



Semiannual Regulatory Agenda



SPRING 2009

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United States Environmental Protection Agency
Office of Policy, Economics and Innovation
EPA-230-Z-09-001

Spring 2009 Artwork Theme:
"We are part of the Earth, and it is part of us."
Cover art created by David Guzman, age 17
Loganville High School, Loganville Georgia

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

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EPA-HQ-OA-2007-1172

EPA-HQ-OW-2009-0082

Spring 2009 Regulatory Agenda

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:

“E-agenda,” “online regulatory agenda,” and “semiannual regulatory agenda” all refer to the same comprehensive collection of information that used to be published in the **Federal Register**, but which now are only available through an online database.

“Regulatory Flexibility Agenda” refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities.

This will continue to be published in the **Federal Register** because of a requirement of the Regulatory Flexibility Act.

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

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

“Regulatory agenda preamble” refers to the document you are reading now. It appears as part of EPA’s regulatory flexibility agenda and introduces both the regulatory flexibility agenda and EPA’s 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 the semiannual regulatory agenda 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 semiannual regulatory agendas as soon as they are published, please send an e-mail message with your name and address to: nscep@bps-lmit.com and put “E-Regulatory Agenda: Electronic Copy” in the subject line.

If you would like to regularly receive information about the rules newly approved for development, sign up for our monthly Action Initiation List by going to

<http://www.epa.gov/lawsregs/search/ail.html#notification> and completing 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, call 800-490-9198 or 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.

SUPPLEMENTARY INFORMATION:

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A. Map of Regulatory Agenda Information

Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Agenda (The E-Agenda; the online Agenda); approx. 300 entries, which include the expanded Regulatory Flexibility Agenda (approx. 8 entries; 25 data fields/entry)	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Not in FR
Semiannual Regulatory Flexibility Agenda (approx. 8 entries; 9 data fields/entry)	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Part XII of today’s issue
Monthly Action Initiation List	http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OA-2008-0265 and http://www.epa.gov/lawsregs/search/ail.html	Not in FR

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

In outlining his agenda for the environment, President Obama has articulated three values that he expects EPA to uphold. These values will shape everything we do.

Science must be the backbone for EPA programs. The public health and environmental laws that Congress has enacted depend on rigorous adherence to the best available science. The President believes that when EPA addresses scientific issues, it should rely on the expert judgment of the Agency's career scientists and independent advisors. When scientific judgments are suppressed, misrepresented, or distorted by political agendas, Americans can lose faith in their government to provide strong public health and environmental protection.

EPA must follow the rule of law. The President recognizes that respect for congressional mandates and judicial decisions is the hallmark of a principled regulatory agency. Under our environmental laws, EPA has room to exercise discretion, and Congress has often looked to EPA to fill in the details of general policies. However, EPA needs to exercise policy discretion in good faith and in keeping with the directives of Congress and the courts. When Congress has been explicit, EPA cannot misinterpret or ignore the language Congress has used. When a court has determined EPA's responsibilities under our governing statutes, EPA cannot turn a blind eye to the court's decision or procrastinate in complying.

EPA's actions must be transparent. Public trust in the Agency demands that we reach out to all stakeholders fairly and impartially, that we consider the views and data presented carefully and objectively, and that we fully disclose the information that forms the bases for our decisions. We will carry out the work of the Agency in public view so that the door is open to all interested parties and that there is no doubt why we are acting and how we arrived at our decisions.

We must take special pains to connect with those who have been historically underrepresented in EPA decisionmaking, including the disenfranchised in our cities and rural areas, communities of color, native

Americans, people disproportionately impacted by pollution, and small businesses, cities, and towns working to meet their environmental responsibilities. Like all Americans, they deserve an EPA with an open mind, a big heart, and a willingness to listen. We must also be sensitive to the burdens pollution has placed on vulnerable subpopulations, including children, the elderly, the poor, and all others who are at particular risk to threats to health and the environment. We must seek their full partnership in the greater aim of identifying and eliminating the sources of pollution in their neighborhoods, schools, and homes.

EPA's strength has always been our ability to adapt to the constantly changing face of environmental protection as our economy and society evolve and science teaches us more about how humans interact with and affect the natural world. Now, more than ever, EPA must be innovative and forward-looking because the environmental challenges faced by Americans all across our country are unprecedented. These challenges are indeed immense in scale and urgency. But, we will meet them. Administrator Jackson has put a high priority on developing an environmental policy agenda that significantly improve the environment, while helping to create jobs and make the investment needed to emerge from the current recession. EPA is making significant strides in this area already as is reflected in this document. As EPA makes further decisions regarding the path forward for existing and new regulatory activities, we will continue to be transparent, letting the public know about these decisions through various sources such as our Web site and future editions of EPA's regulatory agenda and regulatory plan.

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; 66 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

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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
- Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. We have one rule scheduled for 610 review in 2009.

E. How Is the E-Agenda Organized?

You can now choose how both the www.reginfo.gov and www.regulations.gov versions of the E-Agenda are organized. Current choices include: EPA subagency; stage of rulemaking, explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Stages of rulemaking include:

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 April 2010.
5. Completed Actions-This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 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 and the E-Agenda?

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

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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 (USC), Public Law (PL), Executive Order (EO), 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 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 Regulation 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.

G. How Can I Find Out About Rulemakings That Start Up After the Regulatory Agenda Is Signed?

EPA posts monthly updates of the rulemakings that the Agency’s senior managers have decided that we should work on. We also distribute this list via e-mail. You can see the current list, which we call the Action Initiation 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 Tools for Mining Regulatory Agenda Data and for Finding More About EPA Rules and Policies Are Available at Reginfo.gov, EPA.gov, and Regulations.gov?

1. The Reginfo.gov Searchable Database

GSA’s Regulatory Information Service Center, which coordinates publication of the Agenda for the Office of Management and Budget, has developed and continues to improve a regulatory agenda database that includes powerful search, display, and data transmission options. You can:

- See the preamble. On the Main Agenda Page, select Current Agenda Agency Preambles.
- Get a complete list of EPA’s entries. On the Main Agenda Page, under Agency, select Environmental Protection Agency.
- View the contents of all of EPA’s entries. On the Agenda Search Page, select “Advanced Search”; select Continue; Select Environmental Protection Agency and then Continue; Select “Search.”
- Get a listing of entries with specified characteristics. Follow the procedure described immediately above for viewing the contents of all entries, but on the screen headed “Advanced Search-Select Additional Fields” select the characteristics you are seeking before clicking on “Search.” For example, if you wish to see a listing of all economically significant actions that may have a significant economic impact on a substantial number of small businesses, you would check Economically Significant under Priority and check Business under Regulatory Flexibility Analysis required.
- Download the results of your searches in XML format.

2. Subject Matter EPA Web sites

Some of the actions listed in the agenda include a URL that provides additional information.

3. Listservers

If you want to get automatic e-mails about areas of particular interest, including notifications, when an action is published in the **Federal Register**, we maintain 12 listservers including:

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- a. Air
- b. Water
- c. Wastes and emergency response
- d. Pesticides
- 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.

4. 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 economic impacts on a substantial number of small entities and for various nonrulemaking 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. URL's for many of EPA's dockets are included in the agenda entry. To enter the docket, copy the URL into a browser window. To locate a docket you can also use the docket search features at Regulations.gov.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

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. EPA has one rule scheduled for 610 review in 2009.

Rule Being Reviewed	RIN	Docket ID
Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells (Section 610 Review)	2040-AF04	EPA-HQ-OW-2009-0082

EPA has established an official public docket for this 610 review under a docket identification (ID) number as indicated above. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available; e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744. Unless otherwise indicated, please direct your comments to the identified Docket ID number for the specific 610 Review item. For these 610 Reviews, please DO NOT submit CBI or information that is otherwise protected by statute. You may submit comments using one of the following methods:

1. *Electronically*. Go directly to www.regulations.gov and find

"Advanced Docket Search." Enter the appropriate Docket ID number. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. If you do submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket.

2. *By Mail*. Send your comments to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Docket # EPA-HQ-OW-2009-0082, 1200 Pennsylvania Avenue NW., Washington, DC 20460.
3. *By Hand Delivery or Courier*. Deliver your comments, identified by the Docket # EPA-HQ-OW-2009-0082, to: EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30

p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744. Such deliveries are only accepted during the Docket's normal hours of operation as identified above. For more information on EPA's docket center, please visit <http://www.epa.gov/epahome/dockets.htm>.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. For this action, please DO NOT submit CBI or information that is otherwise protected by statute.

J. What Other 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

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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/sbreffa/>.

For a list of the rules under development for which a Regulatory Flexibility Analysis will be required and for a list of rules under development that may affect small entities, but not significantly affect a substantial number of them, go to:

<http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda> and select the appropriate index in the second box in the right hand column.

K. 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 valuable tool for addressing the problems we face and the regulatory agenda is an important part of that process.

Dated: March 30, 2009.

Louise Wise,

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

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	SAN No. 5262; Waste Energy Recovery Registry	2060-AP14
2	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030-AA67
3	SAN No. 5308; Government Property and Contract Property Administration Requirements	2030-AA98

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	SAN No. 5291; Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency	2015-AA01
5	SAN No. 5325; Technical Corrections to Title 40 To Conform to the Civil Monetary Penalty Inflation Adjustment Rule	2020-AA49
6	SAN No. 5121 Age Discrimination Regulations—EPA-Assisted Programs—Age Discrimination Act of 1975	2090-AA37

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
7	SAN No. 5248; Regulation To Adjust Civil Monetary Penalties for Inflation	2020-AA46
8	SAN No. 5288; Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions	2020-AA48
9	SAN No. 3240 Public Information and Confidentiality Regulations	2025-AA02
10	SAN No. 5295; Cross-Media Electronic Reporting Regulation (CROMERR) Technical Amendment	2025-AA23

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
11	SAN No. 5111; Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide	2060-AO19
12	SAN No. 5163; Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide	2060-AO48
13	SAN No. 5170; Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur	2060-AO72
14	SAN No. 4782 Petition To Delist Hazardous Air Pollutant : 4,4'-Methylene Diphenyl Diisocyanate	2060-AK84
15	SAN No. 4849; Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060-AM20

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

Sequence Number	Title	Regulation Identifier Number
16	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry	2060—AN46
17	SAN No. 5016 NESHAP: Area Source Standards—Paints and Allied Products Manufacturing	2060—AN47
18	SAN No. 4585.1 NESHAP: Portland Cement Notice of Reconsideration	2060—AO15
19	SAN No. 5191 NESHAP: Area Source Standards—Asphalt Processing and Asphalt Roofing Manufacturing	2060—AO94
20	SAN No. 5201 NESHAP: Area Source Standards—Prepared (Animal) Feeds Manufacturing	2060—AO98
21	SAN No. 4309 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments	2060—AI62
22	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060—AJ61
23	SAN No. 5129; Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder	2060—AO38
24	SAN No. 5115; Air Quality Index Reporting and Significant Harm Level for PM2.5	2060—AO11
25	SAN No. 5017; Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.	2060—AN48
26	SAN No. 4856; Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060—AM09
27	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants	2060—AM49
28	SAN No. 3380 NSPS: SOCM—Wastewater and Amendment	2060—AE94
29	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
30	SAN No. 4846; NESHAP & NSPS for Municipal Solid Waste Landfills—Amendments	2060—AM08
31	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
32	SAN No. 4926; NESHAP: Defense Land Systems and Miscellaneous Equipment	2060—AM84
33	SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs	2060—AN00
34	SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines	2060—AN73
35	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
36	SAN No. 5106; National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations—Amendment	2060—AO03
37	SAN No. 5105; Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines	2060—AO12
38	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
39	SAN No. 5120; Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs).	2060—AO18
40	SAN No. 5116; Reconsideration of Stationary Combustion Turbine NSPS	2060—AO23
41	SAN No. 5124 Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections	2060—AO36
42	SAN No. 5093.1 Petroleum Refinery Residual Risk Standards	2060—AO55
43	SAN No. 5144; Standards of Performance for Coal Preparation Plants—Amendments	2060—AO57
44	SAN No. 5147; Methods for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable Particulate Matter Emissions From Stationary Sources	2060—AO58
45	SAN No. 5153 Adoption of International NOx Standard for Aircraft Engines	2060—AO70
46	SAN No. 5206 Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing	2060—AO75
47	SAN No. 5242; Greenhouse Gas Mandatory Reporting Rule	2060—AO79
48	SAN No. 5250 Renewable Fuels Standard Program	2060—AO81
49	SAN No. 5216; Prevention of Air Pollution Emergency Episodes	2060—AP00
50	SAN No. 5232 NESHAP: Reinforced Plastic Composites Production Rule Amendments	2060—AP05
51	SAN No. 5233 New Source Performance Standards for Grain Elevators—Amendments	2060—AP06
52	SAN No. 5237 Standards of Performance for New Stationary Sources, Test Method 2H	2060—AP08
53	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
54	SAN No. 5259; Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements	2060—AP15
55	SAN No. 5261; Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Methods	2060—AP17
56	SAN No. 5269; Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Methyl Bromide and Methyl Iodide	2060—AP22
57	SAN No. 5273 Restructuring of the Stationary Source Audit Program	2060—AP23
58	SAN No. 5275; Rule for Implementation of 2008 8-Hour Ozone NAAQS	2060—AP24
59	SAN No. 5280 NESHAP: Group I and IV Polymers and Resins: Amendments	2060—AP25
60	SAN No. 5286 Transportation Conformity PM2.5 and PM10 Amendments	2060—AP29

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

Sequence Number	Title	Regulation Identifier Number
61	SAN No. 5194.2 Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR and Section 185 Anti-Backsliding	2060-AP30
62	SAN No. 5289 Protocols for Monitoring and Measuring Mercury Emissions	2060-AP31
63	SAN No. 5297; National Volatile Organic Compound Emission Standards for Aerosol Coatings; Amendments	2060-AP33
64	SAN No. 5035.2 NSPS Equipment Leaks (Subpart VV SOCM1 and GGG Petroleum Refineries); Amendments	2060-AP34
65	SAN No. 5300; National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines	2060-AP36
66	Regulation of Fuels and Fuel Additives: Federal Volatility Control Program in the Denver-Boulder-Greeley-Ft. Collins-Loveland, CO, 8-Hour Ozone Nonattainment Area	2060-AP40
67	SAN No. 5318 In-Use Emissions Testing for Nonroad Diesel Engines	2060-AP41
68	SAN No. 5327; Implementation of the Primary National Ambient Air Quality Standards (NAAQS) for Nitrogen Dioxide	2060-AP47
69	SAN No. 5329; National Emissions Standard for Hazardous Air Pollutants for Gold Mine Ore Processing	2060-AP48
70	SAN No. 5335; Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act	2060-AP55

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
71	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009-AA00
72	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
73	SAN No. 5302; Air Quality Designations and Classifications for the 2008 Ozone National Ambient Air Quality Standards	2060-AP37
74	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060-AH37
75	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements ...	2060-AH23
76	SAN No. 5036; Petroleum Refineries—New Source Performance Standards (NSPS)—Subparts J and Ja	2060-AN72
77	SAN No. 5189; NESHAP: Area Source Standards—Aluminum, Copper, and Other Nonferrous Foundries	2060-AO93
78	SAN No. 5071; Hospital/Medical/Infectious Waste Incineration Units—Response to Remand	2060-AO04
79	SAN No. 4070 Revisions to the General Conformity Regulations	2060-AH93
80	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	2060-AJ82
81	SAN No. 4757.1 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks and Heavy Duty Vehicles	2060-AN01
82	SAN No. 5235; Protection of Stratospheric Ozone: The 2009 Critical Use Exemption From the Phaseout of Methyl Bromide	2060-AO78
83	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060-AK26
84	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
85	SAN No. 5052; Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances	2060-AN58
86	SAN No. 5143; Review of New Source Performance Standards—Portland Cement	2060-AO42
87	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060-AI97
88	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060-AJ86
89	SAN No. 4793; Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation	2060-AL75
90	SAN No. 4874; NESHAP: Area Source Standards for Miscellaneous Chemical Manufacturing	2060-AM19
91	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
92	SAN No. 5029; Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule	2060-AN68
93	SAN No. 5095; NESHAP: Mercury Cell Chlor-Alkali Plants—Amendments	2060-AN99
94	SAN No. 4891.1 NESHAP: Miscellaneous Organic Chemical Manufacturing—Amendments	2060-AO07
95	SAN No. 5068; Prevention of Significant Deterioration for PM _{2.5} —Increments, Significant Impact Levels and Significant Monitoring Concentrations	2060-AO24

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

Sequence Number	Title	Regulation Identifier Number
96	SAN No. 5145; New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendments to Subpart UUU Applicability	2060-AO41
97	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
98	SAN No. 5156; National Emission Standards for Hazardous Air Pollutants: Appendix A—Test Methods; Amendments to Method 301	2060-AO53
99	SAN No. 5154 Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel	2060-AO71
100	SAN No. 5224; Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export	2060-AO76
101	SAN No. 5234; Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009	2060-AO77
102	SAN No. 5035.1 NSPS for Equipment Leaks; Amendments	2060-AO90
103	SAN No. 5194; Implementation of the 1997 8-Hr Ozone NAAQS: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hr Ozone Standard; Deletion of Obsolete 1-Hr Ozone Standard	2060-AO96
104	SAN No. 5236; Reconsideration of Halogenated Solvent Cleaning Final Residual Risk Rule	2060-AP07
105	SAN No. 5282; Air Quality Designations for the 24-Hour Fine Particle (PM _{2.5}) National Ambient Air Quality Standards	2060-AP27
106	SAN No. 5299; Rulemaking To Reaffirm the Promulgation of Revisions of the Acid Rain Program Rules	2060-AP35
107	SAN No. 4889.1 National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities; Direct Final Amendments	2060-AP44
108	SAN No. 4793.1 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation	2060-AP49

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
109	SAN No. 4607 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Availability of Information to the Public; Technical Amendment	2050-AE95
110	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060-AH01
111	SAN No. 4266 Review of the National Ambient Air Quality Standards for Carbon Monoxide	2060-AI43
112	SAN No. 5169; Review of the National Ambient Air Quality Standards for Particulate Matter	2060-AO47
113	SAN No. 5011; Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004	2060-AN43
114	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060-AK54
115	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition To Delist	2060-AK73
116	SAN No. 5114 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides	2060-AO31
117	SAN No. 5281; NESHAP Subpart W: Standards for Radon Emissions From Operating Uranium Mill Tailings: Review	2060-AP26
118	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060-AI03
119	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060-AL94
120	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060-AM55
121	SAN No. 5151 Protection of Stratospheric Ozone: Labeling of Products Using HCFCs	2060-AO68
122	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
123	SAN No. 4988; NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments	2060-AN33
124	SAN No. 4722 California Gasoline Technical Correction	2060-AK56
125	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060-AK69
126	SAN No. 4797 Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport (“NOx SIP Call”)	2060-AL84
127	SAN No. 4885; Flexible Air Permit Rule	2060-AM45
128	SAN No. 4908; NESHAP: General Provisions (Once In Always In)—Amendments	2060-AM75

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

Sequence Number	Title	Regulation Identifier Number
129	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments	2060-AM87
130	SAN No. 4866.1 NESHAP: Site Remediation Amendments— Response to Litigation	2060-AN36
131	SAN No. 5025 Revisions to the Definition of Potential to Emit (PTE)	2060-AN65
132	SAN No. 5155 Measurement of PM 2.5 and PM 10 Emissions By Dilution Sampling	2060-AO50
133	SAN No. 5168 New Source Performance Standards (NSPS) Review Strategy	2060-AO60
134	SAN No. 5185 Plywood and Composite Wood Products (PCWP) NESHAP—Proposed and Final Amendments To Address “No Emission Reduction” MACT Floors	2060-AO66
135	SAN No. 5093.2 Risk Technology Phase II Group 2A	2060-AO91
136	SAN No. 5093.3 Risk Technology Phase II Group 2B	2060-AO92
137	SAN No. 5196 Risk and Technology Review Phase II Group 3	2060-AO97
138	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
139	SAN No. 5265; Greenhouse Gases Under the Clean Air Act	2060-AP12
140	SAN No. 5260; NESHAP: Gasoline Distribution; Amendments—Area Source Standard	2060-AP16
141	SAN No. 5268 Response to Section 126 Petition From Warrick County, Indiana and the Town of Newburgh, Indiana	2060-AP21
142	SAN No. 5306; Review of the National Ambient Air Quality Standards for Ozone	2060-AP38
143	SAN No. 5323; Stay of CAIR and CAIR FIP for Minnesota	2060-AP46
144	SAN No. 5336 Clean Air Interstate Rule (CAIR) Replacement Rule	2060-AP50
145	SAN No. 5347 Response to Section 126 Petition from North Carolina	2060-AP51
146	SAN No. 5349 National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units	2060-AP52
147	Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for 2008 Ozone NAAQS Monitoring Data	2060-AP56

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
148	SAN No. 5231 NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments (Withdrawn)	2050-AG43
149	SAN No. 5094; Clean Air Mercury Rule: Federal Plan	2060-AN98
150	SAN No. 4794.2 Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units	2060-AN28
151	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings)	2060-AF72
152	SAN No. 5059; Review of the National Ambient Air Quality Standards for Lead	2060-AN83
153	SAN No. 4119; Performance Specification 16—Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources	2060-AO74
154	SAN No. 4689 Section 126 Rule Withdrawal Provision	2060-AK41
155	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
156	SAN No. 4697.1 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060-AN87
157	SAN No. 4900; Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	2060-AM46
158	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060-AH31
159	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060-AL83
160	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 & In-Use, Not-To-Exceed Emission Standard Testing	2060-AL92
161	SAN No. 4830; Alternative Work Practice for Leak Detection and Repair	2060-AL98
162	SAN No. 4886; NESHAP: Area Source Standards—Plating and Polishing	2060-AM37
163	SAN No. 4699.1 Identifying Potentially Inadequate Monitoring in Clean Air Act Applicable Requirements and Methods To Improve Such Monitoring	2060-AM63
164	SAN No. 4940; Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions	2060-AM91

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

Sequence Number	Title	Regulation Identifier Number
165	SAN No. 4951; Revisions to Air Emissions Reporting Requirements	2060–AN20
166	SAN No. 5045; Revision to Definition of Volatile Organic Compounds—Exclusion of Propylene Carbonate and Dimethyl Carbonate	2060–AN75
167	SAN No. 5093; Risk and Technology Review Phase II Group 2	2060–AN85
168	SAN No. 5100; Prevention of Significant Deterioration: Refinement to Increment Modeling Procedures	2060–AO02
169	SAN No. 5122; NESHAP: Ferroalloys Production—Area Source Standards	2060–AO13
170	SAN No. 5126; Risk and Technology Review for Group 1: Polymers & Resins I; Polymers & Resins II, Acetal Resins, and Hydrogen Fluoride	2060–AO16
171	SAN No. 5137 Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers	2060–AO29
172	SAN No. 5174; Clarification of Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units	2060–AO61
173	SAN No. 5226; Group IV: CTGs in Lieu of Regulations for Misc. Metal Products Coatings, Plastic Parts, Auto & Light Duty Truck Assembly Coatings, Fiberglass Boat Mfg. Materials, and Misc. Industrial Adhesives	2060–AP01
174	SAN No. 4969.1 Extension of Compliance Deadline for Air Emission Testing Bodies (AETBs)	2060–AP39
175	SAN No. 5326 Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport (Completion of a Section 610 Review)	2060–AP42

ATOMIC ENERGY ACT (AEA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
176	SAN No. 4003 Technical Change to Dose Methodology	2060–AH90
177	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060–AH63
178	SAN No. 5319 Revision of Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings and Uranium In Situ Leaching Processing Facilities	2060–AP43

ATOMIC ENERGY ACT (AEA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
179	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
180	SAN No. 5102 Revision of Hearing-Protector Regulations	2060–AO25

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

Sequence Number	Title	Regulation Identifier Number
181	SAN No. 5031; Pesticides; Expansion of Crop Grouping Program	2070–AJ28
182	SAN No. 4618; Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2015–AA00
183	SAN No. 4985 Pesticides; Determination of Status of Prions as Pests	2070–AJ26

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

Sequence Number	Title	Regulation Identifier Number
184	SAN No. 4728 Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening	2070-AD61
185	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070-AD55
186	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070-AD56
187	SAN No. 3222 Groundwater and Pesticide Management Plan Rule	2070-AC46

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

Sequence Number	Title	Regulation Identifier Number
188	SAN No. 5050; Pesticide Agricultural Container Recycling Program	2070-AJ29
189	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070-AD30
190	SAN No. 5005 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)	2070-AJ27
191	SAN No. 5331 Pesticides; Data Requirements for Product Performance	2070-AJ49
192	SAN No. 4027; Pesticides; Tolerance Processing Fees	2070-AJ23
193	SAN No. 5082; Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	2070-AJ32
194	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes	2070-AD49
195	SAN No. 5007; Pesticides; Competency Standards for Occupational Users	2070-AJ20
196	SAN No. 5006; Pesticides; Agricultural Worker Protection Standard Revisions	2070-AJ22
197	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070-AD14
198	SAN No. 5183 Pesticides; Reconsideration of Exemptions for Insect Repellents	2070-AJ45

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

Sequence Number	Title	Regulation Identifier Number
199	SAN No. 5276; Pesticides; Technical Amendments	2070-AJ42

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
200	SAN No. 5256 Polychlorinated Biphenyls (PCBs); Use and Distribution in Commerce	2070-AJ38
201	SAN No. 5187; Test Rule; Nonylphenol (NP) and its Ethoxylates (NPE)	2070-AJ34

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
202	SAN No. 5279 TSCA Inventory Update Reporting Modifications	2070-AJ43
203	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA	2070-AJ15
204	SAN No. 5238 Significant New Use Rule for Elemental Mercury in Flow Meters, Manometers, and Pyrometers	2070-AJ36
205	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	2070-AD16
206	SAN No. 3493.3 Test Rule; Brominated Flame Retardants (BFRs) [DECA]	2070-AJ08
207	SAN No. 5334 Lead; Minor Amendments to the Renovation, Repair, and Painting Program	2070-AJ48

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TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
208	SAN No. 4984; Clarification on TSCA Inventory Status of Activated Phosphors	2070-AJ21
209	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Certain Polymers	2070-AD58
210	SAN No. 5270; Electronic Premanufacture Notice (PMN) Reporting	2070-AJ41
211	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070-AB27
212	SAN No. 1923.1 Significant New Use Rule for Chloranil	2070-AJ31
213	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070-AB11
214	SAN No. 3252 Lead Fishing Sinks; Response to Citizens Petition and Proposed Ban	2070-AC21

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

Sequence Number	Title	Regulation Identifier Number
215	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070-AC51
216	SAN No. 4878; TSCA Inventory Nomenclature for Enzymes and Proteins	2070-AJ04
217	SAN No. 2150.2 Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption For Disposal	2050-AG42
218	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Petitions Seeking a Manufacturing (Import) Exemption for Use ..	2070-AJ39
219	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070-AA59
220	SAN No. 1923 Follow-Up Rules on Existing Chemicals	2070-AA58
221	SAN No. 3528 Refractory Ceramic Fibers (RCFs)	2070-AC37
222	SAN No. 5312 Mercury; Regulation of Use in Certain Products	2070-AJ46
223	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070-AB79
224	SAN No. 3493 Testing for Existing Chemicals (Overview Entry for Future Needs)	2070-AB94
225	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070-AC76
226	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070-AD44
227	SAN No. 3493.2 Testing Agreement for Aryl Phosphates (ITC List 2)	2070-AJ07
228	SAN No. 5313 Test Rule; Multiwall Carbon Nanotubes	2070-AJ47
229	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070-AB08
230	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule	2070-AC64
231	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
232	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070-AD53
233	SAN No. 5287; Formaldehyde Emissions From Pressed Wood Products	2070-AJ44
234	SAN No. 5305 TSCA Section 13 Amendment: Electronic Reporting of TSCA Chemical Import Data in the Automated Commercial Environment (ACE)	2070-AJ50

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
235	SAN No. 5271; Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors	2070-AJ40
236	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070-AD48
237	SAN No. 2865 Voluntary Children's Chemical Evaluation Program (VCCEP)	2070-AC27
238	SAN No. 3882 Test Rule; Certain Metals	2070-AD10
239	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program	2070-AD25
240	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives	2070-AD28
241	SAN No. 3493.1 Testing Agreement for Perfluorooctanoic Acid (PFOA)	2070-AJ06
242	SAN No. 3493.4 HAPs Testing Agreement for Diethanolamine	2070-AJ09
243	SAN No. 3493.5 HAPs Testing Agreement for Hydrogen Fluoride	2070-AJ10
244	SAN No. 3493.7 HAPs Testing Agreement for Phthalic Anhydride	2070-AJ11

EPA**TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions (Continued)**

Sequence Number	Title	Regulation Identifier Number
245	SAN No. 3493.6 HAPs Testing Agreement for Maleic Anhydride	2070-AJ13

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

Sequence Number	Title	Regulation Identifier Number
246	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
247	SAN No. 2425.3 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals	2025-AA19
248	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025-AA11
249	SAN No. 5296; Toxics Release Inventory (TRI) Articles Exemption Clarification Rule	2025-AA24

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

Sequence Number	Title	Regulation Identifier Number
250	SAN No. 5343; Toxics Release Inventory Form A Eligibility Revisions Implementing the 2009 Omnibus Appropriations Act	2025-AA25

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

Sequence Number	Title	Regulation Identifier Number
251	SAN No. 3215.1 Emergency Planning and Community Right-To-Know Act: Amendments and Streamlining Rule ...	2050-AG40
252	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
253	SAN No. 2425.1 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	2025-AA17

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

Sequence Number	Title	Regulation Identifier Number
254	SAN No. 3215 Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370	2050-AE17

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
255	SAN No. 4920.1 Streamlining Laboratory Waste Management in Government Research Laboratories	2050-AG54

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

Sequence Number	Title	Regulation Identifier Number
256	SAN No. 5266; Identification of Non-Hazardous Materials That Are Solid Wastes	2050-AG44
257	SAN No. 4470 Standards for the Management of Coal Combustion Residues Generated by Commercial Electric Power Producers	2050-AE81
258	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
259	SAN No. 5310 Hazardous Waste Technical Corrections and Clarifications Rule—Parts 260 to 265	2050-AG52
260	SAN No. 5309 Episodic Generation Rulemaking	2050-AG51

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

Sequence Number	Title	Regulation Identifier Number
261	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050-AE51
262	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

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

Sequence Number	Title	Regulation Identifier Number
263	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050-AE23
264	SAN No. 3856 Management of Cement Kiln Dust (CKD)	2050-AE34
265	SAN No. 3147.1 Hazardous Waste Manifest Revisions—Standards and Procedures for Electronic Manifests	2050-AG20
266	SAN No. 5127; Amendment to the Universal Waste Rule: Addition of Pharmaceuticals	2050-AG39
267	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
268	SAN No. 5322 Remove Saccharin and Its Salts From the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances	2050-AG55
269	SAN No. 4735 RCRA Smarter Waste Reporting	2050-AF01
270	SAN No. 2647 RCRA Subtitle C Financial Test Criteria Regulatory Determination	2050-AC71

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
271	SAN No. 5128; Waste Management System; Testing and Monitoring Activities; Methods Innovation Rule; Correction (Withdrawn)	2050-AG38
272	SAN No. 4977; Expanding the Comparable Fuels Exclusion Under RCRA	2050-AG24
273	SAN No. 4920; Rulemaking to Streamline Laboratory Waste Management in Academic and Research Laboratories	2050-AG18
274	SAN No. 4828 RCRA Incentives for Performance Track Members	2090-AA34

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
275	SAN No. 5350 CERCLA 108(b) Financial Responsibility	2050-AG56

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

Sequence Number	Title	Regulation Identifier Number
276	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules	2050-AD75

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

Sequence Number	Title	Regulation Identifier Number
277	SAN No. 5328 Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs	2050-AG53

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

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

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
280	SAN No. 5117; CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms	2050-AG37
281	SAN No. 5292; Addition of Reference to New Forestland Phase I Standard to Referenced Compliant Standards in All Appropriate Inquiries Final Rule	2050-AG47

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
282	SAN No. 5330 Oil and Gas Construction Stormwater Rule	2040-AF05
283	SAN No. 4948; Effluent Limitations Guidelines and Standards for Airport Deicing Operations	2040-AE69
284	SAN No. 5210; Criteria and Standards for Cooling Water Intake Structures—Phase II Remand	2040-AE95
285	SAN No. 5320; 2010 Effluent Guidelines Program Plan	2040-AF06
286	SAN No. 5251; NPDES Program Management Information Rulemaking	2020-AA47
287	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters	2040-AD89

CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
288	SAN No. 2634.2 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule	2050-AG16
289	SAN No. 2634.7 Oil Pollution Prevention; Non-Transportation Related Onshore Facilities Compliance Dates	2050-AG49
290	SAN No. 5119; Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category	2040-AE91

EPA

CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
291	SAN No. 2634.8 Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements—Amendments for Milk Containers	2050-AG50
292	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan	2050-AE87
293	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
294	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II	2040-AD39
295	SAN No. 3786 NPDES Applications Revisions	2040-AC84
296	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
297	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
298	SAN No. 3663.1 Availability of and Procedures for Removal Credits	2040-AE88
299	SAN No. 4980; Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process	2040-AE82
300	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	2040-AE77
301	SAN No. 5098; Implementation Guidance for Mercury Water Quality Criteria	2040-AE87
302	SAN No. 5311 Development of Best Management Practices for Recreational Boats Under Section 312(o) of the Clean Water Act	2040-AF03

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
303	SAN No. 2634.6 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of “Navigable Waters”	2050-AG48
304	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040-AC93
305	SAN No. 4996; Concentrated Animal Feeding Operation Rule	2040-AE80
306	SAN No. 5162; NPDES General Permits for Discharges Incidental to the Normal Operations of a Vessel	2040-AE93
307	SAN No. 5205 Revisions to the Clean Water Act Regulatory Definition of “Discharge of Dredged Material”	2040-AE96
308	SAN No. 5243; NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula	2040-AF07

SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
309	SAN No. 5332; Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells (Section 610 Review)	2040-AF04

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
310	SAN No. 5066 Second 6 Year Review of Existing National Primary Drinking Water Regulations	2040-AE90

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
311	SAN No. 4966; Drinking Water Regulations for Aircraft Public Water System	2040-AE84

EPA**SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage (Continued)**

Sequence Number	Title	Regulation Identifier Number
312	SAN No. 4745 Drinking Water Contaminant Candidate List 3	2040-AD99
313	SAN No. 5272 National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants & Disinfection Byproducts Rule and Changes Related to References of Analytical Methods in the CFR	2040-AF00

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

Sequence Number	Title	Regulation Identifier Number
314	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040-AA94
315	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040-AC13
316	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040-AD54
317	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule	2040-AD94
318	SAN No. 4236 Underground Injection Control: Update of State Programs	2040-AD40
319	SAN No. 5211; Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO ₂) Geologic Sequestration (GS) Wells	2040-AE98
320	SAN No. 5284; Revising Underground Storage Tank Regulations (Part 280, 281)—Revisions to Existing Requirements and Additions to Incorporate the Provisions of the Energy Policy Act	2050-AG46

MARINE PROTECTION RESEARCH AND SANCTUARY ACT (MPRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
321	SAN No. 5290; Repeal of Regulation Identifying “Dumping Sites Designated on an Interim Basis” Under the Marine Protection, Research, and Sanctuaries Act	2040-AF01

SHORE PROTECTION ACT (SPA)—Long-Term Actions

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

Environmental Protection Agency (EPA)**Proposed Rule Stage****General****1. WASTE ENERGY RECOVERY REGISTRY****Priority:** Other Significant**Legal Authority:** 42 USC 6342**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” in cooperation with the Department of Energy and state energy offices. 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 a rule establishing criteria for including sites in the Registry.

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. 5262; EPA Docket information: EPA-HQ-OAR-2008-0201**Agency Contact:** Katrina Pielli, Environmental Protection Agency, Air and Radiation, 6202J, Washington, DC 20460

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EPA—General

Proposed Rule Stage

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RIN: 2060–AP14

2. 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. 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	12/00/09	
Final Action	06/00/10	

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

3. • GOVERNMENT PROPERTY AND CONTRACT PROPERTY ADMINISTRATION REQUIREMENTS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 48 CFR 1545 and 1521

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA) will amend the EPA Acquisition Regulation (EPAAR) to update policy, procedures, and contract clauses. The proposed rule

consolidates the EPAAR physical property clauses (Decontamination, Fabrication, and Government Property), re-designates the prescription number in the data clause, and updates the roles and responsibilities of the contractor, DCMA, and CPC.

Sections Affected: EPAAR 1552.245-71 Government Furnished Data; 1552.245-73 Government Property (GP); 1552.245-72-Fabrication or Acquisition of Nonexpendable Property; 1552.245-70 Decontamination.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5308;

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RIN: 2030–AA98

Environmental Protection Agency (EPA)

Final Rule Stage

General

4. 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 C.F.R. 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	06/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5291;

EPA—General

Final Rule Stage

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RIN: 2015-AA01

5. • TECHNICAL CORRECTIONS TO TITLE 40 TO CONFORM TO THE CIVIL MONETARY PENALTY INFLATION ADJUSTMENT RULE

Priority: Info./Admin./Other

Legal Authority: 31 USC 3701

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On December 11, 2008, EPA promulgated the 2008 Civil Monetary Penalty Inflation Adjustment Rule (73 FR 75340) to adjust all statutory civil monetary penalties for inflation. This rule was issued pursuant to the Debt Collection Improvement Act (DCIA), which requires each federal agency to adjust statutory penalty amounts under its jurisdiction to account for inflation. During the course of that rulemaking, EPA discovered that certain regulatory provisions of Title 40 referred to outdated statutory civil penalty amounts. This rulemaking will amend all regulatory references to specific civil penalty amounts to refer to the operative effective statutory maximum

penalty amount reflected in 40 CFR 19.4.

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. 5325; EPA Docket information: 000

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RIN: 2020-AA49

6. 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.

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. 5121

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RIN: 2090-AA37

Environmental Protection Agency (EPA)

General

Completed Actions

7. REGULATION TO ADJUST CIVIL MONETARY PENALTIES FOR INFLATION

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3701; PL
101-410

CFR Citation: 40 CFR 19; 40 CFR 27

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 four years.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/11/08	73 FR 75340

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

EPA—General

Completed Actions

Additional Information: SAN No. 5248; EPA publication information: Direct Final Action - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2008/December/Day-11/g29380.pdf>;

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RIN: 2020-AA46

8. PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT AND ASSESSING THE ENVIRONMENTAL EFFECTS ABROAD OF EPA ACTIONS

Priority: Info./Admin./Other

Legal Authority: 42 USC 4321 to 4347

CFR Citation: 40 CFR 6

Legal Deadline: None

Abstract: The Environmental Protection Agency has taken 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 made two minor, technical corrections to the regulations. The first change corrected the number of extraordinary circumstances from 14 to 10, as referenced at 40 CFR part 6.204 (f)(2)(vi). The second change clarified the language in a categorical exclusion (found at 40 CFR part 6.204 (a)(2)(ii)) to include vacant land. Neither of these changes affects the substantive conditions of the regulations. The rule will be effective April 6, 2009.

Timetable:

Action	Date	FR Cite
NPRM	02/04/09	74 FR 6008
NPRM Comment Period End	03/06/09	
Direct Final Action	02/04/09	74 FR 5991

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5288; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2009/February/Day-04/g2350.htm>; EPA Docket information: EPA-HQ-OECA-2009-0006

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RIN: 2020-AA48

9. 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: None

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.

EPA undertook this rulemaking in conjunction with a court action whereby the plaintiff challenged EPA's confidentiality regulations. Litigation was stayed while EPA proposed this rule. This rulemaking was entered into the system subject to possible withdrawal or amendment pending the Court's determination. The U.S. District Court for the District of Columbia determined that the Agency's determination that the substantiation was entitled to confidential treatment was based on Exemption 4 of the Freedom of Information Act and not on 2.205. Pursuant to OGC's determination, this rule may be withdrawn in accordance with the Court's holding.

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
Withdrawn	02/26/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3240;

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RIN: 2025-AA02

10. CROSS-MEDIA ELECTRONIC REPORTING REGULATION (CROMERR) TECHNICAL AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y; 15 USC 260 to 2692; 33 USC 1251 to 1387; 33 USC 1401 to 1445; 33 USC 2701 to 2761; 42 USC 300f to 300j26; 42 USC 4852d; 42 USC 6901 to 6992k;

EPA—General

Completed Actions

42 USC 7401 to 7671q; 42 USC 9601 to 9675; 42 USC 11001 to 11050; 15 USC 7001; 44 USC 3504 to 3506

CFR Citation: 40 CFR 3

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. CROMERR applies to any document submissions required by or permitted under EPA or any 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 had until October 13, 2008, to submit their applications for EPA approval of their system under CROMERR.

This action extended the October 13, 2008, deadline for existing systems by fifteen (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	10/17/08	73 FR 61773
Final Action— Deadline Extension	12/24/08	73 FR 78991

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN No. 5295; EPA publication information: Direct Final Action - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2008/October/Day-17/g24824.htm>;

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RIN: 2025-AA23

**Environmental Protection Agency (EPA)
Clean Air Act (CAA)**

Proposed Rule Stage

11. 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 and 7409

CFR Citation: 40 CFR 50

Legal Deadline: Other, Judicial, July 11, 2008, Integrated Science Assessment to be issued. NPRM, Judicial, June 26, 2009. Final, Judicial, January 22, 2010.

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 8, 1996, 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, EPA's Office of Research and Development (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. 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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060–AO19

12. 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; 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 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 Office of Research and Development (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.) ORD and EPA's Office of Air and Radiation (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, which will also undergo CASAC and public review. 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
NPRM	11/00/09	
Final Action	06/00/10	

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

13. 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: Other, Judicial, December 12, 2008, Integrated Science Assessment to be issued. NPRM, Judicial, February 12, 2010. 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 CAA Amendments of 1977 require EPA to review and, if

appropriate, revise air quality criteria, primary (health-based), and secondary (welfare-based) NAAQS every 5 years. On October 11, 1995, 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, 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, EPA's Office of Research and Development (ORD) initiated the current periodic review of NO₂ air quality criteria with a call for information in the Federal Register (FR). On May 3, 2006, ORD initiated the current periodic review of SO₂ air quality criteria with a call for information in the FR. 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 NO₂, SO₂, 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).

ORD and EPA's Office of Air and Radiation (OAR) will prepare a plan for this 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, which will also undergo CASAC and public review. As the

EPA—Clean Air Act (CAA)

Proposed Rule Stage

NAAQS review is completed, the Administrator's proposal to retain or revise the secondary NAAQS for NO₂ and SO₂ 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
NPRM	02/00/10	
Final Action	11/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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RIN: 2060-AO72

14. 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 187 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 adverse human health problems. The law requires 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 support their petition. 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. This petition was deemed complete in 2005.

Timetable:

Action	Date	FR Cite
Notice of Complete Petition	05/26/05	70 FR 30407
Petition Response	12/00/09	

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

15. 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.

Timetable:

Action	Date	FR Cite
Notice	07/19/04	69 FR 42954
Petition Response	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

EPA—Clean Air Act (CAA)

Proposed Rule Stage

16. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY**Priority:** Other Significant**Legal Authority:** CAA 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% of the emissions in urban areas of the 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists chemical preparations as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5015

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RIN: 2060–AN46**17. NESHAP: AREA SOURCE STANDARDS—PAINTS AND ALLIED PRODUCTS MANUFACTURING****Priority:** Other Significant**Legal Authority:** CAA 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 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists paints and allied products manufacturing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5016

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RIN: 2060–AN47**18. NESHAP: PORTLAND CEMENT NOTICE OF RECONSIDERATION****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect State, local or tribal governments.**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63.1340 to 63.1359**Legal Deadline:** NPRM, Judicial, March 31, 2009, –.

Abstract: On December 20, 2006, EPA 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, EPA 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. The Agency took this action because there were still substantive technical issues and there was not sufficient opportunity for public comment on parts of the final action.

Since announcing our intent to reconsider the December 2006 rule, EPA has conducted extensive data gathering and analysis. As part of this effort, we requested that four cement facilities that have wet scrubbers for SO₂ control perform inlet and outlet testing for speciated mercury emissions and submit the test data to EPA to be used in the reconsideration. 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**19. NESHAP: AREA SOURCE STANDARDS—ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING****Priority:** Other Significant**Legal Authority:** CAA 112

EPA—Clean Air Act (CAA)

Proposed Rule Stage

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% of the emissions in urban areas of the 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists asphalt processing and asphalt roofing manufacturing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5191

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RIN: 2060-AO94

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

Priority: Substantive, Nonsignificant

Legal Authority: CAA 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% of the emissions in urban areas of the 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy.

The Integrated Urban Air Toxics Strategy lists prepared feeds manufacturing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5201

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RIN: 2060-AO98

21. 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). The amendments are being undertaken to address Clean Air Act Advisory Committee recommendations AQM2.3 and AQM2.4, which called for aligning the AIM rules with the model rules adopted by the Ozone Transport Commission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis Required: No

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

22. 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.

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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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AJ61

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

Priority: Other Significant

Legal Authority: 42 USC 7547; 42 USC 7545

CFR Citation: 40 CFR 1042; 40 CFR 1065; 40 CFR 94

Legal Deadline: Final, Judicial, December 17, 2009.

Abstract: Category 3 marine diesel engines (those with per cylinder displacement greater than 30 liters) are very large engines that are used for propulsion power in ocean-going vessels. Emissions from these engines 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 emissions from Category 3 marine diesel engines on ships flagged in the United States. This rulemaking will consider long-term NO_x standards for new Category 3 marine diesel engines that would require the use of high efficiency aftertreatment technology. We are considering standards equivalent to the limits for nitrogen oxides (NO_x) recently adopted by the International Maritime Organization, which are based on the position advanced by the United States Government as part of the international negotiations. We are also considering a revision to our diesel fuel program under the Act to allow for the manufacture and sale of marine diesel fuel with a sulfur content up to 1,000 ppm for use in Category 3 engines. The proposal would be part of a coordinated strategy, the second component of which would consist of pursuing Emission Control Area (ECA) designation for U.S. coastal areas in accordance with MARPOL Annex VI. This will ensure that all ships that affect U.S. air quality meet stringent NO_x and fuel sulfur requirements. A recent D.C. Circuit decision (February 2009) upheld EPA's deadline of 12/17/09 based on EPA's commitment

in the regulation to meet that deadline for the final Category 3 rule.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/07	72 FR 69521
NPRM	05/00/09	
Final Action	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. 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

URL For More Information: www.epa.gov/otaq/oceanvessels.htm

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RIN: 2060-AO38

24. AIR QUALITY INDEX REPORTING AND SIGNIFICANT HARM LEVEL FOR PM_{2.5}

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: EPA's Air Quality Index (AQI) is used by States for daily air quality reporting to the general public in accordance with section 319 of the Clean Air Act (Act). The AQI must be updated whenever EPA revises one of the National Ambient Air Quality Standards (NAAQS). In 2006, EPA

revised the NAAQS for fine particulates. The purpose of this rulemaking is to make revisions to the AQI for fine particulates to be consistent with the revised NAAQS.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	
Final Action	12/00/09	

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

25. 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: EPA is proposing to revise the requirements for import of Class I and Class II controlled ozone-depleting substances (controlled substances) into the United States by adding provisions for importing controlled substances specifically for purposes of destruction. The proposed provisions would require pre-notification to EPA in the form of a certification of intent to import for destruction, and would institute additional recordkeeping and reporting requirements for persons who import controlled substances for destruction. EPA is also proposing to revise the regulations governing the destruction of controlled substances under 40 CFR part 82, subpart A, by revising the

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definitions governing destruction of controlled substances and revising recordkeeping and reporting requirements for persons who destroy controlled substances. EPA believes that the streamlined regulatory provisions being proposed in this action will result in the destruction of additional quantities of controlled substances in the United States that would have otherwise been emitted into the atmosphere, where they deplete the stratospheric ozone layer.

Timetable:

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

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

26. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS

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

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 82 subpart F

Legal Deadline: None

Abstract: This rulemaking would amend the refrigerant leak repair regulations (40 CFR 82, subpart F) promulgated under section 608 of the Clean Air Act. This rule would require 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	06/00/09	

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

Government Levels Affected: Undetermined

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

URL For More Information:

www.epa.gov/ozone/title6/608

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RIN: 2060-AM09

27. 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 section 608 rule on refrigerant recycling equipment intended for use with

substitute refrigerants. Recovery equipment is specific to the refrigerant. As new refrigerants enter the market, and therefore new equipment to capture those refrigerants enter the market, this rule must be updated to reflect that new equipment.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	

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

28. NSPS: SOCMI—WASTEWATER AND AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60 Appendix J to part 60; 40 CFR 63 – Appendix C to part 63

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,

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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
Supplemental NPRM 3	07/00/09	
Final Action	06/00/10	

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

29. 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

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	12/00/09	
Final Action	12/00/10	

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

30. NESHA & 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, subpart AAAA of 40 CFR part 63, and the Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR part 60.

Timetable:

Action	Date	FR Cite
NPRM	09/08/06	71 FR 53272
Supplemental NPRM	04/00/10	

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

31. 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: NPRM, Judicial, July 15, 2009.

Final, Judicial, July 15, 2010.

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). Section 112(k) requires development of standards for area sources which account for 90% of the emissions in urban areas of the 30 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 for regulation pursuant to section 112(c). Industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories.

Timetable:

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

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

32. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT

Priority: Other Significant

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: In this action the EPA is proposing emission standards for hazardous air pollutants (HAP) emissions 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), the National Aeronautics and Space Administration, and the National Nuclear Security Administration. Additionally, this proposed regulation will consider potential control of HAP emissions from 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 proposed rulemaking is related to surface coating activities at 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	08/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4926; EPA Docket information: EPA-HA-OAR-2005-0527

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RIN: 2060-AM84

33. 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

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created, and to include specific criteria that periodic monitoring must meet.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	
Final Action	01/00/10	

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

34. DEFECT REPORTING FOR ON-HIGHWAY MOTOR VEHICLES AND ENGINES

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: Not Yet Determined

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

35. 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: CAA

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. Under the title V program, each facility that is a major source of specified air pollutants is required to have a permit that describes allowable emissions and other conditions. The improvements to the program 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 would 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	12/00/09	
Final Action	07/00/10	

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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RIN: 2060-AN93

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

Priority: Other Significant

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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 sets Maximum Achievable Control Technology (MACT) standards for existing and new major sources of hazardous air pollutant emissions. 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 shipbuilding NESHAP. 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.

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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	11/00/09	

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

37. 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: NPRM, Judicial, July 15, 2009.

Final, Judicial, July 15, 2010.

Abstract: This action will respond to the remand of the Commercial and Industrial Solid Waste Incineration (CISWI) New Source Performance Standards and Emission Guidelines under section 129 of the Clean Air Act. Among other things, we will respond to the Court's June 2007 remand of the CISWI Definitions Rule, and examine and revise, as appropriate, the methodology for developing the MACT floors and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5105; EPA Docket information: EPA-HQ-OAR-2003-0119

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RIN: 2060-AO12

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

Priority: Substantive, Nonsignificant

Legal Authority: CAA 301

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: Under section 302(s) of the Clean Air Act and 40 CFR 51.100(s), the EPA regulates volatile organic compounds (VOCs) as precursors to ozone formation. While all VOCs have the ability to react in the atmosphere to form ozone, some VOCs react at such a slow rate their contribution to ground-level ozone is negligible. Through regulation, the Agency can exempt negligibly reactive compounds from the definition of VOC. VOCs that are exempted from the CAA definition are no longer part of the controls included in State Implementation Plans for attaining the EPA ozone National Ambient Air Quality Standard. In 2005 and 2007, the EPA received petitions to exclude this family of HFPEs and also HFE-347pc-f respectively from the list of 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 is a proposal action by the Agency on the petitions received.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5131

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RIN: 2060-AO17

39. RESPONSE TO REQUEST FOR RECONSIDERATION OF FINAL AIR EMISSION MACT RULES FOR LARGE MUNICIPAL WASTE COMBUSTORS (MWCS).

Priority: Other Significant

Legal Authority: CAA 129

CFR Citation: 40 CFR 60

Legal Deadline: None

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 Clean Air Act, EPA reviewed these standards and proposed revised standards. The proposal occurred on Dec 19, 2005, and final standards were published on May 10, 2006 (71 FR 27323). A number of individuals filed litigation on various aspects of the standards. Moreover, the Agency received a separate petition to reopen the section 129(a)(2) standards. EPA agreed to initiate such an action. Accordingly, EPA petitioned the court

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to remand the 2006 LMWC rule to EPA. The court issued the remand in February 2008.

Timetable:

Action	Date	FR Cite
Notice of Reconsideration of Final Rule	03/20/07	72 FR 13016
NPRM	11/00/09	

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

40. RECONSIDERATION OF STATIONARY COMBUSTION TURBINE NSPS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: On March 20, 2009, EPA promulgated, by direct final rule, an amendment to 40 CFR part 60, subpart KKKK, addressing issues regarding the SO₂ limit for turbines burning landfill gas. EPA also plans to issue a proposal to reconsider several relatively minor issues in that direct final rule.

Timetable:

Action	Date	FR Cite
Direct Final Action—Landfill Gas	03/20/09	74 FR 11858
NPRM—Reconsideration Issues	10/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5116; EPA publication information: Direct Final Action—Landfill Gas - <http://edocket.access.gpo.gov/2009/pdf/E9-6163.pdf>

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RIN: 2060-AO23

41. 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, December 27, 2006). Second, the Department of Transportation finalized new average fuel economy standards for light trucks on April 6, 2006 (71 FR 77 872). This rule amended the existing DOT regulations at 49 CFR part 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. This action will accomplish those tasks. These

changes do not change the existing EPA test procedures or calculation methods for average fuel economy.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5124

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42. PETROLEUM REFINERY RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: CAA 112(f)(2); CAA 112(d)(6); CAA 112(d)(2) and (3)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: Under CAA section 112(d)(6) EPA is required to review standards issued under section 112 and to 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 provide an ample margin of safety to protect public health or prevent an adverse environmental effect. This rulemaking was under a consent decree to fulfill the requirements of Clean Air Act section 112(d)(6). The consent decree required proposal by August 21, 2007 and promulgation by January 16, 2009. The final rule was signed on January 16, 2009, but was not published in the Federal Register and the action is being reconsidered by the Agency.

Timetable:

Action	Date	FR Cite
NPRM	09/04/07	72 FR 50716
Supplemental NPRM	11/10/08	73 FR 66694
Supplemental NPRM Comment Period End	12/10/08	

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Action	Date	FR Cite
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Supplemental NPRM	07/00/09	
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Final Decision	07/00/09	
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Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5093.1; EPA publication information: Supplemental NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-10/a26403.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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Email: hustvedt.ken@epamail.epa.gov**RIN:** 2060-AO55**43. STANDARDS OF PERFORMANCE FOR COAL PREPARATION PLANTS—AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 111**CFR Citation:** 40 CFR 60, subpart Y

Legal Deadline: NPRM, Judicial, April 16, 2008, As per 11/16/2006 Consent Decree.

Final, Judicial, May 15, 2009, As per 11/16/2006 Consent Decree. Modified on January 26, 2009.

Other, Judicial, May 15, 2009, Must either sign the final rule or a supplemental proposal by May 15, 2009.

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 original consent decree date for final action was April 16, 2009.

The consent decree was modified on January 26, 2009 and amended the date for final action to May 16, 2009 unless we publish a supplemental proposal. If we do a supplemental proposal the deadline for taking final action is September 26, 2009.

No substantive amendments to subpart Y have been done since the rule was originally finalized in 1976. 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 expanding the applicability to cover other sources of particulate emissions at coal preparation plants. For fugitive particulate matter sources where opacity readings are not possible work practice standards will be specified.

Timetable:

Action	Date	FR Cite
NPRM	04/28/08	73 FR 22901
NPRM Comment Period Extended	06/10/08	73 FR 32667
Supplemental NPRM	05/00/09	
Final Action	09/00/09	

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

Additional Information: SAN No. 5144; EPA publication information: NPRM; extension of public comment - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-10/a12976.pdf>; EPA Docket information: EPA-HQ-OAR-2008-0260

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Email: maxwell.bill@epamail.epa.gov**RIN:** 2060-AO57**44. METHODS FOR MEASUREMENT OF FILTERABLE PM₁₀ AND PM_{2.5} AND MEASUREMENT OF CONDENSABLE PARTICULATE MATTER EMISSIONS FROM STATIONARY SOURCES****Priority:** Other Significant**Legal Authority:** CAA**CFR Citation:** 40 CFR 51 appendix 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 PM_{2.5} 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	03/25/09	74 FR 12969
NPRM Comment Period End	05/26/09	
Final Action	12/00/09	

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

Additional Information: SAN No. 5147; EPA publication information: NPRM - <http://edocket.access.gpo.gov/2009/pdf/E9-6178.pdf>; EPA Docket information: EPA-HQ-QAR-2008-0348

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

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RIN: 2060–AO58

45. 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. 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.

Timetable:

Action	Date	FR Cite
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. 5153

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RIN: 2060–AO70

46. PROTECTION OF THE STRATOSPHERIC OZONE: MOTOR VEHICLE AIR CONDITIONING SYSTEM SERVICING**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671 to 7671q**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	03/00/10	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5206**URL For More Information:**<http://www.epa.gov/ozone/snap>

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RIN: 2060–AO75

47. GREENHOUSE GAS MANDATORY REPORTING RULE**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 86, 87, 89, 90, 94, and 98

Legal Deadline: NPRM, Statutory, September 26, 2008, FY08 Consolidated Appropriations directed EPA to publish a proposal 9 mos after enactment. Final, Statutory, June 26, 2009, FY08 Consolidated Appropriations directed EPA to publish final 18 mos after enactment.

Abstract: The FY2008 Consolidated Appropriations Act, which was signed into law on December 26, 2007,

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.

Timetable:

Action	Date	FR Cite
NPRM	04/10/09	74 FR 16447
NPRM Comment Period End	06/09/09	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local**Additional Information:** SAN No. 5242; EPA Docket information: EPA-HQ-OAR-2008-0508

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RIN: 2060–AO79

EPA—Clean Air Act (CAA)

Proposed Rule Stage

48. 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: CAA 211(o)

CFR Citation: 40 CFR 86, 40 CFR 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 biofuels 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.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	
Final Action	11/00/09	

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.

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. 5250

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RIN: 2060-AO81

49. PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 51

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	10/00/09	
Final Action	07/00/10	

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

50. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION RULE AMENDMENTS

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In 2003, EPA issued national emission standards for hazardous air pollutants for reinforced plastic composites production (40 CFR 63 subpart WWW). 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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5232

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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 RIN: 2060-AP05

51. NEW SOURCE PERFORMANCE STANDARDS FOR GRAIN ELEVATORS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411; CAA 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 led 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	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. 5233

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RIN: 2060-AP06

52. 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
NPRM	09/00/09	

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

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

Priority: Other Significant

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, HFO-1234yf, 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	07/00/09	
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 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

54. AMBIENT OZONE MONITORING REGULATIONS: REVISIONS TO NETWORK DESIGN REQUIREMENTS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

EPA—Clean Air Act (CAA)

Proposed Rule Stage

CFR Citation: 40 CFR 58**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	05/00/09	
Final Action	02/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 5259; EPA Docket information: EPA-HQ-OAR-2008-0338**Agency Contact:** Lewis Weinstock, Environmental Protection Agency, Air and Radiation, C304-06, RTP, NC 27711

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RIN: 2060-AP15**55. REGULATION OF FUEL AND FUEL ADDITIVES: GASOLINE AND DIESEL FUEL TEST METHODS****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 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	12/08/08	73 FR 74403
Direct Final Action	12/08/08	73 FR 74350
Partial Withdrawal of DFR	02/06/09	74 FR 6233
Supplemental NPRM	05/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5261; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-08/a28372.pdf>;**Agency Contact:** Joe Sopata, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460

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RIN: 2060-AP17**56. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF METHYL BROMIDE AND METHYL IODIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 301**CFR Citation:** 40 CFR 51.100 (s)**Legal Deadline:** None

Abstract: This action will propose options related to the potential to revision of 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 consider the addition of 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. The potential impacts from the addition of these compounds to the exclusion of the definition of VOC will be discussed, and public comment sought. In 1996 and 2008 the EPA received petitions to exclude methyl bromide and also methyl iodide respectively from the list of VOCs on the basis that, as a precursor, these compounds make a negligible contribution to the formation of tropospheric ozone. These compounds are used as pesticides. This is a proposal action by the Agency on the petitions received.

Timetable:

Action	Date	FR Cite
NPRM	09/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5269; We are receiving assistance from the Significant New Alternatives Policy

EPA—Clean Air Act (CAA)

Proposed Rule Stage

(SNAP) Program and from Regional Office 4 and 9.

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RIN: 2060-AP22

57. RESTRUCTURING OF THE STATIONARY SOURCE AUDIT PROGRAM

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 60 and 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 free of charge because there were no commercial sources. Because of growth in the laboratory calibration standards, there are now commercial sources available to provide these audit samples. Restructuring this program will allow commercial suppliers to replace EPA as the source of audit samples. As a result of restructuring, there will be both greater availability and new kinds of audit samples which should yield increased usage of the audit sample program and, in turn, overall better quality test data. Without this rulemaking being promulgated by October 2009, EPA would require 220K additional funds in FY 2010 and every year thereafter to run the program with the new kind of samples and greater

sample availability offered by the restructured program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

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

58. RULE FOR IMPLEMENTATION OF 2008 8-HOUR OZONE NAAQS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7409 and 7410; 42 USC 7511 to 7511f; 42 USC 7601(a)(1)

CFR Citation: 40 CFR 51

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 will also establish also rules for classification of nonattainment areas for the 2008 ozone standard. The actual classification of areas would occur in a separate

rulemaking designating areas for the standard.

Timetable:

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

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

59. 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 Artega 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.

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Timetable:

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

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

60. TRANSPORTATION CONFORMITY PM2.5 AND PM10 AMENDMENTS**Priority:** Other Significant**Legal Authority:** CAA**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 would 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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	
Final Action	12/00/09	

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**61. IMPLEMENTING THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD: NSR AND SECTION 185 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 action will revise the rule for implementing the 1997 8-hour ozone national ambient air quality standard (NAAQS) to address how nonattainment major new source review (NSR) requirements and section 185 penalty fee provisions should apply under the anti-backsliding provisions of the implementation rule, in response to a partial vacatur by the U.S. Court of Appeals for the District of Columbia Circuit.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	

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

62. 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
NPRM	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** SAN No. 5289

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AP31

63. 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: None

Abstract: EPA procedures allow regulated entities to petition to add compounds to the Agency's compilation of reactivity factors. This rulemaking is in response to three petitions the Agency has received since promulgation of the existing aerosol coatings VOC rule.

Timetable:

Action	Date	FR Cite
Direct Final Action—Compliance Date Extension	11/07/08	73 FR 66184
NPRM—Compliance Date Extension	11/07/08	73 FR 66209
Final Rule; Withdrawal of Direct Final Rule	12/24/08	73 FR 78994
NPRM—Amendments to Table 2	04/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5297; EPA publication information: NPRM-Compliance Date Extension - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-07/a26613.pdf>

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RIN: 2060-AP33

64. 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: On November 16, 2007, we published amendments to the new source performance standards for equipment leaks in 40 CFR part 60 subparts VV, VVa, GGG, and GGGa. After promulgation of the rule we received a petition for reconsideration from the American Chemistry Council (ACC), American Petroleum Institute (API), and National Petrochemical Refiners Association (NPRA), which we granted in part on March 4, 2008. This package will address those reconsideration issues.

Timetable:

Action	Date	FR Cite
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5035.2; 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

65. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, February 25, 2009, Consent decree for NESHAP for non-emergency stationary diesel engines 300 HP or greater. Final, Judicial, February 10, 2010, Consent decree for NESHAP for non-emergency stationary diesel engines 300 HP or greater.

Abstract: This proposal is intended to establish national emission standards for hazardous air pollutants (NESHAP) for existing stationary reciprocating internal combustion engines (RICE) (gas-fired and diesel) that are either located at area sources of hazardous air pollutants (HAP) emissions or that have a site rating of less than or equal to 500 brake horsepower (hp) and are located at major sources of HAP emissions. The proposal also establishes NESHAP for existing stationary compression ignition (diesel) engines with a site rating of greater than 500 brake hp that are located at major sources of HAP emissions. EPA has previously promulgated NESHAP for new stationary RICE located at major sources of HAP emissions, existing stationary spark ignition (gas-fired) engines that have a site rating of greater than 500 brake hp and are located at major sources of HAP emissions, and new stationary RICE located at area sources of HAP emissions. This regulation will complete our statutory obligation to establish NESHAP for stationary engines at major and area sources. We are also taking comment on (1) the feasibility of approaches that would further reduce the remaining diesel engine emissions (PM_{2.5} and black carbon), including requiring use of catalyzed diesel particulate filters; and (2) approaches that would address emissions during startup, shutdown, and malfunction periods.

Timetable:

Action	Date	FR Cite
NPRM	03/05/09	74 FR 9698
NPRM Comment Period End	05/04/09	
Final Action	02/00/10	

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5300; EPA publication information: NPRM - <http://edocket.access.gpo.gov/2009/pdf/E9-4595.pdf>;**Agency Contact:** Melanie King, Environmental Protection Agency, Air and Radiation, D243-01, RTP, NC 27711

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Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Sean Hillson, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105

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Action	Date	FR Cite
NPRM	09/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5318**Agency Contact:** Rich Wilcox, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460

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Action	Date	FR Cite
NPRM	08/00/09	

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

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Additional Information: SAN No. 5327; NA

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RIN: 2060-AP47

69. • NATIONAL EMISSIONS STANDARD FOR HAZARDOUS AIR POLLUTANTS FOR GOLD MINE ORE PROCESSING

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is developing a national emissions standard for hazardous air pollutants (NESHAP) for gold mine ore processing facilities under section 112 of the Clean Air Act. This action is being developed under section 112(c)(6) of the Clean Air Act, which requires EPA to list categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of mercury are subject to standards under subsection 112(d)(2) or 112(d)(4) of the Clean Air Act.

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. 5329; EPA Region 9 office may be able to assist and facilitate in various ways because of their knowledge and experience with this industry and the geographic concentration of these sources in their region.

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RIN: 2060-AP48

70. • ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(A) OF THE CLEAN AIR ACT

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

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On April 17, 2009, the Administrator proposed an Endangerment Finding under section 202(a) of the Clean Air Act. This proposed finding had two components. First, the Administrator proposed to find that the current and projected concentrations of the mix of six key greenhouse gases—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)—in the atmosphere endanger the public health and welfare of current and future generations

through climate change. In the second component of the proposal, known as the Cause or Contribute Finding, the Administrator further proposed to find that the combined emissions of four of these six greenhouse gases from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change. EPA has not proposed in this action any new regulation of motor vehicle or motor vehicle emissions.

Timetable:

Action	Date	FR Cite
NPRM	04/24/09	74 FR 18886
NPRM Comment Period End	06/23/09	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN No. 5335; Docket ID: EPA-HQ-OAR-2009-0171; NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-24/a9339.htm>

URL For More Information:

www.epa.gov/climatechange/endangerment.html

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Related RIN: Previously reported as 2060-ZA14

RIN: 2060-AP55

Environmental Protection Agency (EPA) Clean Air Act (CAA)

Final Rule Stage

71. 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	09/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Additional Information: SAN No. 4315; EPA publication information: NPRM 2 - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-12/a15086.htm>; Formerly listed as RIN 2060-AI79; EPA Docket information: epa-r09-oar-2006-0185

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RIN: 2009-AA00

72. 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: CAA

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.

Timetable:

Action	Date	FR Cite
NPRM	06/23/06	71 FR 36042
Final Action	03/00/10	

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

73. • AIR QUALITY DESIGNATIONS AND CLASSIFICATIONS FOR THE 2008 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: sec 106(d); sec 172(a); sec 181(a)

CFR Citation: 40 CFR 81

Legal Deadline: Final, Statutory, March 12, 2010, CAA requires EPA to issue designations no later than 2 years from the 3/12/08 promulgation of the revised ozone NAAQS.

Abstract: On March 12, 2008, EPA promulgated revised ozone national ambient air quality standards (NAAQS). This action will establish the air quality designations and classifications for all areas of the United States under the revised standards, as required by section 107 of the Clean Air Act. Designations of attainment, nonattainment, or unclassifiable are based upon air quality monitoring data and other relevant information pertaining to the air quality in the affected area, including whether an area contributes to a violation of the standard in a nearby area. The schedule and process for designations is contained in section 107. Under the schedule, States and Tribes are to submit their designation recommendations no later than one year from promulgation of the revised NAAQS. EPA is required to notify States and Tribes of any modifications that EPA intends to make to their recommendations no later than 120 days prior to promulgation of the designations. EPA must make the designations no later than 2 years from promulgation of the revised NAAQS. However, EPA may extend that date by up to one year if EPA has insufficient information.

Timetable:

Action	Date	FR Cite
Final Action	03/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5302; EPA Docket information: EPA-HQ-OAR-2008-0476

EPA—Clean Air Act (CAA)

Final Rule Stage

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RIN: 2060-AP37

74. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

Priority: Other Significant

Legal Authority: 42 USC 7410 et seq

CFR Citation: 40 CFR 49

Legal Deadline: None

Abstract: Under the Clean Air Act's New Source Review (NSR) provisions, the EPA is developing 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. 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. 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	11/00/09	

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 - <http://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

75. 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: None

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	02/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3958

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RIN: 2060-AH23

76. PETROLEUM REFINERIES—NEW SOURCE PERFORMANCE STANDARDS (NSPS)—SUBPARTS J AND JA

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: On June 24, 2008, EPA promulgated amendments to the Standards of Performance for Petroleum Refineries and new standards for process units constructed, reconstructed, or modified after May 14, 2007. EPA received three petitions for reconsideration of the final rule. On September 26, 2008, EPA granted reconsideration and issued a stay for the issues raised in the petitions regarding process heaters and flares. On December 22, 2008, EPA addressed those specific issues by proposing amendments to certain provisions for process heaters and flares. EPA also proposed various technical corrections in that action that were raised in the petitions for reconsideration. EPA will take action on other issues raised by Petitioners in future notices. The notice deferred action on all the other reconsideration requests, including greenhouse gas controls. A direct final rule issued on 12/22/08 extended the stay until a final decision on reconsideration has been reached.

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	09/00/09	

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

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

Priority: Other Significant

Legal Authority: CAA 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% of the emissions in urban areas of the 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists aluminum, copper, and other nonferrous foundries as area source categories.

Timetable:

Action	Date	FR Cite
NPRM	02/09/09	74 FR 6510
NPRM Comment Period End	03/11/09	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5189; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2009/February/Day-09/a2400.htm>; EPA Docket information: EPA-HQ-OAR-2008-0236

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RIN: 2060-AO93

78. 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: Final, Judicial, September 15, 2009, 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, necessitated a re-proposal of responses to the questions raised in the Court’s remand.

Timetable:

Action	Date	FR Cite
Original NPRM	02/06/07	72 FR 5510
Supplemental NPRM	12/01/08	73 FR 72962
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

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>; 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

79. 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 finalized two sets of regulations to implement section 176(c). First, on November 24, EPA finalized the Transportation Conformity Regulations to establish the criteria and procedures for determining that transportation plans, programs, and projects that are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA finalized 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

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their 1993 finalization. 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	11/00/09	

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?WASdocID=620448219337+0+0+0&WASaction=retrieve>; EPA Docket information: EPA-HQ-OAR-2006-0669

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RIN: 2060-AH93

80. 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.

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

81. 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.

Timetable:

Action	Date	FR Cite
Supplemental 2 NPRM	01/17/06	71 FR 2843
Final Action	01/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4757.1; EPA publication information: Supplemental 2 NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-17/a073.htm>; Split from RIN 2060-AK76.

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RIN: 2060-AN01

82. 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 has proposed to authorize uses that will qualify for the 2009 critical use exemption from the phaseout of methyl bromide. This action will also authorize 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. EPA makes allocation decisions based on information supplied by applicants for each use/amount. The Parties have

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approved critical use methyl bromide every year since the phaseout in 2005.

Timetable:

Action	Date	FR Cite
NPRM	11/28/08	73 FR 72421
NPRM Comment Period End	12/29/08	
Final Action	05/00/09	

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. 5235; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-28/a28328.pdf>; 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

83. 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. If found acceptable, this would provide industry with another alternative to solvents with higher ozone depletion

potential. An acceptability determination 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 as safe and environmentally protective as other available substitutes. OSHA does not currently regulate nPB.

Timetable:

Action	Date	FR Cite
NPRM1	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	07/00/09	

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

84. 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 the first 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.

2nd Final Action: EPA plans to finalize the use of R-744 in the 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

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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

85. 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	12/23/08	73 FR 78705
Final Action	07/00/09	

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 publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-23/a29999.pdf>; 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

86. REVIEW OF NEW SOURCE PERFORMANCE STANDARDS—PORTLAND CEMENT

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: CAA 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. The Sierra Club filed a lawsuit to compel us to perform this review. We have agreed to review the NSPS and to promulgate final changes by May 31, 2009.

Timetable:

Action	Date	FR Cite
NPRM	06/16/08	73 FR 34072
Extension of Comment Period	08/13/08	73 FR 47119
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Tribal

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

87. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE

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). 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

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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.

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

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RIN: 2060-AI97

88. 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 appendix B; 40 CFR 60 appendix F

Legal Deadline: None

Abstract: Compliance with many air rules is determined through use of process parameter values, instead of direct measurements of the pollutants of concern. No uniform set of requirements exist that inform users of parameter monitoring devices of the suitability of the devices for specific tasks or the ability of the devices to provide valid data. The lack of such requirements means that the data from those devices are less certain than other data collected for the Agency and puts those who rely on parameter monitoring values at risk of being incorrect. This rule would establish minimum acceptable requirements, both for initial installation and ongoing operation, for five common classes of parameter monitoring devices — temperature, pressure, flow rate (liquid, gas, and mass), pH, and conductivity. In addition, this rule would revise portions of other rules to ensure a consistent approach for parameter monitoring. Finally, unrelated to parameter monitoring, the rule would clarify ongoing quality assurance requirements for direct measurement devices that detect multiple pollutants. The rule was proposed on October 9, 2008, and it can be found beginning on page 59,956 of Volume 73 of the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	10/09/08	73 FR 59956
Extension of Comment Period	12/03/08	73 FR 73629
NPRM Comment Period End	12/08/08	
NPRM Comment Period Extended to Final Action	02/05/09	
	09/00/09	

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

Additional Information: SAN No. 4584; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-09/a22674.htm>; EPA Docket information: EPA-HQ-OAR-2006-0640

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

89. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): AGGREGATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: EPA is proposing an additional delay of the effective date of the NSR Aggregation Rule and soliciting comment on the duration of this additional delay in order to allow for sufficient time to conduct the reconsideration.

On January 30, 2009, the Natural Resources Defense Council ("NRDC") submitted a petition for reconsideration (the "NRDC Petition") of our rule issued on January 15, 2009, that addressing NSR Aggregation. This rule described when a source must combine ("aggregate") nominally-separate physical changes and changes in the method of operation for the purpose of determining whether they are a single change resulting in a significant emission increase.

On February 13, 2009, we announced the convening of a reconsideration proceeding for the NSR Aggregation Rule, and an administrative stay of the rule's effective date. That notice delayed the effective date of the rule from February 17, 2009 until May 18, 2009. On March 18, 2009, we proposed to extend that stay of the effective date beyond May 18, 2009, to allow EPA to complete its reconsideration proceeding before the rule's effective date.

EPA—Clean Air Act (CAA)

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Timetable:

Action	Date	FR Cite
NPRM	09/14/06	71 FR 54235
Withdrawal of Proposed Rule— Debottlenecking	01/15/09	74 FR 2460
Final Action	01/15/09	74 FR 2376
Announcement of Reconsideration	02/13/09	74 FR 7193
Delay of Effective Date	02/13/09	74 FR 7284
Proposed Additional Delay of Effective Date	03/18/09	74 FR 11509
Final Action on Effective Date	08/00/09	

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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Email: sutton.lisa@epa.gov**RIN:** 2060-AL75**90. 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, May 15, 2009.

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical manufacturing industry pursuant to Clean Air Act section 112. 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 Clean Air Act section 112 Urban Air Toxic Strategy to address urban HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	10/06/08	73 FR 58352
NPRM Comment Period End	11/20/08	73 FR 70289
Final Action	05/00/09	

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

Additional Information: SAN No. 4874; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-06/a22518.pdf>; EPA Docket information: <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OAR-2008-0334>

URL For Public Comments:

www.regulations.gov/fdmspublic/component/main?main=docketdetail&d=epa-hq-oar-2008-0334

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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. Among other things, the amendments will fix typographical errors, approve training programs for MWC operators in the State of Minnesota, revise some emission limits, and remove 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	01/00/10	

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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Abstract: This regulation establishes criteria for certifying a vehicle as low emitting and energy-efficient. State High-Occupancy-Vehicle (HOV) programs will reference this regulation in their request to Federal Highway

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Administration for exceptions to the 2-person minimum occupancy HOV requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/24/07	72 FR 29102
Final Action	06/00/09	

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

93. NESHAP: MERCURY CELL CHLOR-ALKALI PLANTS—AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Other, Judicial, May 31, 2009, Joint Stipulation.

Abstract: The existing NESHAP for mercury cell chlor-alkali plants was promulgated in 2003, in 40 CFR part 63 subpart IIII, 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 US. In 2004, 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 showed that the plants are emitting on the average of 500 g/day of mercury (0.2 tons per year) which is well below the previous 1,300 g/day operating value allowed in the previous part 61 rule. EPA published a proposal in June 2008, as per an agreement with NRDC, and is currently reviewing comments.

Timetable:

Action	Date	FR Cite
NPRM	06/11/08	73 FR 33258
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

94. 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 challenged the rule. Final amendments to address issues raised by the petitioners were published on July 14, 2006. This action will clarify and correct several inconsistencies in the final rule. Clarifications may include new language to specify which vent streams may be vented to a flare, how combination of emission limits may be

used for control of batch vents, and which process condensers are affected.

Timetable:

Action	Date	FR Cite
NPRM	08/06/08	73 FR 45673
Final Action	06/00/09	

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

95. PREVENTION OF SIGNIFICANT DETERIORATION FOR PM2.5—INCREMENTS, SIGNIFICANT IMPACT LEVELS AND SIGNIFICANT MONITORING CONCENTRATIONS

Priority: Other Significant

Legal Authority: 42 USC 7410; 42 USC 7470 to 7479; 42 USC 7501 to 7503

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: None

Abstract: Section 166 of the Clean Air Act authorizes the Environmental 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 PM2.5 were promulgated in 1997. On November 1, 2005, EPA proposed regulations for the implementation of the PM2.5 program including the New Source Review (NSR) provisions. In that NPRM, we

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indicated that we would be proposing a separate rule for developing increments and Significant Impact Levels (SILs), and a Significant Monitoring Concentration (SMC) to facilitate implementation of a PM_{2.5} PSD program. This rulemaking will address those issues.

Timetable:

Action	Date	FR Cite
NPRM	09/21/07	72 FR 54112
Notice of Extension of Comments	11/20/07	72 FR 65282
Final Action	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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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RIN: 2060-AO24

96. NEW SOURCE PERFORMANCE STANDARDS REVIEW FOR NONMETALLIC MINERAL PROCESSING PLANTS; AND AMENDMENTS TO SUBPART UUU APPLICABILITY

Priority: Other Significant

Legal Authority: CAA

CFR Citation: 40 CFR 60

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.

This NSPS was initially promulgated on August 1, 1985, and reviewed in the mid-1990's. Final revisions for that review were promulgated on June 9, 1997. On October 2006, EPA entered into a consent decree with several environmental groups. The decree requires final revisions to be promulgated by April 16, 2009. Revisions for this NSPS were proposed on April 22, 2008.

Timetable:

Action	Date	FR Cite
NPRM	04/22/08	73 FR 21559
Final Action	05/00/09	

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

97. 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: 42 USC 7401 et seq

CFR Citation: 40 CFR 51, appendix M

Legal Deadline: None

Abstract: Method 208 is a protocol for collecting, analyzing, and reporting of volatile organic compounds (VOC) emissions from asphalt paving production operations. It will produce more accurate measurement of the mass of VOC emissions from such 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. EPA is promulgating these methods to make them more widely available and acceptable for use by asphalt paving producers in meeting various environmental regulations.

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. 5146; EPA Docket information: EPA-HQ-OAR-2008-0622

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RIN: 2060-AO51

98. 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

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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	07/00/09	

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

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

99. REGULATION OF FUELS AND FUEL ADDITIVES: ALTERNATIVE QUALITY ASSURANCE REQUIREMENTS FOR ULTRA-LOW SULFUR DIESEL

Priority: Substantive, Nonsignificant**Legal Authority:** CAA 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.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/09	

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

100. 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 to 7671q**CFR Citation:** 40 CFR 82**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	12/23/08	73 FR 78680
NPRM Comment Period End	02/23/09	
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 publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-23/a29965.pdf>; 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

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

Priority: Other Significant**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

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ozone depleting substances for 2009. Essential use allowances enable a person to produce or import controlled Class I ozone depleting substances under the essential use exemption to the regulatory phaseout of these chemicals, which became effective on January 1, 1996. These chemicals were phased out of production internationally due to their harmful effects on the earth's ozone layer. EPA has promulgated such rules to allocate new production since the 1996 phase out. Under this rule, the essential uses are the manufacture of important medical devices such as asthma inhalers.

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2954
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. 5234; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2009/January/Day-16/a945.pdf>; 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

102. 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
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

103. IMPLEMENTATION OF THE 1997 8-HR OZONE NAAQS: REVISION ON SUBPART 1 AREA RECLASSIFICATION AND ANTI-BACKSLIDING PROVISIONS UNDER FORMER 1-HR OZONE STANDARD; DELETION OF OBSOLETE 1-HR OZONE STANDARD

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 would revise the Phase 1 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 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
 - Contingency measures for failure to attain the 1-hour standard or make reasonable progress toward attainment.
- The rule would also address: (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. The rule would also remove an obsolete provision in the 1-hour ozone standard itself (40 CFR 50.9(c)).

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2936
NPRM Comment Period End	02/17/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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Additional Information: SAN No. 5194; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2009/January/Day-16/a806.pdf>; EPA Docket information: EPA-HQ-OAR-2007-0956

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RIN: 2060-AO96

104. RECONSIDERATION OF HALOGENATED SOLVENT CLEANING FINAL RESIDUAL RISK RULE

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, October 30, 2009.

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. EPA issued a proposed reconsideration rule on October 20, 2008. EPA is now reviewing the comments submitted on that proposal.

Timetable:

Action	Date	FR Cite
NPRM	10/20/08	73 FR 62384
Extension of Public Comment Period	12/03/08	73 FR 73631
Final Action	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5236; EPA publication information: Extension of Public Comment Period -

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-03/a28675.htm>; EPA Docket information: EPA-HQ-OAR-2002-0009

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RIN: 2060-AP07

105. AIR QUALITY DESIGNATIONS FOR THE 24-HOUR FINE PARTICLE (PM_{2.5}) NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 107(d)

CFR Citation: 40 CFR 81

Legal Deadline: Final, Statutory, December 18, 2008, CAA section 107 establishes the date for the final rule.

Abstract: This action will finalize the designation of each area of the country as attainment, nonattainment, or unclassifiable with regard to the 2006 24-hour PM_{2.5} NAAQS.

The notice for these final area designations was signed on December 22, 2008, but was not published and is currently under review.

In 2006, EPA revised the 24-hour PM_{2.5} NAAQS from 65 micrograms per cubic meter (µg/m³) to 35 µg/m³ and retained the annual PM_{2.5} NAAQS of 15 µg/m³. The revised 24-hour PM_{2.5} NAAQS was published on October 17, 2006 (71 FR 61144) and became effective on December 18, 2006. The 24-hour PM_{2.5} NAAQS was revised based on a number of health studies showing that short-term exposure to PM_{2.5} is associated with increased mortality and a range of serious health effects, including aggravation of lung disease, asthma attacks, and heart problems. The designations given in this rule are for the 2006 24-hour PM_{2.5} NAAQS. The area designations for the 1997 24-hour PM_{2.5} NAAQS remain the same. EPA has not previously revoked, and is not by this

action revoking, the 1997 24-hour PM_{2.5} NAAQS.

Timetable:

Action	Date	FR Cite
Notice—Extension of State Submittal Date	06/00/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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

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RIN: 2060-AP27

106. • RULEMAKING TO REAFFIRM THE PROMULGATION OF REVISIONS OF THE ACID RAIN PROGRAM RULES

Priority: Info./Admin./Other

Legal Authority: 42 USC 7651

CFR Citation: 40 CFR 72 to 74; 40 CFR 77 and 78

Legal Deadline: Final, Statutory, November 14, 2009, Final rule must be published in the FR on or before Nov. 14, 2009.

Abstract: This action will reaffirm the promulgation of certain long-standing Acid Rain Program (ARP) provisions. The action will not change any existing provisions of the ARP rules but will ensure that existing provisions, which have been in effect and in use since 2006, will remain in effect. EPA finalized certain revisions to the ARP rules in Federal Register (FR) notices that also finalized the Clean Air Interstate Rule (CAIR) and the Federal Implementation Plans for CAIR (CAIR FIPs). These ARP revisions would have been adopted even in the absence of

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CAIR and the CAIR FIPs. The first type of ARP revisions changed the allowance-holding and -transfer requirements in the SO₂ trading program from unit-level to facility-level. The second type of ARP revisions explicitly allowed the use of agents by designated representatives, while holding designated representatives ultimately responsible for any agent's actions. The third type of ARP revisions was a miscellaneous group of minor, technical changes streamlining the ARP rules. After the ARP revisions were final and effective, EPA modified its electronic allowance tracking system and electronic emissions reporting system to reflect these revisions by, for example, removing individual-unit allowance accounts and creating instead allowance accounts for each facility or "source." All three types of revisions were implemented in 2006, and many of the revisions, particularly the first two types of revisions, have been widely used by regulated companies since mid-2006. On July 11, 2008 the U.S. Court of Appeals for the District of Columbia Circuit issued a decision to vacate and remand CAIR and the CAIR FIPs to EPA. EPA and other parties filed petitions for rehearing, and in response, the Court on December 23 issued a decision to remand without vacating CAIR and the CAIR FIPs. The ARP revisions are not related to CAIR or the CAIR FIPs and EPA believes it is reasonable to view them as unaffected by the Court's decision. However, we are reaffirming the revisions to remove any uncertainty about their regulatory status. Although the Court decided to remand without vacating CAIR and the CAIR FIPs, EPA still needs to clarify the status of the ARP revisions in order to remove any ambiguity that may exist because of uncertainty about the breadth of the Court's opinion as well as to potentially respond to the remand if necessary. We originally published this action as a direct final rule, but had to withdraw it due to receipt of one adverse comment. We will consider the comment received and publish a final rule in July 2009.

Timetable:

Action	Date	FR Cite
NPRM	12/15/08	73 FR 75983
Direct Final Action	12/15/08	73 FR 75954
Interim Final Action	12/15/08	73 FR 75959

Action	Date	FR Cite
Direct Final Action—Withdrawal	03/26/09	74 FR 13124
Final Action	07/00/09	

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

Additional Information: SAN No. 5299; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA/FR-CONTENTS/2008/December/Day-15/contents.htm>; EPA Docket information: EPA—HQ—OAR—2008—0774

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RIN: 2060-AP35

107. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR AREA SOURCES: ELECTRIC ARC FURNACE STEELMAKING FACILITIES; DIRECT FINAL AMENDMENTS

Priority: Other Significant**Legal Authority:** CAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: The amendments to the area source standards for electric arc furnace steelmaking facilities clarify applicability of the opacity limit, make the performance test requirements for particulate matter consistent with requirements in the new source performance standards for electric arc furnace steelmaking facilities, allow title V test data to be used to demonstrate compliance, and revise the definition of "scrap provider" to include electric arc furnace steelmaking facilities that own and operate a scrap shredder.

Timetable:

Action	Date	FR Cite
NPRM	12/01/08	73 FR 72756

Action	Date	FR Cite
Direct Final Action	12/01/08	73 FR 72727
Withdrawal of Direct Final	02/26/09	74 FR 8756
Final Action	07/00/09	

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

Additional Information: SAN No. 4889.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-01/a28456.pdf>; Split from RIN 2060-AM71.; EPA Docket information: OAR-2004-0083

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RIN: 2060-AP44

108. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): AGGREGATION

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

Abstract: This action is proposing to delay the effective date for the Environmental Protection Agency (EPA) rule addressing "aggregation" under the Prevention of Significant Deterioration (PSD) and the nonattainment New Source Review (NSR) programs (collectively, "NSR") published in the Federal Register on January 15, 2009.

This rule (the "NSR Aggregation Amendments") described when a source must combine ("aggregate") nominally-separate physical changes and changes in the method of operation for the purpose of determining whether they are a single change resulting in a significant emissions increase.

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On January 30, 2009, the Natural Resources Defense Council (“NRDC”) submitted a petition for reconsideration (the “NRDC Petition”) of the NSR Aggregation Amendments. In response to the NRDC Petition, EPA announced on February 13, 2009, that it would convene a reconsideration proceeding for the NSR Aggregation Amendments and would delay the effective date of the rule from February 17, 2009 until May 18, 2009. In this notice, EPA is proposing an additional delay of the effective date of the NSR Aggregation Amendments and soliciting comment on the duration of this additional delay in order to allow for sufficient time to

conduct the reconsideration proceeding.

Timetable:

Action	Date	FR Cite
NPRM	03/18/09	74 FR 11509
Final Action	05/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 4793.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day->

14/a15248.htm; Split from RIN 2060-AL75.; EPA Docket information: EPA-HQ-OAR-2003-0064

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RIN: 2060-AP49

**Environmental Protection Agency (EPA)
Clean Air Act (CAA)****Long-Term Actions****109. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT**

Priority: Info./Admin./Other

Legal Authority: CAA 112(r)

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

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RIN: 2050-AE95

110. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS

Priority: Other Significant

Legal Authority: 42 USC 7670-7479; CAA 160-169

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 3919

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Long-Term Actions

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111. 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: NPRM, Judicial, October 28, 2010, US District Court Northern District of CA San Francisco Division 5/5/08.
Final, Judicial, May 13, 2011, US District Court Northern District of CA San Francisco Division 5/5/08.

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.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	
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

112. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

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: 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. The current review of the PM NAAQS 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 EPA's Office of Air and Radiation (OAR) and Office of Research and Development (ORD) consider the appropriate design and scope of the major elements that will 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. 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. The Administrator will propose to retain or revise the PM NAAQS, as appropriate, taking into consideration CASAC and public comment. 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
NPRM	02/00/11	
Final Action	11/00/11	

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

113. 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: None

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

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applies to OSWI in any State, tribe, or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the December 2005 rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. 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

114. 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; 40 CFR 63.18

Legal Deadline: None

Abstract: These amendments to the Part 63 General Provisions would allow facilities that are subject to maximum achievable control technology (MACT) to discontinue those 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.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26249
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. 4719; EPA publication information: NPRM - <http://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

115. 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 August 2011.

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	08/00/11	

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-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

116. AMENDMENT OF DEFINITIONS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS POLLUTANTS FOR RADIONUCLIDES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 61.90(a); 40 CFR 61.101(a)

EPA—Clean Air Act (CAA)

Long-Term Actions

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	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5114

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RIN: 2060-AO31

117. NESHAP SUBPART W: STANDARDS FOR RADON EMISSIONS FROM OPERATING URANIUM MILL TAILINGS: REVIEW

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 61.250 to 61.256

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. EPA is in the process of reviewing this standard. If necessary, we will revise the NESHAP requirements for radon emissions from operating uranium mill tailings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/10	
Final Action	To Be Determined	

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

118. 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

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RIN: 2060-AI03

119. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING EMERGENCY USES OF METHYL BROMIDE

Priority: Other Significant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: Under the Clean Air Act and the Montreal Protocol on Substances that Deplete the Ozone Layer, this rule would seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance. This exemption will be limited to no more than 20 metric tons per emergency event. This action would decrease burden on producers, importers, distributors, and applicators of methyl bromide as well as end-users of methyl bromide who are growers and owners of stored food products while still achieving the environmental objectives of the program. The exemption would be used for emergency uses only.

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. 4819

URL For More Information:

EPA—Clean Air Act (CAA)

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RIN: 2060-AL94

120. 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: This rule would amend 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 rule would update parts of the regulation concerning the technician certification exam. The exam needs to reflect developments in new refrigerants, equipment, and technology over the last 12 years. This rule would provide specific requirements for programs applying to become certifying organizations, would specify reporting and recordkeeping requirements in order to enhance implementation of the program, and would 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

Additional Information: SAN No. 4901

URL For More Information:
[http://www.epa.gov/ozone/title6/608/
index.html](http://www.epa.gov/ozone/title6/608/index.html)

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RIN: 2060-AM55

121. 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 would 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 Class I and II containers and products of Class I substances. A warning statement would help consumers choose products that do not contain a Class II ODS which results 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:** Undetermined

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](http://www.epa.gov/ozone/title6/labeling/index.html)

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RIN: 2060-AO68

122. 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

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

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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	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. 4991

URL For More Information:

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

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RIN: 2060-AN30

123. NESHAP: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4701 et seq

CFR Citation: 40 CFR 63.210 -217

Legal Deadline: None

Abstract: This action would develop amended 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).

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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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RIN: 2060-AN33

124. 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	08/00/10	

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

125. 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	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4706

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Long-Term Actions

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RIN: 2060-AK69

126. LIFTING THE STAY OF THE EIGHT-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, October 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 sec 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

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RIN: 2060-AL84

127. FLEXIBLE AIR PERMIT RULE

Priority: Substantive, Nonsignificant

Legal Authority: CAA title V, parts C & D

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

Legal Deadline: None

Abstract: This rule would promulgate changes to the state and federal operating permit regulations required by title V of the Clean Air Act and providing certain clarifying statements regarding the existing regulations governing minor and major New Source Review (NSR) in order to facilitate greater consideration of flexible air permits (FAPs). The Agency believes that these actions could potentially affect a wide spectrum of sources types, encompassing over 30 SICs.

A flexible air permit is an operating permit issued by a state or local agency through an EPA-approved title V permit program that through its design facilitates flexible operations at a source, allowing the source to be market-responsive while ensuring equal or greater environmental protection than that achieved by conventional permits. FAPS cannot circumvent, modify, or contravene any applicable requirement and must assure compliance with each requirement that is applicable, or becomes applicable. FAP approaches were developed in the context of several state pilot projects which were launched to address the

delay and uncertainty issues raised by certain companies.

Timetable:

Action	Date	FR Cite
NPRM	09/12/07	72 FR 52206
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. 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

128. 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: These amendments would have addressed potential changes to 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. The Agency is considering whether further action on this proposal is appropriate.

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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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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

129. 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). The National Wildlife Federation (NWF) filed a petition for review, raising several technical issues, including the alleged failure of EPA to establish emission standards for mercury and asbestos. EPA took a voluntarily remand of the mercury and asbestos standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4929

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RIN: 2060-AM87

130. 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 NESHAP regulation was promulgated on October 8, 2003. EPA was 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. The litigation stayed while the parties discuss settlement.

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. 4866.1; Split from RIN 2060-AM30.; EPA Docket information: EPA-HQ-OAR-2002-0021

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RIN: 2060-AN36

131. 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 rulemaking would revise the definition of the term "potential to emit" (PTE) used in numerous regulations to determine the applicability of major source requirements. The Agency is considering whether further action is warranted on this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

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

132. 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

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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	07/00/10	

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

133. 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	To Be Determined	

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

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

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

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: 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. Among the issues to be addressed is

MACT floors that had no emission reduction requirements. These amendments will address that issue.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

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

135. RISKTECHNOLOGY PHASE II GROUP 2A

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is the Risk and Technology Review (RTR) Group 2A. The following is a list of the standards being reviewed in this group and the statutory deadlines for their reviews: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Epichlorohydrin Elastomers Production, HypalonTM Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production) (statutory requirement 9/5/2004); National Emission Standards for Marine Vessel Loading Operations (statutory requirement 9/19/2003); National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production (statutory requirement 6/1/2007); National Emission Standards for Pharmaceuticals Production (statutory requirement 9/21/2006); and National Emission Standards for the Printing and Publishing Industry

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(statutory requirement 5/30/2004). This action 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.

Timetable:

Action	Date	FR Cite
NPRM	10/10/08	73 FR 60432
NPRM, correction notice	10/24/08	73 FR 63420
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093.2; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-10/a23373.pdf>; Split from RIN 2060-AN85.; EPA Docket information: EPA-HQ-OAR-2008-0008

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RIN: 2060-AO91

136. RISK TECHNOLOGY PHASE II GROUP 2B

Priority: Other Significant

Legal Authority: CAA 112(f)(2); CAA 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. The three MACT standards that apply to the three RTR Group 2B source categories and the associated NAICS codes are listed below. The

statutory deadlines for their reviews are also listed.

Aerospace Manufacturing and Rework Facilities, 336411 (statutory requirement 9/1/2003)

Natural Gas Transmission and Storage, 486210 (statutory requirement 6/17/2007)

Oil and Natural Gas Production, 211 (statutory requirement 6/17/2007).

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. 5093.3; Split from RIN 2060-AN85

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RIN: 2060-AO92

137. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 3

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Under the "technology review" provision of CAA section 112, EPA is required to review maximum achievable control technology (MACT) standards and to revise them "as necessary (taking into account developments in practices, processes and control technologies)" no less frequently than every 8 years. Under the "residual risk" provision of CAA section 112, EPA must evaluate the MACT standards within 8 years after promulgation and promulgate standards if required to provide an ample margin

of safety to protect public health or prevent an adverse environmental effect. EPA has combined the remaining MACT source categories requiring residual risk and technology reviews into several groups of "risk and technology" (RTR) reviews. This action focuses on RTR Group 3 which consists of 19 MACT standards (covering 21 source categories) with MACT compliance dates of 2003 and earlier.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5196

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RIN: 2060-AO97

138. 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: Substantive, Nonsignificant

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 takes final action to revise 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. In response to that vacatur, EPA proposed to treat precursor emissions in a way that is consistent with the analogous provisions in the PM2.5 implementation rule (72 FR 20636),

EPA—Clean Air Act (CAA)

Long-Term Actions

such that if the state justifies consideration of precursor emissions for an area outside the nonattainment area, EPA will expect state RFP assessments to reflect emissions changes from all sources in this area.

Timetable:

Action	Date	FR Cite
NPRM	07/21/08	73 FR 42294
NPRM Comment Period End	08/20/08	
Final Action	To Be	Determined

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

139. GREENHOUSE GASES UNDER THE CLEAN AIR ACT

Priority: Other Significant

Legal Authority: CAA

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On July 30, 2008, the Advanced Notice of Proposed Rulemaking for Greenhouse Gases under the Clean Air Act was published in the Federal Register. This advanced notice solicited public input as EPA considers the 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 sources beyond cars and trucks. In this advance notice, EPA presented and requested 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 also sought 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 also raised 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

140. NESHAP: GASOLINE DISTRIBUTION; AMENDMENTS—AREA SOURCE STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

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 area source bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities. Subsequently, we received two petitions for reconsideration from industry to clarify some applicability and implementation provisions of the final rule. This action would propose and promulgate amendments to address the issues raised by the petitioners as well as compliance-related questions raised by other stakeholders.

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. 5260; EPA Docket information: EPA-HQ-OAR-2006-0406

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RIN: 2060-AP16

141. RESPONSE TO SECTION 126 PETITION FROM WARRICK COUNTY, INDIANA AND THE TOWN OF NEWBURGH, INDIANA

Priority: Info./Admin./Other

Legal Authority: CAA 126

EPA—Clean Air Act (CAA)

Long-Term Actions

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: Organizations

Government Levels Affected: None

Additional Information: SAN No. 5268

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RIN: 2060-AP21

142. • REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Statutory, June 12, 2012, this is based on the requirement in the Act that EPA review air quality criteria and NAAQS every 5 years.

Final, Statutory, March 12, 2013, this is based on the requirement in the Act that EPA review air quality criteria and NAAQS every 5 years.

Abstract: Under the Clean Air Act Amendments of 1977, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On March 23, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for ozone to provide increased protection of public health and welfare. With regard to the primary standard for ozone, EPA revised the level of the 8-hour ozone standard to 0.075 ppm. With regard to the secondary ozone standard, EPA made it identical in all respects to the primary ozone standard, as revised. Petitions for review were filed in the D.C. Circuit Court of Appeals and EPA officials are currently in the process of reviewing the March 2008 Ozone NAAQS Rule to determine whether the standards established in the Ozone NAAQS Rule should be maintained, modified or otherwise reconsidered. EPA has also initiated the next 5-year review of the ozone NAAQS. The review began in October 2008 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. The workshop discussions provide important input as OAR and ORD consider the appropriate design and scope of the major elements of the review: 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. 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. The Administrator will propose to retain or revise the ozone NAAQS, as appropriate, taking into consideration CASAC and public comment. 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
NPRM	06/00/12	
Final Action	03/00/13	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Additional Information: SAN No. 5306; EPA Docket information: EPA-HQ-OAR-2008-0699

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RIN: 2060-AP38

143. • STAY OF CAIR AND CAIR FIP FOR MINNESOTA

Priority: Info./Admin./Other

Legal Authority: 23 USC 101; 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51 and 52

Legal Deadline: None

Abstract: In this action, EPA is proposing to stay the effectiveness, for the State of Minnesota only, of two final rules we issued under section 110 of the Clean Air Act (CAA) related to the interstate transport of pollutants: (1) the May 12, 2005 Clean Air Interstate Rule (CAIR) and (2) the April 28, 2006 backstop CAIR federal implementation plan (FIP). The D.C. Circuit held that EPA, in CAIR and the CAIR FIP, had not properly addressed possible errors in EGU emissions for certain EGUs in Minnesota, and EPA's stated intention to stay the effectiveness of the rules for the State of Minnesota was presented to the D.C. Circuit before it decided to remand rather than vacate the rule. EPA is proposing to stay the effectiveness of these two rules with respect to sources in Minnesota only, while EPA examines the possible errors

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Long-Term Actions

identified by the court and their potential impact on the inclusion of Minnesota in CAIR.

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. 5323; EPA Docket information: EPA-HQ-OAR-2009-0021

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RIN: 2060-AP46

144. • CLEAN AIR INTERSTATE RULE (CAIR) REPLACEMENT RULE

Priority: Other Significant

Legal Authority: CAA title I

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On May 12, 2005, the Environmental Protection Agency (EPA) promulgated the Clean Air Interstate Rule, commonly known as CAIR (70 FR 25162). CAIR used a cap and trade approach to reduce sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions.

On July 11, 2008, the D.C. Circuit issued an opinion finding CAIR unlawful and vacating the rule. On December 23, the D.C. Circuit issued a decision on the petitions for rehearing of the July 11 decision. The court granted EPA's petition for rehearing to the extent that it remanded the cases without vacatur of CAIR. This ruling means that the CAIR rule remains in place, but that EPA is also obligated to promulgate another rule under 110(a)(2)(D) consistent with the court's July 11 opinion. This rulemaking is to fulfill our obligation to develop a rule consistent with the court decision.

Timetable:

Action	Date	FR Cite
NPRM	05/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5336

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RIN: 2060-AP50

145. • RESPONSE TO SECTION 126 PETITION FROM NORTH CAROLINA

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is reconsidering its decision to deny the petition submitted by the State of North Carolina to EPA pursuant to section 126 of the Clean Air Act (CAA).

On March 18, 2004, North Carolina submitted a petition to EPA, under section 126 of the CAA, alleging that upwind major sources of PM and ozone precursors were contributing significantly to North Carolina's ability to attain or maintain the PM and ozone NAAQS. In 2006, EPA denied North Carolina's petition when we issued the CAIR FIP rule. After the D.C. Circuit remanded the CAIR rule, the legal basis for denying the PM part of North Carolina's petition no longer exists. In addition, facts have changed fundamentally regarding the ozone part of the petition. On March 5, 2009 the D.C. Circuit granted our motion for voluntary remand of our decision to deny North Carolina's petition.

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. 5347

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RIN: 2060-AP51

146. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR COAL- AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: As a result of the vacatur of the Clean Air Mercury Rule, EPA will be reverting to the December 2000 regulatory determination that added coal- and oil-fired electric utility steam generating units to the list of sources that must be regulated under section 112 of the Clean Air Act. The Agency will develop a Maximum Achievable Control Technology (MACT) standard which will reduce hazardous air pollutant (HAP) emissions from this source category. Recent Court decisions on other MACT rules will be considered in developing this regulation.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

EPA—Clean Air Act (CAA)

Long-Term Actions

Additional Information: SAN No. 5349

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RIN: 2060-AP52

**147. • 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 3/22/07) 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. The proposed
rule would provide those revised
schedules associated with the last
ozone NAAQS revision, which was
promulgated on March 27, 2008 (73 FR
16436).

Timetable:

Action	Date	FR Cite
NPRM	10/06/08	73 FR 58080
Direct Final Rule	10/06/08	73 FR 58042
Direct Final Rule Correcting Amendments	11/21/08	73 FR 70597
Direct Final Rule Withdrawal	12/16/08	73 FR 76219
Final Decision	06/00/10	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Additional Information: SAN 5283;
Docket ID EPA-HQ-OAR-2005-0159;
NPRM -
<http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-06/a23524.pdf>,
Direct Final Rule -
<http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-06/a23520.pdf>,
Correcting Amendments -
<http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-21/a27741.pdf>, Direct Final Rule
Withdrawal -
<http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-16/a29747.pdf>

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Related RIN: Previously reported as
2060-AP28

RIN: 2060-AP56

**Environmental Protection Agency (EPA)
Clean Air Act (CAA)**

Completed Actions

**148. NESHAP: NATIONAL EMISSION
STANDARD FOR HAZARDOUS AIR
POLLUTANTS: STANDARDS FOR
HAZARDOUS WASTE COMBUSTORS;
PM STANDARDS AMENDMENTS
(WITHDRAWN)**

Priority: Other Significant

Legal Authority: 42 USC 7412; 42 USC
7414

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: The October 28, 2008 rule (73
FR at 64090 in section entitled
“Clarification of the PM Standard for
Cement Kilns”) provided clarification
to assess compliance with the
particulate matter standards when a
source elects to combine these exhaust
streams, therefore this rulemaking has
been withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	02/24/09	

**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

**149. CLEAN AIR MERCURY RULE:
FEDERAL PLAN**

Priority: Other Significant

Legal Authority: CAA sec 111

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On December 22, 2006 EPA
proposed a Federal Plan to implement
the requirements of the Clean Air
Mercury Rule (CAMR) for any States
that did not have a timely, approved
State Plan, as well as certain Tribes.
On February 8, 2008, the U.S. Court
of Appeals for the DC Circuit vacated
CAMR. As a result, CAMR is no longer
in effect. We are therefore withdrawing
this Federal Plan from the Regulatory
Agenda.

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Timetable:

Action	Date	FR Cite
NPRM	12/22/06	71 FR 77099
Withdrawn	02/27/09	

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**Agency Contact:** Erich Eschmann, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460

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RIN: 2060-AN98**150. PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSION INCREASES FOR ELECTRIC GENERATING UNITS****Priority:** Other Significant**Legal Authority:** CAA title I parts C and D and sec 111(a)(4)**CFR Citation:** 40 CFR 51 and 52**Legal Deadline:** None**Abstract:** This rulemaking activity, which is being withdrawn, would have established a new hourly 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 baseline actual emissions to projected actual emissions on an annual basis.**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
Withdrawn	03/05/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, 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**Agency Contact:** Lisa Sutton, Environmental Protection Agency, Air and Radiation, C339-03, RTP, NC 27711

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RIN: 2060-AN28**151. AMENDMENTS TO METHOD 24 (WATER-BASED COATINGS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 60**Legal Deadline:** None**Abstract:** The determination of volatile organic compounds (VOCs) content of 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
Withdrawn	02/25/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3649**Agency Contact:** Candace Sorrell, Environmental Protection Agency, Air and Radiation, E143-02, RTP, NC 27711

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RIN: 2060-AF72**152. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD****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, May 1, 2008, As per 5/14/2005 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 1986-1990. 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

EPA—Clean Air Act (CAA)**Completed Actions**

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 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 was considered in the Administrator's final decision which was published on November 12, 2008.

Timetable:

Action	Date	FR Cite
ANPRM	12/17/07	72 FR 71488
NPRM	05/20/08	73 FR 29184
Final Action	11/12/08	73 FR 66964
Final Action; Correction	12/19/08	73 FR 77517

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

153. 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	03/25/09	74 FR 12575

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

Additional Information: SAN No. 4119; EPA publication information: NPRM - <http://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

154. SECTION 126 RULE WITHDRAWAL PROVISION

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 7426**CFR Citation:** 40 CFR 52**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 addressed 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. This potential overlap problem is now moot, since the NOx Budget Program and potentially duplicative Section 126 Rule requirements were superseded by the Clean Air Interstate Rule (CAIR) in 2005. Although the D.C. Circuit has remanded the CAIR rule, it remains in effect at this time, and EPA is currently engaged in responding to that remand.

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Timetable:

Action	Date	FR Cite
NPRM	04/04/03	68 FR 16644
Withdrawn	03/24/09	

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

155. 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; 40 CFR 51.166.; 40 CFR 52.21**Legal Deadline:** None

Abstract: This rulemaking activity, which is being withdrawn prior to initiation of internal work effort, would have followed up the “Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement” rulemaking (RIN 2060-AK28), which specified categories of equipment replacement activities that would qualify as “routine maintenance, repair, and replacement” (RMRR) under the Clean Air Act’s NSR Program (40 CFR parts 51 and 52). That final action—referred to as the “equipment replacement provision” (ERP)—was promulgated in the Federal Register on 10/27/03 (68 FR 61248), but

was then vacated by the court. This action was originally intended to establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR.

Timetable:

Action	Date	FR Cite
Withdrawn	03/05/09	

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

Additional Information: SAN No. 4676.3; Split from RIN 2060-AK28

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RIN: 2060-AM62

156. 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: EPA is withdrawing “Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries.” The proposed rule was developed to address concerns that there could be insufficient amounts of chlorofluorocarbons (CFCs)—potent ozone depleting substances—available to meet basic domestic needs in developing countries during their transition to substitutes with less overall environmental risk. However, because 2009 is the final year before the developing countries phase out CFC consumption, EPA no longer believes

it is necessary to modify our existing regulations to increase the amount of CFCs available for export.

Timetable:

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49395
Withdrawn	04/22/09	

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>

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RIN: 2060-AN87

157. 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 provided 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 reduces the administrative burden of anyone petitioning to import aircraft fire extinguishing spherical pressure vessels

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containing halon-1301 (“halon bottles”) for hydrostatic testing in the United States. The rule requires importers to adhere to all import petitioning requirements but requires one petition to be submitted annually for all shipments rather than submission of a petition for each 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 was 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	03/10/09	74 FR 10182

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:

<http://www.epa.gov/ozone/title6/608/halons/index.html>

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158. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS

Priority: Substantive, Nonsignificant

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. EPA intended to revise this rule to address issues regarding quantification of emissions reductions that can be traded among parties and how such trading should occur. The Agency now believes this action is no longer necessary because the existing 1993 rule can accommodate issues related to emissions trading.

Timetable:

Action	Date	FR Cite
Withdrawn	02/09/09	

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

Additional Information: SAN No. 3917

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RIN: 2060-AH31

159. 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 addressed 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. This potential overlap problem is now moot, since the NOx Budget Program and potentially duplicative Section 126 Rule requirements were superseded by the Clean Air Interstate Rule (CAIR) in 2005. Although the D.C. Circuit has remanded the CAIR rule, it remains in effect at this time, and EPA is currently engaged in responding to that remand.

Timetable:

Action	Date	FR Cite
Withdrawn	03/19/09	

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

Government Levels Affected: Federal, Local

Additional Information: SAN No. 4796

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RIN: 2060-AL83

160. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON-BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY-DUTY ENGINES AND VEHICLES ABOVE 14,000 LBS & 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: In this action, EPA established On-Board Diagnostic (OBD)

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requirements for Heavy-Duty On-Highway and Non-Road vehicles and engines greater than 14,000 pounds gross vehicle weight. This action also requires 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
Extension of comment period	03/22/07	72 FR 13458
Final Action	02/24/09	74 FR 8310

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

codified at 40 CFR Part 60, 61, 63, and 65. These regulations require periodic leak detection and repair (LDAR) of pumps, valves, and connectors. The previously existing rule required 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 has been developed which can detect leaks at reduced costs because of the ability to monitor multiple components at one time. This rule amended 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 Comment Period Extended	06/07/06	71 FR 32885
Final Action	12/22/08	73 FR 78199

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

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% 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	07/01/08	73 FR 37728

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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RIN: 2060-AM37**161. 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:** None

Abstract: This rule amended existing regulations controlling emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP) under the Clean Air Act. These regulations are

162. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING**Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 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 6/15/2008 as per 3/31/2006 order.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory

163. IDENTIFYING POTENTIALLY INADEQUATE MONITORING IN CLEAN AIR ACT APPLICABLE REQUIREMENTS AND METHODS TO IMPROVE SUCH MONITORING**Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60 and 61**Legal Deadline:** None

Abstract: EPA is considering improvements to existing emissions monitoring provisions in Federal

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standards and State Implementation Plan rules. In particular, in this ANPRM, EPA requested comments on existing monitoring requirements in NSPS under 40 CFR part 60 and NESHAP under 40 CFR part 61 that were promulgated prior to the 1990 Amendments to the Act. This ANPRM was published in order to seek public comment suggesting specific ways to improve such monitoring. Comments received will enable EPA to better evaluate whether and where inadequate monitoring exists and to determine how to craft any necessary improvements. No further action will be taken under this entry. Any further action will be listed as a separate rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/05	70 FR 7905
Withdrawn	03/23/09	

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

164. 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. This rule finalizes EPA's reconsideration of this issue arising from our final rules of December 31, 2002. EPA is currently considering a February 17, 2009 petition for reconsideration from the Natural Resources Defense Council.

Timetable:

Action	Date	FR Cite
NPRM	11/13/07	72 FR 63850
Final Action	12/19/08	73 FR 77882

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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RIN: 2060-AM91

165. REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS

Priority: Other Significant**Legal Authority:** CAA**CFR Citation:** 40 CFR 51 subpart A**Legal Deadline:** None

Abstract: This action updated, consolidated, and harmonized air emission reporting requirements from the Consolidated Emissions Reporting

Rule (CERR) and the NOx SIP Call. The purpose of this action was 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 NOx SIP Call use similar but not identical terminology to describe what data must be reported to EPA. The final rule resolved these differences.

Timetable:

Action	Date	FR Cite
NPRM	01/03/06	71 FR 69
Final Action	12/17/08	73 FR 76539

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

166. REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF PROPYLENE CARBONATE AND DIMETHYL CARBONATE

Priority: Other Significant

Legal Authority: 42 USC 7401; 42 USC 7411 to 7414; 42 USC 7470 to 7479; 42 USC 7501 to 7508; 42 USC 7601 and 7602

CFR Citation: 40 CFR 51.100**Legal Deadline:** None

Abstract: This final action granted volatile organic compounds (VOC)

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exemption for two compounds (propylene carbonate and dimethyl carbonate). Granting VOC exemption status to these compounds removed 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	01/21/09	74 FR 3437

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

167. 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: 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. 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. This entry refers only to that ANPRM, which has been completed, so this entry is being withdrawn from the Regulatory Agenda. Further work on these source categories is being done under two other entries in this Regulatory Agenda. See RIN 2060-AO91 and RIN 2060-AO92.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/07	72 FR 14734
ANPRM Comment Period Extended	05/25/07	72 FR 29287
Withdrawn	03/23/09	

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

168. PREVENTION OF SIGNIFICANT DETERIORATION: REFINEMENT TO INCREMENT MODELING PROCEDURES

Priority: Other Significant

Legal Authority: CAA title I, part C

CFR Citation: 40 CFR 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. This rulemaking, which is being withdrawn, would have revised the methodology used to calculate increments.

Timetable:

Action	Date	FR Cite
NPRM	06/06/07	72 FR 31372
Withdrawn	03/05/09	

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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EPA—Clean Air Act (CAA)

Completed Actions

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RIN: 2060-AO02

169. NESHAP: FERROALLOYS PRODUCTION—AREA SOURCE STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 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.

Timetable:

Action	Date	FR Cite
NPRM	09/15/08	73 FR 53163
Final Action	12/23/08	73 FR 78637

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 5122; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/September/Day-15/a21509.pdf>; EPA Docket information: EPA-HQ-OAR-2008-0154

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RIN: 2060-AO13

170. RISK AND TECHNOLOGY REVIEW FOR GROUP 1: POLYMERS & RESINS I; POLYMERS & RESINS II, ACETAL RESINS, AND HYDROGEN FLUORIDE

Priority: Other Significant

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

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This action is called Risk and Technology Review (RTR) Group 1. It addressed 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	12/16/08	73 FR 76220

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

171. 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 had planned 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. However, EPA now believes that this concern will be better addressed through other on going actions within the agency.

Timetable:

Action	Date	FR Cite
Withdrawn	03/26/09	

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)

Completed Actions

172. 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**Legal Deadline:** NPRM, Judicial, May 30, 2008.

Final, Judicial, November 28, 2008.

Abstract: The amendments addressed minor issues that have recently come to the agency's attention, and clarified 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.

Timetable:

Action	Date	FR Cite
NPRM	06/12/08	73 FR 33642
Final Action	01/28/09	74 FR 5072

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**173. GROUP IV: CTGS IN LIEU OF REGULATIONS FOR MISC. METAL PRODUCTS COATINGS, PLASTIC PARTS, AUTO & LIGHT DUTY TRUCK ASSEMBLY COATINGS, FIBERGLASS BOAT MFG. MATERIALS, AND MISC. INDUSTRIAL ADHESIVES****Priority:** Other Significant**Legal Authority:** 42 USC 183(e)**CFR Citation:** 40 CFR 59**Legal Deadline:** Final, Judicial, September 30, 2008.

Abstract: This action announced 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 were made based on considerations affecting VOC emission reductions in ozone nonattainment areas. The proposal solicited comments on the proposed determinations and announced availability of draft CTGs for each of the product categories. The final notice finalized the determinations and announced availability of final CTGs covering these categories. NOTE: This action now includes the Misc Industrial Adhesives category formerly tracked under RIN 2060-AP02.

Timetable:

Action	Date	FR Cite
NPRM	07/14/08	73 FR 40230
Final Action	10/07/08	73 FR 58481

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**174. • EXTENSION OF COMPLIANCE DEADLINE FOR AIR EMISSION TESTING BODIES (AETBS)****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 75 (Revision)**Legal Deadline:** Final, Judicial, October 29, 2008.

Abstract: On January 24, 2008, final amendments to 40 CFR part 75 on competency requirements for air emission testing bodies (AETBs) was published in the Federal Register (See 73 FR 4365, 4367, and 4372). The AETB provision generally requires stack testers and stack testing companies to meet certain minimum competency requirements described in ASTM D 7036 by January 1, 2009. On March 25, 2008, the Utility Air Regulatory Group (UARG) filed a Petition for Review primarily claiming that EPA could not by the AETB requirement hold utilities responsible for something they cannot control. This action responds to that petition for review.

Timetable:

Action	Date	FR Cite
Final Action	11/04/08	73 FR 65554

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

Additional Information: SAN No. 4969.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-22/a6819.htm>; Split from RIN 2060-AN16.; EPA Docket information: EPA-HQ-OAR-2005-0132

EPA—Clean Air Act (CAA)**Completed Actions**

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**175. • FINDINGS OF SIGNIFICANT
CONTRIBUTION AND RULEMAKING
ON SECTION 126 PETITIONS FOR
PURPOSES OF REDUCING
INTERSTATE OZONE TRANSPORT
(COMPLETION OF A SECTION 610
REVIEW)**

Priority: Info./Admin./Other

Legal Authority: 5 USC 610

CFR Citation: None

Legal Deadline: None

Abstract: On May 25, 1999 (64 FR
28250), EPA issued a final rule entitled

“Findings of Significant Contribution and Rulemaking on section 126 Petitions for Purposes of Reducing Interstate Ozone Transport,” usually referred to as the “Section-126 rule.” This rule was a response to petitions from several states asking EPA to take Federal action to address the problem of air pollution coming from upwind states. Since this rule did not include a no-significant-impact certification under the Regulatory Flexibility Act, it normally would be a candidate for the RFA-required review 10 years after promulgation. However, this rule had no actual impact on any entities, since it specified that its prescribed upwind-pollution remedies could be fulfilled by State actions under a previous EPA rule entitled “Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,” usually referred to as the “NOx SIP Call,” which was promulgated on October 27, 1998 (63 FR 57355). Subsequently, the States did in fact comply with the NOx SIP Call rule, thereby nullifying any effect of the Section-126 rule. Therefore the Section-126 rule has had, and will have, no

impacts on any entities, including small entities, thereby obviating the need for a 10-year review under the RFA. In light of this fact, EPA is, through this notice, documenting the Section-126 rule’s lack of impact, and announcing that the 10-year review has been completed.

Timetable:

Action	Date	FR Cite
Final Action	05/25/99	64 FR 28250
610 Review Determination	03/26/09	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5326

URL For More Information:
www.epa.gov/sbrefa/index.htm

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RIN: 2060-AP42

Environmental Protection Agency (EPA)**Long-Term Actions****Atomic Energy Act (AEA)**

**176. TECHNICAL CHANGE TO DOSE
METHODOLOGY**

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 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 propose updating 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	04/00/10	

**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

**177. 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,

EPA—Atomic Energy Act (AEA)**Long-Term Actions**

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 Notice of Proposed Rulemaking was issued in November 2003 to solicit early public input on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
NPRM	07/00/10	

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>; EPA Docket information: EPA-HQ-OAR-2003-0095

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RIN: 2060-AH63

178. • REVISION OF HEALTH AND ENVIRONMENTAL PROTECTION STANDARDS FOR URANIUM AND THORIUM MILL TAILINGS AND URANIUM IN SITU LEACHING PROCESSING FACILITIES

Priority: Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

Legal Authority: 42 USC 2022; Atomic Energy Act sec 275; UMTRCA sec 206(a); 42 USC 2114

CFR Citation: 40 CFR 192**Legal Deadline:** None

Abstract: EPA's regulations in 40 CFR 192 were written in accordance with Section 206(a) of the Uranium Mill Tailings Radiation Control Act (UMTRCA) which inserted a new section 275 in the Atomic Energy Act (AEA). They establish standards for protection of the public health, safety, and environment from radiological and nonradiological hazards associated with uranium ore processing, and disposal of resulting waste materials. These cross-media standards, which apply to pollutant emissions and site restoration, must be adopted by the Nuclear Regulatory Commission, their Agreement States, and the Department of Energy. We propose to review all the standards in the existing rule, revise the regulations to take into account significant changes in uranium industry technologies and their potential impacts to groundwater and air quality, recent revisions in EPA drinking water protection standards, judicial decisions concerning the subject regulations, and need for new radiological risk assessments to take into account unanticipated risks to the general public and environment. Section 275 (b)(2) of the AEA authorized the Administrator to periodically revise the

standards while section 275 (c) provided direction on how that must be accomplished. Since the regulations were last revised in 1995, increased demand for uranium to meet United States energy needs has resulted in significant public environmental concerns over uranium ore processing, particularly by In Situ Leaching (ISL) extraction methodologies. New facilities proposed in states from Virginia to Alaska, in addition to ongoing regulatory efforts by the Nuclear Regulatory Commission for facility licensure and groundwater protection in advance of concomitant revised EPA standards, add to the justification for undertaking this effort.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 5319

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RIN: 2060-AP43**Environmental Protection Agency (EPA)****Completed Actions****Atomic Energy Act (AEA)**

179. AMENDMENT OF THE STANDARDS FOR RADIOACTIVE WASTE DISPOSAL IN YUCCA MOUNTAIN, NEVADA

Priority: Other Significant

Legal Authority: PL 102-486; Energy Policy Act of 1992

CFR Citation: 40 CFR 197**Legal Deadline:** None

Abstract: This action amended 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 addressed the remanded portion of the standards, viz., the compliance period. EPA was given the authority to set Yucca Mountain-specific standards in the Energy Policy Act of 1992 (EnPA).

Timetable:

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49014
Final Action	10/15/08	73 FR 61255

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

EPA—Atomic Energy Act (AEA)**Completed Actions**

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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RIN: 2060-AN15

Environmental Protection Agency (EPA)**Proposed Rule Stage****Noise Control Act (NCA)****180. 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	05/00/09	
Final Action	09/00/09	

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)**Proposed Rule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****181. 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 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. In 2009 the revisions to the crop grouping regulations will be to create a new crop group and amend three other crop groups.

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	08/00/09	

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/oppref/food/feed/index.cfm>

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RIN: 2070-AJ28

182. 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) to 136a(d); 7 USC 136b(d) to 136b(f); 7

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Proposed Rule Stage**

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	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

183. 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 FIFRA. A product intended to inactivate, destroy or mitigate prions on inanimate surfaces (i.e., “prion product”) is considered to be a pesticide. Any company seeking to distribute or sell such a product is required to register the product with EPA before it can be distributed or sold in the United States. Through this action, EPA is considering expressly adding prions to the list of pests in 40

CFR part 152, and requirements related to product performance (i.e., efficacy data), which is required for each antimicrobial end-use product for which public health related claims are made. EPA believes that regulating prion products will protect human health and the environment against unreasonable adverse effects and ensure that such products are effective.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4985

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RIN: 2070-AJ26

Environmental Protection Agency (EPA)**Final Rule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****184. 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: Not Yet Determined

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. EDSP consists of three major parts developed in parallel:

1) Assay validation. Under FFDCA section 408(p), EPA is required to use “appropriate validated test systems and other scientifically relevant information” to determine whether substances may have estrogenic effects in humans or other endocrine effects as the Administrator may designate. On March 25-27, 2008, the FIFRA Science Advisory Panel (SAP) reviewed the Agency’s proposed EDSP Tier 1 screening battery, and in a report dated June 11, 2008, the SAP recommended that the Agency proceed with Tier 1 screening using the proposed battery. At this moment, validation is complete for all but one of the Tier 1 assays that

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were included in the proposed Tier 1 screening battery (i.e., ER Binding). The ER Binding assay is expected to complete the validation process in April 2009. The final Tier 1 battery will be announced in a separate Federal Register document that the Agency anticipates issuing in spring 2009. Efforts to validate the Tier 2 tests are underway.

2) Priority setting. EPA described its priority setting approach to select pesticide chemicals for initial screening on September 27, 2005 (70 FR 56449), and announced the draft list of initial pesticide active ingredients and pesticide inerts to be considered for screening under FFDCA on June 18, 2007 (72 FR 33486). After considering public comment, EPA issued the final list of 67 pesticide active ingredients and high production volume (HPV) pesticide inert chemicals for initial screening on April 15, 2009 (74 FR 17579).

3) Procedures. On December 13, 2007 (72 FR 70842), EPA published a draft document in the Federal Register that described the policies and procedures EPA generally intended to adopt for initial screening of chemicals under EDSP. Following review and revision based on the public comments, on April 15, 2009 (74 FR 17560), EPA described the specific details of the policies and procedures that EPA generally intends to adopt for initial screening under the EDSP, including the statutory requirements associated with and format of the test orders, as well as EPA's procedures for fair and equitable sharing of test costs and handling confidential data.

Additional information about the EDSP is available at <http://www.epa.gov/scipoly/oscpendo/index.htm>.

Timetable:

Action	Date	FR Cite
Notice; Draft Procedures	12/13/07	72 FR 70842
Final; Procedures	04/15/09	74 FR 17559

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4728; EPA publication information: Notice; EPA Docket information: EPA-HQ-OPPT-2007-1080

URL For More Information:

<http://www.epa.gov/scipoly/oscpendo/index.htm>

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RIN: 2070-AD61

185. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS

Priority: Info./Admin./Other

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

Action	Date	FR Cite
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	08/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4611

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

186. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT

Priority: Info./Admin./Other

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

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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 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
2		
Supplemental NPRM	04/23/99	64 FR 19958
3		
Supplemental NPRM	07/19/01	66 FR 37855
4		
Notice; Withdrawal of NPRM	08/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4612

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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Email: andersen.janet@epa.gov**RIN:** 2070-AD56**187. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE****Priority:** Info./Admin./Other

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 ground-water 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	08/00/09	

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

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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Abstract: EPA is considering proposing a regulation that would require certain pesticide registrants to recycle certain plastic pesticide containers. As contemplated, 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. If

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promulgated, pesticide container recycling programs subject to the rule may 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 Products.” The proposed regulation would be 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

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**Agency Contact:** Jeanne Kasai, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

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RIN: 2070-AJ29**189. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 158 and 161**Legal Deadline:** None

Abstract: EPA is updating and revising its pesticide data requirements for antimicrobial pesticide products. This action will revise the 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. In general, pesticide data requirements are codified in 40 CFR part 158, which describes the minimum data and information EPA typically requires to support an application for pesticide registration or amendment; support the reregistration of a pesticide product; support the maintenance of a pesticide registration by means of the data call-in process, e.g., as used in the registration review program; or establish or maintain a tolerance or exemption from the requirements of a tolerance for a pesticide chemical residue. This part establishes general policies and procedures associated with the submission of data in support of a pesticide regulatory action. It does not, however, include study protocols, methodology, or standards for conducting or reporting test results; nor does this part describe how the Agency uses or evaluates the data and information in its risk assessment and risk management decisions, or the regulatory determinations that may be based upon the data.

Timetable:

Action	Date	FR Cite
NPRM	10/08/08	73 FR 59381
NPRM Comment Period End	04/06/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/2008/October/Day-08/p23127.pdf>; EPA Docket information: EPA-HQ-OPP-2008-0110**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>**Agency Contact:** Kathryn Boyle, Environmental Protection Agency, Office of Prevention, Pesticides and

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RIN: 2070-AD30**190. PESTICIDES; DATA REQUIREMENTS FOR PLANT-INCORPORATED PROTECTANTS (PIPS)****Priority:** Other Significant**Legal Authority:** 7 USC 136a; 7 USC 136w**CFR Citation:** 40 CFR 158 and 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. In general, pesticide data requirements are codified in 40 CFR part 158, which describes the minimum data and information EPA typically requires to support an application for pesticide registration or amendment; support the reregistration of a pesticide product; support the maintenance of a pesticide registration by means of the data call-in process, e.g., as used in the registration review program; or establish or maintain a tolerance or exemption from the requirements of a tolerance for a pesticide chemical residue. This part establishes general policies and procedures associated with the submission of data in support of a pesticide regulatory action. It does

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not, however, include study protocols, methodology, or standards for conducting or reporting test results; nor does this part describe how the Agency uses or evaluates the data and information in its risk assessment and risk management decisions, or the regulatory determinations that may be based upon the data.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 5005

URL For More Information:

<http://www.epa.gov/opppbpd1/biopesticides/pips/index.htm>

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RIN: 2070-AJ27

191. • PESTICIDES; DATA REQUIREMENTS FOR PRODUCT PERFORMANCE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 158 and 161

Legal Deadline: None

Abstract: This rulemaking will codify invertebrate efficacy data requirements in support of invertebrate pesticide product registrations as mandated by FIFRA. This rulemaking will provide clarity, consistency, and transparency. The pesticide data requirements are codified in 40 CFR part 158, which describes the minimum data and information EPA typically requires to support an application for pesticide registration or amendment; support the reregistration of a pesticide product; support the maintenance of a pesticide

registration by means of the data call-in process, e.g., as used in the registration review program; or establish or maintain a tolerance or exemption from the requirements of a tolerance for a pesticide chemical residue. This part establishes general policies and procedures associated with the submission of data in support of a pesticide regulatory action. It does not, however, include study protocols, methodology, or standards for conducting or reporting test results; nor does this part describe how the Agency uses or evaluates the data and information in its risk assessment and risk management decisions, or the regulatory determinations that may be based upon the data.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5331

URL For More Information:

www.epa.gov/pesticides

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RIN: 2070-AJ49

192. 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, prohibited EPA from collecting any tolerances 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. Most recently, the prohibition was extended yet again in 2007 when Congress adopted the Pesticide Registration Improvement Renewal Act. In that bill, Congress extended the ban on assessing tolerance fees through September 30, 2012.

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
2		
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

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Long-Term Actions****193. 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 to 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 regulates PIPs under FIFRA and FFDCA, including issuing experimental use permits and commercial registrations. In 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 record keeping. 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	05/00/10	

Regulatory Flexibility Analysis**Required:** Undetermined**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/index.htm>

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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 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 2001. After considering public comment and additional review by the

Science Advisory Panel (SAP), EPA issued a reproposal in 2007.

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:

Reproposal -

<http://www.epa.gov/fedrgstr/EPA-PEST/2007/April/Day-18/p7297.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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EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Long-Term Actions****195. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS**

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136i; 7 USC 136w

CFR Citation: 40 CFR 171; 40 CFR 156

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. The possible 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 potential need for changes to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/11	

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:

<http://www.epa.gov/pesticides/health/worker.htm>

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RIN: 2070-AJ20

196. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136w

CFR Citation: 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 potential 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	02/00/11	

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>

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RIN: 2070-AJ22

197. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a(h); 7 USC 136(w)

CFR Citation: 40 CFR 152

Legal Deadline: None

Abstract: In 2001, EPA finalized certain labeling regulations for pesticide products, clarifications regarding the application of FIFRA to nitrogen stabilizers, and regulations that contain statutory provisions excluding certain types of products from regulation of pesticides. These topics were part of the 1999 proposal concerning antimicrobial products, and are being promulgated separately for convenience. In September 1999, EPA proposed procedures for the registration of antimicrobial products, including labeling standards for antimicrobial public health products to ensure that these products are appropriately labeled for the level of antimicrobial activity they demonstrate. EPA also proposed to modify its notification process for antimicrobial products to conform to the statutorily prescribed process; and to exempt certain antimicrobial products from FIFRA regulation. In November 1999, EPA proposed procedures for the registration of antimicrobial pesticides and performance standards for public health antimicrobial pesticides, as well as other changes affecting all pesticide products, including interpretation of new provisions relating to nitrogen

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stabilizers, and updating and reorganization of human hazard labeling requirements. After considering public comments and an extensive stakeholder dialogue, EPA will determine next steps for this action.

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 -

<http://www.epa.gov/fedrgstr/EPA-PEST/2001/December/Day-14/p30820.htm>

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/oppad001/regpolicy.htm>

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RIN: 2070-AD14

198. PESTICIDES; RECONSIDERATION OF EXEMPTIONS FOR INSECT REPELLENTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a; 7 USC 136w

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
NPRM	02/00/11	

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)****Completed Actions****199. PESTICIDES; TECHNICAL AMENDMENTS**

Priority: Routine and Frequent

Legal Authority: 7 USC 136 et seq; 21 USC 346a

CFR Citation: 40 CFR 150 to 180

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	12/12/08	73 FR 75592

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5276; EPA publication information: Final Action -

<http://www.epa.gov/fedrgstr/EPA-PEST/2008/December/Day-12/p29375.pdf>; EPA Docket information: EPA-HQ-OPP-2008-0247

URL For More Information:

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

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RIN: 2070-AJ42

Environmental Protection Agency (EPA)

Toxic Substances Control Act (TSCA)

Prerule Stage

200. POLYCHLORINATED BIPHENYLS (PCBS); USE AND DISTRIBUTION IN COMMERCE

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

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 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 intends to solicit written comments on these and other areas of the PCB use regulations. EPA will not solicit comments on the PCB disposal regulations as part of this action.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 5256

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RIN: 2070-AJ38

201. 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: Other, Statutory, June 30, 2009, Settlement Agreement
Deadline for Signature on ANPRM.

Abstract: This rulemaking proceeding was initiated in response to a citizen's petition filed in June 2007 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 advance notice of proposed rulemaking (ANPRM) that solicits public comment on several testing issues prior to the issuance of any proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5187; EPA Docket information: EPA—HQ—OPPT—2007—0490

URL For More Information:

<http://www.epa.gov/opptintr/chemtest>

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RIN: 2070-AJ34

Environmental Protection Agency (EPA)

Toxic Substances Control Act (TSCA)

Proposed Rule Stage

202. TSCA INVENTORY UPDATE REPORTING MODIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607 (TSCA section 8)

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 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

EPA—Toxic Substances Control Act (TSCA)

Proposed Rule Stage

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	12/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5279**URL For More Information:**<http://www.epa.gov/opptintr/iur/>

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Email: farquharson.chenise@epa.gov**RIN:** 2070-AJ43**203. 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 is considering whether 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	03/00/10	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4975

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Email: schweer.greg@epa.gov**RIN:** 2070-AJ15**204. 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 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**URL For More Information:**<http://www.epa.gov/opptintr/newchems/pubs/snun.htm>

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EPA—Toxic Substances Control Act (TSCA)

Proposed Rule Stage

205. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS**Priority:** Substantive, Nonsignificant**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 in 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 2008 for 19 chemicals, is expected to be finalized in late 2009. Subsequent test rules, including a third proposed rule scheduled to publish in 2009 are expected to propose 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	10/00/09	
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**206. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS) [DECA]****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 and the declining market for these chemicals have eliminated the need for additional data on four of the five BFRs. EPA still needs biodegradation and environmental fate

data on decabromodiphenyl ether and is pursuing that data through the enforceable consent agreement (ECA) process. Efforts to finalize the test rule are suspended pending the outcome of the ECA process.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 29140
Notice; Enforceable Consent Agreement	08/00/09	
Final Action	To Be	Determined

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

Additional Information: SAN No. 3493.3

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070-AJ08**207. • LEAD; MINOR AMENDMENTS TO THE RENOVATION, REPAIR, AND PAINTING PROGRAM****Priority:** Info./Admin./Other

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:** None

Abstract: This action will make several minor, technical amendments to the Lead Renovation, Repair, and Painting Program to enable OPPTS and the Regions to implement the program effectively. The amendments include correcting the regulatory text to require training providers to submit information on successful renovator and dust sampling technician trainees (including digital photographs) to EPA

EPA—Toxic Substances Control Act (TSCA)**Proposed Rule Stage**

and correcting the regulatory text to eliminate the requirement that training providers submit digital photographs of successful lead-based paint activities trainees (inspectors, risk assessors, abatement workers/supervisors, project designers) to EPA. These amendments will also insert clarifying language into the regulatory text with respect to hands-on training requirements and the grandfathering of previously-trained individuals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5334**URL For More Information:**<http://www.epa.gov/lead/>**Agency Contact:** Cindy Wheeler, Environmental Protection Agency,

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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 2009.

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	07/00/09	

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

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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

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Final Rule Stage

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	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

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. 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

210. ELECTRONIC PREMANUFACTURE NOTICE (PMN) REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 and 44 USC 3504

CFR Citation: 40 CFR 700; 40 CFR 720 and 721; 40 CFR 723; 40 CFR 725

Legal Deadline: None

Abstract: EPA is finalizing amendments to the Toxic Substances Control Act (TSCA) section 5 Premanufacture and Significant New Use Notification regulations to facilitate the introduction and use of new electronic reporting. This action will establish standards and requirements for the use of EPA's Central Data Exchange (CDX), to submit Premanufacture Notices (PMNs) and other TSCA section 5 notices and support documents to EPA.

Timetable:

Action	Date	FR Cite
NPRM	12/22/08	73 FR 78261
NPRM Comment Period End	02/20/09	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5270; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/December/Day-22/t30379.htm>; EPA Docket information: EPA-HQ-OPPT-2008-0296

URL For More Information: www.epa.gov/oppt/newchems

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RIN: 2070-AJ41

211. 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: Section 5(a)(2) of the Toxic Substances Control Act (TSCA) authorizes EPA to determine that a use of a chemical substance is a “significant new use.” After considering all relevant factors, including those listed in TSCA section 5(a)(2), EPA makes this determination by promulgating Significant New Use Rules (SNURs). These regulations require persons who intend to manufacture, import, or process a chemical substance contained in a SNUR for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. For chemicals which were the subject of premanufacture notices (PMNs) and for which EPA made a determination that the manufacture, processing, distribution, use or disposal may present an unreasonable risk, the Agency may issue a section 5(e) consent order to limit these activities. The Agency generally issues “5(e)” SNURs to extend the controls prescribed in these consent orders to other manufacturers and processors by designating the manufacture, processing, distribution, use or disposal of the substances without the specified controls as significant new uses. For chemicals which were the subject of PMNs, EPA may also promulgate “non-5(e) SNURs” when the Agency did not find that the chemical’s manufacture, processing, distribution, use or disposal, as described in the PMN, triggered the determinations set forth under TSCA section 5(e) but did find that certain changes in the chemical’s manufacture, processing, distribution, use or disposal could result in increased exposures to or releases of the substance. Under the Expedited Follow-up Rule (EFUR), 40 CFR part 721, subpart D, EPA routinely issues batch direct final section 5(e) and non-5(e) SNURs.

EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

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: Certain Chemical Substances — (P01–759, P05–555, P07–283)	06/09/08	73 FR 32508
Direct Final Action: Certain Chemical Substances, Batch FY08–1	11/05/08	73 FR 65743
Final: Certain Chemical Substances — (P01–759, P05–555, P07–283)	05/00/09	
Direct Final Action: Certain Chemical Substances, Batch FY09–1	05/00/09	
Direct Final Action, Certain Chemical Substances, Batch FY09–2	06/00/09	
Final: Certain Chemical Substances (91–1299/95–1667 91–1298 91–1297)	12/00/09	
Final: A kenyl Ether of Alkanetriol Polymer (93–458)	06/00/10	
Final: Aromatic Amino Ether (P90–1840)	06/00/10	

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

Additional Information: SAN No. 3495; EPA publication information: NPRM; Certain Chemical Substances—(P01–759, P05–555, P07–283) - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/June/Day-09/t12862.pdf>;

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information: <http://www.epa.gov/opptintr/newchems/pubs/cnosnurs.htm>

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RIN: 2070–AB27**212. SIGNIFICANT NEW USE RULE FOR CHLORANIL****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2607 “TSCA 8”**CFR Citation:** 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 data in June of 2001. The 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.; EPA Docket information: EPA—HQ—OPPT—2006—0795

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RIN: 2070–AJ31**213. 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

EPA—Toxic Substances Control Act (TSCA)**Final Rule Stage**

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). This Regulatory Agenda entry serves as a placeholder for future rules, and, when applicable, identifies the most recent rules and any anticipated rules.

Timetable:

Action	Date	FR Cite
Final Rule for 60th ITC List	01/29/08	73 FR 5109
Final Action	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 60th ITC List - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/January/Day-29/t1546.pdf>;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AB11

214. LEAD FISHING SINKERS; RESPONSE TO CITIZENS PETITION AND PROPOSED BAN

Priority: Info./Admin./Other

Legal Authority: 15 USC 2605 “TSCA 6”

CFR Citation: 40 CFR 745

Legal Deadline: None

Abstract: In 1991, EPA issued an advance notice of proposed rulemaking in response to a citizen’s petition filed by the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA). The petition asked EPA 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. In 1994, EPA 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 1994 proposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Notice: Withdrawal of NPRM	08/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3252

URL For More Information: <http://www.epa.gov/oppt/lead/>

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RIN: 2070–AC21

Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA)

Long-Term Actions

215. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2646 “TSCA 206”

CFR Citation: 40 CFR 763

Legal Deadline: None

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 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

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

Action	Date	FR Cite
Interim Final Action	02/03/94	59 FR 5236
Final Action	09/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, 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/>**Agency Contact:** Robert Courtneage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

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RIN: 2070-AC51**216. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS****Priority:** Info./Admin./Other**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	05/00/10	

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-](http://www.epa.gov/fedrgstr/EPA-TOX/2004/November/Day-15/t25307.htm)

15/t25307.htm; EPA Docket

information: EPA-HQ-OPPT-2003-0058

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RIN: 2070-AJ04**217. 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 Resource Conservation and Recovery. Any petitions for exemptions to manufacture PCBs other than 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. As a result of a public hearing, EPA forwarded a number of questions to Veolia to assist in clarifying material substantive to a rulemaking. Due to time constraints placed on the facility personnel from Hurricane Ike recovery efforts, Veolia has not yet responded to the questions. Additionally, EPA is still gathering additional information to ensure a complete and accurate record for the rulemaking.

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	To Be Determined	

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. 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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EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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RIN: 2050-AG42

218. 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 Regulatory Agenda 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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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

219. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

Priority: Routine and Frequent

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: Section 5(a)(2) of the Toxic Substances Control Act (TSCA) authorizes EPA to determine that a use of a chemical substance is a “significant new use.” After considering all relevant factors, including those listed in TSCA section 5(a)(2), EPA makes this determination by promulgating Significant New Use Rules (SNURs). These regulations require persons who intend to manufacture, import, or process a chemical substance contained in a SNUR for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. For chemicals which were the subject of premanufacture notices (PMNs), EPA may promulgate “non-5(e) SNURs” when the Agency did not find that the chemical’s manufacture, processing, distribution, use or disposal, as described in the PMN, triggered the determinations set forth under TSCA section 5(e) but did find that certain changes in the chemical’s manufacture, processing, distribution, use or disposal could result in increased exposures to or releases of the substance. Under the Expedited Follow-up Rule (EFUR), 40

CFR part 721, Subpart D, EPA routinely issues batch direct final section 5(e) and non-5(e) SNURs. This Regulatory Agenda action addresses those chemicals that were subject to a proposed SNUR prior to the effective date of the EFUR or which do not qualify under the EFUR.

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 Cross-linked Sodium Carboxymethyl cellulose	06/11/93	58 FR 32628
Final: 84-1056	06/00/10	
Final: 86-566	06/00/10	
Final: Aluminum Cross-linked Sodium Carboxymethyl cellulose	06/00/10	

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: <http://www.epa.gov/opptintr/newchems/pubs/cnosnurs.htm>

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RIN: 2070-AA59

220. FOLLOW-UP RULES ON EXISTING CHEMICALS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 “TSCA 5”; 15 USC 2607 “TSCA 8”

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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	12/00/10	
Final: Heavy Metals	12/00/10	

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

221. 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 a 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	04/00/10	

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

222. • MERCURY; REGULATION OF USE IN CERTAIN PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605

CFR Citation: 40 CFR 750

Legal Deadline: None

Abstract: Mercury is well-documented as a toxic, environmentally persistent substance that demonstrates the ability to bioaccumulate and to be atmospherically transported on a local, regional, and global scale. In addition, mercury can be environmentally transformed into methylmercury which biomagnifies and is highly toxic. EPA has conducted a preliminary analysis via the Risk-Based Prioritization of Mercury in Certain Products. By compiling data pertaining to the stated costs, advantages, and disadvantages associated with mercury-free alternatives to certain mercury-containing products, EPA made a preliminary judgment that effective and economically feasible alternatives exist. These products include switches, relays/contactors, flame sensors, button cell batteries, and measuring devices (e.g., non-ferrous thermometers, manometers, barometers, pyrometers, flow meters, and psychrometers/hygrometers). Therefore, EPA is evaluating whether an action (or combination of actions) under TSCA section 6(a) is appropriate for mercury used in such products. As appropriate, such an action(s) would involve a group(s) of these products. Specifically, EPA will determine whether the continued use of mercury in one or more of these products would pose an unreasonable risk to human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5312

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RIN: 2070-AJ46

223. 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 determining appropriate action on its October 20, 2006 proposal to develop a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing for certain chemicals to fulfill data needs identified by the Agency for the Toxic Substances and Disease Registry (ATSDR) and that are on the ATSDR/EPA Priority List of Hazardous Substances, which is compiled under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). The test rule proposed by EPA included a requirement that manufacturers (including importers) and processors of 4 chemical substances (chloroethane, hydrogen cyanide, methylene chloride, and sodium cyanide) conduct testing for certain health effects relating to the manufacture, distribution in commerce, processing, use, or disposal of these substances. The proposal explained that data obtained under the testing program would be used by ATSDR in the development of health assessments of populations living near Superfund sites as well as for assessing residual risks under section 112(f) of the Clean Air Act (CAA) after maximum achievable control technology (MACT) standards have been imposed under section 112(d) of the CAA.

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	08/00/10	

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 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

224. 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

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225. 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). Among other things, 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. The primary purpose of the testing proposed in this rule is to assist EPA’s Office of Air and Radiation by requiring data to be developed under TSCA section 4 that could be applied to a determination of residual risk for the subject chemicals. In some cases, a proposed test rule may prompt voluntary testing. As the need for testing certain chemicals has changed, EPA is considering the need for a reproposal.

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
NPRM—Reproposal	09/00/11	

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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Email: jones.robert@epa.gov**RIN:** 2070–AC76**226. 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 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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Email: mattheisen.mike@epa.gov**RIN:** 2070–AD44**227. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 2603 TSCA 4**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

Abstract: EPA published a proposed TSCA section 4 test rule in 1992 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. EPA plans to evaluate the completion of the industry’s

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commitments under the HPV Challenge Program in FY09. After that review, EPA will evaluate the need for any additional testing of the subject aryl phosphate base stocks under an ECA or rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/83	48 FR 57452
NPRM	01/17/92	57 FR 2138
Notice: Enforcable Consent Agreement	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:

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RIN: 2070-AJ07

228. • TEST RULE; MULTIWALL CARBON NANOTUBES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603(a)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A TSCA section 4(a) test rule may be needed to determine the health effects of multiwall carbon nanotubes. The results of the tests that could be required under this rule could assist EPA in understanding the health effects of the substance to manage/minimize any potential risk and exposure. Results could also help with establishing a correlation between the chemical/physical properties and health effects needed to protect the health of workers handling the substance.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5313

URL For More Information:

<http://www.epa.gov/opptintr/chemtest/index.htm>

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RIN: 2070-AJ47

229. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

Priority: Routine and Frequent

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. The data will be used to monitor the levels of production, import and/or processing of the identified substances and the avenues of human and environmental exposure to these substances. This Regulatory Agenda entry identifies the most recent rules and any anticipated rules.

Timetable:

Action	Date	FR Cite
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 - <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:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AB08

230. 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: None

Abstract: The Residential Lead-Based Paint Hazard Reduction Act of 1992

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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	10/00/10	

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

231. 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; 40 CFR 745.102; 40 CFR 745.103; 40 CFR 745.107; 40 CFR 745.110; 40 CFR 745.113; 40 CFR 745.115; 40 CFR 745.118; 40 CFR 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.

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

232. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

Priority: Substantive, Nonsignificant

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 is considering whether 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 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

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Additional Information: SAN No. 4598

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RIN: 2070-AD53

233. 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: Other, Statutory, October 16, 2008, Response to section 21 Petition says we will issue this ANPRM in the Fall of 2008.

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 issued an advance notice of proposed rulemaking (ANPRM) on December 3, 2008. The ANPRM process sought to 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. EPA also plans to conduct an industry survey and initiate development of an exposure assessment and an irritation hazard characterization that could be used for evaluating emissions standards or other approaches. Subsequently, EPA plans to develop an irritation risk assessment and will analyze potential costs and benefits. At the conclusion of this work, EPA’s Office of Prevention, Pesticides, and Toxic Substances (OPPTS) anticipates determining whether it should take action, which may include action under TSCA, or through 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.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73621
ANPRM: Extension of Comment Period	01/30/09	74 FR 5632
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 5287; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/December/Day-03/t28585.pdf>; EPA Docket information: EPA-HQ-OPPT-2008-0627

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RIN: 2070-AJ44

234. • TSCA SECTION 13 AMENDMENT: ELECTRONIC REPORTING OF TSCA CHEMICAL IMPORT DATA IN THE AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2612

CFR Citation: 40 CFR 707

Legal Deadline: Other, Statutory, June 30, 2010, Based on projected timelines developed by CBP, the ACE database should be ready to collect TSCA import data in 2010.

Abstract: OPPTS will consult with Customs and Border Protection (CBP), in the Department of Homeland Security, regarding promulgation of regulations by CBP to require electronic reporting in the Automated Commercial Environment (ACE) of the TSCA certification statement and chemical identification data needed to verify the legality of importation of chemical substances subject to TSCA. ACE is a data base being designed by CBP that

will serve as a single portal for the electronic collection and processing of all data required by any federal agency pertaining to the importation of commodities into, and their exportation from, the U.S. CBP will test the electronic collection of such data in ACE under the National Customs Automation Program (19 U.S.C. 1411; 19 CFR 101.9). Subsequently, the TSCA section 13 regulations (19 CFR 12.118 through 12.127, and 127.28) would be amended to require electronic reporting by importers into ACE of TSCA certification statements among potentially other data (e.g., certain chemical identification data) needed to facilitate the verification of the legality of imports shipments comprised of chemical substances subject to TSCA. Other amendments to the regulations (e.g., relating to detention of shipments) may also result from the review. TSCA section 13 regulations are promulgated by CBP, in consultation with EPA. Congress has mandated participation in the International Trade Data System (ITDS) through passage of the SAFE Port Act in October 2006. The ITDS Program is a government-wide program managed by CBP to assist every federal agency that has import/export responsibilities to integrate their requirements into ACE. Participation in the ITDS Program has also been recommended by the Import Safety Working Group (ISWG), established under Executive Order No. 13439 (July 18, 2007). The TSCA program is one of six EPA programs whose import requirements are being integrated into ACE.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5305

URL For More Information:
www.itds.gov

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EPA—Toxic Substances Control Act (TSCA)**Long-Term Actions**

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RIN: 2070-AJ50

Environmental Protection Agency (EPA)
Toxic Substances Control Act (TSCA)
Completed Actions
**235. LEAD-BASED PAINT ACTIVITIES;
FEES FOR ACCREDITATION OF
TRAINING PROGRAMS AND
CERTIFICATION OF LEAD-BASED
PAINT ACTIVITIES CONTRACTORS**

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2682(a)(3) and
(c)(3)

CFR Citation: 40 CFR 745.92

Legal Deadline: Other, Statutory,
March 13, 2009, For AD Signature.
Required to ensure publication no later
than March 20, 2009.

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
Final Action	03/20/09	74 FR 11863

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses,
Governmental Jurisdictions,
Organizations

Government Levels Affected: Local,
State, Tribal

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

**236. SIGNIFICANT NEW USE RULE
(SNUR); SELECTED FLAME
RETARDANT CHEMICAL
SUBSTANCES FOR USE IN
RESIDENTIAL UPHOLSTERED
FURNITURE**

Priority: Info./Admin./Other

Legal Authority: 15 USC 2604 "TSCA
5"

CFR Citation: 40 CFR 704; 40 CFR 721;
40 CFR 707; 40 CFR 710

Legal Deadline: None

Abstract: On March 4, 2008, the Consumer Product Safety Commission (CPSC) issued a notice of proposed rulemaking (73 FR 11702) on a new mandatory standard to address residential upholstered furniture fires. In a pre-publication press release, CPSC stated that under the proposal, manufacturers could meet the performance standard by using smolder-resistant cover fabrics or interior fire resistant barriers to protect the furniture's internal filling material, which is the primary fuel in an

upholstered furniture fire. CPSC's objective is to reduce the fire risk in upholstered furniture without requiring the use of fire retardant chemical additives. Manufacturers will not be required to use chemicals to meet the proposed standard. In its environmental assessment, CPSC staff projects most manufacturers and importers would likely choose options that do not involve fire-retardants in fabrics or filling materials. Therefore, EPA has decided that there is no longer a need to continue work on this Significant New Use Rule.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/09	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4512

Sectors Affected: 325 Chemical
Manufacturing; 313 Textile Mills;
337121 Upholstered Household
Furniture Manufacturing

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RIN: 2070-AD48

EPA—Toxic Substances Control Act (TSCA)

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237. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2601 et seq (TSCA)**CFR Citation:** Not Yet Determined**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, with 2 more chemicals pending. 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. With the pilot nearing completion, EPA intends to remove this entry from the Agenda.

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
Withdrawn	03/26/09	

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/g222203.htm>; www.epa.gov/chemrtk/vccep/index.htm; EPA Docket information: EPA-HQ-OPPT-2006-0341

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**238. TEST RULE; CERTAIN METALS****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 2603 "TSCA 4"; 15 USC 2625 "TSCA 26"**CFR Citation:** 40 CFR 790-799**Legal Deadline:** None

Abstract: To fulfill data needs identified by the Agency for Toxic Substances and Disease Registry, EPA began coordination of 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. Since there has been no activity and there is no longer a need for such an assessment at this time, this action, which was a component of ATSDR's research program, is being withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**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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RIN: 2070-AD10**239. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM****Priority:** Other Significant**Legal Authority:** 15 USC 2601 et seq (TSCA)**CFR Citation:** Not Yet Determined**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

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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 sections 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
Withdrawn	03/27/09	

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

240. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES

Priority: Info./Admin./Other

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), requested that the Office of Pollution Prevention and Toxics (OPPT) work with OAR to potentially solicit interested parties to develop an Enforceable Consent Agreement (ECA) under section 4 of TSCA to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). Since there has been no activity and no further needs identified by OAR at this time, this action is being withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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

241. 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 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 may 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. At this time, all MOUs and ECAs are complete.

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

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 - <http://www.epa.gov/fedrgstr/EPA-TOX/2005/July/Day-08/t13492.htm>;

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EPA Docket information: EPA-HQ-OPPT-2003-0012

URL For More Information:

<http://www.epa.gov/oppt/pfoa/index.htm>

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RIN: 2070-AJ06

242. 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: 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 Enforceable Consent Agreements (ECAs). Although EPA will not be pursuing further development of a separate ECA for diethanolamine at this time, this chemical will remain included as part of the original proposed test rule, which is identified separately under RIN 2070-AC76.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.4

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AJ09

243. HAPS TESTING AGREEMENT FOR HYDROGEN FLUORIDE

Priority: Info./Admin./Other

Legal Authority: 15 USC 2603 “TSCA 4”

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: 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 Enforceable Consent Agreements (ECAs). Although EPA will not be pursuing further development of a separate ECA for hydrogen fluoride at this time, this chemical will remain included as part of the original proposed test rule, which is identified separately under RIN 2070-AC76.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3493.5

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AJ10

244. HAPS TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE

Priority: Info./Admin./Other

Legal Authority: 15 USC 2603 “TSCA 4”

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: 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 Enforceable Consent Agreements (ECAs). Although EPA will not be pursuing further development of a separate ECA for phthalic anhydride at this time, this chemical will remain included as part of the original proposed test rule, which is identified separately under RIN 2070-AC76.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3493.7

URL For More Information:

<http://www.epa.gov/oppt/chemtest>

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EPA—Toxic Substances Control Act (TSCA)

Completed Actions

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RIN: 2070-AJ11

245. HAPS TESTING AGREEMENT FOR MALEIC ANHYDRIDE**Priority:** Info./Admin./Other**Legal Authority:** 15 USC 2603 “TSCA 4”**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

Abstract: 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 Enforceable Consent Agreements (ECAs). Although EPA will not be pursuing further development of a separate ECA for maleic anhydride at this time, this chemical will remain included as part of the original proposed test rule, which is identified separately under RIN 2070-AC76.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3493.6**URL For More Information:**<http://www.epa.gov/oppt/chemtest>

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RIN: 2070-AJ13

Environmental Protection Agency (EPA)

Proposed Rule Stage

Emergency Planning and Community Right-to-Know Act (EPCRA)

246. 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 is considering a rule proposing revisions to 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). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA is also

considering 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	12/00/09	

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

247. 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	12/00/09	

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

EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)**Proposed Rule Stage**

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:

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RIN: 2025-AA19

248. 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

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 in the mining context, stating that naturally occurring ores in situ have not been 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).

URL For More Information:

www.epa.gov/tri

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RIN: 2025-AA11

249. TOXICS RELEASE INVENTORY (TRI) ARTICLES EXEMPTION CLARIFICATION RULE

Priority: Substantive, Nonsignificant

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 TRI reporting requirements for items that qualify as articles. [See 40 CFR section 372.38(b).] EPA believes that language contained in the regulation and subsequent guidance should be clarified for the regulated community concerning what items qualify as articles and are therefore exempt from TRI threshold determinations, TRI release and other waste management calculations and reporting.

Timetable:

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

EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)**Proposed Rule Stage****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**Environmental Protection Agency (EPA)****Final Rule Stage****Emergency Planning and Community Right-to-Know Act (EPCRA)****250. • TOXICS RELEASE INVENTORY FORM A ELIGIBILITY REVISIONS IMPLEMENTING THE 2009 OMNIBUS APPROPRIATIONS ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** “Not Yet Determined”**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: EPA will be amending its regulations on the eligibility criteria for submitting a Form A Certification Statement in lieu of the more detailed

Form R submitted by facilities subject to TRI reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). This action is being taken to comply with the “Omnibus Appropriations Act of 2009” enacted on March 11, 2009.

Timetable:

Action	Date	FR Cite
Final Action	04/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5343;

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RIN: 2025-AA25**Environmental Protection Agency (EPA)****Long-Term Actions****Emergency Planning and Community Right-to-Know Act (EPCRA)****251. 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’ 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

EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

Long-Term Actions

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.**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-AG40**252. 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*, 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).

URL For More Information:

www.epa.gov/tri

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Email: bushman.daniel@epamail.epa.govNicole Paquette, Environmental Protection Agency, Office of Environmental Information, 2842T, Washington, DC 20460
Phone: 202 566-0642
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Email: paquette.nicole@epamail.epa.gov**RIN:** 2025-AA16**253. 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

EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)**Long-Term Actions**

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).

URL For More Information:

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RIN: 2025-AA17

Environmental Protection Agency (EPA)**Completed Actions****Emergency Planning and Community Right-to-Know Act (EPCRA)****254. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS TO PARTS 355 AND 370**

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: EPA finalized changes to the Emergency Planning Notification, Emergency Release Notification and Hazardous Chemical Reporting regulations that were proposed on June 8, 1998. EPA proposed four major revisions and provided draft guidance on various reporting options that States and local agencies may wish to consider in implementing the hazardous chemical reporting requirements. The final rule addressed only those changes proposed under the heading "Other Regulatory Changes" described in the preamble to the 1998 proposed rule. The final rule included minor revisions to the Emergency

Planning Notification, Emergency Release Notification and Hazardous Chemical Reporting regulations, codifying statutory requirements, and clarifying certain interpretations and policy statements that EPA has provided to the regulated community. This final rule did not affect public access to any of the information provided under the Emergency Planning Notification, Emergency Release Notification and Hazardous Chemical Reporting regulations. In addition to the regulatory changes, the Agency finalized the plain language format of the regulations. Each section in these regulations were re-numbered and tables were added for further clarification. Improving the clarity of the regulatory requirements made the rule easier to understand and will improve compliance.

Timetable:

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Final Action	11/03/08	73 FR 65452
Technical Amendment	03/26/09	74 FR 13124

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>; Final - <http://www.epa.gov/fedrgstr/EPA-WASTE/2008/November/Day-03/f25329.pdf>; Technical Amendment - <http://www.epa.gov/fedrgstr/EPA-WASTE/2009/March/Day-26/f6264.htm>; EPA Docket information: Docket Number EPA-HQ-SFUND-1998-0002

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RIN: 2050-AE17

Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA)

Prerule Stage

255. • STREAMLINING LABORATORY WASTE MANAGEMENT IN GOVERNMENT RESEARCH LABORATORIES

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 6922**CFR Citation:** 40 CFR 262**Legal Deadline:** None

Abstract: The Academic Laboratory Rulemaking was published on December 1, 2008. At the time of the rulemaking, the Agency did not have enough information about student populations in government research laboratories to include government research laboratories in the applicability of the final Laboratories Rule. As a result, the Agency is publishing a Notice of Data Availability

to publish the data we have on government research laboratories and solicit comment on whether it is accurate, as well as solicit comment on the number of students in government research laboratories.

Timetable:

Action	Date	FR Cite
Notice of Data Availability	12/00/09	

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

Additional Information: SAN No. 4920.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA->

WASTE/2006/May/Day-23/f4654.htm; Split from RIN 2050-AG18. No legal deadline.; EPA Docket information: EPA-HQ-RCRA-2003-0012

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RIN: 2050-AG54

Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

256. IDENTIFICATION OF NON-HAZARDOUS MATERIALS THAT ARE SOLID WASTES

Priority: Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 6903(27)**CFR Citation:** 40 CFR 241

Legal Deadline: NPRM, Judicial, July 15, 2009.
Final, Judicial, July 15, 2010.

Abstract: The Agency is assessing whether certain non-hazardous secondary materials are or are not solid waste under the Resource Conservation and Recovery Act (RCRA). This in turn will assist the Agency in developing certain standards under sections 112 and 129 of the Clean Air Act (CAA). If the material is considered a "solid waste," then the unit that burns the secondary material would be subject to CAA section 129 requirements. The meaning of "solid waste" as defined under RCRA is important because CAA section 129, which regulates emissions from sources that combust solid wastes, states that the term "solid waste" shall have the meaning "established by the Administrator [pursuant to RCRA]."

Timetable:

Action	Date	FR Cite
ANPRM	01/02/09	74 FR 41
NPRM	07/00/09	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined

Additional Information: SAN No. 5266; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2009/January/Day-02/f30987.pdf>; EPA Docket information: EPA-HQ-RCRA-2008-0329

URL For More Information:
<http://www.epa.gov/epawaste/index.htm>

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RIN: 2050-AG44

257. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION RESIDUES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

Priority: Economically Significant. Major under 5 USC 801.**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 regulations for coal combustion residues. 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 issued on August 29, 2007, a Notice of Data Availability (NODA) announcing the availability for public inspection and

EPA—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

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. EPA is currently analyzing the comments and the findings of the peer review in line with its commitment in the May 2000 regulatory determination to regulate coal combustion wastes.

Timetable:

Action	Date	FR Cite
NODA	08/29/07	72 FR 49714
NPRM	12/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4470; EPA publication information: NODA - <http://frwebgate1.access.gpo.gov/cgi-bin/waisgate.cgi?WAIIDocID=623368417775+2+0+0&WAIISaction=retrieve>; 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

258. 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. Specifically, EPA is considering performance standards for the environmentally protective placement of coal combustion by-products (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 RCRA (and/or modifications to the existing regulations established under SMCRA) are warranted when these wastes are placed in 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. 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	12/00/09	

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:

<http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/index.htm>

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RIN: 2050-AG45

259. • HAZARDOUS WASTE TECHNICAL CORRECTIONS AND CLARIFICATIONS RULE—PARTS 260 TO 265

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This joint proposed and Direct Final rule would correct and clarify the hazardous waste regulations associated with hazardous waste identification, manifesting, and generator requirements, including those found under 40 CFR 262.34, as well as changes to the hazardous waste permit and interim status standards. These changes correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the Federal Register as a result of typographical errors or incorrect citations to

EPA—Resource Conservation and Recovery Act (RCRA)**Proposed Rule Stage**

paragraphs and other references. Similarly, these changes would clarify existing parts of the hazardous waste regulatory program and correct references to Department of Transportation regulations that have been changed since the printing of the final rule. This action would not create new regulatory requirements.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5310

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RIN: 2050-AG52

260. • EPISODIC GENERATION RULEMAKING

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6922 (a)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is considering the development of a specific regulation associated with facilities that, as a result of certain events, find themselves moving occasionally or “episodically” into a higher hazardous waste generator status. Examples of events that may temporarily affect a facility’s generator

regulatory status include: construction and demolition debris; equipment maintenance during a plant shut down; removal of post-shelf life inventory; tank cleanouts; and process upsets.

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. 5309

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RIN: 2050-AG51

Environmental Protection Agency (EPA)**Final Rule Stage****Resource Conservation and Recovery Act (RCRA)****261. 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 hazardous waste regulations for management of solvent-contaminated industrial wipes. 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. Based on comments received on the proposal, 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.

Timetable:

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
Notice of Data Availability	05/00/09	
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:

<http://www.epa.gov/epawaste/index.htm>

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RIN: 2050-AE51

262. 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); 40 CFR 271.1(j)

Legal Deadline: None

Abstract: The Agency is proposing to change the existing regulation under the Resource Conservation and Recovery Act (RCRA) regarding the

EPA—Resource Conservation and Recovery Act (RCRA)**Final Rule Stage**

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 proposing to amend 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 proposing to amend 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

Action	Date	FR Cite
NPRM Comment Period End	12/05/08	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4606; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2008/October/Day-06/f22536.pdf>; EPA Docket information: EPA-HQ-RCRA-2005-0018

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RIN: 2050-AE93

Environmental Protection Agency (EPA)
Resource Conservation and Recovery Act (RCRA)
Long-Term Actions
263. 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 procurement guidelines 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 five 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 yet finalized because more information was needed. A Notice of Data Availability was issued asking for that information. EPA is evaluating the comments and considering how to proceed with 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
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

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

Nylon Carpet -
<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2003register&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

264. 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

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 control of CKD under subtitle C of RCRA was warranted 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 the comments received on the proposal and notice.

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 - <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002register&docid=fr25jy02-57.pdf>; EPA Docket information: EPA-HQ-RCRA-1999-0011

Sectors Affected: 32731 Cement Manufacturing

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RIN: 2050-AE34

265. 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. However, EPA’s ability to publish a final rule in 2009 that will recognize eManifest as a compliant voluntary alternative to the current paper manifest form, and to pursue this centralized eManifest design and funding solution will depend on the passing of authoriaing legislation for eManifest by the 111th Congress in 2009.

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 No. 2	02/26/08	73 FR 10204
Final Action	To Be Determined	

EPA—Resource Conservation and Recovery Act (RCRA)**Long-Term Actions****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**266. 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 260 and 261; 40 CFR 264 and 265; 40 CFR 268; 40 CFR 270; 40 CFR 273

Legal Deadline: None

Abstract: EPA proposed adding hazardous pharmaceutical wastes to the

universal waste system. This incorporation is appropriate because, among other reasons, these wastes are produced by a various and vast community of generators, and it has been reported that these wastes are often mismanaged due to generators' unfamiliarity 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 for those entities that generate hazardous pharmaceutical wastes able to "opt in" to this alternative management regime. Entities that could opt-in include those in authorized states that have adopted the universal waste rule and amended their programs to include hazardous pharmaceutical wastes.

EPA expects the inclusion of hazardous pharmaceutical wastes in the universal waste rule will provide relief in the management of P-listed hazardous pharmaceutical wastes by simplifying current requirements. Also, we expect 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 may pose hazards. Finally, EPA expects that the addition of hazardous pharmaceutical wastes to the rule may facilitate the collection of household pharmaceutical wastes via pharmaceutical take-back programs.

Timetable:

Action	Date	FR Cite
NPRM	12/02/08	73 FR 73520
NPRM Comment Period Extended	01/30/09	74 FR 5633
Final Action	To Be Determined	

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

Additional Information: SAN No. 5127; EPA publication information: NPRM - <http://edocket.access.gpo.gov/2008/E8-28161.htm>; <http://www.epa.gov/fedrgstr/EPA-WASTE/2009/January/Day->

[30/f2033.pdf](#); EPA Docket information: EPA-HQ-RCRA-2007-0932

URL For More Information:

<http://www.epa.gov/wstes/hazard/wastetypes/universal/pharm.htm>

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RIN: 2050-AG39**267. 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: EPA is considering amending the Land Disposal Restriction (LDR) requirements for EPA Waste Codes K172 and F037. 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 hydrorefining 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	To Be Determined	

EPA—Resource Conservation and Recovery Act (RCRA)**Long-Term Actions****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-](http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-24/f29319.htm)

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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Abstract: In response to a petition submitted by the Calorie Control Council (CCC), EPA plans to propose the removal of saccharin and its salts from the lists of hazardous constituents (40 CFR section 261, appendix VIII), the list of unused commercial chemical products identified as hazardous wastes (40 CFR section 261.33(f)), and the list of hazardous substances (40 CFR section 302.4). This is because the current weight of scientific evidence supports the petitioner's request. EPA originally listed saccharin and its salts based on a scientific consensus that saccharin was a potential human carcinogen. However, the recent evaluation of available data for saccharin and its salts by the U.S. National Toxicology Program (NTP) and the International Agency for Research on Cancer (IARC) has concluded that scientific evidence does not support that saccharin and its salts are potential human carcinogens. In addition, OSWER does not believe saccharin and

its salts meet any other criteria for remaining on the above specified lists.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5322**Agency Contact:** Narendra Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460

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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 offsite. We plan to do this by proposing to: (1) substitute the BR data with the more-timely data from the eManifest system once legislation is enacted and the system 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**Agency Contact:** Peggy Vyas, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460

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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 they were initially promulgated 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.

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

EPA—Resource Conservation and Recovery Act (RCRA)**Long-Term Actions**

who may not have appropriate expertise to adequately review detailed financial information submissions.

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
NPRM on Determination	To Be	Determined

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

**Environmental Protection Agency (EPA)
Resource Conservation and Recovery Act (RCRA)**
Completed Actions
**271. WASTE MANAGEMENT SYSTEM;
TESTING AND MONITORING
ACTIVITIES; METHODS INNOVATION
RULE; CORRECTION (WITHDRAWN)**

Priority: Info./Admin./Other

Legal Authority: 33 USC 1345(d); 33 USC 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: EPA is withdrawing this rulemaking. Editorial corrections pertaining to this rule will be incorporated into another rulemaking.

Timetable:

Action	Date	FR Cite
Withdrawn	02/23/09	

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:

<http://www.epa.gov/epaoswer/hazwaste/test/mir.htm>
<http://www.epa.gov/epaoswer/hazwaste/test/mir-faq.htm>

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RIN: 2050-AG38

**272. 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 excluded from being solid wastes under subtitle C of the Resource Conservation and Recovery Act (RCRA) hazardous secondary materials whose emissions are comparable to fuel oil. This exclusion is allowed only when those materials are managed under conditions that assure they will not be discarded either when stored or burned. Such excluded fuel is called emission-comparable fuel (ECF). ECF is subject to the same specifications that currently apply to comparable fuels, except that the specifications for hydrocarbons and oxygenates do not apply. The ECF exclusion is 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 has promulgated 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	12/19/08	73 FR 77954

Regulatory Flexibility Analysis Required: No

Small Entities Affected: 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>

EPA—Resource Conservation and Recovery Act (RCRA)**Completed Actions**

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RIN: 2050-AG24

273. 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 focuses on the ways to make the Resource Conservation and Recovery Act a better 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	12/01/08	73 FR 72912

**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>; The Agency is developing an action to publish data we have on government research laboratories, to solicit comment on the data's accuracy and to solicit comment on the number of students in government research laboratories. See SAN 4920.1.; 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

274. 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: Since 2000, the National Environmental Performance Track Program has been an important vehicle through which EPA has recognized and encouraged environmental stewardship. At its peak, Performance Track had over 500 members from 49 states. At this point in time, the Agency is halting the Program, evaluating its achievements and looking at opportunities for improvements. Consequently EPA is withdrawing this action to reconsider its structure and approach.

Timetable:

Action	Date	FR Cite
Withdrawn	03/16/09	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4828

URL For More Information:
<http://www.epa.gov/perfrac/index.htm>

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RIN: 2090-AA34

Environmental Protection Agency (EPA)**Prerule Stage****Comprehensive Environmental Response, Compensation and Liability Act**

275. • CERCLA 108(B) FINANCIAL RESPONSIBILITY

Priority: Other Significant

Legal Authority: "42 USC 9608 (b)"

CFR Citation: Not Yet Determined

Legal Deadline: Other, Judicial, July 10, 2009, US District Court for the Northern District of California: Sign and transmit Notice to the Office of Federal Register.

Abstract: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. Specifically, the statutory

EPA—Comprehensive Environmental Response, Compensation and Liability Act**Prerule Stage**

language requires that EPA publish a notice in the Federal Register that identifies classes of facilities that may ultimately be required to establish and maintain financial responsibility, which present the highest level of risk of injury. Based on such notice, the statute contemplates that EPA will first develop financial responsibility requirements for such classes.

To date, EPA has not acted under CERCLA 108(b). A recent ruling issued by the United States District Court for the Northern District of California states

that EPA must identify and publish a notice of classes of facilities for which such requirements will first be developed by July 10, 2009.

Timetable:

Action	Date	FR Cite
Notice	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5350

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RIN: 2050-AG56

Environmental Protection Agency (EPA)**Proposed Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act****276. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES**

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

Action	Date	FR Cite
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	08/24/00	65 FR 51567
Alabama/Malone		
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
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	09/03/08	73 FR 51368

Action	Date	FR Cite
NPRM 49	09/03/08	73 FR 51393
Final 46	04/09/09	74 FR 16126
NPRM 50	04/09/09	74 FR 16162
Final 47	09/00/09	
NPRM 51	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3439; EPA publication information: NPRM 450 - <http://www.epa.gov/fedrgstr/EPA-WASTE/2009/April/Day-09/f7824.pdf>; Final 46 - <http://www.epa.gov/fedrgstr/EPA-WASTE/2009/April/Day-09/f7825.pdf>; 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

Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation and Liability Act

Final Rule Stage

277. • INCLUSION OF CERCLA SECTION 128(A) STATE RESPONSE PROGRAMS AND TRIBAL RESPONSE PROGRAMS

Priority: Substantive, Nonsignificant**Legal Authority:** PL 104-134**CFR Citation:** 40 CFR 35**Legal Deadline:** None

Abstract: EPA is authorized to combine State and Tribal Assistance Grant (STAG) "categorical" program grant funds into Performance Partnership Grants (PPGs). The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 128(a) State and Tribal Response program grants are funded from STAG categorical appropriations and are eligible for inclusion under 40 CFR part 35 in a PPG. On August 20, 2004, (69 FR

51756) EPA added the CERCLA section 128(a) State and Tribal Grant program to the list of grants eligible for inclusion in PPGs.

EPA now plans to include State Response Programs per CERCLA section 128(a) under title 40 part 35 subpart A and Tribal Response Programs per CERCLA section 128(a) under title 40 part 35 subpart B as a PPG eligible grant program. The Agency also plans to add State Response Program and Tribal Response Program specific provisions.

Timetable:

Action	Date	FR	Cite
Final Action	07/00/09		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 5328

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RIN: 2050-AG53

Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation and Liability Act

Long-Term Actions

278. 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 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

279. 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.

EPA—Comprehensive Environmental Response, Compensation and Liability Act **Long-Term Actions**

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4737

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RIN: 2050-AF03

Environmental Protection Agency (EPA)**Completed Actions**

Comprehensive Environmental Response, Compensation and Liability Act

280. CERCLA/EPCRA 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: The final rule provides an administrative reporting exemption from particular notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. In addition, the final rule provides a limited administrative reporting exemption in certain cases from requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act. Specifically, the administrative reporting exemption applies 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. Nothing in the final rule changes the notification requirements if hazardous substances are released to the air from any source other than animal waste at farms (e.g., ammonia tanks), or if any hazardous substances from animal waste are released to any other environmental media, (e.g., soil, ground water, or surface water) when the release of those hazardous substances is at or above its reportable quantity. Also, the administrative reporting exemption under CERCLA section 103, does not limit any of the Agency's other authorities under CERCLA sections 104 (response authorities), 106 (abatement actions), 107 (liability), or any other provisions of CERCLA or EPCRA. Accordingly, EPA believes this

administrative reporting exemption not only leaves in place important Agency response authorities that can be used to protect human health and the environment if needed, but also is consistent with the Agency's goal to reduce reporting burden.

Timetable:

Action	Date	FR Cite
NPRM	12/28/07	72 FR 73700
Final Action	12/18/08	73 FR 76948

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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RIN: 2050-AG37

281. ADDITION OF REFERENCE TO NEW FORESTLAND PHASE I STANDARD TO REFERENCED COMPLIANT STANDARDS IN ALL APPROPRIATE INQUIRIES FINAL RULE

Priority: Other Significant

Legal Authority: 42 USC 9601 et seq

CFR Citation: 40 CFR 312

Legal Deadline: None

Abstract: This action recognizes the recently revised "ASTM E2247-08 Standard Practice for Environmental Site Assessments: Phase I

Environmental Site Assessment Process for Forestland or Rural Property" as a compliant reference standard for the All Appropriate Inquiries Final Rule (AAI). The AAI final rule added 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 is complying with the National Technology Transfer and Advancement Act of 1995 (NTTAA), which directs EPA to use voluntary consensus standards in its regulatory activities. ASTM International, a voluntary standards development organization, 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	12/23/08	73 FR 78716
Direct Final Action	12/23/08	73 FR 78651
NPRM Comment Period End	01/22/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5292; EPA publication information: NPRM - <http://frwebgate5.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=537563441835+1+2+0&WASAction=retrieve>; EPA Docket information: EPA-HQ-SFUND-2008-0873

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EPA—Comprehensive Environmental Response, Compensation and Liability Act **Completed Actions**

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RIN: 2050-AG47

Environmental Protection Agency (EPA)
Clean Water Act (CWA)

Proposed Rule Stage

282. • OIL AND GAS CONSTRUCTION STORMWATER RULE

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, November 19, 2008, The oil and gas rule court-ordered vacature took effect on November 19, 2008.

Abstract: On June 12, 2006, EPA published a final rule to address a new provision added by the Energy Policy Act of 2005. The 2006 regulation effectively exempted from NPDES permit requirements stormwater discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities unless the relevant facility had a discharge of stormwater resulting in a discharge of a reportable quantity of oil or hazardous substances. Shortly thereafter, the Natural Resources Defense Council (NRDC) petitioned the Ninth Circuit Court of Appeals (Ninth Circuit) for direct review of EPA's action. On May 23, 2008, the Ninth Circuit Court of Appeals issued an opinion in *Natural Resources Defense Council v. United States Environmental Protection Agency*, 526 F.3d 591 (9th Cir. 2008), vacating EPA's 2006 oil and gas construction stormwater regulation. On July 21, 2008, EPA filed a petition for rehearing in this case. On November 3, 2008, the Ninth Circuit Court of Appeals issued its order denying EPA's request for rehearing of the Court's decision vacating EPA's 2006 oil and gas construction stormwater regulation.

This action initiation request for rulemaking is to prepare a direct final rule that removes the regulatory language codified in the 2006 rulemaking and adds the revised 2005 Energy Policy Act definition of "oil and gas exploration, production, processing, treatment, and transmission operations." The Agency uses this term

to define the specific activities exempt from NPDES permitting as identified in section 402(l)(2) of the Clean Water Act which specifies that EPA and states shall not require NPDES permits for uncontaminated stormwater discharges from oil and gas exploration, production, processing or treatment operations, or transmission facilities.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5330

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RIN: 2040-AF05

283. 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.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	
Final Action	12/00/10	

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

284. CRITERIA AND STANDARDS FOR COOLING WATER INTAKE STRUCTURES—PHASE II REMAND

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

EPA—Clean Water Act (CWA)**Proposed Rule Stage**

Legal Authority: CWA 101; CWA 301; CWA 304; CWA 308; CWA 316; CWA 401 and 402; CWA 501; CWA 510

CFR Citation: 40 CFR 122 to 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 review, the U.S. Court of Appeals for the Second Circuit remanded several key provisions. In July 2007, EPA suspended Phase II and has now initiated a new 316(b) Phase II rulemaking. Following the decision in the Second Circuit, several parties petitioned the U.S. Supreme Court to review that decision, and the Supreme Court granted the petitions, limited to the issue of whether the Clean Water Act authorized EPA to consider the relationship of costs and benefits in establishing section 316(b) standards. On April 1, 2009, the Supreme Court reversed the Second Circuit, finding that the Agency may consider cost-benefit analysis in its decision-making. This finding did not hold that the Agency must consider costs and benefits in these decisions. EPA expects this new rulemaking will similarly apply to approximately 600 existing electric generating plants and will address the Supreme Court decision.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	06/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

Additional Information: SAN No. 5210; EPA Docket information: EPA-HQ-OW-2008-0667

URL For More Information:

www.epa.gov/waterscience/316b

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RIN: 2040-AE95

285. • 2010 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: CWA 304; CWA 306 and 307

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, December 31, 2010.

Abstract: The Clean Water Act (CWA) requires EPA to establish national technology-based regulations known as “effluent limitations guidelines and standards” to reduce pollutant discharges from categories of industrial facilities. EPA similarly establishes technology-based regulations, termed “pretreatment standards,” to reduce indirect pollutant discharges—those that are discharged to publicly-owned treatment works. The CWA also specifies effluent guideline planning and review requirements. There are different requirements for direct and indirect dischargers, but both specify annual review of promulgated effluent guidelines and pretreatment standards. One requirement is publication of an Effluent Guidelines Program Plan every two years. CWA section 304(m) specifies that the Plan must: (1) establish a schedule for the annual review and revision of promulgated effluent guidelines, (2) identify categories of sources discharging toxic or non-conventional pollutants for which guidelines have not previously been published (“new categories”); and (3) establish a schedule for the promulgation of effluent guidelines identified under (2). We anticipate that the Preliminary 2010 Plan will describe the results of the 2009 annual review, including, to the extent possible: (1) the outcome of the screening process; (2) EPA’s selection of industrial categories for further study; and (3) the rationale

for selecting categories for further study. The Preliminary 2010 Plan will also summarize information on specific industrial categories, identify data gaps, and summarize information on possible “new categories” of dischargers to help determine whether such standards are warranted.

Timetable:

Action	Date	FR Cite
Preliminary Plan	11/00/09	
Final Plan	11/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5320; EPA Docket information: EPA-HQ-OW-2008-0517

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RIN: 2040-AF06

286. NPDES PROGRAM MANAGEMENT INFORMATION RULEMAKING

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: CWA 304(i) and 501(a), 33 USC 1314(i) and 1361(a)

CFR Citation: 40 CFR 123; 40 CFR 403; 40 CFR 501

Legal Deadline: None

Abstract: The U.S. Environmental Protection Agency (EPA) has 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. This regulation would identify the essential information that EPA needs to receive from NPDES agencies (NPDES-authorized states, territories and tribes) to manage the national NPDES permitting and enforcement program. Through this regulation, EPA seeks to ensure that such facility-specific

EPA—Clean Water Act (CWA)**Proposed Rule Stage**

information would be readily available, accurate, timely and nationally consistent on the facilities that are regulated by the NPDES program.

In the past, EPA primarily obtained this information from the Permit Compliance System (PCS). 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. In addition, information technology has advanced significantly so that 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

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 5251;

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RIN: 2020-AA47

287. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

Priority: Other Significant

Legal Authority: PL 106-554, sec 1404-1407

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On December 12, 2000, Congress passed HR 4577 which contained a section called "Certain Alaskan Cruise Ship Operations" (title XIV). Title XIV established enforceable discharge standards for sewage and graywater from large cruise ships operating in Alaskan waters and authorizes EPA to develop revised and/or additional standards for these discharges 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	12/00/09	

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

288. 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 December 5, 2008, EPA finalized several amendments to the Spill Prevention, Control, and Countermeasure (SPCC) rule in order to provide increased clarity, to tailor requirements to particular industry sectors, and to streamline certain

requirements for those facility owners or operators subject to the rule. On February 3, 2009, EPA delayed the effective date for 60 days of the final rule and sought public comment on the extension of the effective date and its duration, and on the regulatory amendments contained in the final rule. EPA is further delaying the effective date in order to provide time to address concerns raised during the latest public comment period.

Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728

Action	Date	FR Cite
NPRM 1 yr Compliance Extension	06/17/04	69 FR 34014
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	12/05/08	73 FR 74236
Notice to Delay Effective Date	02/03/09	74 FR 5900
Delay of Effective Date	04/01/09	74 FR 14736
Final	11/00/09	

EPA—Clean Water Act (CWA)

Final Rule Stage

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

Additional Information: SAN No. 2634.2; EPA publication information: Delay of effective date - <http://www.epa.gov/fedrgstr/EPA-WATER/2009/April/Day-01/w7301.pdf>; Split from RIN 2050-AG62.; 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**289. OIL POLLUTION PREVENTION; NON-TRANSPORTATION RELATED ONSHORE FACILITIES COMPLIANCE DATES****Priority:** Other Significant**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 their Spill Prevention, Control, and Countermeasure (SPCC) Plans, and implement those Plans. The Agency is also proposing to establish new dates for farms to prepare or amend their 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	11/26/08	73 FR 72016
Final Action	06/00/09	

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

Additional Information: SAN No. 2634.7; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2005/December/Day-12/w23917.htm>; Split from RIN 2050-AG28. Split from RIN 2050-AG23. Split from RIN 2050-AG16.; EPA Docket information: EPA-HQ-OPA-2005-0003

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RIN: 2050-AG49**290. 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: 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: In a November 28, 2008 proposed rulemaking, EPA proposed to establish effluent limitations guidelines (ELGs) and new source performance standards (NSPSs) for the Construction and Development point source category. This rulemaking and its schedule respond to a court order that requires the Agency to publish final regulations by December 1, 2009. The ELGs and NSPSs would control the

discharge of pollutants such as sediment, turbidity, nutrients and metals in discharges from construction activities and will be implemented through the issuance of NPDES permits. EPA solicited comments on a range of erosion and sediment control measures and pollution prevention measures. The proposed requirements vary by size of the construction site and by other factors, such as rainfall intensity and clay content of soil. The proposed rule was intended to work in concert with existing state and local programs, adding a technology-based “floor” that establishes minimum requirements that would apply nationally. Once implemented, these new requirements would significantly reduce the amount of sediment, turbidity, and other pollutants discharged from construction sites.

Timetable:

Action	Date	FR Cite
NPRM	11/28/08	73 FR 72561
NPRM Comment Period End	02/26/09	
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; EPA publication information: NPRM - <http://edocket.access.gpo.gov/2008/pdf/E8-27848.pdf>; EPA Docket information: EPA-HQ-OW-2008-0465

URL For More Information:<http://www.epa.gov/waterscience/guide/construction/>

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RIN: 2040-AE91

Environmental Protection Agency (EPA)

Clean Water Act (CWA)

Long-Term Actions

291. • OIL POLLUTION PREVENTION: SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE REQUIREMENTS—AMENDMENTS FOR MILK CONTAINERS

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA or the Agency) has proposed to amend the Spill Prevention, Control, and Countermeasure (SPCC) rule to exempt milk containers and associated equipment and appurtenances on farms and in other dairy operations subject to the Grade "A" Pasteurized Milk Ordinance requirements. Additionally EPA has requested comment on alternative approaches to address facilities that may have milk containers. This proposal addresses concerns raised specifically by the dairy farm sector on the applicability of the SPCC requirements to milk containers.

Timetable:

Action	Date	FR Cite
NPRM	01/15/09	74 FR 2461
NPRM Comment Period End	02/17/09	
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. 2634.8; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2009/January/Day-15/w830.pdf>; Split from RIN 2050-AG16. 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-AG50

292. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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	To Be	Determined

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

293. 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 sewage sludge. This method is necessary for the implementation of water quality-based permit conditions under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permit conditions 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, State, Local

Additional Information: SAN No. 4049;

URL For More Information: <http://www.epa.gov/waterscience/methods>

EPA—Clean Water Act (CWA)

Long-Term Actions

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RIN: 2040–AD09

294. 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	04/00/10	
Final Action	09/00/11	

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/waterscience/rules/unds>

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RIN: 2040–AD39

295. 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 inconsistencies between the application forms and the regulations, provide clarifications, update data standards, and update the applications to address current program

practices. 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.

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

296. 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; 40 CFR 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

EPA—Clean Water Act (CWA)**Long-Term Actions**

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

297. 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 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. EPA did not finalize the policy. The policy options associated with this activity are still under review.

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 - <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2003register&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

298. 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 is considering proposing to amend the list of pollutants eligible for removal credits in 40 CFR 403.7, Appendix G, Table II, to add a number of pollutants that EPA has determined would not need to be regulated under the sewage sludge regulations.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/05	70 FR 60199
NPRM	To Be Determined	

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

EPA—Clean Water Act (CWA)**Long-Term Actions**

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 3663.1; Split from RIN 2040-AC58.

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RIN: 2040-AE88

299. 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); 40 CFR 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 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

300. 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: Final, Statutory, October 10, 2005, CWA section 304(a)(9), 10/10/2005. Other, Judicial, October 15, 2012, The judicial (court ordered) deadline is October 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 pursuant to CWA 303(i)(1)(B). The scientific foundation for the development of new or revised

recreational water quality criteria is the relevant research and studies that EPA and others have conducted prior to 2007 and the research and studies that EPA (and others) will undertake between 2007 and the end of 2010. These studies are fully described in EPA's "Critical Path Science Plan for the Development of New or Revised Recreational Water Quality Criteria" (CPSP) as well as the Settlement Agreement and Consent Decree EPA signed to resolve litigation related to the deadlines for completing studies under CWA 104(v) and publishing criteria under CWA 304(a)(9)(A). 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

Additional Information: SAN No. 4967

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RIN: 2040-AE77

301. IMPLEMENTATION GUIDANCE FOR MERCURY WATER QUALITY CRITERIA

Priority: Other Significant

Legal Authority: 33 USC 1251 et seq

CFR Citation: Not Yet Determined

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

EPA—Clean Water Act (CWA)**Long-Term Actions**

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 Notice	To Be	Determined

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**302. • DEVELOPMENT OF BEST MANAGEMENT PRACTICES FOR RECREATIONAL BOATS UNDER SECTION 312(O) OF THE CLEAN WATER ACT****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, July 29, 2009, Clean Boating Act requires promulgation w/in 1 year of enactment.

Abstract: This action is for the development of regulations by EPA to implement the Clean Boating Act (Public Law 110-288), which was signed by the President on July 29, 2008. The Clean Boating Act amends section 402 of the Clean Water Act (CWA) to exclude recreational vessels from National Pollutant Discharge Elimination System permitting requirements. In addition, it adds a new CWA section 312(o) directing EPA to develop regulations that identify the discharges incidental to the normal operation of recreational vessels (other than a discharge of sewage) for which it is reasonable and practicable to develop management practices to mitigate adverse impacts on waters of the United States. In addition, those regulations need to include those management practices, including performance standards for each such practice. Following promulgation of the EPA performance standards, new CWA section 312(o) directs the Coast Guard

to promulgate regulations governing the design, construction, installation, and use of the management practices. Following promulgation of the Coast Guard regulations, the Clean Boating Act prohibits the operation of a recreational vessel or any discharge incidental to their normal operation in waters of the United States and waters of the contiguous zone (i.e., 12 miles into the ocean), unless the vessel owner or operator is using an applicable management practice meeting the EPA-developed performance standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	03/00/11	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5311

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RIN: 2040-AF03**Environmental Protection Agency (EPA)****Completed Actions****Clean Water Act (CWA)****303. 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: 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. As a result, EPA has amended the definition of "navigable waters" in part 112 to comply with that decision.

Timetable:

Action	Date	FR Cite
Final Action	11/26/08	73 FR 71941
Correction Notice	12/11/08	73 FR 75346

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

Additional Information: SAN No. 2634.6; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA-WATER/2008/November/Day-26/w28123.pdf>; 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

EPA—Clean Water Act (CWA)**Completed Actions**

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RIN: 2050-AG48

304. 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: The objective of this action was to promulgate at 40 CFR Part 136 procedures and guidance for use in Clean Water Act compliance monitoring. These procedures and guidance included performance criteria against which a method developer could evaluate the performance of a candidate Clean Water Act compliance monitoring method for chemical pollutants. EPA has separately published other method flexibilities that make this regulatory change unnecessary. In March 2007, EPA amended 40 CFR Part 136.6, which achieves the same objectives. This action is no longer needed.

Timetable:

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Withdrawn	02/19/09	

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

305. CONCENTRATED ANIMAL FEEDING OPERATION RULE

Priority: Other Significant

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

CFR Citation: 40 CFR 122; 40 CFR 412

Legal Deadline: None

Abstract: This rulemaking responded to the U.S. Court of Appeals for the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance vs. EPA*, which remanded and/or vacated certain provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR parts 122 and 412. This 2008 final rule defined the circumstances under which CAFOs must seek permit coverage, and established an optional means for nondischarging CAFOs to certify that they are not required to apply for a permit if they qualify for certification. The final rule also required the terms of NMPs to be incorporated into CAFO permits and established a process to make the terms of the NMP available for public comment, approved by the permitting authority, and incorporated into a general permit. In addition, the final rule included an alternative means for certain new source operations to meet the new source performance standards and addressed issues remanded for further review and explanation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/06	71 FR37744
Supplemental NPRM	03/07/08	73 FR 12321
Final Action	11/20/08	73 FR 70417

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>; EPA Docket information: EPA-HQ-OW-2005-0037

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RIN: 2040-AE80

306. NPDES GENERAL PERMITS 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 was necessary to address a District Court ruling which vacated a regulatory exemption at 40 CFR 122.3(a). *Nw. Env'tl. Advocates v. EPA*, 2006 U.S. Dist. LEXIS 69476 (N.D. Cal. Sept. 18, 2006). The regulation excluded discharges incidental to the normal operation of a vessel from NPDES permitting and had existed, essentially unchanged, since 1973. Under the ruling and subsequent extensions, the district court vacated the entire exclusion as of February 6, 2009. Once vacatur took place, discharges of pollutants incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation became subject to the prohibition in CWA section 301(a) against the discharge of a pollutant without an NPDES permit.

Timetable:

Action	Date	FR Cite
Proposal	06/17/08	73 FR 34296
Final	12/29/08	73 FR 79473

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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EPA—Clean Water Act (CWA)**Completed Actions**

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RIN: 2040-AE93

307. REVISIONS TO THE CLEAN WATER ACT REGULATORY DEFINITION OF “DISCHARGE OF DREDGED MATERIAL”

Priority: Info./Admin./Other

Legal Authority: 33 USC 1344

CFR Citation: 33 CFR 323.3; 40 CFR 232.2

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	12/30/08	73 FR 79641

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

308. • 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 withdraws the NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula (Permit Fee Rule). The Permit Fee Rule was published in the Federal Register on September 10, 2008, and allowed EPA to allot an amount not to exceed 3 percent of the FY 2008 State allotment (approximately \$5.1 million) as a financial incentive for States that utilize adequate fee programs to support authorized NPDES permit program activities.

The purpose of the Permit Fee Rule was to encourage States to voluntarily collect NPDES permit fees by providing an incentive for States to move toward greater sustainability in the way they manage and budget for environmental programs and to shift part of the financial burden to those who benefit from NPDES permits. However, States' concern with the rule and ongoing congressional opposition to EPA creating an incentive pool with section 106 funds has caused the Agency to reconsider this approach. Therefore, EPA withdrew the Permit Fee Rule but will continue to encourage States to establish and expand their permit fee programs. The growing complexity of

water quality issues has prompted more States to implement NPDES permit fee programs. An estimated 42 States currently have permit fee programs in place with such fees paying for all or a portion of the cost of a State's permit program.

Timetable:

Action	Date	FR Cite
NPRM	01/04/07	72 FR 293
Final Action	09/10/08	73 FR 52585
Withdrawal of Final Action	04/15/09	74 FR 17403

Regulatory Flexibility Analysis

Required: 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>; Withdrawal of Final Action - <http://www.epa.gov/fedrgstr/EPA-WATER/2009/April/Day-15/w8644.pdf>; EPA Docket information: EPA-HQ-OW-2006-0765

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Related RIN: Previously reported as 2040-AE99

RIN: 2040-AF07

Environmental Protection Agency (EPA)**Prerule Stage****Safe Drinking Water Act (SDWA)**

309. • REVISIONS TO THE UNDERGROUND INJECTION CONTROL (UIC) REQUIREMENTS FOR CLASS V WELLS (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Legal Authority: 5 USC 610

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Class V wells are regulated under the authority of part C of the Safe Drinking Water Act (SDWA). The SDWA is designed to protect the

quality of drinking water in the United States, and part C specifically mandates the regulation of underground injection of fluids through wells. The Agency has promulgated a series of underground injection control (UIC) regulations under this authority. Most class V wells are authorized by rule as long as (1)

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they do not endanger underground sources of drinking water (USDWs), and (2) the well owners or operators submit basic inventory and assessment information. If a class V well may endanger USDWs, UIC Program Directors can require the owner/operator to apply for a permit, order preventive actions (including closure of the well) to prevent the violation, require remediation to assure USDWs are protected, or take enforcement action.

On December 7, 1999, EPA finalized additional requirements for motor vehicle waste disposal wells and large capacity cesspools, to embrace priorities and help achieve goals defined under the 1996 Amendments to the SDWA, and to fulfill the first phase of the Agency's requirements under the 1997 consent decree with the Sierra Club. The 1999 Rule established requirements for two categories of class V injection wells determined by EPA to be a source of endangerment to drinking water. Specifically, the rule covers: (1) Existing motor vehicle waste disposal wells located in ground water protection areas or other sensitive ground water areas; and, (2) new and existing large-capacity cesspools and new motor vehicle waste disposal wells nationwide. The conclusion that these class V wells pose an endangerment to USDWs is based on substantial

information and the combined professional judgment of EPA and State geologists and engineers that are responsible for implementing the class V UIC program.

This new entry in the regulatory agenda announces that while EPA has taken steps in the 1999 Rulemaking process to evaluate and mitigate impacts on small entities, pursuant to section 610 of the Regulatory Flexibility Act, EPA will review the Class V Rule. As part of the review, EPA will consider and solicit 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. Based on the evaluation of the Class V Rule during promulgation, EPA believes there is a continued need for the Class V Rule. EPA assumes that the regulatory impact of two endangering well types on small business is not significant because the Agency believes most of these well types have been either closed or permitted.

Comments must be received by August 11, 2009. In submitting comments,

please reference Docket ID EPA-HQ-OW-2009-0082 and follow the instructions in section I of the preamble to this issue of the Regulatory Agenda. The docket can be assessed at www.regulations.gov.

Timetable:

Action	Date	FR Cite
Final Action	12/07/99	64 FR 68546
Begin Review	05/00/09	
End Comment Period	08/00/09	
End Review	12/00/09	

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

Additional Information: SAN No. 5332; EPA Docket information: EPA-HQ-OW-2009-0082

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RIN: 2040-AF04

**Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)****Proposed Rule Stage****310. 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: None

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 six 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 six year review (developed under the first six 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: Undetermined**Government Levels Affected: None**

Additional Information: SAN No. 5066

EPA—Safe Drinking Water Act (SDWA)**Proposed Rule Stage**

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RIN: 2040-AE90

Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)
Final Rule Stage
**311. 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: Businesses

Government Levels Affected: None

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

**312. DRINKING WATER
CONTAMINANT CANDIDATE LIST 3**

Priority: Other Significant

Legal Authority: 42 USC 300g-1(b)

CFR Citation: Not Yet Determined

Legal Deadline: None

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, use 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	02/21/08	73 FR 9627
Final Action	10/00/09	

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/Daily-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

**313. NATIONAL PRIMARY DRINKING
WATER REGULATIONS: MINOR
CORRECTION TO STAGE 2
DISINFECTANTS & DISINFECTION
BYPRODUCTS RULE AND CHANGES
RELATED TO REFERENCES OF
ANALYTICAL METHODS IN THE CFR**

Priority: Info./Admin./Other

Legal Authority: 42 USC 300f and 42 USC 300g-1

CFR Citation: Not Yet Determined

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

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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.

Timetable:

Action	Date	FR Cite
NPRM	11/14/08	73 FR 67456

Action	Date	FR Cite
NPRM Comment Period End	01/13/09	
Final Action	11/00/09	

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)****Long-Term Actions****314. 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 and 142

Legal Deadline: None

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 Notice99	07/18/91	56 FR 33050
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	To Be Determined	

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

315. 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, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3238;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040-AC13

316. 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

EPA—Safe Drinking Water Act (SDWA)

Long-Term Actions

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

317. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM RULE**Priority:** Other Significant**Legal Authority:** 42 USC 300f et seq**CFR Citation:** 40 CFR 141; 40 CFR 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. EPA has also convened a Federal Advisory Committee to address the TCR revisions and to consider distribution system issues.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	
Final Action	10/00/12	

Regulatory Flexibility Analysis Required: Undetermined**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

318. 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 requirements of those programs are federally enforceable. 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

EPA—Safe Drinking Water Act (SDWA)

Long-Term Actions

319. 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 144–146 (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
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

320. REVISING UNDERGROUND STORAGE TANK REGULATIONS (PART 280, 281)—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 (EPAAct). 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 EPAAct that apply to 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 develop regulations for secondary containment and operator training to apply 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. EPA also plans to develop regulations for delivery prohibition that EPA may apply in its enforcement actions. 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 EPAAct 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	04/00/10	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5284; None

URL For More Information: <http://www.epa.gov/oust/>

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RIN: 2050–AG46

Environmental Protection Agency (EPA)**Completed Actions****Marine Protection Research and Sanctuary Act (MPRSA)****321. • REPEAL OF REGULATION IDENTIFYING “DUMPING SITES DESIGNATED ON AN INTERIM BASIS” UNDER THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** MPRSA section 108, 33 USC 1418**CFR Citation:** 40 CFR 228.14**Legal Deadline:** None

Abstract: This final rule would remove 40 CFR 228.14 “Dumping sites designated on an interim basis” from the Ocean Dumping regulations. Under section 506 of the Water Resources Development Act (WRDA) of 1992, the authority to use these dumping sites expired in January 1997. Though no

interim sites have been designated since the WRDA amendments, the interim site designation has been revised three times since then to delete individual sites that were designated on a final basis. The removal of section 228.14 is needed as a housekeeping measure to implement the 1992 Act. Additionally, the regulated community is confused by the fact that the interim sites are listed in the regulation yet unavailable for use.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/10/08	73 FR 74983

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5290; EPA publication information: Direct Final Action - <http://edocket.access.gpo.gov/2008/pdf/E8-28842.pdf>

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RIN: 2040-AF01

Environmental Protection Agency (EPA)**Long-Term Actions****Shore Protection Act (SPA)****322. 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 proposed to 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 proposed 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. 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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RIN: 2040-AB85

[FR Doc. E9-10279 Filed 05-08-09; 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-AF04](#) Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells

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

[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

[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

[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

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.

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Businesses

2025-AA19	TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
2025-AA11	Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation
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-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AE84	Drinking Water Regulations for Aircraft Public Water System
2040-AD09	Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act
2040-AE82	Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process
2040-AC13	National Primary Drinking Water Regulations: Aldicarb
2040-AB85	Shore Protection Act, Regulations
2050-AG44	Identification of Non-Hazardous Materials That Are Solid Wastes
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
2050-AE51	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
2050-AE87	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan
2050-AG46	Revising Underground Storage Tank Regulations (Part 280, 281)--Revisions to Existing Requirements and Additions to Incorporate the Provisions of the Energy Policy Act
2050-AG43	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments (Withdrawn)
2060-AN46	NESHAP: Area Source Standards--Chemical Preparations Industry
2060-AN47	NESHAP: Area Source Standards--Paints and Allied Products Manufacturing
2060-AO15	NESHAP: Portland Cement Notice of Reconsideration
2060-AO94	NESHAP: Area Source Standards--Asphalt Processing and Asphalt Roofing Manufacturing
2060-AO98	NESHAP: Area Source Standards--Prepared (Animal) Feeds Manufacturing
2060-AI62	National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments
2060-AO38	Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder
2060-AE94	NSPS: SO2--Wastewater and Amendment
2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
2060-AO12	Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines
2060-AO17	Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of Family of Four Hydrofluoropolyethers (HFPEs) and HFE-347pc-f
2060-AO79	Greenhouse Gas Mandatory Reporting Rule
2060-AP22	Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of Methyl Bromide and Methyl Iodide
2060-AP34	NSPS Equipment Leaks (Subpart VV SO2 and GGG Petroleum Refineries); Amendments
2060-AO25	Revision of Hearing-Protector Regulations

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2060-AH37	Review of New Sources and Modifications in Indian Country
2060-AO93	NESHAP: Area Source Standards--Aluminum, Copper, and Other Nonferrous Foundries
2060-AO04	Hospital/Medical/Infectious Waste Incineration Units--Response to Remand
2060-AK26	Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide
2060-AO42	Review of New Source Performance Standards--Portland Cement
2060-AO90	NSPS for Equipment Leaks; Amendments
2060-AP44	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities; Direct Final Amendments
2060-AN43	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2060-AM55	Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act
2060-AO66	Plywood and Composite Wood Products (PCWP) NESHAP--Proposed and Final Amendments To Address "No Emission Reduction" MACT Floors
2060-AM37	NESHAP: Area Source Standards--Plating and Polishing
2060-AO13	NESHAP: Ferroalloys Production--Area Source Standards
2060-AO16	Risk and Technology Review for Group 1: Polymers & Resins I; Polymers & Resins II, Acetal Resins, and Hydrogen Fluoride
2060-AO29	Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers
2070-AJ38	Polychlorinated Biphenyls (PCBs); Use and Distribution in Commerce
2070-AJ26	Pesticides; Determination of Status of Prions as Pests
2070-AJ43	TSCA Inventory Update Reporting Modifications
2070-AD16	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
2070-AD61	Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening
2070-AD58	Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Certain Polymers
2070-AB27	Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders
2070-AJ31	Significant New Use Rule for Chloranil
2070-AB11	TSCA Section 8(d) Health and Safety Data Reporting Rules
2070-AJ29	Pesticide Agricultural Container Recycling Program
2070-AD30	Pesticides; Data Requirements for Antimicrobials
2070-AJ49	Pesticides; Data Requirements for Product Performance
2070-AJ32	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
2070-AD14	Pesticides; Registration Requirements for Antimicrobial Pesticide Products
2070-AJ45	Pesticides; Reconsideration of Exemptions for Insect Repellents
2070-AC51	Asbestos Model Accreditation Plan Revisions
2070-AJ04	TSCA Inventory Nomenclature for Enzymes and Proteins
2070-AA58	Follow-Up Rules on Existing Chemicals
2070-AC37	Refractory Ceramic Fibers (RCFs)
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-AB08	TSCA Section 8(a) Preliminary Assessment Information Rules
2070-AB79	Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances

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2070-AB94	Testing for Existing Chemicals (Overview Entry for Future Needs)
2070-AC76	Test Rule; Hazardous Air Pollutants (HAPs)
2070-AD44	Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity
2070-AD53	TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)
2070-AJ07	Testing Agreement for Aryl Phosphates (ITC List 2)
2070-AJ47	Test Rule; Multiwall Carbon Nanotubes
2070-AJ50	TSCA Section 13 Amendment: Electronic Reporting of TSCA Chemical Import Data in the Automated Commercial Environment (ACE)
2070-AJ40	Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors
2070-AD25	Voluntary High Production Volume (HPV) Chemical Challenge Program
2070-AJ06	Testing Agreement for Perfluorooctanoic Acid (PFOA)
2070-AJ09	HAPs Testing Agreement for Diethanolamine

Governmental Jurisdictions

2040-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
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
2050-AG46	Revising Underground Storage Tank Regulations (Part 280, 281)--Revisions to Existing Requirements and Additions to Incorporate the Provisions of the Energy Policy Act
2060-AO79	Greenhouse Gas Mandatory Reporting Rule
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-AC64	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
2070-AJ40	Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors
2070-AD25	Voluntary High Production Volume (HPV) Chemical Challenge Program

Organizations

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
2060-AP21	Response to Section 126 Petition From Warrick County, Indiana and the Town of Newburgh, Indiana
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-

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Based Paint Hazards in Target Housing

[2070-AD53](#)

TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)

[2070-AJ40](#)

Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors

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

[2025-AA23](#)

Cross-Media Electronic Reporting Regulation (CROMERR) Technical Amendment

[2040-AE69](#)

Effluent Limitations Guidelines and Standards for Airport Deicing Operations

[2040-AE95](#)

Criteria and Standards for Cooling Water Intake Structures--Phase II Remand

[2040-AE91](#)

Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category

[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-AE87](#)

Implementation Guidance for Mercury Water Quality Criteria

[2040-AA94](#)

National Primary Drinking Water Regulations: Radon

[2040-AC13](#)

National Primary Drinking Water Regulations: Aldicarb

[2040-AD40](#)

Underground Injection Control: Update of State Programs

[2040-AD94](#)

National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule

[2040-AE98](#)

Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells

Spring 2009 Regulatory Agenda

2040-AC93	Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures
2040-AE80	Concentrated Animal Feeding Operation Rule
2040-AE93	NPDES General Permits for Discharges Incidental to the Normal Operations of a Vessel
2040-AF07	NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula
2050-AD75	National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules
2050-AG44	Identification of Non-Hazardous Materials That Are Solid Wastes
2050-AE81	Standards for the Management of Coal Combustion Residues Generated by Commercial Electric Power Producers
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
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
2050-AG49	Oil Pollution Prevention; Non-Transportation Related Onshore Facilities Compliance Dates
2050-AG53	Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs
2050-AE51	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
2050-AG50	Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements--Amendments for Milk Containers
2050-AE87	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan
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-AG20	Hazardous Waste Manifest Revisions--Standards and Procedures for Electronic Manifests
2050-AG39	Amendment to the Universal Waste Rule: Addition of Pharmaceuticals
2050-AG34	Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts
2050-AF01	RCRA Smarter Waste Reporting
2050-AG46	Revising Underground Storage Tank Regulations (Part 280, 281)--Revisions to Existing Requirements and Additions to Incorporate the Provisions of the Energy Policy Act
2050-AG43	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments (Withdrawn)
2050-AG48	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
2050-AG37	CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms
2050-AE17	Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370
2050-AG24	Expanding the Comparable Fuels Exclusion Under RCRA
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-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-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-AN93	Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA

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	Committee Recommendations Ready for Program Office Approval
2060-AO23	Reconsideration of Stationary Combustion Turbine NSPS
2060-AO58	Methods for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable Particulate Matter Emissions From Stationary Sources
2060-AP00	Prevention of Air Pollution Emergency Episodes
2060-AP15	Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements
2060-AP30	Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR and Section 185 Anti-Backsliding
2060-AH93	Revisions to the General Conformity Regulations
2060-AI97	Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule
2060-AL75	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation
2060-AN17	Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments
2060-AN68	Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule
2060-AO24	Prevention of Significant Deterioration for PM2.5--Increments, Significant Impact Levels and Significant Monitoring Concentrations
2060-AO96	Implementation of the 1997 8-Hr Ozone NAAQS: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hr Ozone Standard; Deletion of Obsolete 1-Hr Ozone Standard
2060-AP49	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation
2060-AH01	Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AN43	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2060-AK54	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
2060-AN33	NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments
2060-AL84	Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")
2060-AM45	Flexible Air Permit Rule
2060-AM75	NESHAP: General Provisions (Once In Always In)--Amendments
2060-AM87	NESHAP: Taconite Iron Ore Processing; Amendments
2060-AN65	Revisions to the Definition of Potential to Emit (PTE)
2060-AP10	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-AN98	Clean Air Mercury Rule: Federal Plan
2060-AN28	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units
2060-AN83	Review of the National Ambient Air Quality Standards for Lead
2060-AO74	Performance Specification 16--Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources
2060-AM62	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR); Maintenance and Repair Amendments
2060-AM91	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
2060-AN20	Revisions to Air Emissions Reporting Requirements

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2060-AN75	Revision to Definition of Volatile Organic Compounds—Exclusion of Propylene Carbonate and Dimethyl Carbonate
2060-AO02	Prevention of Significant Deterioration: Refinement to Increment Modeling Procedures
2060-AO13	NESHAP: Ferroalloys Production--Area Source Standards
2070-AJ26	Pesticides; Determination of Status of Prions as Pests
2070-AJ32	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
2070-AJ20	Pesticides; Competency Standards for Occupational Users
2070-AJ22	Pesticides; Agricultural Worker Protection Standard Revisions
2070-AJ45	Pesticides; Reconsideration of Exemptions for Insect Repellents
2070-AC51	Asbestos Model Accreditation Plan Revisions
2070-AA58	Follow-Up Rules on Existing Chemicals
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-AJ40	Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors
2090-AA34	RCRA Incentives for Performance Track Members

Local

2025-AA23	Cross-Media Electronic Reporting Regulation (CROMERR) Technical Amendment
2040-AE69	Effluent Limitations Guidelines and Standards for Airport Deicing Operations
2040-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
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-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 Rule
2040-AB85	Shore Protection Act, Regulations
2050-AD75	National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules
2050-AG44	Identification of Non-Hazardous Materials That Are Solid Wastes
2050-AE81	Standards for the Management of Coal Combustion Residues Generated by Commercial Electric Power Producers
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
2050-AG49	Oil Pollution Prevention; Non-Transportation Related Onshore Facilities Compliance Dates
2050-AG50	Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements--Amendments for Milk Containers

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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-AG39	Amendment to the Universal Waste Rule: Addition of Pharmaceuticals
2050-AF01	RCRA Smarter Waste Reporting
2050-AG46	Revising Underground Storage Tank Regulations (Part 280, 281)--Revisions to Existing Requirements and Additions to Incorporate the Provisions of the Energy Policy Act
2050-AG48	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
2050-AG37	CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms
2050-AE17	Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370
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-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-AM08	NESHAP & NSPS for Municipal Solid Waste Landfills--Amendments
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-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-AO23	Reconsideration of Stationary Combustion Turbine NSPS
2060-AO58	Methods for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable Particulate Matter Emissions From Stationary Sources
2060-AO79	Greenhouse Gas Mandatory Reporting Rule
2060-AP00	Prevention of Air Pollution Emergency Episodes
2060-AP15	Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements
2060-AP30	Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR and Section 185 Anti-Backsliding
2060-AL75	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation
2060-AN17	Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments
2060-AO24	Prevention of Significant Deterioration for PM2.5--Increments, Significant Impact Levels and Significant Monitoring Concentrations
2060-AO96	Implementation of the 1997 8-Hr Ozone NAAQS: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hr Ozone Standard; Deletion of Obsolete 1-Hr Ozone Standard
2060-AP49	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AN43	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2060-AK54	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
2060-AL84	Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")

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2060-AM45	Flexible Air Permit Rule
2060-AM75	NESHAP: General Provisions (Once In Always In)--Amendments
2060-AP10	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-AN98	Clean Air Mercury Rule: Federal Plan
2060-AN28	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units
2060-AN83	Review of the National Ambient Air Quality Standards for Lead
2060-AM62	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR); Maintenance and Repair Amendments
2060-AL83	Section 126 Rule: Withdrawal of Findings for Sources in Michigan
2060-AM91	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
2060-AN20	Revisions to Air Emissions Reporting Requirements
2070-AC51	Asbestos Model Accreditation Plan Revisions
2070-AA58	Follow-Up Rules on Existing Chemicals
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-AJ40	Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors

Tribal

2009-AA00	Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation
2020-AA47	NPDES Program Management Information Rulemaking
2025-AA23	Cross-Media Electronic Reporting Regulation (CROMERR) Technical Amendment
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-AE77	New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters
2040-AE87	Implementation Guidance for Mercury Water Quality Criteria
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 Rule
2050-AG44	Identification of Non-Hazardous Materials That Are Solid Wastes
2050-AE81	Standards for the Management of Coal Combustion Residues Generated by Commercial Electric Power Producers
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
2050-AG49	Oil Pollution Prevention; Non-Transportation Related Onshore Facilities Compliance Dates
2050-AG53	Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs
2050-AG50	Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements--Amendments for Milk Containers

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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-AF01	RCRA Smarter Waste Reporting
2050-AG46	Revising Underground Storage Tank Regulations (Part 280, 281)--Revisions to Existing Requirements and Additions to Incorporate the Provisions of the Energy Policy Act
2050-AG43	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments (Withdrawn)
2050-AG48	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
2050-AE17	Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370
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-AO15	NESHAP: Portland Cement Notice of Reconsideration
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-AM08	NESHAP & NSPS for Municipal Solid Waste Landfills--Amendments
2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
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-AO23	Reconsideration of Stationary Combustion Turbine NSPS
2060-AP00	Prevention of Air Pollution Emergency Episodes
2060-AP15	Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements
2060-AH37	Review of New Sources and Modifications in Indian Country
2060-AH93	Revisions to the General Conformity Regulations
2060-AO42	Review of New Source Performance Standards--Portland Cement
2060-AO24	Prevention of Significant Deterioration for PM2.5--Increments, Significant Impact Levels and Significant Monitoring Concentrations
2060-AH01	Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AN43	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2060-AK54	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
2060-AM45	Flexible Air Permit Rule
2060-AM75	NESHAP: General Provisions (Once In Always In)--Amendments
2060-AN65	Revisions to the Definition of Potential to Emit (PTE)
2060-AN98	Clean Air Mercury Rule: Federal Plan
2060-AN28	Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units
2060-AN83	Review of the National Ambient Air Quality Standards for Lead
2060-AM62	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR); Maintenance and Repair Amendments
2060-AM91	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR):

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	Reconsideration of Inclusion of Fugitive Emissions
2060-AO02	Prevention of Significant Deterioration: Refinement to Increment Modeling Procedures
2070-AJ20	Pesticides; Competency Standards for Occupational Users
2070-AC51	Asbestos Model Accreditation Plan Revisions
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-AJ40	Lead-Based Paint Activities; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors

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-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
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-AD40	Underground Injection Control: Update of State Programs
2040-AD94	National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule
2040-AE98	Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO ₂) Geologic Sequestration (GS) Wells
2040-AB85	Shore Protection Act, Regulations
2040-AC93	Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures
2040-AE80	Concentrated Animal Feeding Operation Rule
2040-AE93	NPDES General Permits for Discharges Incidental to the Normal Operations of a Vessel
2050-AD75	National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules
2050-AG44	Identification of Non-Hazardous Materials That Are Solid Wastes
2050-AE81	Standards for the Management of Coal Combustion Residues Generated by Commercial Electric Power Producers
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
2050-AG49	Oil Pollution Prevention; Non-Transportation Related Onshore Facilities Compliance Dates

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2050-AE51	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
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-AG50	Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements--Amendments for Milk Containers
2050-AE87	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan
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-AG20	Hazardous Waste Manifest Revisions--Standards and Procedures for Electronic Manifests
2050-AF01	RCRA Smarter Waste Reporting
2050-AG46	Revising Underground Storage Tank Regulations (Part 280, 281)--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-AG43	NESHAP: National Emission Standard for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments (Withdrawn)
2050-AG48	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters"
2050-AG37	CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances From Animal Waste at Farms
2050-AE17	Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370
2050-AG24	Expanding the Comparable Fuels Exclusion Under RCRA
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-AI62	National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments
2060-AO38	Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder
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-AM84	NESHAP: Defense Land Systems and Miscellaneous Equipment
2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
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-AO23	Reconsideration of Stationary Combustion Turbine NSPS
2060-AP00	Prevention of Air Pollution Emergency Episodes
2060-AP15	Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements
2060-AP30	Implementing the 8-hour Ozone National Ambient Air Quality Standard: NSR and Section 185 Anti-Backsliding
2060-AH37	Review of New Sources and Modifications in Indian Country
2060-AH93	Revisions to the General Conformity Regulations
2060-AI97	Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule
2060-AL75	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation
2060-AN17	Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments

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2060-AO24	Prevention of Significant Deterioration for PM _{2.5} --Increments, Significant Impact Levels and Significant Monitoring Concentrations
2060-AO71	Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel
2060-AO96	Implementation of the 1997 8-Hr Ozone NAAQS: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hr Ozone Standard; Deletion of Obsolete 1-Hr Ozone Standard
2060-AP49	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation
2060-AH90	Technical Change to Dose Methodology
2060-AH63	Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste
2060-AP43	Revision of Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings and Uranium In Situ Leaching Processing Facilities
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AN43	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2060-AK54	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
2060-AO31	Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides
2060-AN33	NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments
2060-AM45	Flexible Air Permit Rule
2060-AM75	NESHAP: General Provisions (Once In Always In)--Amendments
2060-AM87	NESHAP: Taconite Iron Ore Processing; Amendments
2060-AN65	Revisions to the Definition of Potential to Emit (PTE)
2060-AP10	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-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-AN83	Review of the National Ambient Air Quality Standards for Lead
2060-AM62	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR); Maintenance and Repair Amendments
2060-AM46	Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels
2060-AL83	Section 126 Rule: Withdrawal of Findings for Sources in Michigan
2060-AM91	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
2060-AN75	Revision to Definition of Volatile Organic Compounds--Exclusion of Propylene Carbonate and Dimethyl Carbonate
2060-AO13	NESHAP: Ferroalloys Production--Area Source Standards
2070-AJ26	Pesticides; Determination of Status of Prions as Pests
2070-AD16	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
2070-AJ08	Test Rule; Brominated Flame Retardants (BFRs) [DECA]
2070-AD61	Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening
2070-AD30	Pesticides; Data Requirements for Antimicrobials
2070-AJ27	Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)
2070-AJ23	Pesticides; Tolerance Processing Fees
2070-AJ32	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by

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	Producers of Plant-Incorporated Protectants (PIPs)
2070-AD49	Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes
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-AJ45	Pesticides; Reconsideration of Exemptions for Insect Repellents
2070-AC51	Asbestos Model Accreditation Plan Revisions
2070-AA58	Follow-Up Rules on Existing Chemicals
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-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-AC76	Test Rule; Hazardous Air Pollutants (HAPs)
2070-AD44	Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity
2070-AD53	TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)
2070-AJ07	Testing Agreement for Aryl Phosphates (ITC List 2)
2070-AC27	Voluntary Children's Chemical Evaluation Program (VCCEP)
2070-AD25	Voluntary High Production Volume (HPV) Chemical Challenge Program
2070-AJ06	Testing Agreement for Perfluorooctanoic Acid (PFOA)
2070-AJ09	HAPs Testing Agreement for Diethanolamine
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.

2020-AA47	NPDES Program Management Information Rulemaking
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-AE95	Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
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2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AA94	National Primary Drinking Water Regulations: Radon
2050-AE81	Standards for the Management of Coal Combustion Residues Generated by Commercial Electric Power Producers
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
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-AO15	NESHAP: Portland Cement Notice of Reconsideration
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-AO79	Greenhouse Gas Mandatory Reporting Rule
2060-AO81	Renewable Fuels Standard Program
2060-AP36	National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines
2060-AO42	Review of New Source Performance Standards--Portland Cement
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AP38	Review of the National Ambient Air Quality Standards for Ozone
2060-AP52	National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units
2060-AN83	Review of the National Ambient Air Quality Standards for Lead

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
2060-AO38	Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder
2060-AN48	Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.
2060-AM49	Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants
2060-AO81	Renewable Fuels Standard Program
2060-AP11	Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program
2060-AO78	Protection of Stratospheric Ozone: The 2009 Critical Use Exemption From the Phaseout of Methyl Bromide
2060-AM54	Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program
2060-AN58	Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances

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<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-AL94</u>	Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide
<u>2060-AO68</u>	Protection of Stratospheric Ozone: Labeling of Products Using HCFCs
<u>2060-AN30</u>	Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas
<u>2060-AM46</u>	Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels
<u>2070-AD16</u>	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
<u>2070-AD58</u>	Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Certain Polymers

