



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460**

**OFFICE OF THE ADMINISTRATOR
SCIENCE ADVISORY BOARD**

April 13, 2016

EPA-SAB-16-004

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Subject: Science Advisory Board (SAB) Consideration of EPA Planned Actions in the Fall 2015
Unified (Regulatory) Agenda and their Supporting Science

Dear Administrator McCarthy:

As part of its statutory duties, the Science Advisory Board recently concluded discussions about possible review of the science supporting major EPA planned actions associated with the Fall 2015 Unified (Regulatory) Agenda and Regulatory Plan. The EPA Office of Policy provided notice of the release of this information on November 20, 2015. The SAB discussed whether to review the science supporting any of the planned regulatory actions in that agenda in order to provide advice and comment on the adequacy of the science, as authorized by section (c) of the Environmental Research, Development and Demonstration Authorization Act, during a public meeting held on March 31 and April 1, 2016.

The SAB focused its attention on five major actions identified by the EPA Office of Policy as being planned but not yet proposed as of the date the Regulatory Agenda was published in the *Federal Register*. At the public meeting, the SAB decided that it will not undertake review of the science supporting any actions in the semi-annual regulatory agenda at this time. The list of actions considered is enclosed. The Board notes that it previously reviewed the risk assessment supporting the planned action, *Considering Cost in Appropriate and Necessary Finding for the Mercury and Air Toxics Standards MATS* (2060 AS-76).

The SAB found that the agency used a similar approach to account for reduction in greenhouse gas emissions in the *Renewables Enhancement and Growth Support Rule* (2060 AS-66) as it used in the *New Source Performance Standards for Electricity Generating Units* (2060 AQ91) reviewed in the Spring 2013 Regulatory Agenda. After evaluating the science and technical issues associated with New Source Performance Standards for Electricity Generating Units, the SAB found that a regulatory framework for commercial-scale carbon sequestration needs to ensure the protection of human health and the environment. The Board further advised the agency to monitor technological progress on carbon capture and noted that research on carbon sequestration merits review by the National Research Council or the

SAB. Based on the previous evaluation, SAB recommendations, and the similar approach to utilize carbon capture and storage in the *Renewables Enhancement and Growth Support Rule* (2060-AS66) the SAB welcomes the agency's offer to provide briefings on how the agency is considering recent carbon capture and sequestration research, NRC publications, coordination with Department of Energy programs and the agency's cross programmatic efforts to reduce greenhouse gas emissions.

The SAB appreciates the information provided by the EPA Office of Policy and the EPA program offices describing the planned actions, associated scientific questions, and agency plans for scientific analyses and peer review. The Work Group recommendations, written information provided and the results of fact-finding discussions with EPA Staff are available on the SAB website.

On behalf of the SAB, I thank you for the opportunity to support EPA through consideration of the science supporting actions in the agency's regulatory agenda.

Sincerely,

/Signed/

Dr. Peter S. Thorne, Chair
Science Advisory Board

Enclosure

- (1) Summary of Proposed Actions Considered
- (2) Roster of SAB Members

NOTICE

This report has been written as part of the activities of the EPA Science Advisory Board (SAB), a public advisory group providing extramural scientific information and advice to the Administrator and other officials of the Environmental Protection Agency. The SAB is structured to provide balanced, expert assessment of scientific matters related to problems facing the agency. This report has not been reviewed for approval by the agency and, hence, the contents of this report do not represent the views and policies of the Environmental Protection Agency, nor of other agencies in the Executive Branch of the Federal government, nor does mention of trade names of commercial products constitute a recommendation for use. Reports of the SAB are posted on the EPA website at <http://www.epa.gov/sab>

Summary of Proposed Actions Considered

Proposed actions in the Fall 2015 Unified (Regulatory) Agenda and Regulatory Plan considered by the Science Advisory Board and whether to provide advice and comment on the adequacy of the science supporting the action	
RIN ¹	Planned Action Title
2040-AF57	Municipal Separate Storm Sewer System General Permit Remand Rule
2060-AS62	Revisions to the Prevention of Significant Deterioration and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a GHG Significant Emissions Rate
2060-AS66	Renewables Enhancement and Growth Support Rule
2060-AS72	Proposed Renewable Fuel Volume Standards for 2017 and Biomass Based Diesel Volume (BBD) for 2018
2060-AS76	Considering Cost in Appropriate and Necessary Finding for the Mercury and Air Toxics Standards (MATS)
¹ The Regulatory Identification Number provides a hyperlink to the Office of Management and Budget's webpage and information on the planned action provided in the Unified Regulatory Agenda.	

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