete the TSCA premanufacture review process prior to commencing the manufacture or import of such polymers. EPA believes this proposed change to the current

regulation is necessary because, based on recent information, EPA can no longer conclude that these polymers “will not present an unreasonable risk to human health or the environment,” which is the determination necessary to support an exemption under TSCA, such as the Polymer Exemption Rule.

Timetable:

Action	Date	FR Cite
NPRM	03/07/06	71 FR 11485
Final Action	08/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4635; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/March/Day-07/t2152.pdf>; EPA Docket information: EPA-HQ-OPPT-2002-0051

Sectors Affected: 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

URL For More Information:

<http://www.epa.gov/oppt/newchems/>

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RIN: 2070-AD58

3170. REFRACTORY CERAMIC FIBERS (RCFS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 TSCA 5; 15 USC 2605 TSCA 6

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to

support risk assessments on such chemicals including Refractory Ceramic Fibers (RCFs). RCFs are amorphous synthetic fibers that part of larger group called synthetic vitreous fibers (SVFs). RCFs are made by either “spinning” or “blowing” and are used primarily for high temperature industrial insulation purposes (e.g., furnaces, heaters, kilns) in addition to automotive applications, aerospace uses, and in certain other industrial applications. As chemicals of potential concern are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) when appropriate, to require reporting by the manufacturers, importers and/or processors of these chemicals.

Timetable:

Action	Date	FR Cite
NPRM Original	03/21/94	59 FR 13294
Final Action	09/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3528

Sectors Affected: 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

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RIN: 2070-AC37

3171. TESTING AGREEMENT FOR PERFLUOROOCTANOIC ACID (PFOA)

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: PFOA is a synthetic (man-made) chemical that does not occur

EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

naturally in the environment. EPA identified data gaps regarding the sources and exposure pathways of PFOA and is seeking additional data concerning the potential relationship between fluoropolymer and fluorotelomer based polymer chemicals and PFOA. EPA has invited interested parties to monitor and participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers which may metabolize or degrade to PFOA. These testing programs would be set in place preferably as publicly negotiated enforceable consent agreements (ECAs) under section 4 of the Toxic Substances Control Act (TSCA) among EPA, industry, and interested parties under section 4 of TSCA, but may also be established as negotiated memoranda of understanding (MOUs) where circumstances preclude moving forward under ECAs. The goal of the PFOA ECA process is to better understand the sources and exposure pathways leading to the presence of PFOA in humans and the environment.

Timetable:

Action	Date	FR Cite
Final: ECA and CO for Fluoropolymer Chemicals Incineration	07/08/05	70 FR 39630
Final: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration	07/08/05	70 FR 39624
Notice: Receipt of Telomer Report	09/00/09	
Notice: Receipt of Fluoropolymer Report	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.1; EPA publication information: Final: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration - www.epa.gov/fedrgstr/EPA-TOX/2005/July/Day-08/t13492.htm; EPA Docket information: EPA-HQ-OPPT-2003-0012

URL For More Information:

www.epa.gov/oppt/pfoa/index.htm

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RIN: 2070-AJ06

3172. HAPS TESTING AGREEMENT FOR DIETHANOLAMINE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making. In developing ECAs and VTAs EPA may consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including diethanolamine (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the

proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996 for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted three update letters, one in April 1999, one in May of 2003 and one in January of 2005. Under this action, EPA will continue negotiations to develop an ECA that will provide the health effects testing data specified in the proposed HAPs Section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.4

URL For More Information:

www.epa.gov/oppt/chemtest

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RIN: 2070-AJ09

EPA—Toxic Substances Control Act (TSCA)**Final Rule Stage****3173. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(d) TSCA 8(d)**CFR Citation:** 40 CFR 716**Legal Deadline:** None

Abstract: These rules require chemical manufacturers, importers, and processors to submit unpublished health and safety data on chemicals added to the Toxic Substances Control Act (TSCA) section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee (ITC). The Regulatory Agenda identifies the most recent rules and any anticipated rules.

Timetable:

Action	Date	FR Cite
Final Rule for 51st ITC List (has actions from lists 43, 47, and 50)	05/04/04	69 FR 24517
Final Rule for 55th 56th and 58th ITC Lists	08/16/06	71 FR 47130
Final Rule for 60th ITC List	01/29/08	73 FR 5109
Final Rule for ITC List	07/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: SAN No. 1139; EPA publication information: Final Rule for 55th 56th and 58th ITC Lists — <http://www.epa.gov/fedrgstr/EPA-TOX/2006/August/Day-16/t13489.htm>

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:www.epa.gov/oppt/chemtest

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Abstract: On October 20, 1992, the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA), to initiate rulemaking proceedings under section 6 of TSCA to require that the sale of lead fishing sinkers be accompanied by an appropriate label or notice warning that such products are toxic to wildlife. EPA granted the petition, however, the Agency believes that a labeling provision would not adequately address the risk of injury to

waterfowl and other birds (waterbirds), from ingestion of lead fishing sinkers. In addition, EPA also believes that zinc fishing sinkers adversely affect waterbirds, and can cause mortality. Therefore, EPA has proposed a rule under section 6(a) of TSCA to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass. EPA intends to publish a notice withdrawing the proposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Notice: Withdrawal of NPRM	11/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3252**URL For More Information:**<http://www.epa.gov/oppt/lead/>

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Toxic Substances Control Act (TSCA)****Long-Term Actions****3175. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2646 TSCA 206**CFR Citation:** 40 CFR 763

Legal Deadline: Final, Statutory, November 28, 1992.

Abstract: The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend

training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to

EPA—Toxic Substances Control Act (TSCA)**Long-Term Actions**

implement the amendments. On February 3, 1994, EPA issued an interim final rule to revise the asbestos MAP to clarify the types of persons who must be accredited to work with asbestos in schools and public or commercial buildings; to increase the minimum number of hours of training for asbestos abatement workers and contractor/supervisors, including additional hours of hands-on health and safety training; and to effect a variety of other necessary changes as mandated by section 15(a)(3) of the ASHARA. This interim final rule satisfied the statutory deadline. EPA will continue to consider finalizing the MAP rule and/ or promulgating regulatory revisions to sunset current EPA MAP accreditations granted to training providers.

Timetable:

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Action	02/03/94	59 FR 5236
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3148

Sectors Affected: 611519 Other Technical and Trade Schools

URL For More Information:
<http://www.epa.gov/asbestos/>

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RIN: 2070-AC51

3176. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607

CFR Citation: 40 CFR 720.45

Legal Deadline: None

Abstract: In an Advance Notice of Proposed Rulemaking (ANPRM) issued in November 2004, EPA announced and sought comment on whether it should establish new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (TSCA Inventory) because current enzyme listings were too broad and did not adequately differentiate between newly developed enzymes and existing Inventory listings. The ANPRM outlined four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. The Agency also solicited public comment on several specific questions relating to this topic. EPA is currently evaluating the comments received and is developing a proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	11/15/04	69 FR 65565
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4878; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2004/November/Day-15/t25307.htm>; EPA Docket information: EPA-HQ-OPPT-2003-0058

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RIN: 2070-AJ04

3177. POLYCHLORINATED BIPHENYLS (PCBS); MANUFACTURING (IMPORT) EXEMPTION FOR DISPOSAL

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605 TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that 1) no unreasonable risk to health or the environment will occur, and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment. This entry is intended to capture petitions that request an exemption to dispose of PCBs. These petitions are managed by the Office of Solid Waste. Any petitions for exemptions to manufacture PCBs other than import for disposal are still managed by the Office of Pollution Prevention and Toxics, and are captured by a separate Regulatory Agenda entry.

Currently, one petition is pending. On November 14, 2006, Veolia ES Technical Solutions submitted a petition to EPA to import up to 20,000 tons of PCB waste from Mexico for disposal at Veolia's TSCA-approved facility in Port Arthur, Texas.

Timetable:

Action	Date	FR Cite
NPRM: Veolia Petition	03/06/08	73 FR 12053
Extension of Comment Period Notice	04/21/08	73 FR 21299
Notice of Informal Public Hearing	05/19/08	73 FR 28786
Final: Veolia Petition	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

International Impacts: This regulatory action will be likely to have international trade and investment

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

effects, or otherwise be of international interest.

Additional Information: SAN No. 2150.2; EPA publication information: NPRM: Veolia Petition - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/March/Day-06/t4429.pdf>; Split from RIN 2070-AB20.; EPA Docket information: EPA-HQ-RCRA-2008-0123

URL For More Information:

www.epa.gov/pcb

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RIN: 2050-AG42

3178. POLYCHLORINATED BIPHENYLS (PCBS); PETITIONS SEEKING A MANUFACTURING (IMPORT) EXEMPTION FOR USE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605 “TSCA 6(e)(3)(B)”

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that 1) no unreasonable risk to health or the environment will occur and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment. This entry is intended to capture petitions that request an exemption to use PCBS. These petitions are managed by the Office of Pollution Prevention and Toxics. Petitions that request an exemption to dispose of PCBs are managed by the Office of Solid Waste and are captured by a separate Regulatory Agenda entry. Currently, no petitions are pending.

Timetable:

Action	Date	FR Cite
NPRM: New DOD Petition	04/30/07	72 FR 21190
Final Action: DOD Petition	09/18/07	72 FR 53152
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 2150

URL For More Information:

www.epa.gov/pcb

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Related RIN: Previously reported as 2070-AB20

RIN: 2070-AJ39

3179. EFFECTS OF TRANSFERS OF OWNERSHIP ON OBLIGATIONS UNDER SECTION 5 OF TSCA

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: Companies frequently transfer ownership or other rights with respect to a chemical substance to a different company or person. These transfers may have regulatory implications because of the transferor's earlier submittal under the Toxic Substances Control Act (the “Act”) of a premanufacture notice, a significant new use notice or an exemption notice to EPA for the chemical substance. The Agency has not always required the transferee to submit a new notice and has allowed the transferee to manufacture the chemical substance under the original company's authorization. Because there are no rules or definitive guidance concerning

the procedures regarding transfer of ownership, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not always clear when the transferee is liable under the Act to the same extent as the transferor. Therefore, to clarify these issues, EPA proposes to adopt a rule to accomplish several purposes: (1) To provide a clear procedural mechanism to address such transfers; (2) to require the transferee to specifically assume all of the legal obligations associated with the transferred right to manufacture; and (3) to provide notice to the Agency of a proposed transfer thereby allowing the Agency to engage in more meaningful compliance monitoring.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4975

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RIN: 2070-AJ15

3180. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. In instances where no such determination is made and no consent order is issued under section 5(e) of TSCA, EPA may issue Significant New Use Rules (SNURs) requiring 90-day

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

Timetable:

Action	Date	FR Cite
NPRM: 84-1056	06/11/86	51 FR 21199
NPRM: 86-566	12/08/87	52 FR 46496
NPRM: Aluminum	06/11/93	58 FR 32628
Cross-linked Sodium Carboxy-methylcellulose		
Final: 84-1056	12/00/09	
Final: 86-566	12/00/09	
Final: Aluminum	12/00/09	
Cross-linked Sodium Carboxy-methylcellulose		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 1976

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information:

www.epa.gov/opptintr/newchems/cnosnurs.htm

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RIN: 2070-AA59

3181. FOLLOW-UP RULES ON EXISTING CHEMICALS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 TSCA 5; 15 USC 2607 TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

Legal Deadline: None

Abstract: EPA monitors the commercial development of existing chemicals of concern and/or gathers information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published as chemicals are identified.

Timetable:

Action	Date	FR Cite
NPRM: 2,4-Pentanedione	09/27/89	54 FR 39548
NPRM: Heavy Metals	01/15/02	67 FR 1937
Final: 2,4 Pentanedione	12/00/09	
Final: Heavy Metals	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 1923

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070-AA58

3182. SIGNIFICANT NEW USE RULE (SNUR); SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 TSCA 5

CFR Citation: 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

Legal Deadline: None

Abstract: In support of the residential upholstered furniture (RUF) flammability standards under consideration by the Consumer Product Safety Commission (CPSC), EPA would propose a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals that may be used in RUF to meet the RUF Flammability Standard. The SNUR would require companies intending to import, manufacture or process these chemicals for use as a flame retardant in RUF to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The required notice would provide EPA with the opportunity to evaluate their use as flame retardant chemicals in RUF, and if necessary to prohibit or limit such activity before it occurs to prevent any unreasonable risk of injury to human health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4512; EPA Docket information: EPA-HQ-OPPT-2002-0074

Sectors Affected: 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

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EPA—Toxic Substances Control Act (TSCA)**Long-Term Actions**

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RIN: 2070-AD48

3183. SIGNIFICANT NEW USE RULE FOR CHLORANIL

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 "TSCA 5"; 15 USC 2607 "TSCA 8"

CFR Citation: 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

Legal Deadline: None

Abstract: Chloranil is used as a basic feedstock for certain dyes and pigments and in the production of rubber tires. Chloranil was one of the chemicals identified for testing in the Dioxin/Furan (D/F) test rule. Early testing results revealed that dioxin levels in Chloranil could vary by more than two orders of magnitude depending on the chemical manufacturing process involved. It appeared that the "low dioxin" manufacturing process could produce Chloranil with dioxin contamination levels below 20 ppb TEQ. Based on this information, EPA entered into a formal agreement with Chloranil importers (there was no domestic production of "high dioxin" Chloranil) to only import Chloranil made through the "low dioxin" process. As a follow up to this agreement, a Chloranil Significant New Use Rule (SNUR) was proposed in 1993. Under the provisions of the draft SNUR any Chloranil imported or domestically produced with dioxin contamination levels greater than 20 ppb TEQ would be considered a new use and require reporting under section 5(a)(1)(A) of the Toxic Substances Control Act. In the SNUR proposal EPA stated that it would not promulgate a final rule until it had all of the D/F test rule data. EPA accepted the final test rule requirements continue to apply to any new manufacturer or importer of Chloranil. No new importer or manufacturer has identified themselves, although EPA has received inquiries from time to time about the applicability of the test rule to new

imports. OPPT therefore believes that all importation of Chloranil is still covered under the formal agreements and that there is no current import or domestic manufacture of high dioxin Chloranil. Because a significant time has passed since proposal, OPPT reopened the comment period in 2007.

Timetable:

Action	Date	FR Cite
NPRM Original	05/12/93	58 FR 28000
Reopening of Comment Period	01/30/07	72 FR 4224
Final Action	03/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 1923.1; EPA publication information: Reopening of Comment Period - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/January/Day-30/t1413.htm>; Split from RIN 2070-AA58.

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RIN: 2070-AJ31

3184. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is developing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of four chemicals to fulfill data needs identified by the Agency for the Toxic Substances and Disease Registry

(ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 USC 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA including, determining risks remaining after the application of technology based standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPs.

Timetable:

Action	Date	FR Cite
NPRM	10/20/06	71 FR 61926
NPRM Extension of Comment Period	12/18/06	71 FR 75704
Final Action	06/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2563; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-20/a17569.htm>;

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

EPA Docket information: EPA-HQ-OPPT-2002-0073

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:
www.epa.gov/oppt/chemtest

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RIN: 2070-AB79

3185. TESTING FOR EXISTING CHEMICALS (OVERVIEW ENTRY FOR FUTURE NEEDS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is needed to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making. In developing ECAs or VTAs EPA may

consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) the Agency will consider whether to require testing of the chemical through rulemaking or ECA or will publish a notice which provides the reasons for not doing so in the case of a particular chemical (such reasons may involve the existence of a VTA). The Agency may also consider test rules, ECAs or VTAs for chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes. This regulatory agenda entry is considered a "generic entry" because it is intended to alert the public that within the next 6 months the Agency may consider other chemicals for test rules, ECAs or VTAs that are not yet identified. A separate activity specific entry will be included in the regulatory agenda once the Agency decides to develop a test rule, ECA or VTA.

Timetable:

Action	Date	FR Cite
ANPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:
http://www.epa.gov/oppt/chemtest

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RIN: 2070-AB94

3186. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2601 et seq

CFR Citation: None

Legal Deadline: None

Abstract: This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 of the pilot. A peer consultation process is being used to evaluate the scientific merits of the hazard, exposure, and risk assessments submitted by sponsors. Assessments for 15 chemicals have been evaluated in the peer consultation process and decisions have been made on whether additional data are needed for 13 of the 15. Information on VCCEP and the chemical assessments submitted to date are available to the public on the Agency's Web site. Although not currently involving a rulemaking, EPA has included this pilot program in the Regulatory Agenda to inform the public about activities like this related to its chemical testing program.

Timetable:

Action	Date	FR Cite
Notice: Initiation of Stakeholder Process & Public Meeting	08/26/99	64 FR 46673
Notice: Stakeholder Involvement Process & Public Meeting	03/29/00	65 FR 16590
Notice Announcing VCCEP & Pilot	12/26/00	65 FR 81700
Notice: Pilot Evaluation Request for Feedback	11/20/06	71 FR 67121
Notice	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4876; EPA publication information: Notice: Initiation of Stakeholder Process & Public Meeting - <http://www.epa.gov/fedrgstr/EPA-GENERAL/1999/August/Day-26/g22203.htm>; www.epa.gov/chemrtk/vccep/index.htm; EPA Docket information: EPA-HQ-OPPT-2006-0341

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

<http://www.epa.gov/oppt/vccep/>

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RIN: 2070-AC27

3187. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required

to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM	04/21/98	63 FR 19694
2		
NPRM—Reproposal	12/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3487; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/1996/June/Day-26/pr-24153DIR/pr-24153.pdf>;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AC76

3188. TEST RULE; CERTAIN METALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is coordinating an evaluation of the data needs for assessing potential adverse effects that exposures to metals pose for health and the environment with the Agency's

efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I) and the Clean Air Act (CAA) section 112. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section 112(b)(1) list of HAPs (delisting).

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3882

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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RIN: 2070-AD10

3189. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 2601 et seq (TSCA)

CFR Citation: None

Legal Deadline: None

Abstract: One of the key components of the Chemical Right-to-Know (ChemRTK) Initiative is the HPV Challenge Program. The goal of this program is to ensure that a baseline set of health and environmental effects data on approximately 2,800 high production volume (HPV) chemicals is made available to EPA and the public. U.S. HPV chemicals are industrial chemicals that are manufactured or imported into the United States in volumes of 1 million pounds or more per year. U.S. Manufacturers and importers of HPV chemicals were invited to voluntarily sponsor chemicals in the HPV Challenge Program. Sponsorship entails the identification and initial assessment of the adequacy of existing information, the conduct of new testing only if adequate information does not exist, and making the new and existing test results available to the public. The Agency is considering specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for rules under Section 4 and 8 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

Timetable:

Action	Date	FR Cite
Notice; Announces Program	12/26/00	65 FR 81686
Notice: Report on Status	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 4176; EPA publication information: Notice; Announces Program - <http://www.epa.gov/fedrgstr/EPA-TOX/2000/December/Day-26/t32497.pdf>; See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: <http://www.epa.gov/chemrtk/volchall.htm>

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RIN: 2070-AD25

3190. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA's Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that the Office of Pollution Prevention and Toxics (OPPT) use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting

interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA or other testing action is proposed.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	To Be	Determined
Notice Soliciting Participation	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4174

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: <http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AD28

3191. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799; 40 CFR 704

Legal Deadline: None

Abstract: On March 4, 1991, EPA issued a proposed TSCA section 4 Test Rule to require testing of 12 chemicals

EPA—Toxic Substances Control Act (TSCA)**Long-Term Actions**

for developmental and/or reproductive effects. Since issuing that proposed rule, 11 of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary HPV Chemical Challenge Program, and/or the International Council of Chemical Associations (ICCA). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

Timetable:

Action	Date	FR Cite
NPRM—Original	03/04/91	56 FR 9092
NPRM—Reproposal	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4395

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AD44

3192. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On January 17, 1992 (57 FR 2138), EPA published a proposed TSCA Section 4 test rule covering a number of aryl phosphate base stocks. On March 30, 1993, EPA announced initiation of negotiations with the Aryl Phosphates Panel of the Chemical Manufacturers Association (now the American Chemistry Council or ACC) to develop a TSCA Section 4 Enforceable Consent Agreement (ECA) for aryl phosphate base stocks as an alternative approach to testing under the proposed rule (58 FR 16669). On October 9, 1998, EPA sent letters to the Chief Executive Officers of companies, including those who were participating in the development of this ECA, to announce EPA's High Production Volume (HPV) Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages US chemical producers and importers to voluntarily provide existing screening level data, or, if none exist, to develop such data on US HPV chemicals. Because some overlap of testing in the HPV Challenge and this ECA initiative were identified, the industry committed to develop the screening level data for the HPV Challenge Program before continuing with further development of the ECA. In this way, results from the HPV Challenge program would feed back into consideration of needs for the ECA testing and, where possible, could avert some or all of the potential overlap testing. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject aryl phosphate base stocks under an ECA.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/83	48 FR 57452
NPRM Original	01/17/92	57 FR 2138
Final: ECA and Consent Order	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.2

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AJ07

3193. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On June 25, 1991, EPA issued a proposed TSCA Section 4 Test Rule for health and environmental effects and chemical fate testing of 5 brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary US HPV Challenge Program, and/or EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA Section 4 Test Rule for some or all of the subject chemicals.

Timetable:

Action	Date	FR Cite
NPRM Original	06/25/91	56 FR 29140
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.3

URL For More Information:

www.epa.gov/oppt/chemtest

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EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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RIN: 2070-AJ08

3194. HAPS TESTING AGREEMENT FOR HYDROGEN FLUORIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making. In developing ETAs and VCAs EPA may consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466,

December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for the health effects testing data specified in the proposed HAPs Section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.5

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AJ10

3195. HAPS TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 "TSCA 4"

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to

human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making. In developing ECAs and VTAs EPA may consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including phthalic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Phthalic Anhydride (PA) Panel submitted a proposal for alternative testing involving PK studies for PA on November 22, 1996. EPA responded to this proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for the health effects testing data specified in the proposed HAPs Section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

Additional Information: SAN No. 3493.7

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AJ11

3196. TESTING AGREEMENT FOR MALEIC ANHYDRIDE

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making. In developing ECAs and VTAs EPA may consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible

substitute for or adjunct to certain types of testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including maleic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to the Panel's proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing data specified in the proposed HAPs Section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.6

URL For More Information:

www.epa.gov/oppt/chemtest

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RIN: 2070-AJ13

3197. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607(a) TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances.

Timetable:

Action	Date	FR Cite
Final Rule for 51st ITC List	06/11/03	68 FR 34832
Final Rule for 53rd ITC List	12/07/04	69 FR 70552
Final Rule for 55th, 56th, and 58th ITC Lists	08/16/06	71 FR 47122
Final Action—Next ITC List including 8(a)	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2178; EPA publication information: Final Rule for 55th, 56th, and 58th ITC Lists - frwebgate4.access.gpo.gov/cgi-bin/waisgate.cgi?WAIIdocID=6249219910+1+0+0&WAIAction=retrieve;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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EPA—Toxic Substances Control Act (TSCA)**Long-Term Actions**

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RIN: 2070-AB08

3198. LEAD-BASED PAINT ACTIVITIES; BRIDGES AND STRUCTURES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 15 USC 2682; 15 USC 2684; PL 102-550 sec 402; PL 102-550 sec 404

CFR Citation: 40 CFR 745

Legal Deadline: Final, Statutory, April 28, 1994.

Abstract: The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for LBP activities in target housing and child-occupied facilities as well as training and certification of training programs for LBP activities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

Timetable:

Action	Date	FR Cite
NPRM	07/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4376

Sectors Affected: 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

URL For More Information:
<http://www.epa.gov/oppt/lead/>

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RIN: 2070-AC64

3199. LEAD-BASED PAINT; AMENDMENTS TO THE REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD-BASED PAINT OR LEAD-BASED PAINT HAZARDS IN TARGET HOUSING

Priority: Other Significant

Legal Authority: 42 USC 4852d

CFR Citation: 40 CFR 745.100; 40 CFR 745.101 to 745.103; 40 CFR 745.107; 40 CFR 745.110; 40 CFR 745.113; 40 CFR 745.115; 40 CFR 745.118 and 745.119

Legal Deadline: None

Abstract: EPA intends to amend existing requirements to clarify to which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and state/local/tribal governments that sell or lease target housing will be affected in that they will need to become

familiar with new/revised requirements that apply to these transactions. Overall burden is not expected to increase significantly.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4777

Sectors Affected: 92511 Administration of Housing Programs; 53111 Lessors of Residential Buildings and Dwellings; 53121 Offices of Real Estate Agents and Brokers; 522292 Real Estate Credit; 531311 Residential Property Managers

URL For More Information:
<http://www.epa.gov/oppt/lead/>

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RIN: 2070-AD64

3200. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

Priority: Other Significant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: As a follow-up to the final Biotechnology Rule under the Toxic Substances Control Act (TSCA) EPA intends to address TSCA oversight of transgenic plants and other organisms. Recent information indicates that transgenic plants and other organisms are being developed for uses which appear to be subject to TSCA

EPA—Toxic Substances Control Act (TSCA)**Long-Term Actions**

jurisdiction. For example, plants are being genetically modified to produce industrial grade, rather than food grade, oils. Many of these plants are subject to oversight by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture while being tested in the environment. Following APHIS approval of a petition for non-regulated status filed pursuant to APHIS' regulations implementing the Federal Plant Pest Act at 7 CFR Part 340, however, these plants cease to be subject to regulation by USDA. Additionally, transgenic animals that are not under the jurisdiction of FDA appear to be subject to TSCA. Such animals may be genetically improved livestock for commercial purposes. The policy statement would address whether EPA should exercise jurisdiction under TSCA over such transgenic organisms prior to their commercial use.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAN No. 4598

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RIN: 2070-AD53

3201. • TSCA INVENTORY UPDATE REPORTING MODIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: TSCA

CFR Citation: 40 CFR 710

Legal Deadline: None

Abstract: The Inventory Update Reporting (IUR) rule enables EPA to procure basic information on commercial chemicals under the Toxic Substances and Control Act (TSCA), resulting in a unique database that includes current production volume, manufacturing site-related data, and processing and use-related data for larger volume chemicals. This broad-based collection of manufacturing and use-exposure-related data provides basic information needed for risk prevention and management activities. The recent 2006 IUR submission period was the first since major amendments to the IUR were promulgated in 2003;

for the next reporting in 2011, the IUR Modifications will make a variety of adjustments. The adjustments are expected to include: migration of the IUR from 40 CFR 710 to 711, somewhat minor changes to data reporting requirements, possible changes to exemptions for certain chemical substances, and technical corrections. In addition, the workgroup will consider changes associated with the reporting of recycled chemical substances and imported chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 5279; OSWER may wish to participate in discussions regarding recycling information.

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RIN: 2070-AJ43

Environmental Protection Agency (EPA)**Completed Actions****Toxic Substances Control Act (TSCA)****3202. NANOSCALE MATERIALS UNDER TSCA**

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Notice (Draft for Comment)	07/12/07	72 FR 38083
Notice (Final)	01/28/08	73 FR 4861

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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RIN: 2070-AJ30

Environmental Protection Agency (EPA)
Emergency Planning and Community Right-to-Know Act (EPCRA)

Prerule Stage

3203. TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11013 EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action will respond to a petition received by EPA to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register; if EPA denies the petition a notice of petition denial will be published. The deletion of this chemical would eliminate all the reporting requirements

under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR	Cite
Response	05/00/09		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.3; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial

Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

URL For More Information:
www.epa.gov/tri

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RIN: 2025-AA19

Environmental Protection Agency (EPA)
Emergency Planning and Community Right-to-Know Act (EPCRA)

Proposed Rule Stage

3204. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION

Priority: Other Significant

Legal Authority: 42 USC 1102

CFR Citation: 40 CFR 355

Legal Deadline: None

Abstract: EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on the assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule that would revise the TPQ for solids in solution and seek comment on an alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in

aqueous solution). If the TPQ for solids in solution is raised, it would result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under Section 302-304 of the Emergency Planning and Community Right-To-Know Act (EPCRA). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

Timetable:

Action	Date	FR	Cite
NPRM	06/00/09		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4753;

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RIN: 2050-AF08

3205. • TOXICS RELEASE INVENTORY ARTICLES EXEMPTION CLARIFICATION

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Toxics Release Inventory (TRI) reporting is required by section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). The purpose of this proposed rule is to clarify the scope of the exemption from

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA)**Proposed Rule Stage**

reporting requirements for items that qualify as articles. [See 40 CFR sec. 372.38(b).] EPA believes that language contained in the regulation and subsequent guidance should be clarified for the regulated community concerning what products qualify as articles and are therefore exempt from the threshold calculations and TRI reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	
Final Action	08/00/10	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5296; Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*.

*Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for

distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

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RIN: 2025-AA24**3206. • WASTE ENERGY RECOVERY REGISTRY****Priority:** Other Significant**Legal Authority:** Energy Independence and Security Act of 2007**CFR Citation:** 40 CFR 1200

Legal Deadline: Final, Statutory, September 19, 2008, The Energy Independence and Security Act of 2007 says that EPA must publish a rule 270 days from its enactment.

Abstract: Title IV of the Energy Independence and Security Act of 2007 directs EPA to establish a “recoverable waste energy inventory program” and publish a rule. Specifically, subtitle D, section 372 directs EPA to establish, in cooperation with the Department of Energy and state energy offices, this inventory program. This inventory program is comprised of a Survey of major industrial and large commercial combustion sources, and a Registry of Recoverable Waste Energy Sources. Under this action, EPA will publish criteria for including sites in the Registry and will establish a Registry of Recoverable Waste Energy Sources, and sites on which the sources are located.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5262; EPA Docket information: EPA-HQ-OAR-2008-0201

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RIN: 2060-AP14**Environmental Protection Agency (EPA)****Final Rule Stage****Emergency Planning and Community Right—to—Know Act (EPCRA)****3207. AMENDMENTS TO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT****Priority:** Other Significant

Legal Authority: 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022

CFR Citation: 40 CFR 355; 40 CFR 370**Legal Deadline:** None

Abstract: This rule will address some of the remaining issues from the proposed rule of June 8, 1998. Reporting thresholds for gasoline and diesel fuel at retail gas stations were finalized on February 11, 1999 (64 FR 7031). This rule will address those reporting changes in section B of the preamble to the proposed rule under the heading “Other Regulatory Changes.” The revisions in this rule will have only minimal impact on the

regulated community. Most of the changes are minor revisions and clarifications of interpretation that EPA has been providing the regulated communities. In addition, as stated in the proposed rule, 40 CFR parts 355 and 370 will be reorganized and rewritten in Plain English format to make them clearer and easier to use.

EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)**Final Rule Stage****Timetable:**

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Final	11/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

Additional Information: SAN No. 3215; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/1998/June/Day-08/f14490.htm>; EPA Docket information: Docket Number 300RR-IF1

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RIN: 2050-AE17**Environmental Protection Agency (EPA)****Long-Term Actions****Emergency Planning and Community Right-to-Know Act (EPCRA)****3208. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS AND STREAMLINING RULE****Priority:** Other Significant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021 and 11022**CFR Citation:** 40 CFR 370**Legal Deadline:** None

Abstract: This supplemental proposal will address reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk. The proposed rule was published on June 8, 1998 (63 FR 31268). This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under Sections 311 and 312 of the Emergency Planning and Community Right-To-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities' and emergency response officials' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, State and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

Timetable:

Action	Date	FR Cite
Supplemental NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

Additional Information: SAN No. 3215.1; Split from RIN 2050-AE17.

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RIN: 2050-AG40**3209. TRI; RESPONSE TO PETITION TO DELETE CHROMIUM, ANTIMONY, TITANATE FROM THE METAL COMPOUND CATEGORIES LISTED ON THE TOXICS RELEASE INVENTORY**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 11013 EPCRA 313**CFR Citation:** 40 CFR 372**Legal Deadline:** None

Abstract: This action was suspended on May 22, 2007, at the request of the petitioner. If resumed, this action will respond to a petition received by EPA to delete chromium, antimony, titanate from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register, if EPA denies the petition a notice of petition denial will be published. Chromium, antimony, titanate is reportable under the chromium and antimony compound categories, the deletion of this chemical would eliminate all the reporting

requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
Response	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State

Additional Information: SAN No. 2425.4; EPA publication information: Response-Chromium; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389). Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 11199*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113

EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)**Long-Term Actions**

(correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

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RIN: 2025-AA16

3210. TRI; RESPONSE TO PETITION TO ADD DIISONONYL PHTHALATE TO THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 11013 EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action will respond to a petition received by EPA to add

diisononyl phthalate to the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register, if EPA denies the petition a notice of petition denial will be published. The addition of this chemical would make it subject to all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
NPRM Original	09/05/00	65 FR 53681
Notice of Data Availability	06/14/05	70 FR 34437
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.1; EPA publication information: Notice of Data Availability - <http://www.epa.gov/fedrgstr/EPA-WASTE/2005/June/Day-14/f11664.htm>; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389). Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes.

Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

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RIN: 2025-AA17

3211. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA)

Long-Term Actions

Abstract: The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores cannot be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	03/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4616; Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*,312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*,111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191,511199, 511220, 512230*, 516110*, 541710*, or 811490*.

*Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere

Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

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RIN: 2025-AA11

Environmental Protection Agency (EPA)

Completed Actions

Emergency Planning and Community Right—to—Know Act (EPCRA)

3212. TOXIC CHEMICAL RELEASE REPORTING USING REVISED 2007 NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES

Priority: Info./Admin./Other

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
NPRM	03/06/08	73 FR 12045
Final Action	06/09/08	73 FR 32466

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2025-AA22

Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

3213. • STANDARDS FOR THE SAFE AND ENVIRONMENTALLY PROTECTIVE PLACEMENT OF COAL COMBUSTION PRODUCTS AS MINEFILL IN COAL MINES NOT REGULATED UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6907(a)(3); 42 USC 6912(a)(1); 42 USC 6944(a)

CFR Citation: 40 CFR 259

Legal Deadline: None

Abstract: This action is part of a joint rulemaking effort with the Office of Surface Mining (OSM) of the Department of Interior (DOI) using a combination of regulatory authorities available under the Surface Mining Control and Reclamation Act (SMCRA) and the Resource Conservation and Recovery Act (Subtitle D). Specifically, EPA is considering performance standards for the environmentally protective placement of coal combustion byproducts (CCBs) for filling surface or underground coal mines, referred to as minefilling, not regulated under SMCRA. CCBs are products of the combustion of coal at electric utility and independent power producing facilities. This action results from EPA's Regulatory Determination for fossil fuel combustion wastes (65 FR 32214 May 22, 2000), in which the Agency concluded that national regulations under Subtitle D of RCRA (and/or modifications to the existing regulations established under SMCRA) are warranted when these wastes are used to fill surface and underground mines. As described in the Regulatory Determination, there is sufficient evidence that adequate controls may not be in place, and that regulations are warranted. This action is also a result of a recommendation by the National Research Council (NRC, Managing Coal Combustion Residues in Coal Mines, 2006) regarding the management of CCBs in coal mines. NRC recommended that OSM and/or EPA promulgate enforceable federal regulations governing the minefilling of CCBs. In response to the NRC study, OSM published on Advanced Notice of Proposed Rulemaking on Placement of CCBs in Active and Abandoned Coal Mines (72 FR 12026, March 14, 2007), which took comment on the appropriateness of modifying SMCRA

regulations to address minefilling at mines with SMCRA permits. EPA proposed performance standards would apply to all minefilling operations using CCBs at coal mines that are not subject to the requirements under SMCRA, including regulations proposed by OSM. This action will be coordinated with the OSM proposed rule. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks.

Timetable:

Action	Date	FR Cite
NPRM	03/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: SAN No. 5274

URL For More Information:

www.epa.gov/epaoswer/other/fossil/index.htm

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RIN: 2050-AG45

3214. REVISIONS TO LAND DISPOSAL RESTRICTIONS TREATMENT STANDARDS AND AMENDMENTS TO RECYCLING REQUIREMENTS FOR SPENT PETROLEUM REFINING HYDROTREATING AND HYDROREFINING CATALYSTS

Priority: Other Significant

Legal Authority: 42 USC 1006; 42 USC 2002(a); 42 USC 3001 to 3009; 42 USC 3014; 42 USC 6905 and 6906; 42 CFR 6912; 42 USC 6921 and 6922; 42 USC 6924 to 6927; 42 USC 6934; 42 USC 6937 and 6938

CFR Citation: 40 CFR 261; 40 CFR 268; 40 CFR 271

Legal Deadline: None

Abstract: Pursuant to regulations found at 40 CFR 260.20, the Vanadium Producers and Reclaimers Association (VPRA) submitted a rulemaking petition to the EPA requesting that the Agency amend the hazardous waste regulations affecting the treatment and disposal of certain petroleum refinery process wastes. Specifically, VPRA requested that EPA revise the treatment standards under the Land Disposal Restrictions (LDR) Program for the disposal of spent hydrotreating and hydrotreating catalysts (waste codes K171 and K172, respectively). EPA is publishing a notice in response to the rulemaking petition, by proposing to amend the Land Disposal Restriction (LDR) requirements for EPA Waste Code K172 by adding numeric treatment standards for certain polynuclear aromatic hydrocarbons (PAHs). EPA is also responding to other elements of the rulemaking petition in this notice. Finally, in response to separate comments received from petroleum industry representatives, EPA is taking this opportunity to propose changes to its regulations to help encourage consistent levels of recycling of spent hydrotreating and hydrotreating catalysts, in a manner that protects human health and the environment.

Timetable:

Action	Date	FR Cite
Notice of Data Availability	10/20/03	68 FR 59935
NPRM	02/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5070; EPA publication information: Notice of Data Availability - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-24/f29319.htm>; EPA Docket information: Legacy Docket No. RCRA-2003-0023 for 10/20/03 NODA

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EPA—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

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RIN: 2050–AG34

3215. REVISIONS TO THE REQUIREMENTS FOR TRANSBOUNDARY SHIPMENTS OF WASTES DESTINED FOR RECOVERY BETWEEN THE U.S. AND OTHER OECD COUNTRIES AND FOR EXPORT SHIPMENTS OF SPENT LEAD ACID BATTERIES**Priority:** Other Significant**Legal Authority:** 42 USC 6901 et seq**CFR Citation:** 40 CFR 262 subpart H (Revision); 40 CFR 262.58; 40 CFR 264.12(a)(2); 40 CFR 265.12(a)(2); 40 CFR 266.80(a); 40 CFR 262.55; 40 CFR 262.60(e); 40 CFR 264.71(a)(e); 40 CFR 265.71 (a)(e)**Legal Deadline:** None

Abstract: The Agency is considering amending the existing regulation under the Resource Conservation and Recovery Act (RCRA) regarding the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), as specified in 40 CFR 262 subpart H. Proposed regulatory changes under consideration include, but are not limited to, reducing the number of control levels, exempting qualifying shipments sent for laboratory analysis from certain paperwork requirements, requiring recovery facilities to submit a certificate of recovery, and adding provisions for the return or re-export of wastes subject to Amber control procedures under the OECD framework. These amendments would implement revisions that the OECD made to both its framework for hazardous waste transboundary movements between member countries and to its waste lists. The revisions were adopted by the OECD to create a more streamlined, uniform system for exports and imports, resulting in a more efficient international recycling market and increased recycling among the member countries. Since the United States supported the 2001 Decision and is a party to the OECD, the United States is legally obligated to implement these changes within its domestic regulations. Besides addressing the amendments adopted by the OECD in 2001 and 2004, the Agency may also seek to clarify certain existing provisions in subpart H that were identified as potentially ambiguous to the regulated community. In addition

to the OECD amendments, the Agency is considering amending the regulations under RCRA regarding the transboundary movements of spent lead-acid batteries being reclaimed, as specified in 40 CFR part 266 subpart G. Currently, spent lead-acid batteries destined for export/reclamation are not subject to the export notification and consent requirements specified in 40 CFR part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely-accepted international practices. These proposed amendments would require appropriate notice and consent for those batteries intended for export/reclamation. EPA is considering amending the current regulations in the interest of harmonizing them with both the amendments adopted by the OECD in 2001 and EPA's existing export requirements for RCRA Universal Waste.

Timetable:

Action	Date	FR Cite
NPRM	10/06/08	73 FR 58388
NPRM Comment Period End	12/05/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Additional Information: NPRM-<http://www.epa.gov/fedrgstr/EPA-WASTE/2008/October/Day-06/f22536.pdf>; SAN No. 4606; EPA Docket information: EPA-HQ-RCRA-2005-0018

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RIN: 2050–AE93

3216. RCRA SUBTITLE C FINANCIAL TEST CRITERIA REGULATORY DETERMINATION**Priority:** Other Significant**Legal Authority:** 42 USC 6912(a); 42 USC 6924 to 6926**CFR Citation:** 40 CFR 264 and 265; 40 CFR 280; 40 CFR 761**Legal Deadline:** None

Abstract: The RCRA subtitle C financial test is one of several mechanisms available to the regulated community for demonstrating financial assurance for closure/post-closure of their facilities. EPA decided at the end of the second quarter of FY 2007 to analyze whether regulatory changes are needed to ensure the test's continued and effective use. Test criteria have not been updated since promulgation in 1982. Concerns have been raised that the criteria are outdated and no longer adequately predict a company's continued solvency, such that some States are not allowing companies to use the test, reducing the number of mechanisms that are available. Although action external to EPA has been taken (e.g., passage of Sarbanes-Oxley Act) to address this market failure, the perception of a problem remains and continues to drive some States' behavior.

Providing the regulated community with a strong and effective financial test is an important regulatory function. In the absence of EPA taking action to analyze the issues and make changes, as appropriate, the availability of the test as a financial assurance mechanism will likely continue to be restricted. Therefore, we believe it is important to address this now so as to assure the continued availability of the financial test, thereby saving costs that would be incurred if an alternate mechanism had to be obtained or closure/post-closure activities were delayed.

Additionally, some language in the financial test reporting requirements is no longer consistent with current professional standards under Generally Acceptable Accounting Principles. Addressing this inconsistency would facilitate implementation by regulators who may not have appropriate expertise to adequately review detailed financial information submissions.

There are three options that EPA is considering. After analyzing these options, EPA may decide to proceed

EPA—Resource Conservation and Recovery Act (RCRA)**Proposed Rule Stage**

with a rulemaking utilizing these options either independently or in combination. If so, EPA will issue a new proposed rule. The three options are briefly described below:

(1) Undertake targeted rulemaking to address documentation and reporting issues, particularly with respect to “negative assurance” language, as well as other implementation issues.

(2) Undertake rulemaking to propose adding a ratings requirement to Alternative I of the financial test. [Note: This was the recommendation of the Environmental Financial Advisory Board (EFAB).]

(3) Undertake rulemaking to propose adopting the financial test criteria that were promulgated as part of the standardized permit rule.

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
NPRM on Determination	01/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2647

Sectors Affected: 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471

Gasoline Stations; 811111 General Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

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RIN: 2050–AC71

3217. AMENDMENT TO THE UNIVERSAL WASTE RULE: ADDITION OF PHARMACEUTICALS

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6921 to 6924; 42 USC 6926 and 6927; 42 USC 6930; 42 USC 6937

CFR Citation: 40 CFR 273

Legal Deadline: None

Abstract: This action will propose adding hazardous pharmaceutical wastes to the universal waste system. This incorporation is appropriate because these wastes are produced by a various and vast community of generators and are often mismanaged due to health care workers and retail chain employees being unfamiliar with the Resource Conservation and Recovery Act regulations. EPA expects that the expansion of the universal waste system to include hazardous pharmaceutical wastes will improve

protection of public health and the environment by providing a more streamlined but effective waste management system. Due to the simplified requirements, this action may provide regulatory relief by giving an alternative regime for those health care facilities, retail pharmacies, veterinary clinics and any other entities that generate hazardous pharmaceutical wastes, able to “opt in” to this regimen, such as those in authorized states that have adopted the universal waste rule and amend it to include pharmaceutical wastes.

EPA hopes the inclusion of hazardous pharmaceutical wastes in the universal waste rule will provide relief in the management of P-listed pharmaceuticals by simplifying current requirements of large quantity generators. Also, we hope that the rule will encourage health care personnel to manage other pharmaceutical wastes as universal wastes, particularly wastes that are not regulated as hazardous but which nonetheless pose hazards. Finally, the addition of hazardous pharmaceutical wastes to the rule will facilitate pharmaceutical take-back programs so that these wastes can be properly managed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 5127

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RIN: 2050–AG39

Environmental Protection Agency (EPA)
Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

3218. HAZARDOUS WASTE MANIFEST REVISIONS — STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

Regulatory Plan: This entry is Seq. No. 107 in part II of this issue of the **Federal Register**.

RIN: 2050–AG20

3219. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED INDUSTRIAL WIPES

Priority: Other Significant

Legal Authority: 42 USC 6921

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: In 2003, EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. EPA revised its risk analysis used to evaluate the risks to human health and the environment if solvent-contaminated wipes or laundry sludge were allowed to be disposed in a municipal solid waste landfill. A Notice of Data Availability will be published to allow the public the opportunity to comment on the revised risk analysis.

If finalized, this regulation will impact the management of two types of solvent-contaminated wipes: (1) wipes disposed of in a landfill or by combustion after use, and (2) wipes that are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposed wipes from the definition of hazardous waste and to conditionally exclude laundered wipes from the definition of solid waste. The regulation, if finalized, has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
Notice of Data Availability	12/00/08	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4091; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-20/f28652.htm>; EPA Docket information: EPA-HQ-RCRA-2003-0004

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 441 Motor Vehicle and Parts Dealers; 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 811 Repair and Maintenance; 336 Transportation Equipment Manufacturing

URL For More Information: www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm

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RIN: 2050–AE51

3220. EXPANDING THE COMPARABLE FUELS EXCLUSION UNDER RCRA

Priority: Other Significant

Legal Authority: RCRA 4004

CFR Citation: 40 CFR 261.38

Legal Deadline: None

Abstract: EPA has proposed to exclude, from being solid wastes under subtitle C of the Resource Conservation and Recovery Act (RCRA), secondary materials whose emissions are comparable to the fuel oil. This substitution will be allowed only when those materials are managed substitutes under conditions that assure they will not be discarded either when stored or burned. Such excluded fuel would be called emission-comparable fuel (ECF). ECF would be subject to the same specifications that currently apply to comparable fuels, except that the specifications for certain hydrocarbons and oxygenates would not apply. The ECF exclusion would be conditioned on requirements including: (1) Design and operating conditions for the ECF boiler to ensure that the ECF is burned

under the good combustion conditions typical for oil-fired industrial boilers and (2) conditions for tanks and containers storing ECF for which conditions are typical of those for storage of commercial fuels and are tailored for the hazards that ECF may pose. EPA has addressed issues raised by commenters and is developing the final rule.

Timetable:

Action	Date	FR Cite
NPRM	06/15/07	72 FR 33284
Notice: Extension of Comment Period	07/19/07	72 FR 39587
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4977; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-15/a11130.pdf>; EPA Docket information: EPA-HQ-RCRA-2005-0017; <http://www.regulations.gov>

URL For More Information:

<http://www.epa.gov/epaoswer/hazwaste/combust/compfuels/exclusion.htm>

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RIN: 2050–AG24

3221. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES

Priority: Other Significant

Legal Authority: 42 USC 6922

CFR Citation: 40 CFR 262

Legal Deadline: None

Abstract: The College and University Laboratory rulemaking is focusing on the ways to make the Resource Conservation and Recovery Act a better

EPA—Resource Conservation and Recovery Act (RCRA)**Final Rule Stage**

fit for the laboratory setting and to improve reuse, recycling, and the overall management of chemicals in the laboratory settings. EPA recognizes the unique aspects of academic laboratories compared with large manufacturing processes. For example, academic laboratories generate small amounts of many different wastes while large manufacturing processes tend to generate large amounts of a few wastes. Our goal is to improve the program to better protect human health and the environment, through standards that are harmonious with the way academic laboratories operate. Our aim is to improve compliance, not by relaxing the standards, but by providing greater flexibility in managing laboratory hazardous wastes; thereby, creating

opportunities for more efficient and effective management of these wastes.

Timetable:

Action	Date	FR Cite
NPRM	05/23/06	71 FR 29712
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 4920; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/May/Day-23/f4654.htm>; No legal deadline.; EPA Docket information: EPA-HQ-RCRA-2003-0012

Sectors Affected: 6113 Colleges, Universities and Professional Schools; 6112 Junior Colleges

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RIN: 2050-AG18

Environmental Protection Agency (EPA)**Long-Term Actions****Resource Conservation and Recovery Act (RCRA)****3222. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6912(a)

CFR Citation: 40 CFR 247

Legal Deadline: None

Abstract: RCRA section 6002 requires EPA to prepare guidelines in the Federal Register that designate items that are or can be made with recovered materials and to issue recommendations for government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 61 items under four Comprehensive Procurement Guidelines (CPG1, CPG2, CPG3, CPG4 and CPG5). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG that provides recommendations on buying the designated items. E.O. 13423 requires EPA to review existing CPG product designations for effectiveness, obsolescence, and consistency with the biobased products designation program, environmentally preferable purchasing

program, and Energy Star and FEMP-designated energy efficient products program. A CPG for Nylon Carpet was originally proposed with CPG4, but not included in the final designation because more information was needed. A Notice of Data Availability was issued asking for that information. EPA is now considering finalizing the CPG for Nylon Carpet.

Timetable:

Action	Date	FR Cite
NPRM-CPG1	04/20/94	59 FR 18892
Final CPG1	05/01/95	60 FR 21370
NPRM CPG2	11/07/96	61 FR 57748
Final CPG2	11/13/97	62 FR 60962
NPRM-CPG3	08/26/98	63 FR 45558
Final-CPG3-RMAN3	01/19/00	65 FR 3069
NPRM CPG4	08/28/01	66 FR 45256
NODA on Nylon Carpet	07/16/03	68 FR 42040
NPRM-CPG5	12/10/03	68 FR 68813
Final-CPG4-RMAN4	04/30/04	69 FR 24028
Final CPG 5	09/14/07	72 FR 52475
Final CPG for Nylon Carpet	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3545; EPA publication information: NODA on Nylon Carpet - frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2003_

register&docid=fr16jy03-84.pdf; EPA Docket information: For CPG Nylon Carpet: EPA-HQ-RCRA-2003-0013

Sectors Affected: 92119 All Other General Government; 92111 Executive Offices

URL For More Information: www.epa.gov/cpg

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RIN: 2050-AE23

3223. MANAGEMENT OF CEMENT KILN DUST (CKD)

Priority: Other Significant

Legal Authority: 42 USC 6912(a) RCRA 2002(a); 42 USC 6921(a) RCRA 3001(a)

CFR Citation: 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

Legal Deadline: None

EPA—Resource Conservation and Recovery Act (RCRA)**Long-Term Actions**

Abstract: In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA Subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD. The Agency continues to consider an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999 proposal as a RCRA Subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and state regulatory programs evolve over the next three to five years. Based on this assessment, EPA would then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged.

Timetable:

Action	Date	FR Cite
Regulatory Determination	02/07/95	60 FR 7366
NPRM	08/20/99	64 FR 45632
Notice – Extend Comment Period	10/28/99	64 FR 58022
NoDA 1	07/25/02	67 FR 48648
Notice – Extend Comment Period	11/08/02	67 FR 68130
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 3856; EPA publication information: NODA 1 - [frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr25jy02-57.pdf](http://www.epa.gov/epaosopr/odjd/2002/register&docid=fr25jy02-57.pdf); EPA Docket information: EPA-HQ-RCRA-1999-0011

Sectors Affected: 32731 Cement Manufacturing

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RIN: 2050–AE34

3224. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944(a)**CFR Citation:** 40 CFR 257**Legal Deadline:** None

Abstract: This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations under RCRA are appropriate for certain coal combustion wastes. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency is currently analyzing the human health and ecological risks, costs, and economic impact of this action as it develops the proposed regulation. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under

subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance instead of regulations to industry and state and local governments to focus on these remaining waste management issues, particularly since the industry has improved its waste management practices and most state regulatory programs are similarly improving. To this end, the Agency issued on August 29, 2007, a Notice of Data Availability (NODA) announcing the availability for public inspection and comment of new information and data on the management of coal combustion wastes that the Agency will consider in deciding next steps in this effort. The comment period for this NODA closed on February 11, 2008.

Timetable:

Action	Date	FR Cite
NODA	08/29/07	72 FR 49714
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined

Additional Information: SAN No. 4470; EPA publication information: NODA - <http://epa.gov/fedrgstr/EPA-WASTE/2007/August/Day-29/f17138.pdf>; This effort may also impact federal, state, local or tribal governments that own coal-burning commercial electric power generating facilities.; EPA Docket information: EPA-HQ-RCRA-2006-0796

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

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RIN: 2050–AE81

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

3225. WASTE MANAGEMENT SYSTEM; TESTING AND MONITORING ACTIVITIES; METHODS INNOVATION RULE; CORRECTION**Priority:** Info./Admin./Other**Legal Authority:** 33 USC 1345(d) and 1345(e); 42 USC 6902(a); 42 USC 6907; 42 USC 6912(1); 42 USC 6944; 42 USC 6945(c); 42 USC 6949(c)**CFR Citation:** 40 CFR 258**Legal Deadline:** None

Abstract: On June 14, 2005 (70 FR 34538), EPA published a final rule (the Methods Innovation Rule, or the MIR) to amend a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations. EPA is correcting errors inadvertently made by the MIR to Appendix II to part 258 of the RCRA regulations.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5128; EPA Docket information: www.regulations.gov

EPA-HQ-RCRA-2002-0025

URL For More Information:

www.epa.gov/epaoswer/hazwaste/test/mir.htm
www.epa.gov/epaoswer/hazwaste/test/mir-faq.htm

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RIN: 2050-AG38**3226. RCRA SMARTER WASTE REPORTING****Priority:** Other Significant**Legal Authority:** 42 USC 6922(a)(6)**CFR Citation:** 40 CFR 262.41**Legal Deadline:** None

Abstract: By implementing the Smarter Waste Reporting initiative, EPA hopes to decrease the regulatory burden on respondents completing the Biennial

Report (BR) by eliminating the form for waste shipped off-site. We plan to do this by proposing to: (1) Substitute the BR data with the more-timely data from the eManifest system once it is operational; (2) present an option for facilities with static hazardous waste generation to report less frequently; and (3) improve the information we currently receive from respondents who manage their waste onsite, in an effort to improve the quality of BR data.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4735

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RIN: 2050-AF01**3227. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 262; 40 CFR 264 and 265; 40 CFR 268; 40 CFR 279**Legal Deadline:** None

Abstract: The National Environmental Performance Track program was designed and endorsed across the Agency with support and collaboration among EPA, states, and environmental nongovernmental organizations. Launched in 2000 and supported by each succeeding Administrator, Performance Track recognizes and drives environmental excellence by encouraging facilities with strong environmental records to go above and beyond their legal requirements.

To become a member, a facility must meet four criteria: have in place for at least one year a well-functioning environmental management system, have maintained a record of sustained regulatory compliance, make a commitment to community outreach and annual public reporting, and make

a commitment to continuous environmental improvement. With respect to the last criterion, members set and make good faith efforts to achieve typically four public and measurable goals to improve the quality of our nation's air, water, and land. The over 500 Performance Track members include major corporations, small businesses, and public facilities from 49 states that are steering a course toward environmental excellence. Through more than 1,500 commitments to continuous improvement, Performance Track members have collectively reduced their water use by 3.5 billion gallons, greenhouse gas emissions by 88,000 metric tons of carbon dioxide equivalent, hazardous waste generation by 130,000 tons, non-hazardous waste generation by 600,000 tons, emissions of sulfur oxides by 17,000 tons, and conserved more than 14,000 acres of habitat.

EPA provides incentives for Performance Track members in recognition of their strong compliance records, sound environmental management systems, and transparency in setting and reporting on public goals. In this action, EPA plans to propose: a streamlined process for permit modifications; performance based standards for tanks; and new capabilities for standardized permits. EPA will also take comment on two topics: (1) alternative requirements for small quantity generators that experience episodic generation events that would otherwise cause a shift in generator status for the facility; and (2) reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. None of the proposed provisions in this action will involve any reduction in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State

EPA—Resource Conservation and Recovery Act (RCRA)**Long-Term Actions****Additional Information:** SAN No. 4828**URL For More Information:**<http://www.epa.gov/perfrac/index.htm>**Agency Contact:** Robert Sachs,
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Email: teplitzky.andy@epa.gov**RIN:** 2090-AA34**Environmental Protection Agency (EPA)****Completed Actions****Resource Conservation and Recovery Act (RCRA)****3228. HAZARDOUS WASTE
MANAGEMENT SYSTEM:
IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE (F019 LISTING
AMENDMENT IN WASTEWATER
TREATMENT SLUDGES FROM ZINC
PHOSPHATING PROCESSES IN
AUTOMOTIVE ASSEMBLY PLANTS)****Priority:** Other Significant**CFR Citation:** 40 CFR 261.31; 40 CFR
302.4**Completed:**

Reason	Date	FR Cite
NPRM	01/18/07	72 FR 2219
Final Action	06/04/08	73 FR 31756

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** James Michael

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REVISIONS****Priority:** Economically Significant.

Major under 5 USC 801.

CFR Citation: 40 CFR 261.2**Completed:**

Reason	Date	FR Cite
Final Action	10/30/08	73 FR 64668

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal,
State**International Impacts:** This regulatory
action will be likely to have
international trade and investment
effects, or otherwise be of international
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Email: atagi.tracy@epa.gov**RIN:** 2050-AG31**Environmental Protection Agency (EPA)****Proposed Rule Stage****55OIL Pollution Act****3230. • OIL POLLUTION PREVENTION;
NON-TRANSPORTATION-RELATED
ONSHORE FACILITIES COMPLIANCE
DATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1321**CFR Citation:** 40 CFR 112**Legal Deadline:** None**Abstract:** EPA is proposing to amend
the dates by which facilities must
prepare or amend Spill Prevention,
Control, and Countermeasure (SPCC)
Plans, and implement those Plans. TheAgency is also proposing to establish
new dates for farms to prepare or
amend Spill Prevention, Control, and
Countermeasure Plans (SPCC Plans),
and implement those Plans. EPA had
delayed establishing compliance dates
for farms pending revisions to the SPCC
rule that would specifically address
this sector.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal,
Local, State, Tribal**Additional Information:** SAN No.
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Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation and Liability Act

Proposed Rule Stage

3231. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 9605**CFR Citation:** 40 CFR 300.425**Legal Deadline:** None

Abstract: This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final 20	03/06/98	63 FR 11332
NPRM 24	03/06/98	63 FR 11340
Final 21	07/28/98	63 FR 40182
NPRM 25	07/28/98	63 FR 40247
Final Tex-Tin	09/18/98	63 FR 49855
Final 22	09/29/98	63 FR 51848
NPRM 26	09/29/98	63 FR 51882
Final 23	01/19/99	64 FR 2942
NPRM 27	01/19/99	64 FR 2950
NPRM Midnight Mine	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
Final 24	05/10/99	64 FR 24949
NPRM Alameda	05/10/99	64 FR 24990
Final 25	07/22/99	64 FR 39878
NPRM 29	07/22/99	64 FR 39886
Final Pools Prairie	09/17/99	64 FR 50459
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
Final 26	02/04/00	65 FR 5435
NPRM 31	02/04/00	65 FR 5468
Final 28	05/11/00	65 FR 30482
NPRM 32	05/11/00	65 FR 30489
Final 29	07/27/00	65 FR 46096
NPRM 33	07/27/00	65 FR 46131
NPRM Alabama/Malone	08/24/00	65 FR 51567
Final 30	12/01/00	65 FR 75179
NPRM 34	12/01/00	65 FR 75215
NPRM 35	01/11/01	66 FR 2380
Final 31	06/14/01	66 FR 32235
NPRM 36	06/14/01	66 FR 32287
Final 32	09/13/01	66 FR 47583
NPRM 37	09/13/01	66 FR 47612
NPRM Libby/Omaha	02/26/02	67 FR 8836
Final adds 19 sites	09/05/02	67 FR 56757
NPRM 38	09/05/02	67 FR 56794
Final Action—	10/24/02	67 FR 65315
Final Action—	04/30/03	68 FR 23077
NPRM 1	04/30/03	68 FR 23094
Final 35 (adds 12 sites)	09/29/03	68 FR 55875
NPRM 40	03/08/04	69 FR 10646

Action	Date	FR Cite
Final 36	07/23/04	69 FR 43755
NPRM—Vieques	08/13/04	69 FR 50115
Final 37	09/23/04	69 FR 56949
NPRM 41	09/23/04	69 FR 56970
Final — Vieques	02/11/05	70 FR 7184
Final 38	04/27/05	70 FR 21644
NPRM 42	04/27/05	70 FR 21718
Final 39	09/14/05	70 FR 54286
NPRM 43	09/14/05	70 FR 54327
Final 40	04/19/06	71 FR 20016
NPRM—44	04/19/06	71 FR 20052
Final 41	09/27/06	71 FR 56399
NPRM 45	09/27/06	71 FR 56433
Final 42	03/07/07	72 FR 10078
NPRM 46	03/07/07	72 FR 10105
Final 43	09/19/07	72 FR 53463
NPRM 47	09/19/07	72 FR 53509
Final 44	03/19/08	73 FR 14719
NPRM 48	03/19/08	73 FR 14742
Final 45	11/00/08	
NPRM 49	11/00/08	
Final 46	03/00/09	
NPRM 50	03/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State

Additional Information: SAN No. 3439; EPA publication information: NPRM-44 - frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=619330216737+1+0+0 &WASaction=retrieve; EPA Docket information: www.regulations.gov EPA-HQ-SFUND-200X-XXXX

URL For More Information:

www.epa.gov/superfund

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RIN: 2050-AD75

3232. • ADDITIONAL REFERENCE TO NEW FORESTLAND PHASE I STANDARD TO REFERENCED COMPLIANT STANDARDS IN ALL APPROPRIATE INQUIRIES

Priority: Other Significant**Legal Authority:** 42 USC 9601 et seq**CFR Citation:** 40 CFR 312**Legal Deadline:** None

Abstract: With this action, EPA will recognize the “ASTM E2247-08 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property” as compliant with the All Appropriate Inquiries Final Rule. The ASTM E2247-08 standard was recently revised to be compliant with the All Appropriate Inquiries regulation. The AAI final rule will be revised to add the new standard to the list of referenced standards in 40 CFR 312.11. By taking this action (Direct Final Rule with accompanying NPRM), EPA will be complying with the National Technology Transfer and Advancement Act of 1995 (NTTAA). The NTTAA directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. ASTM International is a voluntary standards development organization. ASTM International formally requested that EPA recognize the E2247-08 standard as compliant with the AAI final rule in a letter to Assistant Administrator Susan Bodine dated June 17, 2008.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Direct Final Action	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5292

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EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage

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Environmental Protection Agency (EPA)**Final Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act****3233. CERCLA—ADMINISTRATIVE REPORTING EXEMPTION FOR AIR RELEASES OF HAZARDOUS SUBSTANCES FROM ANIMAL WASTE AT FARMS**

Regulatory Plan: This entry is Seq. No. 108 in part II of this issue of the **Federal Register**.

RIN: 2050-AG37

Environmental Protection Agency (EPA)**Long-Term Actions****Comprehensive Environmental Response, Compensation and Liability Act****3234. NATIONAL CONTINGENCY PLAN REVISIONS TO ALIGN WITH THE NATIONAL RESPONSE PLAN**

Priority: Other Significant

Legal Authority: 42 USC 9601 et seq

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response Framework (NRF). The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. (see 40 CFR 300.1). The purpose of the NRF is to provide a guide that describes how the nation conducts all-hazard response to domestic incidents. The NRF was developed by the Department of Homeland Security, in consultation with Federal (including EPA), State, tribal, local governments, first responder organizations, private sector preparedness and relief groups. Alignment of the NCP with the NRF will facilitate smooth integration of emergency response activities under the NCP with the NRF when both plans are activated for an incident. The NRF does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating framework required to integrate the authorities of various agencies into an all-hazard approach to incident

management. EPA is making another minor revision to the NCP. The descriptions of Federal agency capabilities are being updated, and modifications are being made, where appropriate to reflect the new Department of Homeland Security organization.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4971

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RIN: 2050-AG22

3235. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES

Priority: Other Significant

Legal Authority: 42 USC 9602 and 9603

CFR Citation: 40 CFR 302 (Revision)

Legal Deadline: None

Abstract: The Agency is considering a proposal for corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F-and K- waste streams and entries in Appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

EPA—Comprehensive Environmental Response, Compensation and Liability Act **Long-Term Actions**

Government Levels Affected:

Undetermined

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RIN: 2050–AF03**Environmental Protection Agency (EPA)****Clean Water Act (CWA)****Proposed Rule Stage****3236. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; SUBPART J PRODUCT SCHEDULE LISTING REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 33 USC 1321(d)(2); 33 USC 1321(b)(3); CWA 311(d)(2)**CFR Citation:** 40 CFR 300; 40 CFR 110**Legal Deadline:** None

Abstract: The Agency is considering proposing revisions to subpart J of the National Contingency Plan (NCP). The Clean Water Act requires EPA to prepare a schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Under subpart J, respondents wishing to add a product to the Product Schedule must submit technical product data to EPA. The Agency is considering revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. The aim is to clarify EPA's authority to remove products from the Product Schedule. These changes, if finalized, will also help ensure protection of the environment when these products are used to clean up and mitigate oil spills (1) into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or (2) which may affect natural resources belonging to or under the exclusive management authority of the United States. Further, the Agency is considering proposed changes to 40 CFR 110.4 regarding the use of dispersants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4526

Sectors Affected: 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

URL For More Information:

www.epa.gov/oilspill

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RIN: 2050–AE87**3237. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** CWA 301; CWA 304; CWA 306 to 308; CWA 402; CWA 501**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: In EPA's 2004 Effluent Guidelines plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface or ground waters. A source of these pollutants is aircraft deicing fluid that is not properly recaptured, re-used, or treated before discharge. Deicing agents typically contain glycols and additives. There is great disparity among airports in terms of wastewater treatment and also in terms of discharge permits.

Effluent guidelines for these operations would apply only to wastewaters that are considered point source discharges. Discharges that are non-point sources would not be subject to any potential effluent guidelines.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
Final Action	06/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State

Additional Information: SAN No. 4948; EPA publication information: Final Action-projected date; EPA Docket information: EPA-HQ-OW-2004-0038

URL For More Information:

www.epa.gov/waterscience/guide/airport

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RIN: 2040–AE69**3238. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY**

Regulatory Plan: This entry is Seq. No. 105 in part II of this issue of the **Federal Register**.

RIN: 2040–AE91

EPA—Clean Water Act (CWA)**Proposed Rule Stage****3239. CRITERIA AND STANDARDS FOR COOLING WATER INTAKE STRUCTURES—PHASE II REMAND**

Priority: Economically Significant.
Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: CWA 101; CWA 301; CWA 304; CWA 308; CWA 316; CWA 401; CWA 402; CWA 501; CWA 510

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Legal Deadline: None

Abstract: Section 316(b) of the Clean Water Act (CWA) requires EPA to ensure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available (BTA) for minimizing adverse environmental impacts. In developing regulations to implement section 316(b), EPA divided its effort into three rulemaking phases. Phase II, for existing electric generating plants that use at least 50 MGD of cooling water, was completed in July 2004. Industry and environmental stakeholders challenged the Phase II regulations. On judicial review, the Second Circuit remanded several key provisions. In July 2007, EPA suspended Phase II and is now initiating a new 316(b) Phase II rulemaking. EPA expects this new rulemaking will similarly apply to approximately 600 existing electric generating plants and will address the Second Circuit's remand.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5210

URL For More Information:
www.epa.gov/waterscience/316b

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RIN: 2040-AE95

3240. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

Priority: Other Significant

Legal Authority: PL 106-554, sec 1404 to 1407

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop any such standards based on the best available scientific information

on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. The implementation of these regulations would reduce environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4746; This rule was formerly known as "Regulations for Cruise Ships Operating in Alaskan Waters."

Sectors Affected: 483114 Coastal and Great Lakes Passenger Transportation; 483112 Deep Sea Passenger Transportation

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RIN: 2040-AD89

**Environmental Protection Agency (EPA)
Clean Water Act (CWA)****Final Rule Stage****3241. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE**

Priority: Economically Significant.
Major under 5 USC 801.

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: On October 15, 2007, EPA proposed several amendments to the Spill Prevention, Control, and Countermeasure (SPCC) rule in order to

provided increased clarity, to tailor requirements to particular industry sectors, and to streamline certain requirements for a facility owner or operator subject to the rule.

Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728
NPRM 1 yr Compliance Extension	06/17/04	69 FR 34014

Action	Date	FR Cite
Final 18 months Compliance Extension	08/11/04	69 FR 48794
NODA re certain facilities	09/20/04	69 FR 56184
NODA re oil-filled and process equipment	09/20/04	69 FR 56182
NPRM	10/15/07	72 FR 58377
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

EPA—Clean Water Act (CWA)**Final Rule Stage**

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 2634.2; EPA publication information: NPRM—<http://edocket.access.gpo.gov/2007/pdf/e7-19701.pdf>; Split from RIN 2050-AC62; EPA Docket information: EPA-HQ-OPA-2007-0584

URL For More Information:
www.epa.gov/oilspill/spcc.htm

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RIN: 2050-AG16

3242. CONCENTRATED ANIMAL FEEDING OPERATION RULE

Priority: Other Significant

Legal Authority: CWA 301; CWA 304; CWA 306 to 308; CWA 402; CWA 501

CFR Citation: 40 CFR Part 122; 40 CFR Part 412

Legal Deadline: None

Abstract: This action finalizes revisions to the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for Concentrated Animal Feeding Operations (CAFOs). This rulemaking is in response to the decision issued by the U.S. Court of Appeals for the Second Circuit Waterkeeper Alliance et al. v. EPA, 399 F.3d 486 (2nd Cir. 2005). The rule revises the requirement for all CAFOs to apply for NPDES permits and instead requires only those CAFOs that discharge or propose to discharge to apply for permits. The rule provides a voluntary no discharge certification option for CAFOs that do not discharge or propose to discharge. The rule requires CAFOs seeking permit coverage to submit their nutrient management plans to the permitting authority and requires the permitting authority to include the terms of the nutrient management plans as enforceable permit conditions. The rule also clarifies and reaffirms that although the Clean Water Act (CWA) does not confer authority to regulate agricultural stormwater, the CWA authorizes permitting authorities to include water quality-based effluent

limitations (WQBELs) in an NPDES permit to limit discharges from production areas and land application areas that are not agricultural stormwater where necessary to meet applicable water quality standards. In addition, the final rule authorizes permit writers, upon request by new source veal calf, poultry, and swine CAFOs to establish best management practice no discharge effluent limitations as a means of meeting the New Source Performance Standard (NSPS) no discharge standards and affirms that the best conventional technology (BCT) limitations adopted in the 2003 ELGs do in fact represent the Best Conventional Control Technology for fecal coliform.

Timetable:

Action	Date	FR Cite
NPRM	06/30/06	71 FR37744
Supplemental NPRM	03/07/08	73 FR 12321
Supplemental NPRM Comment Period	04/07/08	
End		
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4996; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-30/w5773.htm>; SNPRM-<http://epa.gov/fedrgstr/EPA-WATER/2008/March/Day-07/w4504.htm>; EPA Docket information: EPA-HQ-OW-2005-0037

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RIN: 2040-AE80

3243. IMPLEMENTATION GUIDANCE FOR MERCURY WATER QUALITY CRITERIA

Priority: Other Significant

Legal Authority: 33 USC 1251 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In the 2001 Federal Register notice of the availability of EPA's recommended water quality criterion for methylmercury, EPA stated that it would develop associated procedures and guidance for implementing the criterion. For states and authorized tribes exercising responsibility under CWA section 303(c), this document provides technical guidance on how they might want to use the recommended 2001 fish tissue-based criterion to develop and implement their own water quality standards for methylmercury. The guidance addresses topics including adoption and revision of standards, monitoring, waterbody assessment, water quality standards issues, TMDL development, and NPDES permitting. Since atmospheric deposition is considered to be a major source of mercury for many waterbodies, implementing this criterion involves coordination across media and program areas.

Timetable:

Action	Date	FR Cite
Final	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 5098; EPA Docket information: Docket ID No. EPA-HQ-OW-2006-0656

URL For More Information:
<http://www.epa.gov/waterscience/criteria/methylmercury>

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RIN: 2040-AE87

3244. NPDES GENERAL PERMIT FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATIONS OF A VESSEL

Priority: Other Significant

Legal Authority: 33 USC 1342

CFR Citation: 40 CFR 122.3

Legal Deadline: None

Abstract: Creation of this permit is necessary to address a District Court ruling which vacates a regulatory exemption at 40 CFR 122.3(a). Nw. Envntl. Advocates v. EPA, 2006 U.S.

EPA—Clean Water Act (CWA)**Final Rule Stage**

Dist. LEXIS 68476 (N.D. Cal. Sep. 18, 2006). The regulation excludes discharges incidental to the normal operation of a vessel from NPDES permitting and has existed, essentially unchanged, since 1973. Under the ruling and subsequent extension, the district court will vacate the entire exclusion as of December 19, 2008. Once vacatur takes place, discharges of pollutants incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation will be subject to prohibitions in CWA section 301(a) against the discharge of a pollutant without a permit.

Timetable:

Action	Date	FR Cite
Proposal	06/17/08	73 FR 34296
Comment Period End	08/01/08	
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 5162; EPA publication information: Proposal - <http://edocket.access.gpo.gov/2008/pdf/>

E8-13615.pdf; EPA Docket information: EPA-HQ-OW-2008-0055

URL For More Information:

<http://www.epa.gov/npdes/vessels>

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RIN: 2040-AE93

3245. REVISIONS TO THE CLEAN WATER ACT REGULATORY DEFINITION OF "DISCHARGE OF DREDGED MATERIAL"

Priority: Info./Admin./Other

Legal Authority: 33 USC 1344

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking responds to the court order issued in the NAHB v. U.S. Army Corps of Engineers case, which struck down the "Tulloch II" rule promulgated under section 404 of the CWA. This case resulted in the

reinstatement of regulations applicable immediately prior to promulgation of the Tulloch II Rule (promulgated in 1999). This final rule is intended to amend the regulations at 33 CFR 323.3 and 40 CFR 232.2 to conform with the current legal state of the regulations governing discharges of dredged material.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5205

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RIN: 2040-AE96

Environmental Protection Agency (EPA) Clean Water Act (CWA)

Long-Term Actions

3246. • OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE; REVISIONS TO THE REGULATORY DEFINITION OF "NAVIGABLE WATERS"

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: EPA is developing a final rule to amend a Clean Water Act (CWA) section 311 regulation that defines the term "navigable waters." On July 17, 2002, EPA promulgated a final rule that included revisions to the definition of "navigable waters" in the Spill Prevention, Countermeasure and Control (SPCC) regulation. On March 31, 2008, the United States District Court for the District of Columbia (D.D.C.) in *American Petroleum Institute v. Johnson*, 571 F.Supp.2d 165

(D.D.C. 2008), invalidated the revisions to the definition of "navigable waters" and restored the regulatory definition of "navigable waters" promulgated by EPA in 1973. EPA plans to amend the definition of "navigable waters" in part 112 to comply with that decision.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 2634.6; Split from RIN 2050-AG16. Split from RIN 2050-AC62.; EPA Docket information: EPA-HQ-OPA-2008-0569

URL For More Information:

www.epa.gov/oilspill/spcc.htm

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RIN: 2050-AG48

3247. TEST PROCEDURES: PERFORMANCE-BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This action would establish performance-based measurement

EPA—Clean Water Act (CWA)**Long-Term Actions**

procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

Timetable:

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 3713

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RIN: 2040-AC93

3248. TEST PROCEDURES FOR THE ANALYSIS OF CO-PLANAR AND MONO-ORTHO-SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant**Legal Authority:** 33 USC 1314; 33 USC 1361(a)**CFR Citation:** 40 CFR 136**Legal Deadline:** None

Abstract: The proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant

Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 4049**URL For More Information:**

<http://www.epa.gov/waterscience/methods>

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RIN: 2040-AD09

3249. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II

Priority: Substantive, Nonsignificant**Legal Authority:** 33 USC 1322; 33 USC 1361**CFR Citation:** 40 CFR 1700**Legal Deadline:** Final, Statutory, May 10, 2001.

Abstract: This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a

nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as hull coating leachate); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. The Phase II performance standards will be promulgated in five "batches." Each batch will address several performance standards. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 4357**URL For More Information:**

<http://www.epa.gov/owow/oceans/regulatory/unds>

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EPA—Clean Water Act (CWA)

Long-Term Actions

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3250. NPDES APPLICATIONS REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311 CWA 301; 33 USC 1312 CWA 302; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

CFR Citation: 40 CFR 122 to 124

Legal Deadline: None

Abstract: EPA plans to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include modifying and streamlining existing permit application requirements. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities that implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3786; EPA publication information: Final Action-projected date.

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RIN: 2040-AC84

3251. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501(a)

CFR Citation: 40 CFR 122.38; 40 CFR 122.41 and 122.42

Legal Deadline: None

Abstract: EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3999; Note: This rule was formerly known as "Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges."

Sectors Affected: 22132 Sewage Treatment Facilities

URL For More Information:
www.epa.gov/npdes

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RIN: 2040-AD02

3252. NPDES PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM PUBLICLY OWNED TREATMENT WORK TREATMENT PLANTS SERVING SANITARY SEWER COLLECTION SYSTEMS POLICY

Priority: Other Significant

Legal Authority: 33 USC 1311; 33 USC 1318; 33 USC 1342; 33 USC 1361

CFR Citation: 40 CFR 122.41(m)

Legal Deadline: None

Abstract: During periods of wet weather, wastewater flows received by municipal sewage treatment plants can significantly increase, which can create operational challenges for sewage treatment facilities. Where peak flows approach or exceed the design capacity of a treatment plant they can seriously reduce treatment efficiency or damage treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies. One engineering practice that some facilities use to protect biological treatment units from damage and to prevent overflows and backups elsewhere in the system is referred to as wet weather blending. Wet weather blending occurs during peak wet weather flow events when

EPA—Clean Water Act (CWA)

Long-Term Actions

flows that exceed the capacity of the biological units are routed around the biological units and blended with effluent from the biological units prior to discharge. Regulatory agencies, sewage treatment plant operators, and representatives of environmental advocacy groups have expressed uncertainty about National Pollutant Discharge Elimination System (NPDES) requirements addressing such situations. EPA requested public comment on a proposed policy published on November 7, 2003. Based on a review of all the information received, EPA has decided not to finalize the policy as proposed in November 2003. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

Timetable:

Action	Date	FR Cite
1st Draft Policy	11/07/03	68 FR 63042
2nd Draft Policy	12/22/05	70 FR 76013
Final Policy	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal**Federalism:** Undetermined

Additional Information: SAN No. 4690; EPA publication information: 1st Draft Policy - frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2003_register&docid=fr07no03-24.pdf; EPA Docket information: EPA-HQ-OW-2005-0523

Sectors Affected: 22132 Sewage Treatment Facilities**URL For More Information:**www.epa.gov/npdes

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RIN: 2040-AD87**3253. AVAILABILITY OF AND PROCEDURES FOR REMOVAL CREDITS****Priority:** Other Significant

Legal Authority: 33 USC 1251 CWA 101; 33 USC 1288 CWA 208; 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1317 CWA 307; 33 USC 1318 CWA 308; 33 USC 1319 CWA 309; 33 USC 1342 CWA 402; 33 USC 1345 CWA 405; 33 USC 1361 CWA 501

CFR Citation: 40 CFR 403**Legal Deadline:** None

Abstract: This action is an update to the removal credits regulation found at 40 CFR 403.7. Specifically, EPA will propose to amend the list of pollutants eligible for removal credits in 40 CFR 403.7, Appendix G, Table II, to add 16 pollutants that EPA has determined would not need to be regulated under the sewage sludge regulations. These 16 pollutants have gone through the same assessment as the pollutants currently identified as eligible for removal credits in Table II; the assessment included public notice and comment in conjunction with a related Office of Water action.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/05	70 FR 60199
NPRM	01/00/10	
Final Action	01/00/11	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State

Additional Information: SAN No. 3663.1; Split from RIN 2040-AC58.

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RIN: 2040-AE88**3254. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR CHLORINE AND CHLORINATED HYDROCARBON MANUFACTURING PROCESS****Priority:** Other Significant**Legal Authority:** 30 USC 1311 et seq**CFR Citation:** 40 CFR 414 (Revision) and 415 (Revision)**Legal Deadline:** None

Abstract: EPA is considering revising the existing effluent guidelines and standards for the manufacture of chlorinated hydrocarbons and elemental chlorine. We refer to this industrial segment as chlorine and chlorinated hydrocarbons manufacturing, or CCH. Currently, wastewater discharges from chlorinated hydrocarbons manufacturing are subject to the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Point Source Category (40 CFR part 414). The wastewater discharges from chlorine manufacturing through the chlor-alkali manufacturing process are subject to the Inorganic Chemicals Point Source Category (40 CFR part 415). Based on a preliminary study, discharges from vinyl chloride and chlor-alkali manufacturing might contain significant quantities of toxic pollutants, including dioxin. Since this effluent guidelines review began, EPA has gathered industry data through site visits and sampling and also developed a survey to collect detailed site-specific data from all known CCH manufacturers. Because CCH member companies are currently collecting data to characterize baseline discharge quantities of dioxin, at this time EPA is deferring its efforts to survey the CCH industry.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Additional Information: SAN No. 4980; EPA publication information: NPRM-projected date; This action was previously titled Effluent Limitations Guidelines and Standards for the Vinyl Chloride and Chlor-Alkali Point Source

EPA—Clean Water Act (CWA)

Long-Term Actions

Categories; EPA Docket information:
EPA-HQ-OW-2005-0012

URL For More Information:

www.epa.gov/waterscience/guide/cch/

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RIN: 2040-AE82

**3255. • NPDES PROGRAM
MANAGEMENT INFORMATION
RULEMAKING**

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: CWA sections 304(i)
and 501(a), 33 USC 1314(i) and 1361(a)

CFR Citation: 40 CFR 123, 403, and
501

Legal Deadline: NPRM, Judicial,
August 25, 2008.

Abstract: The U.S. Environmental
Protection Agency (EPA) has the
primary responsibility to ensure that
the Clean Water Act's (CWA) National
Pollutant Discharge Elimination System
(NPDES) program is effectively and
consistently implemented across the
country, thus ensuring that the human
health and environmental protection
goals of the CWA are met. This
regulation would identify the essential
information that EPA needs to receive
from NPDES agencies (NPDES-
authorized States, territories, and tribes)
effectively to manage the national
NPDES permitting and enforcement
program. Through this regulation, EPA
seeks to ensure that such facility-
specific information would be readily
available, accurate, timely and
nationally consistent on the facilities
that are regulated by the NPDES
program.

EPA's business needs for this
information include:

- a) Identifying the universe of facilities
covered by the NPDES program;
- b) Identifying the compliance status of
facilities subject to NPDES regulations
in a nationally consistent manner;
- c) Informing and enabling the Office of
Water to develop effective water
pollution regulations;
- d) Developing a national picture of the
status of implementation of the CWA
in watersheds throughout the nation;

e) Identifying potential non-compliance
problems and their associated
environmental impacts so that
resources can be effectively targeted;

f) Developing effective national
strategies for improving compliance
and environmental protection;

g) Demonstrating results achieved to
meet NPDES program goals, including
the Government Performance and
Results Act (GPRA) measures reported
to Congress, under Goal 2 (Clean and
Safe Water) and Goal 5 (Compliance
and Environmental Stewardship);

h) Informing EPA's national program
management responsibilities;

i) Responding to frequent inquiries
from various Congressional members;
and

j) Informing the public about the
compliance status of facilities in their
communities.

In the past, EPA primarily obtained this
information from the Permit
Compliance System (PCS). Since 1985,
PCS served as the national data base
for the NPDES program and as the
primary source of NPDES information
for EPA, NPDES-authorized States,
Congress, and the public. However, the
evolution of the NPDES program since
the inception of PCS has created an
increasing need to better reflect a more
complete picture of the NPDES program
and the diverse universe of regulated
sources, including smaller and non-
traditional sources. In addition,
information technology has advanced
significantly since the creation of PCS.
PCS no longer meets EPA's national
needs to manage the full scope of the
NPDES program or the needs of
individual States that use PCS to
implement and enforce the NPDES
program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	
Final Action	08/00/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal,
State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 5251

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RIN: 2020-AA47

**3256. NEW/REVISED AMBIENT
WATER QUALITY CRITERIA (AWQC)
FOR RECREATIONAL WATERS**

Priority: Substantive, Nonsignificant

Legal Authority: CWA 304(a)(9)

CFR Citation: Not Yet Determined

Legal Deadline: Other, Judicial,
October 15, 2012, consent decree,
10/15/2012.

Abstract: EPA is publishing new or
revised water quality criteria
recommendations for pathogens and
pathogen indicators pursuant to CWA
section 304(a)(9)(A). The criteria
recommendations will be considered by
states in adopting new or revised water
quality standards to protect swimming.
The foundation for the development of
new or revised recreational water
quality criteria is the relevant research
and studies that EPA and others have
completed prior to 2007 and the
research and studies that EPA (and
others) will undertake between 2007
and the end of 2010. These studies and
the timelines for completing these
studies are fully described in EPA's
"Critical Path Science Plan for the
Development of New or Revised
Recreational Water Quality Criteria"
(CPSP). They include freshwater and
marine epidemiological studies, as well
as supporting studies to aid in the
development of criteria for use in a
range of geographic areas. Together,
these studies will be analyzed and
evaluated for use in publishing EPA's
new or revised recreational criteria
recommendations.

Timetable:

Action	Date	FR Cite
Draft Guidance	03/00/12	
Final Guidance	10/00/12	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal,
State, Tribal

EPA—Clean Water Act (CWA)**Long-Term Actions****Additional Information:** SAN No. 4967**Agency Contact:** Stephen Schaub,
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Clean Water Act (CWA)****Completed Actions****3257. WATER TRANSFERS RULE****Priority:** Other Significant**CFR Citation:** 40 CFR 122.3**Completed:**

Reason	Date	FR Cite
NPRM	06/07/06	71 FR 32887
Final Action	06/13/08	73 FR 33697

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Virginia Garelick

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RIN: 2040-AE86**3258. EFFLUENT GUIDELINES AND
STANDARDS: RECODIFICATION OF
VARIOUS EFFLUENT GUIDELINES****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 401; 40 CFR 419**Completed:**

Reason	Date	FR Cite
Withdrawn	08/25/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal,
Local, State**Agency Contact:** Debra Nicoll

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RIN: 2040-AE61**3259. 2008 EFFLUENT GUIDELINES
PROGRAM PLAN****Priority:** Substantive, Nonsignificant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Plan	09/15/08	73 FR 53218

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Carey Johnston

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RIN: 2040-AE89**3260. • NPDES VOLUNTARY PERMIT
FEE INCENTIVE FOR CLEAN WATER
ACT SECTION 106 GRANTS;
ALLOTMENT FORMULA****Priority:** Other Significant**Legal Authority:** CWA 106**CFR Citation:** 40 CFR 35.162(e)**Legal Deadline:** None

Abstract: The final rulemaking provides a financial incentive to States that implement new or expanded fee programs when issuing National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act (CWA). EPA's rule allots up to three percent of the FY 2008 base funds allocated to States from CWA section 106 grants appropriated by Congress to States that have adequate NPDES permit fee programs. The final rule takes effect on the date of publication in the Federal Register. The rule will be implemented in FY 2009. The increased cost of administering NPDES programs has prompted some States to

implement permit fee programs to cover the shortfalls. Many States, however, still operate their permit programs with little or no reliance on permit fees. The NPDES Voluntary Permit Fee Incentive for Clean Water Act section 106 Grants; Allotment Formula will create financial incentives to prompt more States to implement adequate NPDES fee programs and shift part of the financial burden to those who benefit from NPDES permits. It will also allow States to shift CWA Section 106 funds to target other critical water quality program activities.

Timetable:

Action	Date	FR Cite
NPRM	01/04/07	72 FR 293
NPRM Comment Period End	03/05/07	
Final Action	09/10/08	73 FR 52585

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

Additional Information: SAN No. 5243; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2007/January/Day-04/w22549.htm>; Final Action - <http://www.epa.gov/fedrgstr/EPA-WATER/2008/September/Day-10/w21046.htm>; EPA Docket information: EPA-HQ-OW-2006-0765

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RIN: 2040-AE99

Environmental Protection Agency (EPA)

Safe Drinking Water Act (SDWA)

Proposed Rule Stage

3261. SECOND 6-YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141 and 142

Legal Deadline: Final, Statutory, August 6, 2009, Complete review for contaminants with NPDWRs promulgated prior to August 2002.

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to review and revise, if appropriate, all National Primary Drinking Water Regulations (NPDWRs) no less frequently than once every 6 years. According to SDWA, any revisions of drinking water regulations must maintain, or increase, the level of public health protection provided; however, EPA may identify regulatory changes that will streamline or reduce existing requirements without lessening the level of public health protection. As part of this action, the Office of Water (OW) will implement the existing protocol for conducting each 6-year review (developed under the first 6-year review cycle) to review critical elements for regulated chemical contaminants (e.g., health risks, occurrence, analytical methods, treatment technologies). No new requirements will be imposed by this action. The purpose of the review is to determine whether new data, technology, or other factors exist that justify revisions to existing NPDWRs. The outcome of the review will be a Federal Register notice making available the results of the Agency's review and recommendations for any regulations the Agency may consider revising. Because this action does not change or add to existing requirements, OW will not be performing a formal economic analysis or consulting with small businesses, governments, or tribal officials. OW does not plan to generate new data as part of this action; the review will be based on recent compliance data from public water systems and existing data on health effects (such as completed IRIS and OPPTS health risk assessments) and analytical methods.

Timetable:

Action	Date	FR Cite
Preliminary Notice	08/00/09	
Final Notice	05/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5066

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RIN: 2040-AE90

3262. FEDERAL REQUIREMENTS UNDER THE UNDERGROUND INJECTION CONTROL (UIC) PROGRAM FOR CARBON DIOXIDE (CO₂) GEOLOGIC SEQUESTRATION (GS) WELLS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 144 to 146 (proposed revision)

Legal Deadline: None

Abstract: Geologic Sequestration (GS) is the process of injecting CO₂ that has been captured from an emission source, such as a coal fired electric power plant, into deep subsurface rock formations for long term storage. The Safe Drinking Water Act (SDWA) requires EPA to regulate the injection of fluid, including gases such as CO₂, to prevent the endangerment of underground sources of drinking water (USDWs) and public health. In March 2007, EPA issued guidance to assist State and EPA Regional Underground Injection Control Programs in processing permit applications for pilot and other demonstration scale GS projects. EPA committed to following up the guidance with the development of a long term management framework for permitting commercial scale GS projects. The rule when finalized will establish these new Federal requirements for States and Regional UIC Programs.

Timetable:

Action	Date	FR Cite
NPRM	07/25/08	73 FR 43491

Action	Date	FR Cite
NPRM Comment Period End	11/24/08	
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 5211; EPA publication information: NPRM - <http://edocket.access.gpo.gov/2008/pdf/E8-16626.pdf>; EPA Docket information: EPA-HQ-OW-2008-0390

URL For More Information:

http://www.epa.gov/ogwdw/uic/wells_sequestration.html

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RIN: 2040-AE98

3263. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: MINOR CORRECTION TO STAGE 2 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE AND CHANGES RELATED TO REFERENCES OF ANALYTICAL METHODS

Priority: Info./Admin./Other

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 143

Legal Deadline: None

Abstract: EPA promulgated the Stage 2 Disinfectants and Disinfectant Byproducts Rule on January 4, 2006 (71 FR 388). The requirements for ground water systems serving 500-9999 people were unintentionally excluded from the final rule. As a result, the rule allowed for less routine compliance monitoring than intended for this category of PWSs. These PWSs should have been required to monitor for both trihalo methanes (TTHMs) and HAA5 concentrations. Due to the error, they were only required to monitor for either TTHMs or HAA5s. EPA also needs to add a notation to methods tables currently in the regulations to indicate where readers can find the list of methods approved under the expedited process. This action will add a reference to the list of additional methods to tables in 40 CFR 141.

EPA—Safe Drinking Water Act (SDWA)**Proposed Rule Stage****Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5272;

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RIN: 2040-AF00

Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)
Final Rule Stage
3264. DRINKING WATER
CONTAMINANT CANDIDATE LIST 3

Priority: Other Significant

Legal Authority: 42 USC 300g-1(b)

CFR Citation: None

Legal Deadline: Final, Statutory, February 24, 2010, SDWA requires EPA to publish a list of candidate contaminants every 5 years. CCL2 published 2/24/2005.

Abstract: The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every five years of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA. The purpose of this action is to prepare and publish the third Contaminant Candidate List (CCL). In preparing the third list, EPA will evaluate the classification approach recommended by the National Academy of Sciences' National Research Council (NRC) and National Drinking Water Advisory Council (NDWAC), as applicable, to develop an approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs.

Timetable:

Action	Date	FR Cite
Preliminary FR	02/21/08	73 FR 9627
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4745; EPA publication information: Preliminary FR - <http://www.epa.gov/fedrgstr/EPA->

[WATER/2008/February/Day-21/w3114.pdf](http://www.epa.gov/fedrgstr/EPA-WATER/2008/February/Day-21/w3114.pdf); EPA Docket information: EPA-HQ-OW-2007-1189

URL For More Information:

<http://www.epa.gov/safewater/ccl>

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RIN: 2040-AD99

3265. DRINKING WATER
REGULATIONS FOR AIRCRAFT
PUBLIC WATER SYSTEM

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: The action is to tailor drinking water rule requirements to the unique characteristics of aircraft to ensure that the water passengers drink while on an airplane is safe. This action is necessary because aircraft public water systems are very different from traditional public water systems. Aircraft fly to multiple destinations throughout the course of any given day and may board water from different sources along the way. Depending on the quality of the water that is boarded from these multiple sources and the

care used to board the water, contamination could be introduced. This increases the vulnerability of the aircraft's water system to contamination when compared to a typical public water system. In the United States water loaded aboard passenger aircraft comes from public water systems. The water provided by public water systems that are regulated by state and federal authorities is among the safest in the world; however, a significant percentage of passenger aircraft travel includes international destinations. These aircraft may board water from foreign sources which are not subject to EPA drinking water standards.

Timetable:

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19319
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4966; EPA publication information: NPRM - <http://edocket.access.gpo.gov/2008/pdf/E8-7035.pdf>; EPA Docket information: EPA-HQ-OW-2005-0025

URL For More Information:

<http://www.epa.gov/safewater/airlinewater/index2.html>

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RIN: 2040-AE84

Environmental Protection Agency (EPA)

Safe Drinking Water Act (SDWA)

Long-Term Actions

3266. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON

Priority: Economically Significant.
Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

Abstract: In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM Original	07/18/91	56 FR 33050
Notice 99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	05/00/11	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 2281; EPA Docket information: EPA-HQ-OW-2003-0041

Sectors Affected: 22131 Water Supply and Irrigation Systems

URL For More Information:

<http://www.epa.gov/ogwdw/radon.html>

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RIN: 2040-AA94

3267. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3238

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040-AC13

3268. NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWR): METHYL TERTIARY BUTYL ETHER (MTBE) AND TECHNICAL CORRECTIONS TO THE NSDWR

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 143 (Revision)

Legal Deadline: None

Abstract: Methyl Tertiary Butyl Ether (MTBE) is an automobile fuel additive, introduced in the late 1970s during lead phase-out as an octane enhancer. It has been used in increasing quantity in the 1990s to meet the requirement of the federal Reformulated Gasoline (RFG) and Oxyfuels programs required by the Clean Air Act Amendments of 1990. However, MTBE has been detected in ground water and drinking water in a number of states due to leaking underground storage tanks and leaking pipelines. Although most of these detections are at levels well below health concern, MTBE's distinctive turpentine-like taste and odor can be detected at low levels. Presently, the Agency is revising the health assessment for MTBE.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4404

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040-AD54

3269. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND CONSIDERATION OF DISTRIBUTION SYSTEM ISSUES

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

EPA—Safe Drinking Water Act (SDWA)

Long-Term Actions

CFR Citation: 40 CFR 141 and 142

Legal Deadline: None

Abstract: EPA is revising the Total Coliform Rule (TCR), which was published in 1989. On July 18, 2003, EPA published a Federal Register (68 FR 42907) Notice of Intent to revise the TCR. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, “initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks.” The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends to strengthen the TCR and to consider how to address distribution system contamination issues. The process to do so involves a performance evaluation, development of issue papers on both distribution systems and total coliform, stakeholders meetings, and proposed and final rules.

In September 2008, members of a Federal Advisory Committee signed an agreement in principle (AIP) that recommended revisions to the TCR, as well as research and information collection needed to better understand potential public health impacts from conditions in the distribution system and control microbial drinking water contamination.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	
Final Action	11/00/12	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4775

URL For More Information:

www.epa.gov/safewater/tcr/tcr.html

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RIN: 2040-AD94

3270. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS

Priority: Info./Admin./Other

Legal Authority: 42 USC 300h-1 SDWA 1422; 42 USC 300h-4 SDWA 1425

CFR Citation: 40 CFR 147 (Revision)

Legal Deadline: None

Abstract: EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4236

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RIN: 2040-AD40

3271. • REVISING UNDERGROUND STORAGE TANK REGULATIONS—REVISIONS TO EXISTING REQUIREMENTS AND ADDITIONS TO INCORPORATE THE PROVISIONS OF THE ENERGY POLICY ACT

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Underground Storage Tank (UST) regulations were first promulgated in 1988 primarily to prevent releases from retail petroleum marketers (gas stations) and other facilities into the environment. These regulations have reduced the incidents of contamination. However, there is a need to revise the regulations to incorporate changes to the UST program from the Energy Policy Act of 2005, as well as to update outdated portions of the regulations due to changes in technology since the 1980s.

On August 8, 2005, President Bush signed the Energy Policy Act of 2005 (EPAct). Title XV, subtitle B, of this act (entitled the Underground Storage Tank Compliance Act of 2005) amends subtitle I of the Solid Waste Disposal Act, the original legislation that created the UST program. There are key provisions of the EPAct that apply to

EPA—Safe Drinking Water Act (SDWA)**Long-Term Actions**

states receiving federal UST funding but do not apply in Indian Country, including requirements for secondary containment, operator training and delivery prohibition. As a part of this action, EPA plans to implement these provisions in Indian Country and in states that choose not to obtain State Program Approval from EPA in order to achieve more consistent program results in release prevention and compliance. Both EPA and tribes recognize the importance of having requirements that can help to ensure parity in program implementation between States and in Indian Country, which is consistent with EPA's policy. Through this action, EPA will ensure federal enforceability of the EPAct provisions across the country. EPA will

also use our knowledge of the program gained over the last 20 years to update and revise the regulations to make targeted changes to improve implementation and prevent UST releases.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 5284; None**URL For More Information:**

www.epa.gov/oust/

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RIN: 2050-AG46**Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)****Completed Actions****3272. DRINKING WATER:
REGULATORY DETERMINATIONS
REGARDING CONTAMINANTS ON
THE SECOND DRINKING WATER
CONTAMINANT CANDIDATE LIST****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Preliminary Notice	05/01/07	72 FR 24016
Final Notice	07/30/08	73 FR 44251

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 2040-AE60**3273. NATIONAL PRIMARY DRINKING
WATER REGULATIONS: STAGE I
DISINFECTANT/DISINFECTION
BY-PRODUCTS RULE (COMPLETION
OF A SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610**CFR Citation:** None**Legal Deadline:** None

Abstract: Congress required EPA to promulgate a Stage 1 and a Stage 2 Distribution Disinfection By-products Rule (DBPR) as part of the 1996 Safe Drinking Water Act Amendments (sec. 1412 (b)(2)(C)). The Stage 1 DPBR was finalized in 1998 (63 FR 69390, Dec. 16, 1998). Under the Stage 1 DBPR, EPA set maximum disinfectant level goals or maximum contaminant level goals for several disinfectants and disinfection by-products. EPA also set monitoring, reporting and public notification requirements for these compounds. EPA performed a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (5 U.S.C. 604) and was not able to certify that the final Stage 1 DBPR will not have a significant economic impact on a substantial number of small entities. The Stage 2 DBPR (71 FR 388, Jan. 4, 2006) augments Stage 1 DBPR. EPA re-evaluated the Stage 1 DBPR and worked with stakeholders to develop the Stage 2 DBPR through consultation with a DBP Federal Advisory Committee (including small water

system owners): State, local, and tribal governments; the National Drinking Water Advisory Committee; the Science Advisory Board; a Small Business Regulatory Enforcement Fairness Act consultation; a pre-proposal draft for comment as well as formal notice and public comment on the proposed Stage 2 DBPR. This entry in the regulatory agenda announced that while EPA has taken steps to evaluate and mitigate impacts on small entities of the Stage 1 DBPR as part of the promulgation of the final Stage 2 DBPR, pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610), EPA reviewed the Stage 1 DBPR. As part of this review, EPA considered and solicited comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. EPA received no comments and completed the review. Based on the evaluation of the Stage 1 DBPR during the promulgation of the Stage 2 DBPR, EPA believes there is a continued need for the Stage 1 DBPR.

EPA—Safe Drinking Water Act (SDWA)**Completed Actions****Timetable:**

Action	Date	FR Cite
Final Rule	12/16/98	63 FR 69389
Begin Review	05/05/08	73 FR 24755
End Comment Period	08/04/08	
End Review	08/19/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5258; EPA Docket information: EPA-HQ-OW-2008-0226

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RIN: 2040-AE97

Environmental Protection Agency (EPA)**Long-Term Actions****Shore Protection Act (SPA)****3274. SHORE PROTECTION ACT REGULATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2601 “Shore Protection Act of 1988”; PL 100-688 “4103(b)”

CFR Citation: 40 CFR 237

Legal Deadline: None

Abstract: This rule would implement provisions of the Shore Protection Act (SPA) designed to prevent the deposit of municipal and commercial waste into U.S. coastal waters. This rule would establish minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters

of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies procedures to prevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule.

Timetable:

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44798
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local

Additional Information: SAN No. 2820

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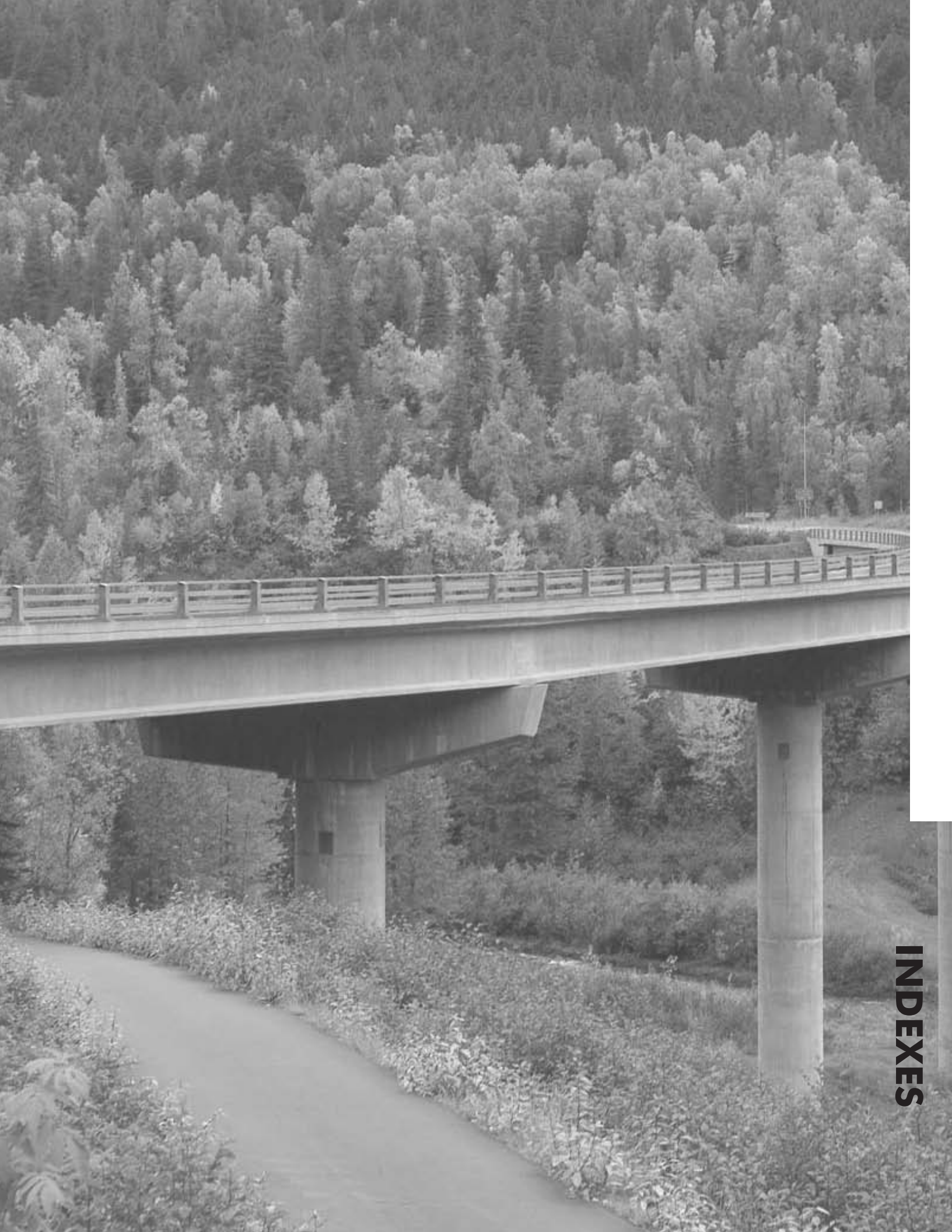
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RIN: 2040-AB85

[FR Doc. E8-21213 Filed 11-21-08; 8:45 am]

BILLING CODE 6560-50-S



A. INDEX TO ENTRIES THAT AGENCIES HAVE DESIGNATED FOR SECTION 610 REVIEW

Section 610(a) of the Regulatory Flexibility Act (5 U.S.C. 601) requires each agency to have a plan for the periodic review of its rules that have a significant economic impact on a substantial number of small entities. Each agency must publish annually in the Federal Register a list of the rules that it plans to review in the next year.

2040-AE97	National Primary Drinking Water Regulations: Stage I Disinfectant/Disinfection By-Products Rule
2060-AO82	Control of Emissions of Air Pollution From Nonroad Diesel Engines
2060-AP09	VOC Regulation for Architectural Coatings

B. INDEX TO ENTRIES FOR WHICH A REGULATORY FLEXIBILITY ANALYSIS IS REQUIRED

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda. The following index lists the regulatory actions in this publication for which EPA believes that the Act may require a Regulatory Flexibility Analysis because the rule is likely to have such effects on small businesses, small governmental jurisdictions, or small organizations.

Businesses

2040-AA94	National Primary Drinking Water Regulations: Radon
2040-AD94	National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
2060-AO81	Renewable Fuels Standard Program
2060-AM34	Control of Emissions From Nonroad Spark-Ignition Engines and Equipment
2070-AJ20	Pesticides; Competency Standards for Occupational Users
2070-AJ22	Pesticides; Agricultural Worker Protection Standard Revisions

Governmental Jurisdictions

2040-AA94	National Primary Drinking Water Regulations: Radon
2040-AD94	National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources

Organizations

2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
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C. INDEX TO ENTRIES THAT MAY AFFECT SMALL ENTITIES WHEN A REGULATORY FLEXIBILITY ANALYSIS IS NOT REQUIRED

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Some agencies including EPA have chosen to identify additional regulatory actions that may have some impact on small entities even though a Regulatory Flexibility Analysis may not be required. The following index lists the regulatory actions in this publication for which agencies have chosen to indicate that some impact on small entities is likely even though a Regulatory Flexibility Analysis may not be required.

Businesses

<u>2008-AA01</u>	Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO ₂) Area
<u>2025-AA19</u>	TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
<u>2025-AA16</u>	TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory
<u>2025-AA17</u>	TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals
<u>2025-AA11</u>	Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation
<u>2025-AA02</u>	Public Information and Confidentiality Regulations
<u>2040-AE91</u>	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
<u>2040-AE95</u>	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
<u>2040-AD09</u>	Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act
<u>2040-AE82</u>	Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process
<u>2040-AC13</u>	National Primary Drinking Water Regulations: Aldicarb
<u>2040-AB85</u>	Shore Protection Act Regulations
<u>2050-AG43</u>	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments
<u>2050-AE87</u>	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements
<u>2050-AG45</u>	Standards for the Safe and Environmentally Protective Placement of Coal Combustion Products as Minefill in Coal Mines Not Regulated Under the Surface Mining Control and Reclamation Act
<u>2050-AE51</u>	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
<u>2050-AG29</u>	NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration)
<u>2060-AO15</u>	NESHAP: Portland Cement Notice of Reconsideration
<u>2060-AI62</u>	National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments
<u>2060-AE94</u>	NSPS: SO ₂ MI--Wastewater Amendments
<u>2060-AN00</u>	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
<u>2060-AO12</u>	Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines
<u>2060-AO38</u>	Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder
<u>2060-AO66</u>	Plywood and Composite Wood Products (PCWP) NESHAP--Amendments To Address "No Emission Reduction" MACT Floors
<u>2060-AO90</u>	NSPS for Equipment Leaks; Amendments

<u>2060-AP34</u>	NSPS Equipment Leaks (Subpart VV SOxMI and GGG Petroleum Refineries); Amendments
<u>2060-AO25</u>	Revision of Hearing-Protector Regulations
<u>2060-AH37</u>	Review of New Sources and Modifications in Indian Country
<u>2060-AK26</u>	Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide
<u>2060-AO42</u>	Review of New Source Performance Standards--Portland Cement
<u>2060-AM37</u>	NESHAP: Area Source Standards--Plating and Polishing
<u>2060-AO16</u>	Risk and Technology Review for Group I: Polymers & Resins I; Polymers & Resins II, Acetal Resins, and Hydrogen Fluoride
<u>2060-AO55</u>	Petroleum Refinery Residual Risk Standards
<u>2060-AN43</u>	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
<u>2060-AM55</u>	Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act
<u>2060-AO29</u>	Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers
<u>2060-AM06</u>	Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder
<u>2060-AO27</u>	NESHAP--Area Source Standards--Nine Metal Fabrication and Finishing Source Categories (12 SICs, 23 NAICS Codes)
<u>2070-AJ45</u>	Pesticides; Reconsideration of Exemptions for Insect Repellents
<u>2070-AJ38</u>	Polychlorinated Biphenyls (PCBs); Use and Distribution in Commerce
<u>2070-AJ32</u>	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
<u>2070-AB27</u>	Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders
<u>2070-AD16</u>	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
<u>2070-AD61</u>	Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening
<u>2070-AD58</u>	Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Certain Polymers
<u>2070-AC37</u>	Refractory Ceramic Fibers (RCFs)
<u>2070-AJ06</u>	Testing Agreement for Perfluorooctanoic Acid (PFOA)
<u>2070-AJ09</u>	HAPs Testing Agreement for Diethanolamine
<u>2070-AB11</u>	TSCA Section 8(d) Health and Safety Data Reporting Rules
<u>2070-AC21</u>	Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban
<u>2070-AJ29</u>	Pesticide Agricultural Container Recycling Program
<u>2070-AD30</u>	Pesticides; Data Requirements for Antimicrobials
<u>2070-AD14</u>	Pesticides; Registration Requirements for Antimicrobial Pesticide Products
<u>2070-AJ26</u>	Pesticides; Determination of Status of Prions as Pests
<u>2070-AC51</u>	Asbestos Model Accreditation Plan Revisions
<u>2070-AJ04</u>	TSCA Inventory Nomenclature for Enzymes and Proteins
<u>2070-AA58</u>	Follow-Up Rules on Existing Chemicals
<u>2070-AJ31</u>	Significant New Use Rule for Chloranil
<u>2070-AB79</u>	Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances
<u>2070-AB94</u>	Testing for Existing Chemicals (Overview Entry for Future Needs)
<u>2070-AC76</u>	Test Rule; Hazardous Air Pollutants (HAPs)
<u>2070-AD10</u>	Test Rule; Certain Metals
<u>2070-AD25</u>	Voluntary High Production Volume (HPV) Chemical Challenge Program

2070-AD28	Testing Agreement for Certain Oxygenated Fuel Additives
2070-AD44	Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity
2070-AJ07	Testing Agreement for Aryl Phosphates (ITC List 2)
2070-AJ08	Test Rule; Brominated Flame Retardants (BFRs)
2070-AJ10	HAPS Testing Agreement for Hydrogen Fluoride
2070-AJ11	HAPS Testing Agreement for Phthalic Anhydride
2070-AJ13	Testing Agreement for Maleic Anhydride
2070-AB08	TSCA Section 8(a) Preliminary Assessment Information Rules
2070-AC64	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
2070-AD64	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
2070-AD53	TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)
2070-AJ43	TSCA Inventory Update Reporting Modifications
2070-AJ30	Nanoscale Materials Under TSCA

Governmental Jurisdictions

2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AD09	Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act
2040-AD02	NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities
2040-AC13	National Primary Drinking Water Regulations: Aldicarb
2040-AB85	Shore Protection Act Regulations
2050-AG45	Standards for the Safe and Environmentally Protective Placement of Coal Combustion Products as Minefill in Coal Mines Not Regulated Under the Surface Mining Control and Reclamation Act
2060-AH37	Review of New Sources and Modifications in Indian Country
2060-AN43	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2070-AC51	Asbestos Model Accreditation Plan Revisions
2070-AA58	Follow-Up Rules on Existing Chemicals
2070-AD25	Voluntary High Production Volume (HPV) Chemical Challenge Program
2070-AC64	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule

Organizations

2008-AA01	Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO ₂) Area
2040-AC13	National Primary Drinking Water Regulations: Aldicarb
2050-AG45	Standards for the Safe and Environmentally Protective Placement of Coal Combustion Products as Minefill in Coal Mines Not Regulated Under the Surface Mining Control and Reclamation Act
2070-AC64	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
2070-AD64	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
2070-AD53	TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)

D. INDEX TO ENTRIES THAT MAY AFFECT GOVERNMENT LEVELS

Executive Order 12866 entitled “Regulatory Planning and Review,” signed September 30, 1993 (58 FR 51735) and the Unfunded Mandates Reform Act of 1995 (P.L. 104-4) direct agencies to assess the effects of Federal regulations on State, local, and tribal governments. In keeping with these efforts, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions have an effect on various levels of government. See also Index E for entries that may have “federalism implications” as defined in Executive Order 13132 entitled “Federalism,” signed August 4, 1999 (64 FR 43255).

The following index lists the regulatory actions in this publication that may have effects on State, local, tribal, or Federal levels of government. The Regulatory Identifier Number (RIN) of the entry identifies the location of the entry in this edition.

State

2020-AA47	NPDES Program Management Information Rulemaking
2025-AA19	TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
2025-AA16	TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory
2025-AA17	TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals
2040-AE69	Effluent Limitations Guidelines and Standards for Airport Deicing Operations
2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AE98	Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO2) Geologic Sequestration (GS) Wells
2040-AE80	Concentrated Animal Feeding Operation Rule
2040-AE87	Implementation Guidance for Mercury Water Quality Criteria
2040-AE93	NPDES General Permit for Discharges Incidental to the Normal Operations of a Vessel
2040-AC93	Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures
2040-AD09	Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act
2040-AD39	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II
2040-AC84	NPDES Applications Revisions
2040-AD02	NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities
2040-AD87	NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy
2040-AE88	Availability of and Procedures for Removal Credits
2040-AE77	New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters
2040-AA94	National Primary Drinking Water Regulations: Radon
2040-AC13	National Primary Drinking Water Regulations: Aldicarb
2040-AD94	National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
2040-AD40	Underground Injection Control: Update of State Programs

<u>2040-AE86</u>	Water Transfers Rule
<u>2040-AE61</u>	Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines
<u>2040-AE99</u>	NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula
<u>2050-AG49</u>	Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities Compliance Dates
<u>2050-AG43</u>	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments
<u>2050-AE87</u>	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements
<u>2050-AD75</u>	National Priorities List for Uncontrolled Hazardous Waste Sites
<u>2050-AG45</u>	Standards for the Safe and Environmentally Protective Placement of Coal Combustion Products as Minefill in Coal Mines Not Regulated Under the Surface Mining Control and Reclamation Act
<u>2050-AG34</u>	Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts
<u>2050-AG39</u>	Amendment to the Universal Waste Rule: Addition of Pharmaceuticals
<u>2050-AG16</u>	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
<u>2050-AG37</u>	CERCLA--Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms
<u>2050-AE17</u>	Amendments to Emergency Planning and Community Right-To-Know Act
<u>2050-AG20</u>	Hazardous Waste Manifest Revisions -- Standards and Procedures for Electronic Manifests
<u>2050-AE51</u>	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
<u>2050-AG24</u>	Expanding the Comparable Fuels Exclusion Under RCRA
<u>2050-AG48</u>	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
<u>2050-AG22</u>	National Contingency Plan Revisions To Align With the National Response Plan
<u>2050-AG40</u>	Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule
<u>2050-AE23</u>	Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials
<u>2050-AE81</u>	Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers
<u>2050-AF01</u>	RCRA Smarter Waste Reporting
<u>2050-AG46</u>	Revising Underground Storage Tank Regulations--Revisions to Existing Requirements and Additions To Incorporate the Provisions of the Energy Policy Act
<u>2050-AG29</u>	NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration)
<u>2050-AG15</u>	Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)
<u>2050-AG31</u>	Definition of Solid Wastes Revisions
<u>2060-AO19</u>	Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide
<u>2060-AO48</u>	Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide
<u>2060-AO72</u>	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur
<u>2060-AI62</u>	National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments
<u>2060-AO11</u>	Air Quality Index Reporting and Significant Harm Level for PM2.5
<u>2060-AN33</u>	NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments
<u>2060-AM44</u>	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources

<u>2060-AM87</u>	NESHAP: Taconite Iron Ore Processing; Amendments
<u>2060-AN00</u>	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
<u>2060-AN65</u>	Revisions to the Definition of Potential to Emit (PTE)
<u>2060-AN93</u>	Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval
<u>2060-AO13</u>	NESHAP: Ferroalloys Production--Area Source Standards
<u>2060-AO23</u>	Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)
<u>2060-AO58</u>	Amend Methods 201a and 202 To Improve Measurement of PM2.5
<u>2060-AO96</u>	Implementation of the 8-Hour Ozone National Ambient Air Quality Standards: Revisions for Subpart 1 Areas and 1-Hour Contingency Measures
<u>2060-AP00</u>	Prevention of Air Pollution Emergency Episodes
<u>2060-AP30</u>	Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR Anti-Backsliding
<u>2060-AN28</u>	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units
<u>2060-AH93</u>	Revisions to the General Conformity Regulations
<u>2060-AN83</u>	Review of the National Ambient Air Quality Standards for Lead
<u>2060-AO74</u>	Performance Specification 16--Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources
<u>2060-AK54</u>	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
<u>2060-AL75</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation, and Project Netting
<u>2060-AM45</u>	Flexible Air Permit Rule
<u>2060-AM75</u>	NESHAP: General Provisions (Once In Always In)--Amendments
<u>2060-AM91</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
<u>2060-AN17</u>	Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments
<u>2060-AN20</u>	Revisions to Air Emissions Reporting Requirements
<u>2060-AN68</u>	Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule
<u>2060-AN75</u>	Revision to Definition of Volatile Organic Compounds--Exclusion of Compounds
<u>2060-AO02</u>	Prevention of Significant Deterioration: Refinement to Increment Modeling Procedures
<u>2060-AO31</u>	Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides
<u>2060-AP10</u>	Implement the 8-Hour Ozone NAAQS: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas
<u>2060-AN98</u>	Clean Air Mercury Rule: Federal Plan
<u>2060-AH01</u>	Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas
<u>2060-AO47</u>	Review of the National Ambient Air Quality Standards for Particulate Matter
<u>2060-AN43</u>	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
<u>2060-AM62</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments
<u>2060-AI97</u>	Amendment to Inspection/Maintenance Program Requirements for Federal Facilities
<u>2060-AL84</u>	Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")

<u>2060-AN86</u>	Implementation of the New Source Review (NSR) Program for PM2.5
<u>2060-AN12</u>	Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport
<u>2060-AO95</u>	Implementation of the 8-Hour Ozone National Ambient Air Quality Standard: Anti-Backsliding Provisions on Section 185 Penalty Fees Under Former 1-Hour Ozone Standard
<u>2070-AJ45</u>	Pesticides; Reconsideration of Exemptions for Insect Repellents
<u>2070-AJ32</u>	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
<u>2070-AC46</u>	Groundwater and Pesticide Management Plan Rule
<u>2070-AJ20</u>	Pesticides; Competency Standards for Occupational Users
<u>2070-AJ22</u>	Pesticides; Agricultural Worker Protection Standard Revisions
<u>2070-AJ26</u>	Pesticides; Determination of Status of Prions as Pests
<u>2070-AC51</u>	Asbestos Model Accreditation Plan Revisions
<u>2070-AA58</u>	Follow-Up Rules on Existing Chemicals
<u>2070-AC64</u>	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
<u>2070-AD64</u>	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
<u>2070-AJ30</u>	Nanoscale Materials Under TSCA
<u>2090-AA34</u>	RCRA Incentives for Performance Track Members

Local

<u>2040-AE69</u>	Effluent Limitations Guidelines and Standards for Airport Deicing Operations
<u>2040-AE91</u>	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
<u>2040-AE95</u>	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
<u>2040-AD09</u>	Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act
<u>2040-AD39</u>	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II
<u>2040-AC84</u>	NPDES Applications Revisions
<u>2040-AD02</u>	NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities
<u>2040-AD87</u>	NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy
<u>2040-AE88</u>	Availability of and Procedures for Removal Credits
<u>2040-AA94</u>	National Primary Drinking Water Regulations: Radon
<u>2040-AC13</u>	National Primary Drinking Water Regulations: Aldicarb
<u>2040-AD94</u>	National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
<u>2040-AB85</u>	Shore Protection Act Regulations
<u>2040-AE61</u>	Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines
<u>2050-AG49</u>	Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities Compliance Dates
<u>2050-AD75</u>	National Priorities List for Uncontrolled Hazardous Waste Sites
<u>2050-AG39</u>	Amendment to the Universal Waste Rule: Addition of Pharmaceuticals
<u>2050-AG16</u>	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
<u>2050-AG37</u>	CERCLA--Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms

<u>2050-AE17</u>	Amendments to Emergency Planning and Community Right-To-Know Act
<u>2050-AG48</u>	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
<u>2050-AG22</u>	National Contingency Plan Revisions To Align With the National Response Plan
<u>2050-AG40</u>	Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule
<u>2050-AE23</u>	Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials
<u>2050-AE81</u>	Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers
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<u>2060-AO11</u>	Air Quality Index Reporting and Significant Harm Level for PM2.5
<u>2060-AM08</u>	NESHAP and NSPS for Municipal Solid Waste Landfills--Amendments
<u>2060-AM44</u>	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
<u>2060-AN00</u>	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
<u>2060-AN93</u>	Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval
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<u>2060-AP00</u>	Prevention of Air Pollution Emergency Episodes
<u>2060-AP30</u>	Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR Anti-Backsliding
<u>2060-AN28</u>	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units
<u>2060-AN83</u>	Review of the National Ambient Air Quality Standards for Lead
<u>2060-AK54</u>	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
<u>2060-AL75</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation, and Project Netting
<u>2060-AM45</u>	Flexible Air Permit Rule
<u>2060-AM75</u>	NESHAP: General Provisions (Once In Always In)--Amendments
<u>2060-AM91</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
<u>2060-AN17</u>	Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments
<u>2060-AN20</u>	Revisions to Air Emissions Reporting Requirements
<u>2060-AO31</u>	Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides
<u>2060-AP10</u>	Implement the 8-Hour Ozone NAAQS: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas

<u>2060-AN98</u>	Clean Air Mercury Rule: Federal Plan
<u>2060-AO47</u>	Review of the National Ambient Air Quality Standards for Particulate Matter
<u>2060-AN43</u>	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
<u>2060-AM62</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments
<u>2060-AL83</u>	Section 126 Rule: Withdrawal of Findings for Sources in Michigan
<u>2060-AL84</u>	Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")
<u>2060-AN86</u>	Implementation of the New Source Review (NSR) Program for PM2.5
<u>2060-AO63</u>	Federal Plan Requirements for Large Municipal Waste Combustors Constructed On or Before September 20, 1994
<u>2060-AO95</u>	Implementation of the 8-Hour Ozone National Ambient Air Quality Standard: Anti-Backsliding Provisions on Section 185 Penalty Fees Under Former 1-Hour Ozone Standard
<u>2070-AC51</u>	Asbestos Model Accreditation Plan Revisions
<u>2070-AA58</u>	Follow-Up Rules on Existing Chemicals
<u>2070-AC64</u>	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
<u>2070-AD64</u>	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing

Tribal

<u>2009-AA00</u>	Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation
<u>2020-AA47</u>	NPDES Program Management Information Rulemaking
<u>2040-AE87</u>	Implementation Guidance for Mercury Water Quality Criteria
<u>2040-AD39</u>	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II
<u>2040-AC84</u>	NPDES Applications Revisions
<u>2040-AD02</u>	NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities
<u>2040-AD87</u>	NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy
<u>2040-AE77</u>	New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters
<u>2040-AA94</u>	National Primary Drinking Water Regulations: Radon
<u>2040-AC13</u>	National Primary Drinking Water Regulations: Aldicarb
<u>2040-AD94</u>	National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
<u>2050-AG49</u>	Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities Compliance Dates
<u>2050-AG43</u>	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments
<u>2050-AG16</u>	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
<u>2050-AE17</u>	Amendments to Emergency Planning and Community Right-To-Know Act
<u>2050-AG48</u>	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
<u>2050-AG22</u>	National Contingency Plan Revisions To Align With the National Response Plan
<u>2050-AG40</u>	Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule
<u>2050-AE81</u>	Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers

<u>2050-AF01</u>	RCRA Smarter Waste Reporting
<u>2050-AG46</u>	Revising Underground Storage Tank Regulations--Revisions to Existing Requirements and Additions To Incorporate the Provisions of the Energy Policy Act
<u>2050-AG29</u>	NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration)
<u>2060-AO19</u>	Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide
<u>2060-AO48</u>	Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide
<u>2060-AO72</u>	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur
<u>2060-AO15</u>	NESHAP: Portland Cement Notice of Reconsideration
<u>2060-AI62</u>	National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments
<u>2060-AO11</u>	Air Quality Index Reporting and Significant Harm Level for PM2.5
<u>2060-AM08</u>	NESHAP and NSPS for Municipal Solid Waste Landfills--Amendments
<u>2060-AN00</u>	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
<u>2060-AN65</u>	Revisions to the Definition of Potential to Emit (PTE)
<u>2060-AN93</u>	Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval
<u>2060-AO23</u>	Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)
<u>2060-AP00</u>	Prevention of Air Pollution Emergency Episodes
<u>2060-AN28</u>	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units
<u>2060-AH93</u>	Revisions to the General Conformity Regulations
<u>2060-AN83</u>	Review of the National Ambient Air Quality Standards for Lead
<u>2060-AH37</u>	Review of New Sources and Modifications in Indian Country
<u>2060-AK54</u>	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
<u>2060-AM45</u>	Flexible Air Permit Rule
<u>2060-AM75</u>	NESHAP: General Provisions (Once In Always In)--Amendments
<u>2060-AM91</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
<u>2060-AO02</u>	Prevention of Significant Deterioration: Refinement to Increment Modeling Procedures
<u>2060-AN98</u>	Clean Air Mercury Rule: Federal Plan
<u>2060-AH01</u>	Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas
<u>2060-AO47</u>	Review of the National Ambient Air Quality Standards for Particulate Matter
<u>2060-AN43</u>	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
<u>2060-AM62</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments
<u>2060-AN86</u>	Implementation of the New Source Review (NSR) Program for PM2.5
<u>2070-AC46</u>	Groundwater and Pesticide Management Plan Rule
<u>2070-AJ20</u>	Pesticides; Competency Standards for Occupational Users
<u>2070-AC51</u>	Asbestos Model Accreditation Plan Revisions
<u>2070-AC64</u>	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
<u>2070-AD64</u>	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-

Based Paint Hazards in Target Housing

Federal

2020-AA47	NPDES Program Management Information Rulemaking
2025-AA19	TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
2025-AA16	TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory
2025-AA17	TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals
2025-AA02	Public Information and Confidentiality Regulations
2040-AE69	Effluent Limitations Guidelines and Standards for Airport Deicing Operations
2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AE98	Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO2) Geologic Sequestration (GS) Wells
2040-AE80	Concentrated Animal Feeding Operation Rule
2040-AE93	NPDES General Permit for Discharges Incidental to the Normal Operations of a Vessel
2040-AC93	Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures
2040-AD09	Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act
2040-AD39	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II
2040-AC84	NPDES Applications Revisions
2040-AE88	Availability of and Procedures for Removal Credits
2040-AE77	New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters
2040-AA94	National Primary Drinking Water Regulations: Radon
2040-AC13	National Primary Drinking Water Regulations: Aldicarb
2040-AD94	National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
2040-AD40	Underground Injection Control: Update of State Programs
2040-AB85	Shore Protection Act Regulations
2040-AE61	Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines
2050-AG49	Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities Compliance Dates
2050-AG43	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments
2050-AE87	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements
2050-AD75	National Priorities List for Uncontrolled Hazardous Waste Sites
2050-AE93	Revisions to the Requirements for Transboundary Shipments of Wastes Destined for Recovery Between the U.S. and Other OECD Countries and for Export Shipments of Spent Lead Acid Batteries
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
2050-AG37	CERCLA--Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms
2050-AE17	Amendments to Emergency Planning and Community Right-To-Know Act
2050-AG20	Hazardous Waste Manifest Revisions -- Standards and Procedures for Electronic Manifests

2050-AE51	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
2050-AG24	Expanding the Comparable Fuels Exclusion Under RCRA
2050-AG48	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
2050-AG22	National Contingency Plan Revisions To Align With the National Response Plan
2050-AG40	Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule
2050-AE23	Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials
2050-AE81	Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers
2050-AF01	RCRA Smarter Waste Reporting
2050-AG46	Revising Underground Storage Tank Regulations--Revisions to Existing Requirements and Additions To Incorporate the Provisions of the Energy Policy Act
2050-AG42	Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption For Disposal
2050-AG29	NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration)
2050-AG31	Definition of Solid Wastes Revisions
2060-AO19	Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide
2060-AO48	Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide
2060-AO72	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur
2060-AH63	Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste
2060-AH90	Technical Change to Dose Methodology
2060-AI62	National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments
2060-AO11	Air Quality Index Reporting and Significant Harm Level for PM2.5
2060-AN48	Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.
2060-AM09	Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations
2060-AN33	NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments
2060-AM84	NESHAP: Defense Land Systems and Miscellaneous Equipment
2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
2060-AN65	Revisions to the Definition of Potential to Emit (PTE)
2060-AN93	Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval
2060-AO13	NESHAP: Ferroalloys Production--Area Source Standards
2060-AO23	Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)
2060-AO38	Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder
2060-AO96	Implementation of the 8-Hour Ozone National Ambient Air Quality Standards: Revisions for Subpart 1 Areas and 1-Hour Contingency Measures
2060-AP00	Prevention of Air Pollution Emergency Episodes
2060-AP30	Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR Anti-Backsliding
2060-AN15	Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada
2060-AN28	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units
2060-AH93	Revisions to the General Conformity Regulations
2060-AN83	Review of the National Ambient Air Quality Standards for Lead

<u>2060-AH37</u>	Review of New Sources and Modifications in Indian Country
<u>2060-AK54</u>	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
<u>2060-AM46</u>	Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels
<u>2060-AL75</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation, and Project Netting
<u>2060-AM45</u>	Flexible Air Permit Rule
<u>2060-AM75</u>	NESHAP: General Provisions (Once In Always In)--Amendments
<u>2060-AM91</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
<u>2060-AN17</u>	Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments
<u>2060-AN75</u>	Revision to Definition of Volatile Organic Compounds--Exclusion of Compounds
<u>2060-AO31</u>	Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides
<u>2060-AO71</u>	Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel
<u>2060-AP10</u>	Implement the 8-Hour Ozone NAAQS: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas
<u>2060-AO47</u>	Review of the National Ambient Air Quality Standards for Particulate Matter
<u>2060-AN43</u>	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
<u>2060-AM62</u>	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments
<u>2060-AI97</u>	Amendment to Inspection/Maintenance Program Requirements for Federal Facilities
<u>2060-AL83</u>	Section 126 Rule: Withdrawal of Findings for Sources in Michigan
<u>2060-AN86</u>	Implementation of the New Source Review (NSR) Program for PM2.5
<u>2060-AP13</u>	Update of Continuous Instrumental Test Methods: Technical Amendments
<u>2060-AM06</u>	Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder
<u>2060-AO95</u>	Implementation of the 8-Hour Ozone National Ambient Air Quality Standard: Anti-Backsliding Provisions on Section 185 Penalty Fees Under Former 1-Hour Ozone Standard
<u>2070-AJ45</u>	Pesticides; Reconsideration of Exemptions for Insect Repellents
<u>2070-AJ32</u>	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
<u>2070-AD16</u>	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
<u>2070-AD61</u>	Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening
<u>2070-AC46</u>	Groundwater and Pesticide Management Plan Rule
<u>2070-AJ06</u>	Testing Agreement for Perfluorooctanoic Acid (PFOA)
<u>2070-AJ09</u>	HAPs Testing Agreement for Diethanolamine
<u>2070-AC21</u>	Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban
<u>2070-AD30</u>	Pesticides; Data Requirements for Antimicrobials
<u>2070-AJ23</u>	Pesticides; Tolerance Processing Fees
<u>2070-AD49</u>	Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes
<u>2070-AD55</u>	Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants

2070-AD56	Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant
2070-AJ20	Pesticides; Competency Standards for Occupational Users
2070-AJ22	Pesticides; Agricultural Worker Protection Standard Revisions
2070-AD14	Pesticides; Registration Requirements for Antimicrobial Pesticide Products
2070-AJ26	Pesticides; Determination of Status of Prions as Pests
2070-AJ27	Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)
2070-AC51	Asbestos Model Accreditation Plan Revisions
2070-AJ39	Polychlorinated Biphenyls (PCBs); Petitions Seeking a Manufacturing (Import) Exemption for Use
2070-AA58	Follow-Up Rules on Existing Chemicals
2070-AB79	Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances
2070-AB94	Testing for Existing Chemicals (Overview Entry for Future Needs)
2070-AC27	Voluntary Children's Chemical Evaluation Program (VCCEP)
2070-AC76	Test Rule; Hazardous Air Pollutants (HAPs)
2070-AD10	Test Rule; Certain Metals
2070-AD25	Voluntary High Production Volume (HPV) Chemical Challenge Program
2070-AD44	Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity
2070-AJ07	Testing Agreement for Aryl Phosphates (ITC List 2)
2070-AJ08	Test Rule; Brominated Flame Retardants (BFRs)
2070-AJ10	HAPS Testing Agreement for Hydrogen Fluoride
2070-AJ11	HAPS Testing Agreement for Phthalic Anhydride
2070-AJ13	Testing Agreement for Maleic Anhydride
2070-AC64	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
2070-AD64	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
2070-AD53	TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)
2070-AJ37	Pesticides; Revisions to Pesticide Container/Containment Rule
2070-AJ30	Nanoscale Materials Under TSCA
2090-AA34	RCRA Incentives for Performance Track Members

E. INDEX TO ENTRIES THAT MAY HAVE FEDERALISM IMPLICATIONS

Executive Order 13132 entitled “Federalism,” signed August 4, 1999 (64 FR 43255) directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have “federalism implications.” This term refers to actions “that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” The following index lists the regulatory actions in this publication that may have federalism implications. The Regulatory Identifier Number (RIN) of the entry identifies the location of the entry in this edition.

2040-AD39	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II
2040-AA94	National Primary Drinking Water Regulations: Radon

F. INDEX TO ENTRIES THAT ARE ECONOMICALLY SIGNIFICANT

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an “economically significant” rule is similar but not identical to the definition of a “major” rule under 5 USC 801 (Pub. L. 104-121).

2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AA94	National Primary Drinking Water Regulations: Radon
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
2050-AE81	Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers
2050-AG31	Definition of Solid Wastes Revisions
2060-AO19	Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide
2060-AO48	Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide
2060-AO72	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur
2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
2060-AO81	Renewable Fuels Standard Program
2060-AN83	Review of the National Ambient Air Quality Standards for Lead
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AM34	Control of Emissions From Nonroad Spark-Ignition Engines and Equipment
2060-AM06	Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder

G. INDEX TO ENTRIES THAT MAY HAVE INTERNATIONAL IMPACTS

This information is intended to indicate whether a regulatory action is expected to have international trade and investment effects, or otherwise may be of interest to our international trading partners. This data was added in the fall 2008 Semiannual Regulatory Agenda per the recommendation of the OMB - Secretariat General of the European Commission joint report to the U.S. – European Union (EU) High Level Regulatory Cooperation Forum and Transatlantic Council. The report recommended that both the U.S. and the EU better identify regulations of international interest to our trading partners. This report is available at OMB’s web site.

2050-AG22	National Contingency Plan Revisions To Align With the National Response Plan
2050-AG42	Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption For Disposal
2050-AG31	Definition of Solid Wastes Revisions
2060-AN48	Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.
2060-AO78	Protection of Stratospheric Ozone: The 2009 Critical Use Exemption From the Phaseout of Methyl Bromide
2060-AM09	Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations
2060-AN30	Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas
2060-AN58	Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances

<u>2060-AO76</u>	Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export
<u>2060-AO77</u>	Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009
<u>2060-AP11</u>	Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program
<u>2060-AM46</u>	Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels
<u>2060-AL94</u>	Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide
<u>2060-AM49</u>	Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants
<u>2060-AM55</u>	Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act
<u>2060-AO68</u>	Protection of Stratospheric Ozone: Labeling of Products Using HCFCs
<u>2060-AM54</u>	Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program
<u>2060-AO75</u>	Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing
<u>2060-AO44</u>	Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008
<u>2060-AP18</u>	Protection of Stratospheric Ozone: Revision of Refrigerant Recovery-Only Equipment Standards
<u>2070-AD16</u>	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals

