



# Regulatory Plan and Semiannual Regulatory Agenda



FALL 2007

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

— Administrator, Stephen L. Johnson



United States Environmental Protection Agency  
Office of Policy, Economics and Innovation  
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Fall 2007 Artwork Theme:  
“Whatever you Do, Wherever You Go, Think Before You Throw!”  
Cover art created by Christy Beltz, age 12  
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## Editor's Note

For over two decades, the Environmental Protection Agency (EPA) has created a Regulatory Agenda book combining both the Agenda and Plan in one document. This book also provides indexes that help users identify certain classifications of regulations. The book is divided into these three sections:

- The Regulatory Plan
- The Semiannual Regulatory Agenda
- Indexes

We have assembled the three sections from multiple sources, which is why the format is different in the different sections and as a result, this printed version is longer than previous editions.

The Regulatory Plan section is presented in the same format as it was printed in the Federal Register (FR) on December 10, 2007. The Plan describes the most important regulatory and deregulatory actions that we expect to issue in proposed or final form during the upcoming fiscal year. EPA publishes a Regulatory Plan every Fall as part of the government-wide Unified Regulatory Plan.

The Semiannual Regulatory Agenda section presents the Agenda in the same format as it is posted on Regulations.gov. (To go to the Agenda on Regulations.gov, select Site Features >> Regulatory Agenda >> EPA). Because the federal government is moving to an online, searchable version of the Regulatory Agenda, the entire Fall 2007 Agenda was not printed in the FR so we could not use the FR version to produce this section. The only actions printed in the FR were those actions that may have a significant economic impact on a substantial number of small entities and actions that have been selected for periodic review under Section 610 of the Regulatory Flexibility Act.

Detailed information about the Semiannual Regulatory Agenda is located in the Agenda preamble at the start of this section of the book. In general, we publish a Semiannual Regulatory Agenda every Spring and Fall as part of the government-wide Unified Agenda of Regulatory and Deregulatory Actions. The Agenda lists all regulatory activities found in the Regulatory Plan but also includes a broader universe of regulatory activities under development or review. It describes all regulations and certain major policy documents that we are working on this year. We generally do not include minor amendments or actions such as changes of address or delegations of authority. There is no legal significance to the omission of an item from the Agenda.

The final section of this book is the Indexes section. We provide them here so that specific stakeholders -- small businesses, small non-profits, and state, local, and Tribal governments -- can more easily determine which regulatory activities relate to them.

We hope you find this book a useful tool. If you have any specific 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](mailto:schwartz.philip@epa.gov); 202-564-6564) or Caryn Muellerleile ([muellerleile.caryn@epa.gov](mailto:muellerleile.caryn@epa.gov); 202-564-2855); if you have general questions about the Regulatory Plan contact Caryn Muellerleile.



**PLAN**

ENVIRONMENTAL PROTECTION AGENCY

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## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### Statement of Priorities

#### OVERVIEW

The United States Environmental Protection Agency (EPA) is the primary Federal agency responsible for safeguarding the quality of the natural environment and protecting human health from deleterious pollutants. Since 1970, EPA, together with its partners and stakeholders, has been delivering a cleaner, healthier environment to the public. EPA's achievements, from regulating auto emissions to banning the use of DDT, from cleaning up toxic waste to protecting the ozone layer, and from increasing recycling to revitalizing inner-city brownfields, have resulted in cleaner air, purer water, and better protected land.

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

- *Results and Accountability.* EPA is committed to being a good steward of our environment and a good steward of America's tax dollars. To provide the public with the environmental results it expects and deserves, we must operate as efficiently and effectively as possible. Accountability for results is a key component of the President's Management Agenda, designed to make government citizen-centered, results-oriented, and market-based.
- *Innovation and Collaboration.* Our progress depends both on our ability and continued commitment to identify and use innovative tools, approaches, and solutions to address environmental problems and to engage extensively with our partners, stakeholders, and the public. Under each of our goals, we are working to promote a sense of environmental stewardship and a shared responsibility for addressing today's challenges.
- *Best Available Science.* EPA needs the best scientific information available to anticipate potential environmental threats, evaluate risks, identify solutions, and develop protective standards. Sound science helps us ask the right questions, assess information, and characterize problems clearly to inform Agency decision makers.

EPA applies these principles as it works with its Federal, State, tribal, and

local government partners to advance the mission of protecting human health and the environment. As a result of these collaborations, tremendous progress has been made in protecting and restoring the Nation's air, water, and land:

- EPA is advancing clean, renewable fuels and clean air through a renewable fuel standard which encourages the use of renewable fuels produced from American crops.
- By the end of FY 2006, more than 2,500 polluted waters identified by states in 2000 were restored or found to be meeting water quality standards.
- EPA continues to commit to Brownfields redevelopment via strong public-private partnerships and innovative and creative solutions. By encouraging cleanup and redevelopment of America's abandoned and contaminated waste sites, the Brownfields Program has leveraged more than \$8.2 billion in private investment, more than 37,500 jobs, and more than 8,300 properties assessed for potential redevelopment.
- EPA has a leading role in homeland security by supporting the protection of critical water infrastructure and coordinating development of national capabilities and strategies to address chemical, biological, and radiological contamination from a terrorist event. In FY 2006, EPA received emergency response plans for 100 percent of all large and medium community drinking water systems that conducted vulnerability assessments; launched a pilot water contamination warning system; developed short-term exposure limits and established health effects guidelines for exposure to hazardous chemicals or a terrorist incident; and updated the National Response Plan in light of lessons learned from hurricanes Katrina and Rita.

EPA continues to accelerate its pace of environmental protection while maintaining the Nation's economic competitiveness. To that end, the Agency has a number of regulatory goals in order to meet the challenge while demonstrating progress consistent with its principles of results and accountability, innovation and collaboration, and the use of the best available science. Using these three principles as the foundation of its activity, EPA is sharpening focus on achieving measurable environmental results on the following five strategic goals:

#### Clean Air and Global Climate Change

While EPA has made tremendous progress toward achieving clean, healthy air that is safe to breathe, air pollution continues to be a great problem. The average adult breathes more than 3000 gallons of air every day, and children breathe more air per pound of body weight. Air pollutants, such as those that form urban smog can remain in the environment for long periods of time and can be carried by the wind hundreds of miles from their origin. Millions of people live in areas where urban smog, very small particles, and toxic pollutants may pose serious health concerns.

EPA's programs will allow the Nation to make substantial progress in protecting human health and ecosystems from air pollution. By 2011, virtually all of the country will have put in place controls to meet current air quality standards. New motor vehicles, including trucks and buses, will be 75 to 95 percent cleaner than they were in 2003. Power plant emissions will be reduced by approximately 40 percent from 2003 levels. Taken together, these programs, when fully implemented, may prevent tens of thousands of premature deaths and hospitalizations, and may prevent millions of lost work and school days each year. These national programs will be supplemented by local control strategies designed to ensure that the air quality standards are achieved and maintained.

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

#### Clean and Safe Water

EPA's "Clean and Safe Water" goal defines the improvements that EPA expects to see in the quality of the Nation's drinking water and of surface waters over the next 5 years. These goals include improving compliance with drinking water standards, maintaining safe water quality at public beaches, restoring more than 2,000 polluted waterbodies, and improving the health of coastal waters.

In an effort to address the Nation's aging water infrastructure system, EPA is developing and implementing more innovative, market-based infrastructure financing tools for States, tribes, and

communities. These initiatives will increase and accelerate investment in water infrastructure and offer greater flexibility and cost-effectiveness to provide clean and safe water for every American. Through technology, innovation, and collaboration, EPA makes better use of its resources to help the nation's water and wastewater systems be highly efficient and to move infrastructure toward greater sustainability for many years to come.

#### **Land Preservation and Restoration**

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

Over the next 5 years, EPA will establish or update approved controls to prevent dangerous releases at approximately 500 hazardous waste treatment, storage, and disposal facilities and also will address 2 long-standing tribal waste management concerns: increasing the number of tribes covered by integrated waste management plans and cleaning up open dumps.

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

#### **Healthy Communities and Ecosystems**

With a mix of regulatory programs and partnership approaches the Agency achieves results in ways that are efficient, innovative and sustainable. EPA continues to work collaboratively with other nations and international organizations to identify, develop, and implement policy options to address global environmental issues of mutual

concern. Following this, EPA strives to build a community's capability to make decisions that affect the environment.

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

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

#### **Compliance and Environmental Stewardship**

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

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

EPA promotes the principles of responsible environmental stewardship, sustainability, and accountability to

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

#### **Timeliness of Regulatory Actions**

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

#### **Aggregate Costs and Benefits**

Per the amendments to EO 12866, we are providing a combined aggregate estimate of costs and benefits of regulations included in the Regulatory Plan. Any aggregate estimate of total costs and benefits must be highly qualified. Problems with aggregation arise due to differing baselines, data gaps, and inconsistencies in methodology and type of regulatory costs and benefits considered. The aggregate estimates presented combine annualized and annual numbers. Cost savings are treated as benefits. Dollars were converted to 2001 using the GDP deflator. The ranges presented below do not reflect the full range of uncertainty in the benefit and cost estimates for these rules.

It is critical to note that the aggregate estimates omit important benefits and costs that cannot be monetized. For example, the estimates leave out many health and welfare benefits, such as ecosystem functions, visibility, avoided cases of chronic respiratory damage, hypertension, and coronary heart disease, among many others. In



addition, for many of the rules in the Plan, we were unable to estimate costs and benefits at this time because the range of policy options under consideration is wide and varied.

The monetized aggregate estimates provided below reflect the following rules in the Regulatory Plan: (1) Monetized cost and benefit information was provided for: Review of NAAQS for Ozone, Control of Emissions from New Locomotives and New Marine Diesel Engines, Control of Emissions from Nonroad Spark-Ignition Engines, Expanding the Comparable Fuels Exclusion under RCRA, Lead-Based Paint Activities; Amendments for Renovation, Repair and Remodeling; (2) Monetized cost information (but no monetized benefits) was provided for: Endocrine Disruptor Screening Program; Implementing the Screening and Testing Phase, Test Rule; Certain High Production Volume (HPV) Chemicals, Pesticides; Data Requirements for Antimicrobials, and Final Revisions to the Effluent Limitations Guidelines and Standards for CAFOS; (3) Monetized benefit information (but no monetized costs) was provided for: Definition of Solid Waste Revisions, Revisions to the SPCC Final Rule, Regulation of Oil-Bearing Hazardous Secondary Materials from the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas, Hazardous Waste Management System.

Aggregate annual monetized benefits range from \$5 billion to \$104 billion (benefit estimates reflect the full suite of standards under consideration for the ozone NAAQS). With the exception of the ozone NAAQS rule, we do not have sufficient information to provide a range for the aggregate cost estimates. For this reason, we are reporting the ozone cost range separate from the other rules. The annualized monetized costs for the ozone NAAQS rule range from \$3.5 billion to \$70 billion (cost estimates reflect the full suite of standards under consideration for the ozone NAAQS.) Aggregate annual monetized costs for all other rules are estimated to be \$1 billion. This estimate does not reflect the uncertainty in the cost estimates, as noted above.

#### Rules Expected to Affect Small Entities

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

particular interest to small businesses including

- Control of Emissions from Spark-Ignition Engines and Fuel Systems from Marine Vessels and Small Equipment (2060-AM34), and
- Lead-Based Paint Activities; Amendments for Renovation, Repair and Painting (2070-AC83).

For a more extensive list of rules affecting small businesses, please see appendices B and C to the Regulatory Agenda which is available at <http://www.epa.gov/opei/orpm.html#agenda>.

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

#### HIGHLIGHTS OF EPA'S REGULATORY PLAN

##### *Office of Air and Radiation*

In 2007, a top priority for EPA is the implementation of a recent Presidential Executive Order to reduce gasoline consumption and greenhouse gas emissions from motor vehicles and other types of engines. To this end, the Office of Air and Radiation (OAR) is working with other Federal agencies to develop the rules needed to carry out this Executive Order. These regulations are intended to give effect to the President's State-of-the-Union proposal to reduce gasoline consumption by 20 percent over the next 10 years by increasing the supply of alternative fuels and making motor vehicles more energy efficient. Another important and ongoing OAR regulatory priority is to protect public health and the environment from the harmful effects of fine particulate matter and ozone, the two air pollutants that persist widely in the Nation's air in amounts that exceed Clean Air Act health standards. Exposure to these pollutants is associated with numerous harmful effects on human health, including

respiratory problems, heart and lung disease, and premature death. These pollutants also degrade visibility, an effect of particular concern in national parks and other scenic areas. In addition to ozone and particulate pollution, OAR is continuing to address toxic air pollution by controlling toxic emissions from both stationary sources and mobile sources such as cars and trucks. OAR is also working to increase the effectiveness and efficiency of its permitting and monitoring programs, which are among the main mechanisms through which clean-air protections are implemented. Finally, OAR is revising previously issued safety standards for nuclear-waste storage in response to a court decision. These efforts are described briefly below.

On May 14, 2007, President Bush issued Executive Order entitled "Cooperation Among Agencies in Protecting the Environment with Respect to Greenhouse Gas Emissions From Motor Vehicles, Nonroad Vehicles, and Nonroad Engines." OAR is working with other Federal agencies to implement this Executive Order by developing regulations to reduce gasoline consumption and greenhouse gas emissions from motor vehicles. These regulations will use as a starting point the President's State-of-the-Union proposal to reduce gasoline consumption by 20 percent over the next 10 years. By increasing the supply of alternative fuels and making motor vehicles more energy efficient, this effort will serve to establish rules giving effect to the President's proposal.

To help control ozone and particulate pollution, OAR is developing additional rules as part of its program to reduce emissions from mobile sources. These rules will require additional emission reductions from certain marine engines, locomotives, and small equipment. These rules will enhance the overall mobile-source control program that has already set stringent standards for most categories of vehicles, engines, and their fuels.

OAR also continues to assess new scientific information that underlies the National Ambient Air Quality Standards (NAAQS). In July, EPA proposed a rule revising the existing NAAQS for ozone, and will promulgate a final rule early in 2008. A rulemaking addressing standards for lead is also underway, with an advance notice of proposed rulemaking due for publication in December.

EPA continues to address toxic air pollution under authority of the Clean Air Act Amendments of 1990. The

largest part of this effort is the "Maximum Achievable Control Technology" (MACT) program, which is now well into its second phase consisting of evaluation of the effectiveness of work done so far, assessment of the need for additional controls, and assessment of advances in control technology. In this second phase, EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to help meet statutory dates, raise and resolve programmatic issues more effectively, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. Among the rulemakings currently underway is the Risk and Technology Review Phase II, Group 2, which addresses 21 source categories including aerospace manufacturing, oil and natural-gas production, and production of polymers and resins.

Since many air quality programs are administered through permitting and monitoring programs, OAR continues to work toward improving these programs to increase efficiency and reduce regulatory burden. Currently, OAR is continuing to develop rulemakings to streamline and improve its New Source Review (NSR) permitting program. This effort will clarify the circumstances under which companies must obtain construction permits before building new facilities or significantly modifying existing facilities. These revisions will provide more regulatory certainty by clarifying compliance requirements, and will also make the program easier to administer while maintaining its environmental benefits. In developing these NSR rule revisions, OAR is drawing upon many years of intense involvement with major stakeholders, who have helped shape a suite of reforms that are expected to both improve the environmental effectiveness of these programs and make them easier to comply with. OAR is also developing rulemakings to clarify and better define the kinds of monitoring required in Federal and State operating permit programs, and to clarify how to determine the potential emissions from various types of sources.

EPA also expects to complete a rulemaking amending the radiation standards governing the development of the Yucca Mountain site in Nevada, the Nation's designated geologic repository for spent nuclear fuel and high-level radioactive waste. These standards were initially issued in 2001 and were partially remanded by a Federal court in

2004. To address the remand, EPA must reassess the time frame for compliance in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future.

#### *Office of Prevention, Pesticides, and Toxic Substances*

The primary goal of EPA's Office of Prevention, Pesticides, and Toxic Substances (OPPTS) is to prevent and reduce pesticide and industrial chemical risks to humans, communities and ecosystems. OPPTS employs a mix of regulatory and non-regulatory methods to achieve this goal. During the past fiscal year, OPPTS proposed and finalized a number of significant regulatory actions that are briefly highlighted below. For more information about these regulatory actions, as well as information about our other programs and activities, please visit our Web site at [www.epa.gov/oppts](http://www.epa.gov/oppts). Looking forward to the coming fiscal year, OPPTS expects to issue several significant regulatory actions that are also highlighted below.

In working to meet OPPTS's goal, EPA thoroughly evaluates pesticides to ensure that they will meet Federal safety standards to protect human health and the environment before they can be marketed and used in the United States. EPA uses data submitted by pesticide producers to form the bases for the pesticide risk assessments and decisions as to whether pesticides meet safety standards. The Agency has kept pace with the evolving scientific understanding of pesticide risks by requiring the submission of the data needed on a case-by-case basis and OPPTS updated its registration data requirements for conventional, biochemical, and microbial pesticides in 2007. As part of this continuing effort to update and/or establish pesticide data requirements, OPPTS expects to issue two proposed rules in 2008: One would update the data requirements for antimicrobial pesticides in 40 CFR Part 158; the other would establish data requirements for plant-incorporated protectant (PIP) pesticides in 40 CFR Part 174.

In order to better protect human health and the environment, and to update and strengthen the pesticide worker safety programs, OPPTS expects to propose changes to the Code of Federal Regulations (CFR) for certifying the competency of pesticide applicators to apply pesticides safely in late 2008. Many changes in State programs have

occurred since the initial applicator certification regulations were promulgated in the 1970s. Today, many States' programs go beyond the current Federal regulations in training and certifying pesticide applicators. The Agency anticipates revisions that will broaden the scope of the certification program for occupational pesticide applicators, and strengthen the demonstration of competency as a requirement of certification. In conjunction with the applicator certification regulation enhancements, OPPTS will also propose enhancements to the agricultural worker protection regulation in a separate but related regulatory action to strengthen the elements of hazard communication and pesticide worker safety training.

Evidence suggests that environmental exposure to man-made chemicals that mimic hormones (endocrine disruptors) might cause adverse health effects in human and wildlife populations. The Food Quality Protection Act directed EPA to develop a chemical screening program (the Endocrine Disruptor Screening Program, EDSP), using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have hormonal effects in humans. OPPTS is implementing recommendations from a scientific advisory committee, which was established to advise EPA on the EDSP, by developing and validating test systems for determining whether a chemical might have effects similar to those produced by naturally occurring hormones. As part of this program EPA is also developing a draft framework for procedures and processes to use when implementing the screening and testing phase of the EDSP, and developed an initial list of chemicals for which testing will be required. In 2008, EPA anticipates finalizing the procedures and the list of chemicals for initial screening. The screening and testing phase of the program is expected to commence in 2008.

In 2008, EPA will continue its work towards the Administration goal of eliminating childhood lead poisoning as a national health concern by 2010 by implementing a program to address lead-based paint hazards associated with renovation, repair and painting activities. The program will be composed of a combination of approaches including regulations, and education and outreach that will include elements specifically designed for industry and consumers. Industry outreach will include dissemination of

information regarding the regulation, lead-safe work practices, and training opportunities. Consumer outreach will be designed to expand consumer awareness, and create demand for the use of lead-safe work practices. EPA plans to finalize and begin implementation of the Renovation, Repair and Painting Program rule in 2008. The regulation is intended to minimize the introduction of lead hazards resulting from the disturbance of lead-based paint during renovation, repair, and painting activities. The regulation would require contractors conducting renovation, repair and painting activities in most target housing and child occupied facilities to be trained, certified, and to follow work practice standards designed to minimize the creation of lead hazards.

EPA continues to implement the voluntary HPV Challenge Program, a collaborative partnership between EPA and industry stakeholders, to develop health and safety screening information on sponsored high production volume chemicals. To complement this voluntary effort, OPPTS expects to propose a second test rule under the Toxic Substances Control Act (TSCA) in early 2008. This rule will require testing for a number of HPV chemicals that were not sponsored as part of the voluntary HPV Challenge Program in order to develop critical information about the environmental fate and potential hazards of those chemicals. When combined with exposure and use information obtained under the Inventory Update Rule (IUR), the Agency will be in a position to evaluate potential health and environmental risks, and take appropriate actions, as necessary. In 2007 and continuing in 2008, EPA will begin to evaluate the HPV data and develop hazard screening/risk characterizations on the HPV chemicals. These Hazard/Risk Characterizations will be posted to the High Production Volume Information System (HPVIS) website as they are completed. EPA will also begin to assess lower-volume existing chemicals. These activities will help us identify needed next steps, including regulatory and voluntary measures, to obtain more detailed toxicity or exposure information, identify safer substitutes, or identify other risk mitigation steps, if necessary. Because of the head start provided by the HPV Challenge information and Inventory Update Rule reporting, this approach will result in risk management and testing decisions on HPV chemicals in the next several years. Additionally, EPA is committed to considering any relevant data

generated by other countries or regions (e.g., Canada's Chemical Management Plan or the EU's REACH legislation) which would further inform our regulatory decisions.

In July of 2007, EPA issued for public comment draft documents regarding the design of a voluntary Nanoscale Materials Stewardship Program (NMSP) under TSCA. The NMSP will complement and support EPA's new and existing chemical programs under TSCA and will help provide a firmer scientific foundation for regulatory decisions by encouraging the development of key scientific information and contribute to an improved understanding of risk management practices for nanoscale chemical substances (nanoscale materials). EPA held a public meeting on the NMSP on August 2007, and in September 2007, the Agency held a public scientific peer consultation on material characterization of nanoscale materials as well as a conference on the pollution prevention benefits of nanotechnology. If information from the NMSP or other information indicates potential new uses of existing chemicals that may result in new exposures or to fill information gaps, EPA may issue a significant new use rule or section 8 reporting rule under TSCA.

#### *Office of Solid Waste and Emergency Response*

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

EPA is seeking to further amend the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements to reduce the burden imposed on the regulated community for complying with these SPCC requirements, while maintaining

protection of human health and the environment.

Specifically, on October 1, 2007, EPA proposed amendments to the Spill Prevention, Control, and Countermeasure (SPCC) rule at 40 CFR part 112. With these proposed changes, EPA intends to provide clarity, tailor, and streamline requirements as appropriate in order to encourage greater compliance with the SPCC regulations. These amendments are intended to exempt certain containers from the SPCC requirements; clarify the general secondary containment requirements; provide streamlined requirements for a subset qualified facilities; increase flexibility in the security requirements and flexibility in the use of industry standards to comply with integrity testing requirements; provide additional flexibility in meeting the facility diagram requirements; clarify the flexibility provided by the definition of "facility;" and streamline a number of requirements for oil production facilities.

The "definition of solid waste" rule determines which hazardous secondary materials that are recycled are regulated under the Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste regulations and which are not. Many hazardous secondary materials that are or could be reclaimed as part of the recycling process are regulated as hazardous wastes. This can discourage recycling of the wastes, due to requirements for permits (which trigger corrective action), manifests, and the other requirements imposed by the Subtitle C hazardous waste regulations. EPA is seeking innovative approaches that will increase the safe recycling of hazardous waste, while still ensuring that these materials are properly handled. In its supplemental proposal, EPA is proposing to remove unnecessary regulatory controls over certain recycling practices; EPA expects to make it easier to safely recycle hazardous secondary material. Exclusions are proposed for materials that are generated and reclaimed under the control of the generator; materials that are generated and transferred to another person or company for reclamation under specific conditions; and materials that EPA deems nonwaste through a case-by-case petition process. If the exclusions are promulgated as proposed and are adopted by all the states, EPA expects this action to result in \$107 million in average annual cost savings.

EPA is considering revising the RCRA hazardous regulations to exclude from

being a solid waste any oil-bearing hazardous secondary materials that are generated by the petroleum refining industry if such materials are destined to be processed in a gasification system at the petroleum refinery and used in the manufacture of synthesis gas. This rule promotes increased energy efficiency, by allowing oil-bearing hazardous secondary materials to be used as a source of energy, while reducing the volume of hazardous waste that would otherwise be treated and land disposed. With an estimated savings between \$46.4 million and \$48.7 million in net social benefits per year, the final rule takes a significant step forward for the environment and for energy self-sufficiency.

The comparable fuels program currently allows specific industrial wastes to be excluded from RCRA hazardous waste requirements when they are used as a fuel and do not contain hazardous constituent levels exceeding those in a typical benchmark fuel that facilities could otherwise use as a fuel. EPA is considering promulgating a rule that would expand those hazardous wastes that could be used safely for their energy value without the expense of a RCRA permit, to promote the use of these wastes as a renewable domestic source of energy and reduce our use of fossil fuels. This rule will promote safe energy recovery and remove unnecessary costs.

The Agency plans to propose revisions to the treatment standards for the disposal of spent hydrotreating and hydrorefining catalysts. EPA is focusing on removing disincentives to the recycling of spent hydrotreating and hydrorefining catalysts, which would create more incentives to metals recovery, over disposal.

The Office of Management and Budget's Reports to Congress on the Costs and Benefits of Regulations for 2001, 2002 and 2004 included reform nominations for the Agency to consider. The following rulemakings mentioned above support reform nominations: (1) Expanding the Comparable Fuels Exclusion under RCRA, (2) Definition of Solid Waste Revisions, (3) Revisions to Recycling Requirements for Spent Hydrotreating and Hydroprocessing Catalysts, and (4) Revisions to the SPCC. In addition, two additional rulemakings under development also pertain to the reform nominations: (1) Streamlining Laboratory Waste Management in Academic and Research Laboratories and (2) Management of Cement Kiln Dust (a by-product of the cement manufacturing process.) For the former

rule, the Agency proposed a set of alternative standards that are more tailored to the way laboratories operate. For the latter rule, the Agency proposed a comprehensive set of standards for the management of cement kiln dust.

#### *Office of Water*

EPA's Office of Water's primary goals are to ensure that drinking water is safe; restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health; support economic and recreational activities; and provide healthy habitat for fish, plants, and wildlife. In order to meet these goals, EPA has established a number of regulatory priorities for the coming year. They include actions affecting National Pollutant Discharge Elimination System permit requirements and drinking water.

EPA is planning to publish four actions affecting National Pollutant Discharge Elimination System (NPDES) permitting requirements in FY 2007. The first is a rule addressing the NPDES permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in response to the order issued by the Second Circuit Court of Appeals in *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486 (2nd Cir. 2005). The final rule responds to the court order while furthering the statutory goal of restoring and maintaining the Nation's water quality and effectively ensuring that CAFOs properly manage manure generated by their operations. A second action is the Water Transfers rulemaking. EPA plans to finalize the rule that addresses the question of whether the NPDES permitting program under Section 402 of the Clean Water Act (CWA) is applicable to water control facilities that merely convey or connect navigable waters. A third action that EPA plans to issue is a policy regarding NPDES permit requirements for peak wet weather diversions at publicly owned treatment works (POTW) treatment plants serving separate sanitary sewer collection systems. Lastly, EPA began development of NPDES permitting framework under the CWA for the discharge of pollutants incidental to the normal operation of vessels (e.g., bilgewater, deck runoff, graywater). Development of NPDES permits is necessary in light of a lawsuit in the U.S. District Court for the Northern District Court of California in which the Court ruled that EPA's regulation excluding discharges incidental to the normal operation of a vessel from

NPDES permitting exceeded the Agency's authority under the CWA.

#### EPA

#### PRERULE STAGE

#### 130. 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, September 1, 2008, As per 5/14/2005 order.

##### **Abstract:**

On October 5, 1978 the EPA promulgated primary and secondary NAAQS for lead under section 109 of the Act (43 FR 46258). Both primary and secondary standards were set at a level of 1.5 µg/m<sup>3</sup> 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 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 draft AQCD was released December 1, 2005. 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. The AQCD and draft Staff Paper were reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public. An ANPRM will be published outlining the results of the final risk assessment and giving consideration to the policy assessment. As the lead NAAQS review is completed, the Administrator's proposal to reaffirm or revise the lead NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

#### Statement of Need:

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

#### Summary of Legal Basis:

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

#### Alternatives:

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

#### Anticipated Costs and Benefits:

Cost and benefit estimates are being developed with the proposal.

#### Risks:

The current national ambient air quality standards for lead are intended to protect against public health risks. During the course of this review, a risk assessment will be conducted to evaluate health risks associated with the retention or revision of the lead standards. Welfare effects will also be reviewed in relation to retention or revision of the current standard.

#### Timetable:

Action	Date	FR Cite
ANPRM	12/00/07	
NPRM	04/00/08	
Final Action	09/00/08	

#### Regulatory Flexibility Analysis Required:

No

#### Small Entities Affected:

No

#### Government Levels Affected:

Undetermined

#### Additional Information:

SAN No. 5059;

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RIN: 2060-AN83

#### EPA

#### 131. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); IMPLEMENTING THE SCREENING AND TESTING PHASE

#### Priority:

Other Significant

#### Legal Authority:

15 USC 2603 "TSCA"; 21 USC 346(a) "FFDCA"; 42 USC 300(a)(17) "SDWA"; 7 USC 136 "FIFRA"

#### CFR Citation:

None

#### Legal Deadline:

None

#### Abstract:

Section 408(p) of the Federal Food, Drug, and Cosmetic Act, as amended by the 1996 Food Quality Protection Act, directs EPA to establish and implement a program whereby industry will be required to screen and test all pesticide chemicals to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator

may designate. The requirements of Section 408(p) were implemented through the creation of the Endocrine Disruptor Screening Program (EDSP) in 1998. The EDSP has the following three components that are proceeding simultaneously: 1) developing and validating assays; 2) setting chemical testing priorities; and 3) establishing 408(p) testing orders and related data procedures. A Federal Advisory Committee Act committee has provided advice to the EDSP on assay development and validation. For chemical testing priorities, the approach to selecting the first 50-100 chemicals was finalized in September 2005 (70 FR 56449) and EPA implemented that approach. EPA published a draft list of 73 pesticide active ingredients and high production volume (HPV) pesticide inert chemicals for initial screening in June 2007 (72 FR 33486). EPA intends to commence Tier 1 screening of the first group of pesticide chemicals by issuing test orders under FFDCA section 408(p) to chemical companies identified as the manufacturer or processor of the identified chemicals, including the pesticide registrant. EPA is developing a draft implementation policy that will describe the procedures that EPA will use to issue orders, the procedures that order recipients would use to respond to the order, how data protection and compensation will be addressed in the test orders, and other related procedures or policies.

#### Statement of Need:

The Endocrine Disruptor Screening Program Implementation of the Screening and Testing Phase fulfills the statutory direction and authority to screen pesticide chemicals and drinking water contaminants for their potential to disrupt the endocrine system and adversely affect human health and wildlife.

#### Summary of Legal Basis:

The screening and testing phase of the Endocrine Disruptor Screening Program (EDSP) potentially will encompass a broad range of types of chemicals, including pesticide chemicals, TSCA chemicals, chemicals that may be found in sources of drinking water, chemicals that may have an effect that is cumulative to the effect of a pesticide chemical, chemicals that are both pesticide chemicals and TSCA chemicals, and other chemicals that are combinations of these types of chemicals. As discussed in the Proposed Statement of Policy, EPA has a number of authorities at its disposal

to require testing of these types of chemicals. The Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(p) provides EPA authority to require testing of all pesticide chemicals and any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if EPA determines that a substantial population may be exposed to the substance. 21 U.S.C. 346a)(p). Likewise, the Safe Drinking Water Act (SDWA) provides EPA with authority to require testing of any substance that may be found in sources of drinking water if EPA determines that a substantial population may be exposed to the substance. 42 USC sec 300j-17. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides EPA with authority to require testing of pesticides if EPA determines that additional data are required to maintain in effect an existing registration. 7 USC sec 136a(c)(2)(B). The Toxic Substances Control Act (TSCA) provides authority for EPA to require testing of TSCA chemicals, provided that it makes certain hazard and/or exposure findings. 15 USC sec 2603. In addition, EPA has authority to issue consent orders to require testing when interested parties agree on an acceptable testing program. 51 FR 23706 (June 30, 1986).

#### Alternatives:

A federal role is mandated under cited authority. There is no alternative to the role of the Federal government on this issue to ensure that pesticides, commercial chemicals and contaminants are screened and tested for endocrine disruption potential. A limited amount of testing may be conducted voluntarily but this will fall far short of the systematic screening which is necessary to protect public health and the environment and ensure the public that all important substances have been adequately evaluated.

#### Anticipated Costs and Benefits:

It is too early to project the costs and benefits of this program accurately. However, a preliminary rough estimate by industry indicated a cost of \$200,000 per chemical. It is also too early to quantify the benefits of this program quantitatively. The goal of the program is to reduce the risks identified below.

#### Risks:

Evidence is continuing to mount that wildlife and humans may be at risk from exposure to chemicals operating through an endocrine mediated

pathway. Epidemiological studies on the associations between chemical exposures and adverse endocrine changes continue to evaluate this problem in humans. Wildlife effects have been more thoroughly documented. Abnormalities in birds, marine mammals, fish, amphibians, alligators, and shellfish have been documented in the U.S., Europe, Japan, Canada, and Australia which have been linked to specific chemical exposures. Evidence is sufficient for the U.S. to proceed on a two track strategy: Research on the basic science regarding endocrine disruption and screening with validated assays to identify which chemicals are capable of interacting with the endocrine system. The combination of research and test data submitted in this program will enable EPA to take action to reduce risks.

#### Timetable:

Action	Date	FR Cite
Draft Procedures	11/00/07	

#### Regulatory Flexibility Analysis Required:

No

#### Small Entities Affected:

Businesses

#### Government Levels Affected:

Federal

#### Additional Information:

SAN No. 4728; EPA publication information: Notice; Split from RIN 2070-AD26. In August 2000, the Agency submitted the required Status Report to Congress. In March 2002, the Agency submitted the requested status report to Congress on the Endocrine Disruptor Methods Validation subcommittee under the National Advisory Council on Environmental Policy and Technology.

#### URL For More Information:

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

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RIN: 2070-AD61

#### EPA

#### 132. NANOSCALE MATERIALS UNDER TSCA

#### Priority:

Other Significant

#### Legal Authority:

15 USC 2601et seq

#### CFR Citation:

Not yet determined

#### Legal Deadline:

None

#### Abstract:

Nanoscale materials are chemical substances containing structures on the scale of approximately 1 to 100 nanometers, and may have different molecular organizations and properties than the same chemical substances on a larger scale. Because such materials may have novel properties and present novel issues, evaluating and managing health and environmental risks of nanoscale materials poses a new challenge. Under the Toxic Substances Control Act, EPA has the authority to require the development of data necessary for the assessment of chemical substances and mixtures from persons that manufacture or process them when statutory findings concerning (1) production volume and exposure/entry into the environment or (2) potential hazard can be made, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Pollution Prevention and Toxics (OPPT) is establishing a voluntary program to

assemble existing data and information from manufacturers and processors of certain nanoscale materials. With this assembled material, EPA will take appropriate steps to protect human health and the environment from unreasonable risk from these substances. In October 2006 EPA announced a collaborative process to design a nanoscale material stewardship program inviting 500 organizations and agencies to participate. On July 12, 2007, the Agency published a document that describes specific elements regarding a voluntary stewardship program for nanoscale materials, a proposed information collection request, and a paper that describes determining the TSCA inventory status of nanoscale materials. In addition, EPA conducted a public meeting on August 2 to receive oral comments on the stewardship program and the published documents. A notice announcing the stewardship program including final versions of any documents is scheduled to be published in February, 2008.

**Statement of Need:**

There is evolving understanding of a new technology with regard to health and safety implications from exposure to nanoscale materials. This is also true in the areas of environmental fate, efficacy of exposure mitigation practices, etc. Therefore, at present the lack of information leads to challenges in the assessment of and decision-making on nanoscale materials.

**Summary of Legal Basis:**

Under TSCA, EPA has the authority to require the development of data adequate for the assessment of chemical substances and mixtures from persons that manufacture or process them, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures.

**Alternatives:**

The stewardship program is an effective yet flexible alternative to traditional regulatory approaches.

**Anticipated Costs and Benefits:**

To be determined.

**Risks:**

EPA will use information from the stewardship program to inform appropriate steps and future framework to protect human health and the environment from unreasonable risk.

**Timetable:**

Action	Date	FR Cite
Notice: TSCA Inventory Status	07/12/07	72 FR 38083
Notice: Final Program Announcement	02/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

Businesses

**Government Levels Affected:**

Federal, State

**Additional Information:**

SAN No. 5058; EPA publication information: Notice: TSCA Inventory Status - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/July/Day-12/t13558.htm>; EPA Docket information: EPA-HQ-OPPT-2004-0122

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**RIN:** 2070-AJ30

**EPA**

**PROPOSED RULE STAGE**

**133. IMPLEMENTING PERIODIC MONITORING IN FEDERAL AND STATE OPERATING PERMIT PROGRAMS**

**Priority:**

Economically Significant. Major under 5 USC 801.

**Legal Authority:**

42 USC 7401 et seq

**CFR Citation:**

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

**Legal Deadline:**

None

**Abstract:**

This rule would revise the Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rule (40 CFR parts 70 and 71) to define when periodic monitoring for monitoring stationary source compliance must be created, and to include specific criteria that periodic monitoring must meet. This rule satisfies our 4-step strategy announced in the final Umbrella Monitoring Rule (published January 22, 2004) to address monitoring inadequacies. The four steps were: 1) To clarify the role of title V permits in monitoring [Umbrella Monitoring Rule]; 2) to provide guidance for improved monitoring in PM-Fine SIP's; 3) to take comment on correction of inadequate monitoring provisions in underlying rules; and 4) to provide guidance on periodic monitoring. We have completed the RIA data collection and most of the analyses, and are beginning review with OPEI and an economic sub-work group.

**Statement of Need:**

The "periodic monitoring" rules, 40 CFR 70.6(a)(3)(i)(B) and 71.6(a)(3)(i)(B), require that "[w]here the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), [each title V permit must contain] periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to [§ 70.6(a)(3)(iii) or § 71.6(a)(3)(iii)]. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of [§70.6(a)(3)(i)(B) and §71.6(a)(3)(i)(B)]." Sections 70.6(c)(1) and 71.6(c)(1), called the umbrella monitoring rule, require that each title V permit contain, "[c]onsistent with paragraph (a)(3) of this section, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." On January 22, 2004 (69 Federal Register

3202), EPA announced that the Agency has determined that the correct interpretation of §§ 70.6(c)(1) and 71.6(c)(1) is that these sections do not provide a basis for requiring or authorizing review and enhancement of existing monitoring in title V permits independent of any review and enhancement as may be required under the periodic monitoring rules, the CAM rule (40 CFR part 64)(62 FR 54900, October 22, 1997) where it applies, and other applicable requirements under the Act.<sup>11</sup> This action is to publish a separate proposed rule to address what monitoring constitutes periodic monitoring under §§ 70.6(a)(3)(i)(B) and 71.6(a)(3)(i)(B) and what types of monitoring should be created under these provisions. The intended effect of the rule revisions in this proposal is to focus case-by-case reviews on those applicable requirements for which we can identify potential gaps in the existing monitoring provisions.

#### Summary of Legal Basis:

Section 502(b)(2) of the Act requires EPA to promulgate regulations establishing minimum requirements for operating permit programs, including “[m]onitoring and reporting requirements.” 42 U.S.C. § 7661a(b)(2). Second, section 504(b) authorizes EPA to prescribe “procedures and methods” for monitoring “by rule.” 42 U.S.C. § 7661c(b). Section 504(b) provides: “The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act, but continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance. . . .” Other provisions of title V refer to the monitoring required in individual operating permits. Section 504(c) of the Act, which contains the most detailed statutory language concerning monitoring, requires that “[e]ach [title V permit] shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions.” 42 U.S.C. § 7661c(c). Section 504(c) further specifies that “[s]uch monitoring and reporting requirements shall conform to any applicable regulation under [section 504(b)]. . . .” Section 504(a) more generally requires that “[e]ach [title V permit] shall include enforceable emission limitations and standards, . . . and such other conditions as are necessary to

assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan.” 42 U.S.C. § 7661c(a).

#### Alternatives:

Some existing monitoring required under applicable requirements could be improved and will be addressed in connection with both the upcoming PM<sub>2.5</sub> implementation rulemaking and by improving monitoring in certain federal rules or monitoring in SIP rules not addressed in connection with the PM<sub>2.5</sub> implementation guidance or rulemaking over a longer time frame.

#### Anticipated Costs and Benefits:

We are assessing the benefits associated with improved monitoring including the reduction in source owner response time to potential excess emissions problems. Such reduced response time to take corrective action that will be required by the rule will result in measurable emissions reductions that will be balanced against the cost of increased equipment, data collection, and recordkeeping costs. We estimate the total costs of the rule to be more than \$100 million.

#### Risks:

There are no environmental and health risks associated with implementing this monitoring rule; the underlying rules with emissions limits address those risks for each subject source category. The effect of the monitoring resulting from this rule will be to reduce the occurrence of excess emissions episodes that raise such risks.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

#### 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

#### EPA

### 134. 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 Part 51; 40 CFR 52; 40 CFR 63; 40 CFR 70; 40 CFR 71

#### Legal Deadline:

None

#### Abstract:

This rulemaking rule would revise the definition of the term “potential to emit” (PTE) used in numerous regulations to determine the applicability of major source requirements. The regulatory amendments will address enforceability issues raised in court decisions by the D.C. Circuit regarding the types of limitations allowed to be used in a source’s PTE calculations. We plan revisions to the definitions of PTE for three major source Act programs: (1) Major New Source Review (NSR) program, (2) the section 112 program that regulates Hazardous Air Pollutants (HAPs), and (3) the title V Federal operating permits program. We also plan to amend regulations that were not part of the court cases challenging the definition of potential to emit (e.g., visibility rules and Federal operating permits program rules) in order to be consistent with other EPA regulations. In addition to addressing the issue of whether PTE limitations have to be federally enforceable, the revised definition of PTE would set forth the



specific criteria a limitation must meet to be effective. Finally, the proposal would clarify that EPA now uses the term “federally enforceable” to refer only to the ability of the Federal government or citizens to enforce the requirement in federal courts, and not to the effectiveness of PTE limits as well.

**Statement of Need:**

The proposed rulemaking responds to three court decisions issued in 1995 and 1996 that remanded EPA’s regulatory requirement that PTE limits be federally enforceable. Although the federal enforceability requirement was vacated in the Federal PSD, NSR, and title V rules, the section 112 program rules were not vacated and thus still contain the federal enforceability requirement. In the interim however, until EPA clarifies the issues related to federal enforceability of PTE limits, current EPA policy recognizes State enforceable PTE limits for purposes of avoiding section 112 and Title V requirements in many circumstances. The new regulations would respond to the court’s remands in the various cases.

**Summary of Legal Basis:**

The proposed rule responds to three court orders regarding the federal enforceability component in the definition of “potential to emit.” See *National Mining Association v. EPA* (59 F. 3d 1351, D.C. Cir. 1995), *Chemical Manufacturers Assn v. EPA*, No. 89-1514 (D.C. Cir. Sept. 15, 1995) and *Clean Air Implementation Project v. EPA*, No. 96-1224 (D.C. Cir. June 28, 1996). In those cases, the court questioned federally enforceability as a necessary criteria for effective PTE limits. The definitions of PTE in the implementing regulations for the major source programs interpret the statutory term “potential to emit” and provide a legal mechanism for sources that wish to restrain their emissions to avoid triggering major source requirements. Several provisions of the Clean Air Act (CAA or the Act) require that “major” sources be regulated more stringently than sources that are not major. A “major” source generally is defined as one that either “emits or has the potential to emit” air pollutants above a specified amount (referred to as major source thresholds). Until EPA addresses the issues and clarifies the PTE definitions, there will be some uncertainty regarding what is required for enforceability of PTE limits. Parties currently rely on EPA guidance for

determining if PTE limits are legally enforceable and effective.

**Alternatives:**

To address the court decisions EPA must either (i) remove the exclusive federal enforceability requirement or (ii) provide an explanation as to why federal enforceability enhances the effectiveness of PTE limits to such a degree that it is within reason to require federally enforceable limits. In this rulemaking, EPA will consider both options provided by the court and propose our preferred option. The proposal will specifically request comment on our preferred approach as well as any alternative options.

**Anticipated Costs and Benefits:**

The proposed rule will not impose additional costs on sources. First, PTE limits are voluntary in that the source chooses to take a PTE limit rather than meet major source requirements. Moreover, currently, sources that wish to take PTE limits must demonstrate that their restrictions are effective according to a number of existing EPA policy documents and applicable regulations, for example under minor new source review regulations and guidance. By codifying the criteria that make PTE limits effective, we will be providing additional certainty and clarity for sources wishing to obtain PTE limits. We expect that clarifying enforceability would yield benefits in terms of improved information about sources emissions and compliance. But because PTE limits generally reduce potential rather than actual emissions and since PTE limits are already in widespread use, we do not expect significant environmental impacts associated with this rule change. These regulations will impose a burden increase initially on those State and local programs that may need to revise or remove PTE definitions in their rules to make them consistent with these amendments as approved in the final rule. Thereafter, we expect a reduction in burden for all programs due to a less burdensome administrative process.

**Risks:**

There are no environmental and health risks associated with implementing the proposed amended PTE definition; the underlying rules with emissions limits address those risks for each subject source category.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**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

**EPA**

**135. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 2**

**Priority:**

Other Significant

**Legal Authority:**

CAA Sections 112(f)(2), 112(d)(6)

**CFR Citation:**

00 CFR NYD

**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. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and

resolve programmatic issues in one action, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data. This action was originally referred to as RTR Phase II and included 34 MACT standards and 50 source categories. We reduced the scope of this action and will now focus on RTR Phase II Group 2 which consists of 11 MACT standards covering 21 source categories with MACT compliance dates of 2002 and earlier. We plan to model each MACT source category to obtain inhalation risks, including cancer risk and incidence, population cancer risk, and non-cancer effects (chronic and acute). We also plan to evaluate multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP. We published an ANPRM in March 2007 to solicit public comments and corrections on emissions data that will be used to assess risk for these source categories. We will remodel the categories based on the updated data. EPA will then evaluate the effectiveness and cost of additional risk reduction options and make acceptability and ample-margin-of-safety determinations in accordance with Benzene NESHAP decision framework. Where the need for additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards.

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

Aerospace Manufacturing and Rework Facilities, 336411

Marine Tank Vessel Loading Operations, 4883

Mineral Wool Production, 32799

Natural Gas Transmission and Storage, 486210

Oil and Natural Gas Production, 211

Pharmaceuticals Production, 3254

Group I Polymers and Resins, 325212

Epichlorohydrin Elastomers Production Hypalon™ Production

Nitrile Butadiene Rubber Production

Polybutadiene Rubber Production

Styrene-Butadiene Rubber and Latex Production,

Group IV Polymers and Resins, 325211

Acrylic-Butadiene-Styrene Production

Methyl Methacrylate-Acrylonitrile-Butadiene-Styrene Production

Methyl Methacrylate-Butadiene-Styrene Production

Nitrile Resins Production

Polyethylene Terephthalate Production

Polystyrene Production

Styrene-Acrylonitrile Production

Primary Aluminum Reduction Plants, 331312

Printing and Publishing Industry, 32311

Shipbuilding and Ship Repair Operations, 36611

EPA will finalize these in two groups; one group will be finalized following the schedule noted below, the other will be finalized in 2009.

#### Statement of Need:

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.

#### Summary of Legal Basis:

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

#### Alternatives:

Where additional controls are identified, risk reduction alternatives will be evaluated that include technology, work practice, or performance standards. Any alternatives that are selected would be implemented as amendments to the existing MACT standards.

#### Anticipated Costs and Benefits:

For the risk reduction alternatives we will evaluate costs, emission reductions, risk reductions, various measures of cost effectiveness and where appropriate, benefits analysis. We plan to consider the added benefit of reducing emissions of criteria pollutants, including PM, and green house gas emissions. The facts underlying the risk determination will be key factors in making any subsequent technology review determination.

#### Risks:

Each MACT source category will be assessed to determine cancer and noncancer inhalation risks, environmental risks, and multipathway risks. Cancer risk will include maximum individual risk (MIR), incidence, and population risk, and non-cancer effects will include chronic and acute risks. We also plan to evaluate the multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP.

#### Timetable:

Action	Date	FR Cite
ANPRM	03/29/07	72 FR 14734
ANPRM; comment period extension	05/25/07	72 FR 29287
NPRM	11/00/07	
Final Action	11/00/08	

#### Regulatory Flexibility Analysis Required:

No

#### Small Entities Affected:

No

#### Government Levels Affected:

None

#### Additional Information:

SAN No. 5093; EPA publication information: ANPRM;

#### 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

**EPA**

**136. • RULEMAKING TO ADDRESS GREENHOUSE GAS EMISSIONS FROM MOTOR VEHICLES**

**Priority:**

Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:**

Undetermined

**Legal Authority:**

Clean Air Act Sections 202, 206, 208, 211

**CFR Citation:**

40 CFR 86, 40 CFR 80

**Legal Deadline:**

None

**Abstract:**

This action will implement the President's recent Executive Order to address greenhouse gas emissions from motor vehicles. This regulatory effort will evaluate reductions in gas consumption and greenhouse gas emissions from motor vehicles, using as a starting point the President's proposal to reduce gasoline consumption by up to 20% over the next 10 years. By increasing the supply of alternative fuels and making motor vehicles more energy efficient, this effort will serve to establish rules giving effect to the President's proposal.

**Statement of Need:**

On May 14, 2007 President Bush signed an Executive Order requiring Federal agencies to take the first steps toward regulations to control greenhouse gas emissions (GHG) from motor vehicles and their fuels. The President also directed agencies to take steps to cut gasoline consumption and GHG from motor vehicles using his "Twenty in Ten" plan as a starting point. This plan would achieve reductions in U.S. gasoline consumption of up to 20 percent over the next 10 years. Up to a fifteen-percent reduction in petroleum-based consumption would come through the use of renewable and alternative fuels, and up to a five-percent reduction would come from increased fuel efficiency for cars and trucks. The President directed EPA, DOT, DOE, and USDA to complete this process by the end of 2008. Based on this directive, we have established a schedule to issue a notice of proposed rulemaking by the end of 2007 and a final rule by the end of October 2008.

**Summary of Legal Basis:**

On April 2, 2007, the Supreme Court ruled that the EPA must determine, under Section 202(a) of the Clean Air Act, whether greenhouse gas emissions (GHG) from new motor vehicles cause or contribute to air pollution that endangers public health or welfare. Based on that Supreme Court ruling, GHG are air pollutants under the Clean Air Act. EPA expects to address whether GHG from new motor vehicles meet the endangerment criteria in the process of proposing regulations to control GHG from new motor vehicles and their fuels. EPA is following the directions of the Presidential Executive Order in proposing such standards.

The primary authority to regulate motor vehicles to reduce their emissions falls under Section 202(a) (1) of the Clean Air Act. This provision requires that the Administrator shall by regulation prescribe standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or motor vehicle engines which in his judgment cause or contribute to air pollution and which may reasonably be anticipated to endanger public health or welfare. A regulatory action depends on an Administrator determination that the GHG emissions from new motor vehicles causes, or contributes to, air pollution which may reasonably be anticipated to endanger the public health or welfare.

In setting fuel standards, two sections of the Clean Air Act are being considered. The primary authority for regulating motor vehicle fuels and fuel additives falls under Section 211(c) where the Administrator may, on the basis of information available to him, by regulation, control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle, motor vehicle engine, or nonroad engine or nonroad vehicle where a similar endangerment finding is made. This section provides authority to address all fuels and additives, including renewable and alternative fuels. Further, the Energy Policy Act of 2005 (EPA 2005, Public Law 109-58) amended the Clean Air Act by adding section Section 211(o) which requires EPA to set minimum volume standards for renewable fuel use. EPA 2005 established the volumes of renewable fuel to be used through 2012, and established a minimum level to be used after that date which EPA can adjust upward based on consideration of certain factors. EPA is considering an

integrated compliance approach that will use both 211(c) and 211(o) authorities for the fuel-related provisions of the proposed GHG rule.

**Alternatives:**

EPA will seek comment on alternatives to approaches being developed in the proposed rulemaking.

**Anticipated Costs and Benefits:**

Cost and benefit information is being developed as the rulemaking process proceeds. Costs and benefit information can not be determined until after regulatory approaches have been proposed. Preliminary cost and benefit information will be provided when the rule is officially proposed.

**Risks:**

The risks from emissions contributing to GHG's and their impact on public health and welfare are being evaluated and will be discussed as the endangerment finding process proceeds.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	
Final Action	10/00/08	

**Regulatory Flexibility Analysis Required:**

Undetermined

**Government Levels Affected:**

None

**Additional Information:**

SAN No. 5164;

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**RIN:** 2060-AO56

**EPA****137. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS****Priority:**

Other Significant

**Legal Authority:**

15 USC 2603

**CFR Citation:**

40 CFR 790 to 799

**Legal Deadline:**

None

**Abstract:**

EPA is issuing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis) that have not been sponsored under the voluntary HPV Challenge Program. Although varied based on specific data needs for the particular chemical, the data generally collected under these rules may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity, mutagenicity, ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. When finalized on March 16, 2006, the number of chemicals included in the first final rule was reduced to 17 based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. Subsequent test rules, including a proposed rule scheduled to be published in spring of 2008 are expected to require similar screening level testing for additional unsponsored HPV Challenge Program chemicals.

**Statement of Need:**

Prior to inception of the HPV Challenge Program, in 1998, EPA found that, of those non-polymeric organic substances produced or imported in amounts equal to or greater than 1 million pounds per year based on 1990 reporting for EPA's Inventory Update Rule (IUR), only 7 percent had a full set of publicly available internationally recognized basic health and environmental fate/effects screening test data. Of the over 2,800 HPV chemicals based on 1990 data, 43% had no publicly available basic hazard data. For the

remaining chemicals, limited amounts of the data were available. This lack of available hazard data compromised the ability of EPA and others to determine whether these HPV chemicals pose potential risks to human health or the environment, as well as the public's right-to-know about the hazards of chemicals that are found in their environment, their homes, their workplaces, and the products that they buy. On April 21, 1998, a national initiative, known as the Chemical Right-To-Know (ChemRTK) Initiative, was announced by EPA. This Initiative is designed to collect and, where needed, develop the basic screening level toxicity and fate data that are necessary to provide the information needed to assess the potential hazards/risks that may be posed by exposure to HPV chemicals. A primary component of the ChemRTK Initiative is the voluntary HPV Challenge Program, which was created in cooperation with industry, environmental groups, and other interested parties, and is designed to assemble basic screening level test data on the potential hazards and fate of HPV chemicals. Since the inception of the HPV Challenge Program in 1998, industry chemical manufacturers and importers have participated in the Challenge Program by sponsoring 2,250 chemicals with sponsorship by more than 350 companies and 100 consortia. EPA is in the process of developing hazard characterizations based on the data received to date under the Challenge Program. Data needs which remain unmet in either the voluntary HPV Challenge Program or through complementary international efforts (i.e., the OECD SIDS HPV Program and the International Council of Chemical Associations) may be addressed through rulemaking under TSCA section 4.

**Summary of Legal Basis:**

These test rules would be issued under section 4(a)(1)(B) of TSCA. Section 2(b)(1) of TSCA states that it is the policy of the United States that "adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture [which is defined by statute to include import] and those who process such chemical substances and mixtures[.]" To implement this policy, TSCA section 4(a) mandates that EPA require by rule that manufacturers and processors of

chemical substances and mixtures conduct testing if the Administrator finds that: (1)(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment, (ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and (iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or (B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture, (ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and (iii) testing of such substance or mixture with respect to such effects is necessary to develop such data.

**Alternatives:**

The strategy and overall approach that EPA is using to address data collection needs for U.S. HPV chemicals includes a voluntary component (the HPV Challenge Program), certain international efforts, and these rulemakings under TSCA. The issuance of a rulemaking is often the Agency's final mechanism for obtaining this important information.

**Anticipated Costs and Benefits:**

The potential benefits of these test rules are substantial. For those chemical substances included in these rules, EPA believes that there are insufficient data to reasonably determine or predict their effects on health or the environment. EPA believes that the internationally recognized basic health and environmental fate/effects screening testing that would be required in these rules would provide critical information needed to conduct screening level characterizations of the health and environmental hazards of these substances. This information, when combined with information about



exposure and uses, will allow the Agency and others to evaluate the potential health and environmental risks of these substances and to take appropriate follow up action. The cost of the baseline screening testing laboratory costs that would be imposed is estimated to be about \$300,000 per chemical for a full set of tests. It is unlikely, however, for a chemical to need a full set of tests, which would only occur if none of the data in question already exists.

**Risks:**

Data collected and/or developed under these test rules, when combined with information about exposure and uses, will allow the Agency and others to evaluate and prioritize potential health and environmental effects and take appropriate follow up action.

**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	03/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

Businesses

**Government Levels Affected:**

Federal

**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:**

[www.epa.gov/opptintr/chemtest](http://www.epa.gov/opptintr/chemtest)

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**RIN:** 2070-AD16

**EPA**

**138. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS**

**Priority:**

Other Significant

**Legal Authority:**

7 USC 136 to 136y

**CFR Citation:**

40 CFR 158 and 161

**Legal Deadline:**

None

**Abstract:**

EPA will update and revise its pesticide data requirements for antimicrobial pesticide products. The revisions will revise its existing data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for antimicrobial pesticides, including product chemistry and residue chemistry, toxicology, and environmental fate and effects.

**Statement of Need:**

The Agency is in the process of updating its data requirements for pesticides. Since the current data requirements were first published in 1984, the information needed to support the registration of a pesticide has evolved along with the expanding knowledge base of pesticide chemical technology. Over the years, revisions and updates to the data requirements have been applied on a case-by-case basis. In 2007, the Agency promulgated data requirements for conventional, and

biochemical and microbial pesticide chemicals. As part of this action, the 1984 data requirements were transferred intact to part 161 to provide continued regulatory coverage for antimicrobial pesticides until the Agency can promulgate a final regulation. This rule will update and revise the existing data requirements for antimicrobial pesticide products. These revisions build upon those previously proposed for conventional chemicals, but are tailored to the specific data needs of antimicrobial pesticides. The revisions will provide stakeholders with greater transparency and clarity to determine the data needed for an antimicrobial pesticide product without having extensive consultations with the Agency, more focused use patterns that reflect current practice, and a more efficient registration process. When the Agency promulgates the revised data requirements in part 158 subpart W, the current data requirements in part 161 will be removed.

**Summary of Legal Basis:**

7 U.S.C. 136 to 136y

**Alternatives:**

The Agency is required by its various statutory mandates to establish data requirements that support its regulatory decisions. The Agency re-evaluates those data requirements in light of scientific advances, analytical improvements, and new technology, to provide a sound scientific basis for those decisions. On a case by case basis, the Agency considers whether alternative regulatory methods, such as restrictions on use, would obviate the need for data, and explores means of introducing flexibility and clarity to reduce burdens on the regulated community. For this rule, EPA will analyze keeping the current data requirements as specified in part 161, using the data requirements promulgated for conventional chemicals, and promulgating new data requirements specifically for antimicrobials.

**Anticipated Costs and Benefits:**

The Agency is conducting an economic analysis to support the rule. Anticipated benefits include less uncertainty and clearer understanding of the actual risk, increased clarity and transparency to the regulated community, improved scientific basis for pesticide regulatory decisions, and enhanced international harmonization with less duplication of data. The increased costs of the rule are estimated

as greater than \$3 million /year for the 72 companies that hold registrations or have applied for a registration for an antimicrobial product.

**Risks:**

The revisions to the data requirements to be proposed, like the existing requirements in part 158, would require an applicant for pesticide registration to supply the Agency with information on the pesticide: composition, toxicity, potential human exposure, environmental properties and ecological effects, and, in certain cases, efficacy. This information is used to assess the human health and environmental risks associated with the product. The data that will be required by this regulation are the foundation of EPA's risk assessment for antimicrobial pesticides, and provide a sound scientific basis for any licensing decisions that impose requirements that mitigate or reduce risks. Under FIFRA, the applicant for registration must demonstrate to the Agency's satisfaction that the pesticide product will not cause "unreasonable adverse effects" to humans or to the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/08	

**Regulatory Flexibility Analysis Required:**

Undetermined

**Small Entities Affected:**

Businesses

**Government Levels Affected:**

Federal

**Additional Information:**

SAN No. 4173

**Sectors Affected:**

32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

**URL For More Information:**

<http://www.epa.gov/pesticides/regulating/data.htm>

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**RIN:** 2070-AD30

**EPA**

**139. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS**

**Priority:**

Other Significant

**Legal Authority:**

7 USC 136; 7 USC 136i; 7 USC 136w

**CFR Citation:**

40 CFR 171; 40 CFR 156; 40 CFR 152

**Legal Deadline:**

None

**Abstract:**

The EPA is proposing change to federal regulations guiding the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations to better protect pesticide applicators and the public and the environment from harm due to pesticide exposure. Changes may include having certain occupational users of pesticides demonstrate competency by meeting minimum competency requirements. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation.

**Statement of Need:**

The regulations governing the Federal and State certification of pesticide applicators, 40 CFR part 171, were originally promulgated in 1974. Since that time State certification programs have gone beyond the Federal regulations in a number of areas. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation. Stakeholders identified the need for a minimum standard of competency for all occupational users of pesticides as well as the establishment of standards for determination of applicator competency and continued competency.

**Summary of Legal Basis:**

7 U.S.C. 136w

**Alternatives:**

EPA is considering various alternatives to regulation change based upon stakeholder input. The Agency is in the formative stages of this regulatory effort, and alternatives have not yet been fully identified and evaluated.

**Anticipated Costs and Benefits:**

EPA will develop an economic analysis to support this rule.

**Risks:**

The proposed regulation would require that certain occupational users of pesticides meet minimum competency standards and require additional competency determinations of those who use the most toxic pesticides in a manner that could result in significant exposure to the public. These changes would strengthen the regulations that protect pesticide applicators and the public from potential harm due to pesticide exposure.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**Regulatory Flexibility Analysis Required:**

Undetermined

**Small Entities Affected:**

Businesses

**Government Levels Affected:**

Federal, State, Tribal

**Additional Information:**

SAN No. 5007

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**RIN:** 2070-AJ20

**EPA**

**140. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS**

**Priority:**

Other Significant

**Legal Authority:**

7 USC 136; 7 USC 136w

**CFR Citation:**

40 CFR 156; 40 CFR 170

**Legal Deadline:**

None

**Abstract:**

The EPA is developing a proposal to revise the federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to improve agricultural workers' ability to protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training, with improved worker safety the intended outcome. The need for

change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

**Statement of Need:**

The regulations governing the protection of agricultural workers, 40 CFR part 170, were promulgated in 1992. Since that time, stakeholders provided input on areas to improve the regulation, particularly to better protect agricultural field workers and handlers from pesticide risks. The need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations. Stakeholders identified the need for a minimum standard of competency for all occupational users of pesticides as well as the establishment of standards for determination of applicator competency and continued competency.

**Summary of Legal Basis:**

7 U.S.C. 136w

**Alternatives:**

EPA is considering various alternatives to regulation change based upon stakeholder input. The Agency is in the formative stages of this regulatory effort, and alternatives have not been fully identified and evaluated.

**Anticipated Costs and Benefits:**

EPA will develop an economic analysis to support this rule.

**Risks:**

This proposal would reduce the risks to agricultural workers from potential exposure to pesticides and pesticide exposure.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**Regulatory Flexibility Analysis Required:**

Undetermined

**Small Entities Affected:**

Businesses

**Government Levels Affected:**

Federal, State

**Additional Information:**

SAN No. 5006

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**RIN:** 2070-AJ22

**EPA**

**141. 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.

#### Statement of Need:

There are currently no separate data requirements for plant-incorporated protectants (PIPs), a new type of pesticide first registered in the mid-1990s. Instead, the Agency has relied on the microbial pesticide data requirements tailored on a case-by-case basis. The information needed to support the registration of a PIP has evolved along with the expanding knowledge base of pesticide chemical technology. When established, these data requirements will reflect current scientific knowledge and understanding. Establishing these data requirements will provide stakeholders with greater transparency and clarity to determine the data needed for PIP pesticide product without having extensive consultations with the Agency and a more efficient registration process. Further, establishing these data requirements will improve the Agency's ability to make regulatory decisions about human health and environmental effects of PIP pesticides to better protect wildlife, the environment and people.

#### Summary of Legal Basis:

The final rule will describe data and information needed to support multiple pesticide mandates under two statutes: the registration, reregistration, registration review, and experimental use permit programs under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and the tolerance-setting and reassessment program under the Federal Food, Drug and Cosmetic Act (FFDCA). These programs are authorized under FIFRA sections 3, 4, and 5 and FFDCA sec 408.

#### Alternatives:

The Agency is required by its various statutory mandates to establish data requirements that support its regulatory decisions. On a case-by-case basis, the Agency considers whether alternative regulatory methods would obviate the need for data and explores the means of introducing flexibility and clarity to reduce burdens on the regulated community. For this rule, EPA will analyze several scenarios including establishing data requirements tailored specifically to PIP pesticides, not establishing any data requirements, and remaining status quo with relying on the microbial pesticide data requirements tailored on a case-by-case basis.

#### Anticipated Costs and Benefits:

The Agency is conducting an economic analysis to support this rule. Anticipated benefits include greater certainty and clearer understanding of the actual risk, increased clarity and transparency to the regulated community, improved scientific basis for pesticide regulatory decisions, and enhanced international harmonization with less duplication of data. However, since this rulemaking is currently under Agency workgroup discussion, the specific costs and benefits of the action have not yet been determined. The Agency expects this rule to result in decreased illness and death resulting from pesticide exposure.

#### Risks:

The proposed revisions to the data requirements, like the existing requirements in part 158, would require an applicant for pesticide registration to supply the Agency with information on the pesticide: Composition, toxicity, potential human exposure, environmental properties, and ecological effects. This information is used to assess the human health and environmental risks associated with the product. The data that will be required by this regulation form the foundation of EPA's risk assessment for pesticides, and provide a sound scientific basis for any licensing decisions that impose requirements that mitigate or reduce risks, and that ensure that pesticide residues in food meet the "reasonable certainty of no harm" risk standard of the Federal Food Drug and Cosmetic Act (FFDCA).

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/08	

#### Regulatory Flexibility Analysis Required:

Undetermined

#### Government Levels Affected:

Federal

#### Additional Information:

SAN No. 5005

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RIN: 2070-AJ27

#### EPA

#### 142. 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:

EPA will propose to amend 40 CFR part 112, which includes the Spill Prevention, Control, and Countermeasure (SPCC) rule promulgated under the authority of the Clean Water Act. The proposed rule may address a variety of issues associated with the July 2002 SPCC final rule.

#### Statement of Need:

The proposed rule is necessary to clarify the regulatory obligations of SPCC facility owners and operators and to reduce the regulatory burden where appropriate.

#### Summary of Legal Basis:

33 USC 1321 et seq.

#### Alternatives:

EPA considered alternative options for various aspects of this proposed rule, following receipt of public comments, and through logical outgrowth of previously considered alternatives.

Alternative options included (1) exempting asphalt cement containers from the requirements of the SPCC rule; (2) exempting farms of a certain storage capacity, where the exact storage capacity has not been specified; (3) providing an exemption only for residential heating oil containers located at farms; (4) providing the same relief as in the preferred option to owners and operators of qualified facilities with total oil storage capacities of 5,000 gallons or less; (5) giving the option wherein owners and operators of new production facilities would be allowed one year after the start of operations to prepare and implement an SPCC Plan; (6) allowing the facilities to choose between a flowline maintenance program with a contingency plan (as in the proposed amendments) and providing a method of secondary containment for flowlines and intra-facility gathering lines; (7) regulatory alternatives for oil production facilities that have wells that produce 10 barrels or less of crude oil per day and are known as "stripper wells."

#### Anticipated Costs and Benefits:

At the 7 percent discount rate, the proposed amendments to the SPCC rule are expected to yield annualized cost savings of approximately \$7 million from the proposed exemption of hot-mix asphalt containers, \$4 million from the proposed changes for exempting pesticide application equipment, \$2 million from the proposed exemption of residential heating oil containers, \$251 million from the proposed amendments to the definition of facility, \$1 million from the proposed clarification to the facility diagram requirements, \$48 million from the proposed revision to the loading rack definition, \$24 million from the streamlined requirements for Tier 1 qualified facilities, \$7 million from the proposed amendments to the security requirements, \$9 million from the amendments to integrity testing requirements, \$2 million for owners and operators of AFVO facilities, \$25 million for owners and operators of production facilities from the six-month delay in SPCC Plan preparation and implementation, and \$8 million from exemption of flow-through process vessels from sized secondary containment. Additional benefits of this rule were not quantified because the impact of the rule on human health and environment are expected to be marginal. The principal effect of the proposed amendments would be lower compliance costs for owners and

operators of certain types of facilities and equipment.

#### Risks:

In the absence of quantitative information on the change in risk related to the specific proposed amendments, EPA conducted a qualitative assessment, which suggests that the proposed amendments will not lead to a significant increase in oil discharge risk.

#### Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728
NPRM 1 yr Compliance Extension	06/17/04	69 FR 34014
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
NPRM Comment Period End	12/14/07	
Final Action	10/00/08	

#### Regulatory Flexibility Analysis Required:

No

#### Small Entities Affected:

No

#### Government Levels Affected:

Federal, Local, State, Tribal

#### Additional Information:

SAN No. 2634.2; Split from RIN 2050-AC62.

#### URL For More Information:

[www.epa.gov/oilspill/spcc.htm](http://www.epa.gov/oilspill/spcc.htm)

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RIN: 2050-AG16

#### EPA

### 143. 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; 42 USC 6906; 42 CFR 6912; 42 USC 6921; 42 USC 6922; 42 USC 6924 to 6927; 42 USC 6934; 42 USC 6937; 42 USC 6938

#### CFR Citation:

40 CFR 261; 40 CFR 266; 40 CFR 268

#### Legal Deadline:

None

#### Abstract:

Pursuant to regulations found at 40 CFR 260.20, the Vanadium Producers and Reclaimers Association (VPRA) submitted a rulemaking petition to the EPA requesting that the Agency amend the hazardous waste regulations affecting the treatment and disposal of certain petroleum refinery process wastes. Specifically, VPRA requested that EPA revise the treatment standards under the Land Disposal Restrictions (LDR) Program for the disposal of spent hydrotreating and hydrorefining catalysts (waste codes K171 and K172, respectively). EPA is publishing a notice in response to the rulemaking petition, by proposing to amend the Land Disposal Restriction (LDR) requirements for EPA Waste Code K172 by adding numeric treatment standards for certain polynuclear aromatic hydrocarbons (PAHs). EPA is also responding to other elements of the rulemaking petition in this notice. Finally, in response to separate comments received from petroleum industry representatives, EPA is taking this opportunity to propose changes to its regulations to help encourage consistent levels of recycling of spent hydrotreating and hydrorefining catalysts, in a manner that protects human health and the environment.

#### Statement of Need:

The purpose of this proposed rule, as described in the abstract, is to respond to a rulemaking petition. EPA believes that the petitioners have made suitably credible arguments that the existing requirements for treating and disposing

of certain refinery wastes may need adjusting, thus this proposal. In addition, regarding the recycling part of this action (again, described in the abstract above) EPA determined that exploring ways to encourage the recycling of these spent catalysts safely has merit.

**Summary of Legal Basis:**

There is no court order requiring this action.

**Alternatives:**

EPA decided that the alternative of not proposing this rule was not the option of choice. See Statement of Need. Further evaluation of alternatives may occur during the development of this action; currently in the early stages of development.

**Anticipated Costs and Benefits:**

No formal cost/benefit analysis has been performed to date.

**Risks:**

This rule is responding to a petition that alleges EPA's current rules do not adequately address the risk to human health and the environment associated with the disposal of spent refinery catalysts. EPA is currently trying to better understand the risk issues. At this time, this is undetermined.

**Timetable:**

Action	Date	FR Cite
Notice of Data Availability	10/20/03	68 FR 59935
NPRM	06/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

State

**Additional Information:**

SAN No. 5070; EPA publication information: Notice of Data Availability - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-24/f29319.htm>; ; EPA Docket information: Legacy Docket No. RCRA-2003-0023 for 10/20/03 NODA

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**RIN:** 2050-AG34

**EPA**

**144. • NPDES VESSEL VACATUR**

**Priority:**

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

**Unfunded Mandates:**

Undetermined

**Legal Authority:**

Not Yet Determined

**CFR Citation:**

40 CFR 122.3

**Legal Deadline:**

None

**Abstract:**

This action is necessary because EPA must address a District Court ruling (currently on appeal to the U.S. Court of Appeals for the 9th Circuit) which vacates a regulatory exemption at 40 CFR 122.3(a). Northwest Environmental Advocates v. U.S. Environmental Protection Agency (ND CA, C 03-5760 SI). The regulation excludes discharges incidental to the normal operation of a vessel from NPDES permitting and has existed, essentially unchanged, since 1973. Unless overruled on appeal, the Court's September 2006 ruling will vacate the entire exclusion as of September 30, 2008. As of September 30, 2008, discharges of pollutants incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation will be subject to prohibitions in CWA § 301(a) against the discharge of a pollutant without a permit.

**Statement of Need:**

This action is necessary because EPA needs to address a District Court ruling (currently on appeal to the U.S. Court of Appeals for the 9th Circuit) which vacates a regulatory exemption at 40 CFR 122.3(a). Northwest Environmental Advocates v. U.S. Environmental Protection Agency (ND CA, C 03-5760 SI). The existing regulation excludes

discharges incidental to the normal operation of a vessel from NPDES permitting and has been on the books, essentially unchanged, since 1973. The Court's September 2006 ruling will vacate the entire exclusion as of September 30, 2008.

**Summary of Legal Basis:**

The legal basis is the Clean Water Act, 33 USC 1251 et seq.

**Alternatives:**

Unknown.

**Anticipated Costs and Benefits:**

Unknown.

**Risks:**

Unknown.

**Timetable:**

Action	Date	FR Cite
Proposal	01/00/08	
Final	To Be	Determined

**Regulatory Flexibility Analysis Required:**

Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:**

Undetermined

**Additional Information:**

SAN No. 5162;

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**RIN:** 2040-AE93



**EPA**

**FINAL RULE STAGE**

**145. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): DEBOTTLENECKING, AGGREGATION AND PROJECT NETTING**

**Priority:**

Other Significant

**Legal Authority:**

42 USC 7401 et seq

**CFR Citation:**

40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

**Legal Deadline:**

None

**Abstract:**

This project will revise rules governing the major new source review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA). The new regulations will clarify and codify our policy of when multiple activities at a single major stationary source must be considered together for the purposes of determining major NSR applicability (“aggregation”). Also, we are changing the way emissions from permitted emissions units upstream or downstream from those undergoing a physical change or change in the method of operation are considered when determining if a proposed project will result in a significant emissions increase (“debottlenecking”). Finally, we are clarifying how emissions decreases from a project may be included in the calculation to determine if a significant emissions increase will result from a project (“project netting”). When final, these rules will improve implementation of the program by articulating and codifying principles for determining major NSR applicability that we currently address through guidance only. These rule changes reflect the EPA’s consideration of the EPA’s 2002 Report to the President and its associated recommendations as well as discussions with various stakeholders including representatives of environmental groups, State and local governments, and industry.

**Statement of Need:**

The current New Source Review program provides for emissions from

multiple projects to be aggregated (aggregation) as one single project under certain circumstances. Similarly, when making a PSD applicability calculation, emissions from units whose effective capacity and potential to emit have been increased as a result of a modification to another unit (debottlenecked units), must be included in the initial PSD applicability calculations. Specific questions regarding the application of these two terms have been addressed on a case-by-case basis. By completing this rulemaking, regulated entities and regulatory agencies will be provided an additional level of certainty in addressing applicability issues.

**Summary of Legal Basis:**

42 USC 7411(a)(4)

**Alternatives:**

Alternatives will be developed as the rulemaking proceeds.

**Anticipated Costs and Benefits:**

We are not able to provide quantitative estimates of the costs and benefits of this rule because of our inability to specifically identify the quantity, types, and locations of sources that will utilize this rulemaking in the future, and the difficulty in specifically quantifying the difference in environmental outcomes that would result with and without the rule. Qualitatively, our analysis indicates that we do not expect this rule to add to the costs of the program, nor do we expect that the environmental benefits of the program would significantly change as a result of this rulemaking.

**Risks:**

Risk information cannot be developed for this rule for the same reasons mentioned above regarding costs and benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/06	71 FR 54235
Final Action	06/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

Federal, State, Local

**Additional Information:**

SAN No. 4793; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-14/a15248.htm>;

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**RIN:** 2060-AL75

**EPA**

**146. CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER**

**Priority:**

Economically Significant. Major under 5 USC 801.

**Legal Authority:**

42 USC 7522 to 7621

**CFR Citation:**

40 CFR 92; 40 CFR 94

**Legal Deadline:**

None

**Abstract:**

Locomotives and marine diesel engines are important contributors to our nation’s air pollution today accounting for about 20 percent of mobile source nitrogen oxides (NOx) emissions and about 25 percent of mobile source fine diesel particulate matter (PM 2.5) emissions. EPA is proposing a comprehensive program to significantly reduce emissions from locomotives and marine diesel engines. It would apply new exhaust emission standards and idle reduction requirements to diesel locomotives of all types—line-haul, switch, and passenger. It would also set new exhaust emission standards for all types of marine diesel engines below 30 liters per cylinder displacement. These include marine propulsion engines used on vessels from recreational and small fishing boats to super-yachts, tugs and Great Lakes freighters, and marine auxiliary engines

ranging from small gensets to large generators on ocean-going vessels. We estimate PM reductions of 90 percent and NOx reductions of 80 percent from engines meeting these standards, compared to engines meeting the current standards. EPA has already taken steps to bring emissions levels from light-duty and heavy-duty highway, and nonroad diesel vehicles and engines to very low levels over the next decade, while the emission levels for locomotive and marine diesel engines remain at much higher levels—comparable to the emissions for highway trucks in the early 1990s. The additional PM2.5 and NOx emission reductions resulting from the proposed standards would assist states in attaining and maintaining the Ozone and the PM2.5 National Air Quality Standards both near term and in the decades to come. The proposed program includes a set of near-term emission standards for newly-built engines. These would phase in starting in 2009. The near-term program also contains more stringent emissions standards for existing locomotives. These would apply when the locomotive is remanufactured and would take effect as soon as certified remanufacture systems are available (as early as 2008), but no later than 2010 (2013 for Tier 2 locomotives). We are requesting comment on an alternative under consideration that would apply a similar remanufacture requirement to existing marine diesel engines installed in vessels currently in the fleet. We are also proposing long-term emissions standards for newly-built locomotives and marine diesel engines based on the application of high-efficiency catalytic aftertreatment technology. These standards would phase in beginning in 2015 for locomotives and 2014 for marine diesel engines. Finally, we are proposing revised testing, certification, and compliance provisions to better ensure emissions control in use. Entities potentially regulated by this action are those which manufacture, remanufacture and/or import locomotives and/or locomotive engines; and those which own and operate locomotives. This proposed action would also affect companies and persons that manufacture, sell, or import into the United States new marine compression-ignition engines, companies and persons that rebuild or maintain these engines, companies and persons that make vessels that use such engines, and the owners/operators of such vessels.

#### Statement of Need:

Locomotive and marine diesel engines generate significant emissions of fine particulate matter (PM2.5) and nitrogen oxides (NOx) that contribute to nonattainment of the National Ambient Air Quality Standards for PM2.5 and ozone. NOx is a key precursor to ozone and secondary PM formation. These engines also emit hazardous air pollutants or air toxics, which are associated with serious adverse health effects. Emissions from locomotive and marine diesel engines also cause harm to public welfare, including contributing to visibility impairment and other harmful environmental impacts across the US. (The health and welfare impacts of these pollutants are described elsewhere in this Regulatory Agenda.) Emissions from locomotive and marine diesel engines account for substantial portions of the country's ambient PM2.5 and NOx levels. Today these engines account for about 20 percent of mobile source NOx emissions and about 25 percent of mobile source diesel PM 2.5 emissions. Under the standards EPA has proposed, by 2030 annual NOx emissions from these diesel engines would be reduced by 765,000 tons and PM2.5 emissions by 28,000 tons, and those reductions would continue to grow beyond 2030 as the fleet turnover to the clean engines is completed. State and local governments are working to protect the health of their citizens and comply with requirements of the Clean Air Act. As part of this effort they recognize the need to secure additional major reductions in both diesel PM2.5 and NOx emissions by undertaking numerous state level actions, while also seeking Agency action, including the setting of stringent new locomotive and marine diesel engine standards. The emission reductions in this proposal will play a critical part in state efforts to attain and maintain the National Air Quality Standards both near term and through the next two decades.

#### Summary of Legal Basis:

Authority for the actions in this proposed rule is granted to the Environmental Protection Agency (EPA) by sections 114, 203, 205, 206, 207, 208, 213, 216, and 301(a) of the Clean Air Act as amended in 1990. EPA is proposing emissions standards for new marine diesel engines pursuant to its authority under section 213(a)(3) and (4) of the Clean Air Act (CAA) and for new locomotives and new engines used in locomotives pursuant to its authority under section 213(a)(5) of the CAA. CAA section 213(a)(3) directs the

Administrator to set NOx, VOCs, or carbon monoxide standards for classes or categories of engines that contribute to ozone or carbon monoxide concentrations in more than one nonattainment area, such as marine diesel engines. CAA section 213(a)(4), authorizes the Administrator to establish standards to control emissions of pollutants which may reasonably be anticipated to endanger public health and welfare, where the Administrator determines, as it has done for emissions of PM, that nonroad engines as a whole contribute significantly to such air pollution. Finally, section 213(a)(5) directs EPA to adopt emission standards for new locomotives and new engines used in locomotives that achieve the greatest degree of emissions reductions achievable through the use of technology that the Administrator determines will be available for such vehicles and engines, taking into account the cost of applying such technology within the available time period, the noise, energy, and safety factors associated with the applications of such technology.

#### Alternatives:

We have developed emission inventory impacts, cost estimates and benefit estimates for two types of alternatives. The first type looks at the impacts of varying the timing and scope of our proposed standards. The second considers a programmatic alternative that would set emission standards for existing marine diesel engines. Alternative 1 examines the potential impacts of the locomotive remanufacturing program by excluding it from the analysis. Alternative 2 considers the possibility of pulling ahead the Tier 4 standards by one year for both the locomotive and marine programs, while leaving the rest of the proposed program unchanged. This alternative represents a more environmentally protective set of standards. However, our review of the technical challenges to introduce the Tier 4 program, especially considering the locomotive remanufacturing program and the Tier 3 standards which go before it, leads us to conclude that introducing Tier 4 a year earlier is not feasible. Alternative 3 most closely reflects the program we described in our Advanced Notice of Proposed Rulemaking, whereby we would set new aftertreatment based emission standards as soon as possible. In this case, alternative 3 eliminates our proposed Tier 3 standards and locomotive remanufacturing standards, while pulling the Tier 4 standards

ahead to 2013 (3 months after the introduction of 15 ppm ULSD). As with alternative 2, we are concerned that it may not be feasible to introduce Tier 4 technologies on locomotive and marine diesel engines earlier than the proposal specifies. Alternative 4 would eliminate the Tier 4 standards and retain the Tier 3 and locomotive remanufacturing requirements. This alternative allows us to consider the value of combining the Tier 3 and locomotive remanufacturing standards together as one program, and conversely, allows us to see the additional benefits gained when combining them with the Tier 4 standards. This alternative falls well short of the total benefits that our comprehensive program is expected to realize. Alternative 5 would establish a two-part marine engines remanufacturing program to reduce emissions from marine diesel engines above 800hp installed on commercial vessels. These engines remain in the fleet in excess of 20 years and can substantially contribute to air pollution. In part one, beginning as early as 2008, vessel owners and rebuilders (also called remanufacturers) would be required to use a certified kit when the engine is rebuilt (or remanufactured) if such a kit is available. In the second part, which could begin in 2013, the marine diesel engine identified by the EPA as a high-sales volume engine model would have to meet specified emission requirements when the engine is remanufactured. If no certified system were available, companies subject to these provisions would need to either retrofit an emission reduction technology for the engine that demonstrates at least a 25 percent reduction or repower (replace the engine with a new one). The second part of the program is contingent on EPA developing a list of high volume marine diesel engines for which a remanufacture certificate must be available by 2013. Finally, the second step of the program could be made subject to a technical review in 2011A summary of the five alternatives is contained in Tables VII-1 and VII-2 of the proposed rule. Table VII-1 includes the expected PM and NOx emission reductions, associated with each alternative through 2040 expressed as a net present value (NPV) using discounting rates of 3 percent and 7 percent. It also includes the estimated costs for each alternative through 2040 expressed at 3 percent NPV and 7 percent NPV. Table VI-2 shows the PM and NOx inventory reductions, costs,

and benefits of each alternative estimated for the year 2030.

#### Anticipated Costs and Benefits:

The total monetized benefits of the proposed standards, when based on published scientific studies of the risk of PM-related premature mortality, these benefits are projected to be more than \$12 billion in 2030, assuming a 3 percent discount rate (or \$11 billion assuming a 7 percent discount rate). Our estimate of total monetized benefits based on the PM-related premature mortality expert elicitation is between \$4.6 billion and \$33 billion in 2030, assuming a 3 percent discount rate (or \$4.3 and \$30 billion assuming a 7 percent discount rate). The social costs of the proposed program are estimated to be approximately \$600 million in 2030. The estimated 2030 social welfare cost of 567.3 million is based on an earlier version of the engineering costs of the rule which estimated \$568.3 million engineering costs in 2030 (see table V-15). The current engineering cost estimate for 2030 is \$605 million. See section V.C.5 for an explanation of the difference. The estimated social costs of the program will be updated for the final rule. The impact of these costs on society are estimated to be minimal, with the prices of rail and marine transportation services estimated to increase by less about 0.4 percent for locomotive transportation services and about 0.6 percent for marine transportation services. Though there are a number of health and environmental effects associated with the proposed standards that we are unable to quantify or monetize, the benefits of the proposed standards far outweigh the projected costs.

#### Risks:

The emissions of PM and ozone precursors from locomotive and marine diesel engines are associated with serious public health problems including premature mortality, aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, chronic bronchitis, and decreased lung function. In addition, emissions from locomotives and marine diesel engines are of particular concern, as diesel exhaust has been classified by EPA as a likely human carcinogen. Many people spend a large portion of time in or near areas of concentrated locomotive or marine diesel emissions, near rail yards, marine ports, railways, and waterways. Recent studies show that populations living near large diesel emission sources such as major

roadways, rail yards and marine ports are likely to experience greater diesel exhaust exposure levels than the overall US population, putting them at a greater health risk. Scientific studies show ambient PM is associated with a series of adverse health effects. The locomotive and marine diesel engines, covered in this proposal contribute to both short-and long-term PM2.5 exposures. Health effects associated with short-term exposures (hours to days) to ambient PM include premature mortality, increased hospital admissions, heart and lung diseases, increased cough, adverse lower-respiratory symptoms, decrements in lung function and changes in heart rate rhythm and other cardiac effects. Studies examining populations exposed to different levels of air pollution over a number of years show associations between long-term exposure to ambient PM2.5 and both total and cardio respiratory mortality. Locomotive and marine diesel engines also result in significant emissions of NOx and VOC emissions which contribute to the formation of ground-level ozone pollution or smog. People in many areas across the U.S. continue to be exposed to unhealthy levels of ambient ozone. The health and welfare effects of ozone are well documented and are assessed in EPA's 2006 ozone Air Quality Criteria Document (ozone AQCD) and EPA staff papers. Ozone can irritate the respiratory system, causing coughing, throat irritation, and/or uncomfortable sensation in the chest. Ozone can reduce lung function and make it more difficult to breathe deeply, and breathing may become more rapid and shallow than normal, thereby limiting a person's activity. Ozone can also aggravate asthma, leading to more asthma attacks that require a doctor's attention and/or the use of additional medication. People who are more susceptible to effects associated with exposure to ozone include children, the elderly, and individuals with respiratory disease such as asthma. Locomotive and marine diesel engine emissions include diesel exhaust (DE), a complex mixture comprised of carbon dioxide, oxygen, nitrogen, water vapor, carbon monoxide, nitrogen compounds, sulfur compounds and numerous low-molecular-weight hydrocarbons. A number of these gaseous hydrocarbon components are individually known to be toxic including aldehydes, benzene and 1,3-butadiene. Locomotive and marine diesel engine exhaust emissions contribute to ambient levels of other air toxics known or suspected as human

or animal carcinogens, or that have non-cancer health effects. These other compounds include benzene, 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, polycyclic organic matter (POM), and naphthalene. All of these compounds, except acetaldehyde, were identified as national or regional risk drivers in the 1999 National-Scale Air Toxics Assessment (NATA) and have significant inventory contributions from mobile sources. That is, for a significant portion of the population, these compounds pose a significant portion of the total cancer and non-cancer risk from breathing outdoor air toxics. The reductions in locomotive and marine diesel engine emissions proposed in this rulemaking would help reduce exposure to these harmful substances.

#### Timetable:

Action	Date	FR Cite
ANPRM	06/29/04	69 FR 39276
NPRM	04/03/07	72 FR 15938
Final Action	03/00/08	

#### Regulatory Flexibility Analysis Required:

No

#### Small Entities Affected:

Businesses

#### Government Levels Affected:

Federal

#### Additional Information:

SAN No. 4871;

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RIN: 2060-AM06

#### EPA

### 147. CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND EQUIPMENT

#### Priority:

Economically Significant. Major under 5 USC 801.

#### Legal Authority:

42 USC 7521 to 7601(a)

#### CFR Citation:

40 CFR 90; 40 CFR 91

#### Legal Deadline:

NPRM, Statutory, December 1, 2004.

Final, Statutory, December 31, 2005.

#### Abstract:

We are setting emission standards for new nonroad spark-ignition engines that will substantially reduce emissions from these engines. The proposed exhaust emission standards would apply starting in 2009 for new marine spark-ignition engines, including first-time EPA standards for sterndrive and inboard engines. The proposed exhaust emission standards would apply starting in 2011 and 2012 for different sizes of new land-based, spark-ignition engines at or below 19 kilowatts (kW), which is equivalent to about 25 horsepower. These small engines are used primarily in lawn and garden applications. We are also proposing to adopt evaporative emission standards for vessels and equipment using any of these engines. Nationwide, these emission sources contribute to ozone, carbon monoxide (CO), and particulate matter (PM) nonattainment.

We estimate that by 2030, this proposed rule would result in significantly reduced pollutant emissions from regulated engine and equipment sources, including estimated annual nationwide reductions of 631,000 tons of volatile organic hydrocarbon emissions, 98,200 tons of NOx emissions, and 6,300 tons of direct particulate matter (PM2.5) emissions. These reductions correspond to significant reductions in the formation of ground-level ozone. We would also expect to see annual reductions of 2,690,000 tons of carbon monoxide emissions, with the greatest reductions in areas where there have been problems with individual exposures. The requirements in this rule will substantially benefit public health and welfare and the environment. We estimate that by 2030, the proposal's emission reductions would annually prevent 450 PM-related premature deaths, approximately 500 hospitalizations, and 52,000 work days lost. The total estimated annual benefits of the proposed rule in 2030 would be \$3.4 billion. Estimated costs in 2030 would be many times less at \$240 million.

#### Statement of Need:

Nationwide, emissions from Marine SI engines and Small SI engines contribute significantly to mobile source air pollution. By 2020 without this final rule these engines would account for about 27 percent (1,352,000 tons) of mobile source volatile organic hydrocarbon compounds (VOC) emissions, 31 percent (16,374,000 tons)

of mobile source carbon monoxide (CO) emissions, 4 percent (202,000 tons) of mobile source oxides of nitrogen (NOx) emissions, and 16 percent (39,000 tons) of mobile source particulate matter (PM2.5) emissions. The new standards will reduce exposure to these emissions and help avoid a range of adverse health effects associated with ambient ozone, CO, and PM levels. In addition, the new standards will help reduce acute exposure to CO, air toxics, and PM for persons who operate or who work with or are otherwise active in close proximity to these engines. They will also help address other environmental problems associated with Marine SI engines and Small SI engines, such as visibility impairment in our national parks and other wilderness areas. These effects are described in more detail in subsequent sections of this Preamble.

#### Summary of Legal Basis:

Clean Air Act section 213(a)(1) directs EPA to study emissions from nonroad engines and vehicles to determine, among other things, whether these emissions "cause, or significantly contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." Section 213(a)(2) further requires us to determine whether emissions of CO, VOC, and NOx from all nonroad engines significantly contribute to ozone or CO concentrations in more than one nonattainment area. If we determine that emissions from all nonroad engines do contribute significantly to these nonattainment areas, section 213(a)(3) then requires us to establish emission standards for classes or categories of new nonroad engines and vehicles that cause or contribute to such pollution. Specific statutory direction to set standards for nonroad spark-ignition engines comes from section 428(b) of the 2004 Consolidated Appropriations Act, which requires EPA to adopt regulations under the Clean Air Act "that shall contain standards to reduce emissions from new nonroad spark-ignition engines smaller than 50 horsepower."

#### Alternatives:

For Small spark-ignition engines, we considered what is achievable with catalyst technology. Our technology assessment work indicated that the proposed emission standards are feasible in the context of provisions for establishing emission standards prescribed in section 213 of the Clean Air Act. We also considered what can

be achieved with larger, more efficient catalysts and improved fuel induction systems. Based on this work we evaluated more stringent HC+NO<sub>x</sub> standards involving a 50 percent reduction for Class I engines and a 65-70 percent reduction for Class II engines.

For Marine SI engines, we considered a more stringent exhaust emission standard for outboard and personal watercraft engines. This second tier of standards could apply starting in 2012 or later. Such a standard would be consistent with currently certified emission levels from a significant number of four-stroke outboard engines.

We considered both more and less stringent evaporative emission control alternatives. For small equipment, we considered a less stringent alternative without running loss emission standards. However, we believe that controlling running loss and diffusion emissions from non-handheld equipment is feasible at a relatively low cost. For a more stringent alternative, we considered applying a diurnal emission standard for all small equipment. We believe that passively purging carbon canisters could reduce diurnal emissions by 50 to 60 percent from small equipment. For marine vessels, we considered a less stringent alternative, where there would be no diurnal emission standard for vessels with installed fuel tanks. For a more stringent scenario, we considered a standard that would require boat builders to use an actively purged carbon canister. This means that, when the engine is operating, it would draw air through the canister to purge the canister of stored hydrocarbons.

#### Anticipated Costs and Benefits:

The requirements in this proposed rule would substantially benefit public health and welfare and the environment. We estimate that by 2030, these proposed emission reductions would annually prevent 450 PM-related premature deaths, approximately 500 hospitalizations, and 52,000 work days lost. The total estimated annual benefits of this proposed rule in 2030 would be about \$3.4 billion. Estimated costs in 2030 would be many times less at \$240 million.

#### Risks:

The health benefits associated with this proposed rule are expressed in terms of avoided premature mortalities and other endpoints, and have been estimated based on scaling of detailed

modeling results from EPA's Clean Air Nonroad Diesel regulation.

#### Timetable:

Action	Date	FR Cite
NPRM	05/18/07	72 FR 28098
Final Action	06/00/08	

#### Regulatory Flexibility Analysis Required:

Yes

#### Small Entities Affected:

Businesses

#### Government Levels Affected:

None

#### Additional Information:

SAN No. 4882;

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RIN: 2060-AM34

#### EPA

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

#### Priority:

Other Significant

#### Legal Authority:

PL 102-486

#### CFR Citation:

40 CFR 197

#### Legal Deadline:

None

#### Abstract:

This action will amend the standards for Yucca Mountain, Nevada (40 CFR Part 197). These standards were issued in 2001 and were partially remanded by a Federal court in 2004. These amendments will address the remanded portion of the standards, viz., the compliance period. Yucca Mountain is the site of a potential geologic repository for spent nuclear fuel and high-level radioactive waste. It is about 100 miles northwest of Las Vegas, Nevada, and straddles the boundaries of the Nevada Test Site, Bureau of Land Management land, and an Air Force

bombing range. The site is being developed by the Department of Energy (DOE). The DOE will submit a license application to the Nuclear Regulatory Commission (NRC). We (EPA) were given the authority to set Yucca Mountain-specific standards in the Energy Policy Act of 1992 (EnPA). The EnPA also requires NRC to adopt our standards in its licensing regulations and use them as a basis to judge compliance of the repository's performance. The Agency issued final Yucca Mountain standards in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame. The Court found that the 10,000-year compliance period violates our authorizing statute for Yucca Mountain regulation because it is not "based upon and consistent with" scientific recommendations required from the National Academy of Sciences under the legislation. To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future.

#### Statement of Need:

Congress selected Yucca Mountain as the Nation's only candidate site for a repository for nuclear spent fuel and high-level radioactive waste. The Energy Policy Act of 1992 requires EPA to set Yucca-Mountain-specific standards. Standards were promulgated in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame.

#### Summary of Legal Basis:

The Energy Policy Act of 1992 requires EPA to set Yucca-Mountain-specific standards. Standards were promulgated in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame.

#### Alternatives:

To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future. Alternatives addressing that recommendation will be developed as the rulemaking proceeds.

**Anticipated Costs and Benefits:**

An economic impact assessment (EIA) was performed for the proposed rulemaking. The EIA showed that many of the arguments and conclusions of the EIA for the original standards in 2001 are applicable to the proposed rule, which extends the compliance period from 10,000 years to as long as 1 million years. Specifically, the need to evaluate compliance with the individual protection standard is the same, the types of information needed to make those evaluations are the same, the performance assessment methodologies are the same, and the reasonable expectation approach to establishing the basis for the evaluations and compliance decisions is the same. Consequently, the proposed changes to the standards do not require additional efforts in site characterization, design, or assessment methodology development. Because DOE is not expected to make changes, undertake significant site characterization, or drastically revise its performance approach or models as a result of EPA's revisions to the 2001 rulemaking, there are no costs directly attributable to EPA's rulemaking.

**Risks:**

As a result of the standards extending to as long as an unprecedented 1 million years, approaches for characterizing and expressing the risk are under consideration, and will be addressed in the final rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49014
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

Federal

**Additional Information:**

SAN No. 4964; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-22/a16193.htm>

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**RIN:** 2060-AN15

**EPA****149. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE****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, June 20, 2007, Consent decree.

Final, Judicial, March 12, 2008, Consent decree.

**Abstract:**

The Clean Air Act Amendments of 1977 require EPA to review and, if necessary, revise national ambient air quality standards (NAAQS) periodically. On July 18, 1997, the EPA published a final rule revising the NAAQS for ozone. The primary and secondary NAAQS were strengthened to provide increased protection against both health and environmental effects of ozone. The EPA's work plan/schedule for the next review of the ozone Criteria Document was published on November 2002. The first external review draft Criteria Document, a rigorous assessment of relevant scientific information, was released on January 31, 2005. The EPA's Office of Air Quality Planning and Standards will prepare a Staff Paper for the Administrator, which will evaluate the policy implications of the key studies and scientific information contained in the Criteria Document and

additional technical analyses, and identify critical elements that EPA staff believe should be considered in reviewing the standards. The Criteria Document was reviewed by CASAC and the public, changes were incorporated, and the final Criteria Document was released on March 21, 2006. The Staff Paper was released on January 31, 2007. As the ozone NAAQS review is completed, the Administrator's proposal to reaffirm or revise the ozone NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

**Statement of Need:**

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

**Summary of Legal Basis:**

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

**Alternatives:**

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

**Anticipated Costs and Benefits:**

A regulatory impact analysis (RIA) has been prepared that presents the costs and benefits associated with the proposed revised ozone standards and two other alternative standards. This RIA was issued in late July, and the document is available at <http://www.epa.gov/ttn/ecas/ria.html>.

**Risks:**

The current national ambient air quality standards for ozone are intended to protect against public health risks associated with morbidity and/or premature mortality and public welfare risks associated with adverse vegetation and ecosystem effects. During the course of this review, risk assessments will be conducted to evaluate health and welfare risks



associated with retention or revision of the ozone standards.

**Timetable:**

Action	Date	FR Cite
Notice	12/29/05	70 FR 77155
NPRM	07/11/07	72 FR 37818
Final Action	03/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

Federal, State, Local, Tribal

**Additional Information:**

SAN No. 5008; EPA publication information: Notice - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-29/a24608.pdf>;

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**RIN:** 2060-AN24

**EPA**

**150. PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSION INCREASES FOR ELECTRIC GENERATING UNITS**

**Priority:**

Other Significant

**Legal Authority:**

Clean Air Act, title I, parts C and D and Section 111(a)(4)

**CFR Citation:**

40 CFR 51; 40 CFR 52

**Legal Deadline:**

None

**Abstract:**

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

**Statement of Need:**

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

**Summary of Legal Basis:**

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

**Alternatives:**

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

**Anticipated Costs and Benefits:**

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

reliability, and efficiency of EGUs as a result of this rulemaking.

**Risks:**

Risk information will be developed as appropriate as the rulemaking proceeds.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/05	70 FR 61081
Supplemental NPRM	05/08/07	72 FR 26202
Final Action	08/00/08	

**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.

**URL For More Information:**

[www.epa.gov/nsr](http://www.epa.gov/nsr)

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**RIN:** 2060-AN28

**EPA**

**151. FINAL RULE FOR IMPLEMENTATION OF THE NEW SOURCE REVIEW (NSR) PROGRAM FOR PM2.5**

**Priority:**

Other Significant

**Legal Authority:**

42 USC 7410; 42 USC 7501 et seq

**CFR Citation:**

40 CFR 51

**Legal Deadline:**

None

**Abstract:**

This rulemaking action is the final rule which lays out the provisions and requirements for implementation of the NSR program for particulate matter less than 2.5 microns in diameter (PM2.5). This rule would apply to new and modified major stationary sources of PM2.5. In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, included requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. The proposed rule also included the New Source Review (NSR) provisions for implementing the PM2.5 program. In this final action, we have split the NSR provisions of the proposed rule as a separate package. This rule will address the applicability of NSR to precursors, Major Source Threshold and Significant Emissions Rate for PM2.5, preconstruction monitoring requirements, offset provisions and inter pollutant trading of offsets and finally the transition provisions.

**Statement of Need:**

This rule is needed to promulgate the federal requirements for implementing a PM2.5 NSR program States and local agencies have until April 5, 2008 in preparing State implementation plans (SIPs) designed to address the NSR requirements for PM2.5.

**Summary of Legal Basis:**

42 USC 7410 and 42 USC 7501 et seq.

**Alternatives:**

Alternatives will be explored as the final rule is developed.

**Anticipated Costs and Benefits:**

We are not able to provide quantitative estimates of the costs and benefits of this rule because of our inability to specifically identify the quantity, types, and locations of sources that will be subject to this rulemaking in the future, and the difficulty in specifically quantifying the difference in environmental outcomes that would result with and without the rule.

Qualitatively, our analysis indicates that we do not expect this rule to add to the costs of the program, nor do we expect that the benefits of the program will significantly change.

**Risks:**

Since the risks of PM2.5 emissions exposure have been addressed in the PM2.5 NAAQS rule, we do not anticipate any additional risk reduction as a result of implementing this rule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/05	70 FR 65984
Final Action	11/00/07	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

Federal, Local, State, Tribal

**Additional Information:**

SAN No. 4752.2; Split from RIN 2060-AK74.

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RIN: 2060-AN86

**EPA****152. LEAD-BASED PAINT; AMENDMENTS FOR RENOVATION, REPAIR AND PAINTING****Priority:**

Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:**

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

**Legal Authority:**

15 USC 2682 "TSCA section 402"; 15 USC 2684 "TSCA section 404"

**CFR Citation:**

40 CFR 745

**Legal Deadline:**

Final, Statutory, October 28, 1996.

NPRM, Statutory, December 30, 2005, Administration deadline.

**Abstract:**

In 2008, EPA will continue its work towards the Administration goal of eliminating childhood lead poisoning as a national health concern by 2010 by implementing a comprehensive program to address lead-based paint hazards associated with renovation, repair and painting activities. The program will be comprised of a combination of approaches including regulations, and an extensive education and outreach campaign that will include elements specifically designed for industry and consumers. Industry outreach will include dissemination of information regarding the regulation, lead-safe work practices, and training opportunities. Consumer outreach will be designed to expand consumer awareness, and create demand for the use of lead-safe work practices. EPA plans to finalize and begin implementation of the Renovation, Repair and Painting Program regulations in 2008. EPA proposed these regulations on January 10, 2006 and amended that proposal on June 5, 2007 to include child occupied facilities within the scope of the rule. The regulation should minimize the introduction of lead hazards resulting from the disturbance of lead-based paint during renovation, repair, and painting activities. The regulations would require contractors conducting renovation, repair and painting activities in most target housing and child occupied facilities to be trained, certified, and to follow work practice standards designed to minimize the creation of lead hazards.

**Statement of Need:**

Childhood lead poisoning is a pervasive problem in the United States, with almost a million young children having more than 10 ug/dl of lead in their blood (Center for Disease Control's level of concern). Although there have been dramatic declines in blood-lead levels due to reductions of lead in paint, gasoline, and food sources, remaining paint in older houses continues to be a significant source of childhood lead poisoning. These rules will help insure that individuals and firms conducting renovation, repairs and painting activities will do so in a

way that safeguards the environment and protects the health of building occupants, especially children under 6 years old.

**Summary of Legal Basis:**

This regulation is mandated by TSCA section 402(c). TSCA Section 402(c) directs EPA to address renovation and remodeling activities by first conducting a study of the extent to which persons engaged in various types of renovation and remodeling activities are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard on a regular basis. Section 402(c) further directs the Agency to revise the lead-based paint activities regulations (40 CFR part 745 subpart L) to apply to renovation, remodeling or painting activities that create lead-based paint hazards.

**Alternatives:**

EPA is considering alternatives including on the job training for renovation workers, the use of test kits to determine the presence of lead paint, and the use of a cleaning verification protocol to determine if a job site is sufficiently clean. TSCA Section 402(c) states that should the Administrator determine that any category of contractors engaged in renovation or remodeling does not require certification; the Administrator may publish an explanation of the basis for that determination.

**Anticipated Costs and Benefits:**

EPA's economic analysis provides quantitative cost estimates for the training, certification, and work practices required by the rule. The economic analysis provides quantitative benefits estimates for avoided incidence of IQ loss due to reduced lead exposures to children under the age of 6, and a qualitative discussion of other avoided adverse health effects in children and adults. The economic analysis of the final rule will incorporate new information characterizing lead levels in dust and soil after renovation, repair, and painting activities, and a new modeling approach to estimate the resultant blood lead and IQ loss in children under the age of 6.

**Risks:**

This rule is aimed at reducing the prevalence and severity of lead poisoning, particularly in children. The Agency has concluded that many R&R work activities can produce or release large quantities of lead. These activities

include, but are not limited to: sanding, cutting, window replacement, and demolition. Lead exposure to R&R workers appears to be less of a problem than to building occupants (especially young children). Some workers (and homeowners) are occasionally exposed to high levels of lead. Any work activity that produces dust and debris may create a lead exposure problem.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/06	71 FR 1588
Notice of Availability; Supplemental Economic Analysis	03/02/06	71 FR 10628
Notice of Availability; Draft Pamphlet	03/08/06	71 FR 11570
Request for Comment; Lead Paint Test Kit Development	03/16/06	71 FR 13561
NPRM: Extension of Comment Period	04/06/06	71 FR 17409
Notice of Availability; Study Results	03/16/07	72 FR 12582
Supplemental NPRM Final Action	06/05/07 03/00/08	72 FR 31022

**Regulatory Flexibility Analysis Required:**

Yes

**Small Entities Affected:**

Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:**

Federal, Local, State, Tribal

**Additional Information:**

SAN No. 3557; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/January/Day-10/t071.htm>; EPA Docket information: EPA-HQ-OPPT-2005-0049; Individual Document id in the EPA docket: [www.regulations.gov](http://www.regulations.gov)

**Sectors Affected:**

23599 All Other Special Trade Contractors; 23551 Carpentry Contractors; 53111 Lessors of Residential Buildings and Dwellings; 23322 Multifamily Housing Construction; 23521 Painting and Wall Covering Contractors; 531311 Residential Property Managers; 23321 Single Family Housing Construction; 54138 Testing Laboratories

**URL For More Information:**

<http://www.epa.gov/oppt/lead/pubs/renovation.htm>

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**RIN:** 2070-AC83

**EPA**

**153. REGULATION OF OIL-BEARING HAZARDOUS SECONDARY MATERIALS FROM THE PETROLEUM REFINING INDUSTRY PROCESSED IN A GASIFICATION SYSTEM TO PRODUCE SYNTHESIS GAS**

**Priority:**

Other Significant

**Legal Authority:**

42 USC 6901; 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6974

**CFR Citation:**

40 CFR 260; 40 CFR 261

**Legal Deadline:**

None

**Abstract:**

The U.S. Environmental Protection Agency (EPA) is considering finalizing revisions to the RCRA hazardous regulations to exclude oil-bearing secondary materials, generated by the petroleum refining industry, from the definition of solid waste if the materials are destined to be processed in a gasification device manufacturing synthesis gas fuel. We are considering this exclusion in order to clarify and simplify RCRA jurisdiction, and to be consistent with other comparable existing exclusions in the petroleum refining industry.

**Statement of Need:**

We are undertaking the rulemaking to:

- (1) Prevent unnecessary confusion regarding the status of recycling of oil-bearing hazardous secondary material from the petroleum industry in a gasification system;
- (2) promote the use of a technologically advanced method of extracting hydrocarbons from secondary materials;
- and (3) remove regulatory restrictions that may limit the petroleum refining industry's ability to maximize the production of fuels and materials commodities from petroleum refining while minimizing the generation of waste.

**Summary of Legal Basis:**

No aspect of this action is required by statute or court order.

**Alternatives:**

Based on comments and additional analysis, we are looking into whether a separate exclusion is unnecessary and overly prescriptive and whether our original strategy of amending the existing regulatory language found at 40 CFR 261.4(a)(12) should be done.

**Anticipated Costs and Benefits:**

We estimate the rule will yield between \$46.4 million and 48.7 million in net social benefits per year. Avoided waste management costs make up the most significant share of the benefits followed by feedstock savings. Commercial facilities that manage refinery wastes may experience annual revenue losses of \$10.8 million to \$15.1 million under the final rule.

**Risks:**

N/A

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/02	67 FR 13684
Notice: Extension of Comment Period	06/11/02	67 FR 39927
Final Action	02/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

State

**Additional Information:**

SAN No. 4411; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2002/March/Day-25/f7097.htm>; This is an extension of a previous

notice that contained the following RIN: 2050-AD88.; EPA Docket information: F-2002-RPRP-

**Sectors Affected:**

32411 Petroleum Refineries

**URL For More Information:**

<http://www.epa.gov/epaoswer/hazwaste/gas-fs.pdf>

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RIN: 2050-AE78

**EPA****154. 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 currently excludes specific industrial wastes, also known as comparable fuels, from most Resource Conservation and Recovery Act (RCRA) hazardous waste management requirements when the wastes are used for energy production and do not contain hazardous constituent levels that exceed those found in a typical benchmark fuel that facilities would otherwise use. Using such wastes as fuel saves energy by reducing the amount of hazardous waste that would otherwise be treated and disposed, promotes energy production from a domestic, renewable source, and reduces use of fossil fuels. With an interest in supplementing the nation's energy supplies and to ensure that

energy sources are managed only to the degree necessary to protect human health and the environment, EPA, as part of the Resource Conservation Challenge, is examining the effectiveness of the current comparable fuel program and considering whether other industrial wastes could be safely used as fuel as well. As part of this investigation, EPA has proposed to expand the existing comparable fuel exclusion and is seeking comment on that proposal.

**Statement of Need:**

EPA has proposed to expand the comparable fuel exclusion under section 261.38 of the rules implementing subtitle C of the Resource Conservation and Recovery Act (RCRA) for fuels that are produced from hazardous waste but which generate emissions that are comparable to emissions from burning fuel oil when such fuels are burned in an industrial boiler. Such excluded fuel would be called emission-comparable fuel (ECF). ECF would be subject to the same specifications that currently apply to comparable fuels, except that the specifications for certain hydrocarbons and oxygenates would not apply. The ECF exclusion would be conditioned on requirements including: 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 conditions for tanks storing ECF which conditions are typical of those for storage of commercial fuels, and are tailored for the hazards that ECF may pose. This rule, if finalized, is intended to save energy by reducing the amount of hazardous waste that would be otherwise treated and disposed, and also to promote energy production from a domestic, renewable source and reduce our use of fossil fuels.

**Summary of Legal Basis:**

This action is discretionary on the Agency's part.

**Alternatives:**

To make significant changes to the existing comparable fuels standard, EPA must modify the existing regulations. EPA has proposed modified regulations and is seeking comment on those potential regulatory modifications.

**Anticipated Costs and Benefits:**

This rule, as proposed, is projected to result in a benefit to society in the form of net cost savings to the private sector, on a nationwide basis, thereby allowing

for the more efficient use of limited resources elsewhere in the market. This is accomplished without compromising protection of human health and the environment by ensuring comparable emissions from the burning of high Btu value waste. The total net social benefits projected as a result of this rule, as proposed, are estimated at approximately \$23 million per year. Avoided management and fuel costs represent the vast majority of all benefits (cost savings). Transportation, boiler retrofits, and analytical costs represent the majority of the costs. This estimate assumes all States adopt the rule, and incorporates all cost savings to affected generators, less all associated costs. Nearly 183,000 tons (U.S.) of waste are expected to initially qualify for the exclusion with approximately 107,000 tons/year actually excluded. Of this total, we estimate that approximately 34,000 tons are not currently burned for energy recovery.

**Risks:**

The exclusion for emission-comparable fuel (ECF) would be based on the rationale that ECF has fuel value, that the hydrocarbon and oxygenate constituents no longer subject to a specification themselves have fuel value, and that emissions from burning ECF in an industrial boiler operating under good combustion conditions are likely not to differ from emissions from burning fossil fuels under those same conditions. Emissions from burning ECF in an industrial boiler operating under good combustion conditions would be comparable to emissions from burning fuel oil in an industrial boiler operating under the same good combustion conditions because operating a boiler under good combustion conditions, evidenced by carbon monoxide (CO) emissions below 100 ppmv (on an hourly rolling average), assures the destruction of organic compounds generally to trace levels, irrespective of the type or concentration of the organic compound in the feed. Given that ECF (including the hydrocarbon and oxygenate portion) would have legitimate energy value and that emissions from burning ECF are comparable to fuel oil when burned in an industrial boiler under the good combustion conditions typical of such boilers, classifying such material as a fuel product and not as a waste promotes RCRA's resource recovery goals without creating a risk from burning greater than those posed by fossil fuel. Under these circumstances,

EPA can permissibly classify ECF as a non-waste.

**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	11/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

Federal, State

**Additional Information:**

SAN No. 4977; ; EPA Docket information: EPA-HQ-RCRA-2005-0017; <http://www.regulations.gov>

**URL For More Information:**

<http://www.epa.gov/epaoswer/hazwaste/combust/compfuels/exclusion.htm>

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**RIN:** 2050-AG24

**EPA**

**155. DEFINITION OF SOLID WASTES REVISIONS**

**Priority:**

Economically Significant. Major under 5 USC 801.

**Legal Authority:**

42 USC 6903 "RCRA Section 1004"

**CFR Citation:**

40 CFR 261.2

**Legal Deadline:**

None

**Abstract:**

On October 28, 2003 (68 FR 61558), EPA proposed revisions to the definition of solid waste for hazardous secondary materials being reclaimed in a continuous process in the generating industry in an effort to increase the recycling of such materials. The Agency also took comment on a broader proposal to exclude hazardous secondary materials from being a solid waste under RCRA Subtitle C. This proposal was in part prompted by various court decisions about the extent of RCRA jurisdiction over hazardous secondary materials being recycled. In the same notice, the Agency also proposed criteria for determining whether or not hazardous secondary materials are recycled legitimately; the legitimacy criteria would apply to both those hazardous secondary materials that were excluded, as well as those that would remain subject to regulation under Subtitle C of RCRA. EPA received numerous comments on the proposal. In addition, EPA has conducted studies of recycling practices and the circumstances under which recycling of hazardous secondary materials are reclaimed in an environmentally sound manner, as well as when such reclamation has caused environmental problems. Based on the comments received and the new information being made available for public comment, the Agency issued a supplemental proposal on March 26, 2007 (72 FR 14172) to exclude from being a solid waste certain hazardous secondary materials that are reclaimed. We also took comment on revisions being considered to the legitimacy criteria, as well as on a variance process regarding hazardous secondary materials that are recycled.

**Statement of Need:**

EPA is revising the definition of solid waste to increase recycling.

**Summary of Legal Basis:**

Association of Battery Recyclers v. EPA, 203 F. 2d 1047 (D.C. Cir. 2000); American Mining Congress v. EPA, 824 F. 2d 1177 (D.C. Cir. 1987) and other cases.

**Alternatives:**

We have solicited comment in the proposal on several alternative regulatory options, including a broad exclusion for legitimately recycled materials, and are evaluating public comments on all available options.

**Anticipated Costs and Benefits:**

If the exclusions are promulgated as proposed and are adopted by all states, EPA expects this action to result in a net effect of \$107 million in average annual cost savings to about 4600 facilities in 530 industries, and is expected to remove from RCRA regulation 0.65 million tons per year of hazardous secondary materials currently managed as RCRA hazardous waste, and 0.06 million tons (9%) of hazardous waste that is currently disposed (i.e., landfilled or incinerated), which EPA expects may switch to recycling as a result of this rule. The breakdown of net cost savings per exclusion is \$87 million per year for materials recycled onsite, by the same company, or through a tolling arrangement, \$19 million per year for intercompany offsite recycling, and one million per year for case-by-case non-waste determinations. These estimates are within the uncertainty range of \$93 million to \$205 million in annual materials management cost savings, and 0.33 to 1.70 million tons per year in affected hazardous secondary materials, respectively, for the net effect of the proposed regulatory exclusions.

**Risks:**

EPA has conducted three new studies that address the following risk-related questions: (1) How do recyclers ensure that industrial recycling is done in an environmentally safe manner?; (2) to what extent has industrial recycling resulted in past environmental problems?; and (3) are there certain economic forces that can explain environmental problems resulting from such recycling? EPA used these studies in developing our 2007 proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Supplemental NPRM	03/26/07	72 FR 14172
Final Action	07/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

Federal, State

**Additional Information:**

SAN No. 4670.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/October/Day->

28/f26754.htm; Split from RIN 2050-AE98.

**URL For More Information:**

<http://www.epa.gov/epaoswer/hazwaste/dsw/index.htm>

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**RIN:** 2050-AG31

**EPA**

**156. 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. Based on a review of all the information received, EPA has decided not to finalize the policy as proposed in November 2003. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

**Statement of Need:**

Regulatory agencies, municipal operators of wastewater facilities, and representatives of environmental advocacy groups have expressed uncertainty about the appropriate regulatory interpretation for peak wet weather diversions at publicly owned treatment works (POTW) treatment plants serving separate sanitary sewer collection systems. This policy is needed to clarify NPDES permit requirements for such wet weather diversions and to ensure a comprehensive regulatory approach reduces peak wet diversions.

**Summary of Legal Basis:**

33 USC 1251 et seq.

**Alternatives:**

On November 7, 2003, EPA requested public comment on a proposed policy which would have provided an alternative regulatory interpretation. Under the proposed interpretation in the November 7, 2003 proposed policy, a wet weather diversion around biological treatment units that was blended with the wastewaters from the biological units prior to discharge would not have been considered to constitute a prohibited bypass if the six criteria specified in the November 7, 2003 proposed policy were met. EPA received significant public comment on the proposed policy, including over 98,000 comments opposing the policy due to concerns about human health risks. On May 19, 2005, EPA indicated that after consideration of the



comments, the Agency had no intention of finalizing the 2003 proposal. On July 26, 2005, Congress enacted the FY 2006 Department of the Interior, Environment, and Related Agencies Appropriations Act (Pub. L. 109-54). Section 203 of the Appropriations Act provides that none of the funds made available in the Act could be used to finalize, issue, implement or enforce the November 7, 2003 proposed blending policy. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

**Anticipated Costs and Benefits:**

The costs and benefits associated with this policy have not been evaluated.

**Risks:**

The collection and treatment of municipal sewage and wastewater is vital to public health. During significant rain events, high volumes of water entering a sewage collection system can overwhelm the collection system or treatment plant. Operators of wastewater treatment plants must manage these high flows to both ensure the continued operation of the treatment process and to prevent backups and overflows of raw wastewater in basements or city streets. The proposed policy seeks to reduce public health risks by encouraging municipalities to make investments in ongoing maintenance and capital improvements to improve their system's long-term performance.

**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	03/00/08	

**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: 2nd Draft Policy - <http://www.epa.gov/fedrgstr/EPA-WATER/2005/December/Day-22/w7696.htm>; EPA Docket information: EPA-HQ-OW-2005-0523

**Sectors Affected:**

22132 Sewage Treatment Facilities

**URL For More Information:**

[www.epa.gov/npdes](http://www.epa.gov/npdes)

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**RIN:** 2040-AD87

**EPA**

**157. CONCENTRATED ANIMAL FEEDING OPERATION RULE**

**Priority:**

Other Significant

**Legal Authority:**

CWA 301, 304, 306, 307, 308, 402, 501

**CFR Citation:**

40 CFR Part 122; 40 CFR Part 412

**Legal Deadline:**

None

**Abstract:**

This rulemaking is in response to the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance vs. EPA*, which vacated provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR 412. Two vacatures from the case affect the 1) duty that all CAFOs need to apply for an NPDES permit, and 2) provisions that nutrient management plans (NMPs) need only be kept on-site. This rule would remove the duty to apply for all CAFOs and replace it with a requirement for CAFOs to apply for a permit if they discharge or propose to. The rule also would establish a process to address the court's concerns that the information within NMPs be available for public comment, reviewed by the permit authority, and incorporated into the permit. It is EPA's intention to make

only those changes necessary to address the issues raised by the court.

**Statement of Need:**

EPA is revising the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in response to the decision issued by the Second Circuit Court of Appeals in *Waterkeeper Alliance v. EPA*, 399 F.3d 486 (2nd Cir. 2005), which vacated certain aspects of the 2003 CAFO rule and remanded other aspects for clarification. This rule responds to the court's decision while furthering the statutory goal of restoring and maintaining the nation's water quality and effectively ensuring that CAFOs properly manage manure generated by their operations.

**Summary of Legal Basis:**

Congress passed the Federal Water Pollution Control Act (1972), also known as the Clean Water Act (CWA), to "restore and maintain the chemical, physical, and biological integrity of the nation's waters" (33 U.S.C. 1251(a)). Among the core provisions, the CWA establishes the NPDES permit program to authorize and regulate the discharge of pollutants from point sources to waters of the U.S. 33 U.S.C. 1342. Section 502(14) of the CWA specifically includes CAFOs in the definition of the term "point source." Section 502(12) defines the term "discharge of a pollutant" to mean "any addition of any pollutant to navigable waters from any point source" (emphasis added). EPA has issued comprehensive regulations that implement the NPDES program at 40 CFR Part 122. The Act also provides for the development of technology-based and water quality-based effluent limitations that are imposed through NPDES permits to control the discharge of pollutants from point sources. CWA sections 301(a) and (b).

**Alternatives:**

Because this rulemaking is in response to the decision issued by the Second Circuit Court of Appeals in *Waterkeeper Alliance v. EPA* vacating or remanding certain aspects of the 2003 CAFO rule, there are no non-regulatory options that would satisfy the requirements of the court.

**Anticipated Costs and Benefits:**

Since there is no change in technical requirements, changes in impacts on respondents are estimated to result exclusively from changes in the

information collection burden. EPA estimates that CAFOs will experience a net reduction in administrative burden of approximately \$15.4 million due to the court decision. At the same time, however, permitting authorities would have to bear a net \$0.5 million annual increase in administrative burden. In total, the administrative burden under the proposed rule is projected to decline to a total of approximately \$64 million annually for both regulated facilities and permit authorities, which constitutes a reduction of more than \$14.9 million compared to the 2003 CAFO rule.

**Risks:**

None

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/06	71 FR37744
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

Federal, State

**Additional Information:**

SAN No. 4996; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-30/w5773.htm>;

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**RIN:** 2040-AE80

**EPA**

**158. WATER TRANSFERS RULE**

**Priority:**

Other Significant

**Legal Authority:**

33 USC 1251 et seq.

**CFR Citation:**

40 CFR 122.3

**Legal Deadline:**

None

**Abstract:**

This rulemaking addresses the question of whether the National Pollutant Discharge Elimination System (NPDES) permitting program under Section 402 of the Clean Water Act (CWA) is applicable to water control facilities that merely convey or connect navigable waters. For purposes of this action, the term "water transfer" refers to any activity that conveys or connects navigable waters (as that term is defined in the CWA) without subjecting the water to intervening industrial, municipal, or commercial use. This rulemaking focuses exclusively on water transfers and is not relevant to whether any other activity is subject to the CWA permitting requirement.

**Statement of Need:**

This rulemaking is needed to clarify that NPDES permits are generally not required for water transfers. In 2004, this question was presented before the Supreme Court in South Florida Water Management District v. Miccosukee Tribe of Indians. The Court declined to rule directly on the issue and remanded it back to the District Court for further deliberation, generating uncertainty among the potentially regulated community and other stakeholders.

**Summary of Legal Basis:**

33 USC 1251 et seq.

**Alternatives:**

On August 5, 2005, EPA issued a legal memorandum entitled "Agency Interpretation on Applicability of Section 402 of the Clean Water Act to Water Transfers." Based on the statute as a whole, this memo concluded that Congress generally intended for water transfers to be subject to oversight by water resource management agencies and State non-NPDES authorities, rather than the NPDES permitting program. The interpretive memo stated that the Agency would initiate a rulemaking to this effect. The issuance of a rulemaking will provide the greatest certainty for stakeholders.

**Anticipated Costs and Benefits:**

There are no costs and benefits associated with this rulemaking.

**Risks:**

There are no risks associated with this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/06	71 FR 32887
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

State

**Additional Information:**

SAN No. 5040; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-07/w8814.htm>; ; EPA Docket information: EPA-HQ-OW-2006-0141

**URL For More Information:**

[www.epa.gov/npdes/agriculture](http://www.epa.gov/npdes/agriculture)

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**RIN:** 2040-AE86

**EPA**

**159. IMPLEMENTATION GUIDANCE FOR MERCURY WATER QUALITY CRITERIA**

**Priority:**

Other Significant

**Legal Authority:**

33 USC 1251 et seq

**CFR Citation:**

None

**Legal Deadline:**

None

**Abstract:**

In the 2001 Federal Register notice of the availability of EPA's recommended water quality criterion for methylmercury, EPA stated that it would develop associated procedures and guidance for implementing the criterion. For states and authorized tribes exercising responsibility under CWA section 303(c), this document provides technical guidance on how they might want to use the recommended 2001 fish tissue-based criterion to develop and implement their own water quality standards for methylmercury. The guidance addresses topics including adoption and revision of standards, monitoring, waterbody assessment, water quality standards issues, TMDL development, and NPDES permitting. Since atmospheric deposition is considered to be a major source of mercury for many waterbodies, implementing this criterion involves coordination across media and program areas.

**Statement of Need:**

The methylmercury criterion is expressed as a fish and shellfish tissue value, and this raises both technical and programmatic implementation questions. Development of water

quality standards, NPDES permits, and TMDLs present challenges because these activities typically have been based on a water concentration (e.g., as a measure of mercury levels in effluent). This guidance addresses issues associated with states and authorized tribes adopting a fish tissue-based water quality criterion into their water quality standards programs and implementation of the revised water quality criterion in TMDLs and NPDES permits. Further, because atmospheric deposition serves as a large source of mercury for many waterbodies, implementation of the criterion involves coordination across media and program areas.

**Summary of Legal Basis:**

N/A

**Alternatives:**

N/A

**Anticipated Costs and Benefits:**

The costs and benefits associated with this guidance have not been evaluated.

**Risks:**

N/A

**Timetable:**

Action	Date	FR Cite
Final Document	01/00/08	

**Regulatory Flexibility Analysis Required:**

No

**Small Entities Affected:**

No

**Government Levels Affected:**

State, Tribal

**Additional Information:**

SAN No. 5098; FDMS Docket number: 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

**BILLING CODE** 6560-50-S



**AGENDA**



# Federal Register

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**Monday,  
December 10, 2007**

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**Part XIV**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**



## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Ch. I

#### [FRL 8450-9]

EPA-HQ-OA-2007-0658

#### Fall 2007 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](http://www.reginfo.gov) (and also at [www.regulations.gov](http://www.regulations.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 will only be available through an online database and will not be published in the **Federal Register**.

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

“Regulatory Flexibility Agenda” refers to a document about regulations with a significant impact on a substantial number of small entities that will continue to be published in the **Federal Register** because of a requirement of the Regulatory Flexibility Act.

“FR Regulatory Agenda” refers to both of the documents that will continue to be published in the **Federal Register**, The Regulatory Plan and the Regulatory Flexibility Agenda.

“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 the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the E-Agenda. In the future there may be a separate, short introduction to the Regulatory Flexibility Agenda and a longer introduction for the E-Agenda.

**FOR FURTHER INFORMATION CONTACT:** If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda please contact: Phil Schwartz ([schwartz.philip@epa.gov](mailto:schwartz.philip@epa.gov); 202-564-6564) or Caryn Muellerleile ([muellerleile.caryn@epa.gov](mailto:muellerleile.caryn@epa.gov); 202-564-2855); if you have general questions about the regulatory plan contact Caryn Muellerleile; if you have general questions about the Regulatory Flexibility Agenda, contact Joan Rogers ([rogers.joanb@epa.gov](mailto:rogers.joanb@epa.gov); 202-564-6568). If you have questions about the E-Agenda Suggestion Docket, contact Phil Schwartz. If you have questions about EPA’s Action Development Process you may contact Caryn, Joan, or Phil.

**IMPROVING THE E-AGENDA, THE E-AGENDA SUGGESTION DOCKET:** We have created a place for submitting, reviewing and commenting on ideas for how we can improve the usefulness of the EPA E-Agenda Web site. The E-Agenda Suggestion Docket, ID No. EPA-HQ-OA-2007-0658, is available online at [www.regulations.gov](http://www.regulations.gov). See Unit H, below, for details about the Suggestion Docket.

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#### SUPPLEMENTARY INFORMATION:

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##### A. Map of Regulatory Agenda Information

Part of Agenda	Online locations	Federal Register Location
Semiannual Regulatory Agenda (The E-Agenda; the on-line Agenda); 336 entries which includes the Regulatory Plan and the expanded Regulatory Flexibility Agenda (4 entries; 25 data fields/entry)	<a href="http://www.reginfo.gov/">www.reginfo.gov/</a> , <a href="http://www.regulations.gov">www.regulations.gov</a> and <a href="http://www.epa.gov/opei/orpm.html">www.epa.gov/opei/orpm.html</a>	Not in FR
Annual Regulatory Plan (30 entries)	<a href="http://www.reginfo.gov/">www.reginfo.gov/</a> , <a href="http://www.regulations.gov">www.regulations.gov</a> and <a href="http://www.epa.gov/opei/orpm.html">www.epa.gov/opei/orpm.html</a>	Part 2 of today’s issue
Semiannual Regulatory Flexibility Agenda (4 entries; 9 data fields/entry)	<a href="http://www.reginfo.gov/">www.reginfo.gov/</a> , <a href="http://www.regulations.gov">www.regulations.gov</a> and <a href="http://www.epa.gov/opei/orpm.html">www.epa.gov/opei/orpm.html</a>	Part 14 of today’s issue



## EPA

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

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

To ensure that our regulatory decisions are scientifically sound, cost-effective, fair, and effective in achieving environmental goals, we conduct high quality scientific, economic, and policy analyses. These analyses are planned and initiated at early stages in the regulatory development process, so that Agency decisionmakers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to protect the environment, such as: Building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. We seek collaborative solutions to shared challenges. Research, testing, and adoption of new environmental protection methods are also a central tenet in environmental problem solving. The integration of all of these elements via a well-managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective. Our overall success is measured by our effectiveness in protecting human health and the environment. For a more expansive discussion of our regulatory philosophy and priorities, please see the Statement of Priorities in the FY 2008 regulatory plan (<http://epa.gov/opei/orpm.html#agenda>).

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

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

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register** (FR). Information on submitting comments to the rulemaking docket is provided in each of our Notices of Proposed Rulemaking (NPRMs), and we always accept comments through the [regulations.gov](http://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](http://www.epa.gov/publicinvolvement).

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

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

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

The Regulatory Flexibility Agenda normally includes:

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

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- Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. EPA, however, has no rules scheduled for section 610 review until 2008, so there are no 610 reviews included in this Regulatory Flexibility Agenda.

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

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

1. Prerulemaking-Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.
2. Proposed Rule-This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule-This section includes rules that will be issued as a final rule within a year.

The Plan also may include a very limited number of extremely important actions which will be published after October 2008.

We have organized the Regulatory Flexibility Agenda as follows:

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

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

1. Prerulemaking-Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking

(ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule-This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule-This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions-This section includes rulemakings for which the next scheduled regulatory action is after October 2008.
5. Completed Actions-This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2007 agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the Agenda.

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

Regulatory Flexibility Agenda entries include:

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

E-Agenda entries include:

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

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

"economically significant" and "other significant."

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

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

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

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

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

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

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

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

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

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

**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](http://www.regulations.gov). Once there, follow the online instructions to access the docket and submit comments. A Docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the agenda entries that have already been proposed.)

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

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

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

### **G. What Tools for Finding More About EPA Rules and Policies Are Available at EPA.gov, Regulations.gov, and Reginfo.gov?**

#### **1. Public Dockets**

When EPA publishes either an Advanced Notice of Proposed Rulemaking (ANPRM) or a NPRM in the **Federal Register**, the Agency may establish a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the

collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act section 610 reviews of rules with significant impacts on a substantial number of small entities and various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. If there is a docket on a particular action, information about the location will be in that action's Agenda entry. All of EPA's electronic dockets are housed at [www.regulations.gov](http://www.regulations.gov).

#### **2. Subject Matter EPA Web sites**

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

#### **3. Regulatory Agenda Web sites**

If you have access to the Internet, you can use the E-Agenda databases and their accompanying search engines at [www.reginfo.gov/public/do/eAgendaMain](http://www.reginfo.gov/public/do/eAgendaMain) or [www.regulations.gov/](http://www.regulations.gov/). If you have any thoughts or suggestions about the new E-Agenda, please submit them to the E-Agenda Suggestion Docket discussed in unit H, below.

#### **4. Agenda Indexes**

The first five indexes (610 Reviews, Regulatory Flexibility Act analysis Required, Small Entity Impact but Regulatory Flexibility Act analysis not Required, Affect on Government Levels, and Federalism Implications) that used to be published along with the Agenda will no longer appear in the **Federal Register** but each can be created by using the E-Agenda search function at <http://www.reginfo.gov/public/do/eAgendaSearch>. There is a Subject Matter Index, based on the Federal Register Thesaurus of Indexing Terms, in the online E-agenda at <http://www.reginfo.gov/public/do/eAgendaMain>.

#### **5. Listservers**

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

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

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

#### H. How Can You Help Shape the Development of EPA's New E-Agenda Information Tool: Using the E-Agenda Suggestion Docket?

Transitioning to using the Internet as the primary means for conveying Agenda information will open a number of possibilities for providing timelier service and higher quality information. EPA had two reasons for supporting the initiative to make the Internet the primary means for distributing Agenda information: saving money and improving service. By improving service we mean giving you the types of information and organizing and delivering it within our budget constraints in the way that would be most useful and convenient for you.

We're experimenting with an online E-Agenda suggestion docket as a way to involve you in the ongoing process to improve our effectiveness in getting information on rulemakings to the public and to improve public participation in the rulemaking process.

**DATES:** The suggestion docket will remain open for at least six months, but we encourage you to submit your comments as soon as possible.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OA-2007-0658, by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the online instructions for submitting comments.
- Email: [Oei.docket@epa.gov](mailto:Oei.docket@epa.gov)
- Fax: 202-566-9744
- Mail: OA Docket, USEPA, Mailcode: 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460

- EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460

**INSTRUCTIONS:** Direct your suggestions to Docket ID No. EPA-HQ-OA-2007-0658. EPA's policy is that all suggestions received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the suggestion includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at E-Agenda Suggestion 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, and the telephone number for the E-Agenda Suggestion Docket is (202)-566-1752.

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

For each of our rulemakings, we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation. Under RFA/SBREFEA (the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act), the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFEA, please visit the RFA/SBREFEA Web site at <http://www.epa.gov/sbrefa/>. See Index B at the end of the agenda, "Index to Environmental Protection Agency Entries for which a Regulatory Flexibility Analysis Is Required" for a list of these rules. See Index C for a list of the rules that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE). We have no section 610 reviews planned until 2008.

#### J. Thank You for Collaborating With Us.

Finally, we would like to thank those of you who choose to join with us in

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solving the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a proven tool for solving the environmental problems we face and

the regulatory agenda is an important part of that process.

**Dated:** September 14, 2007.

**Louise P. Wise,**

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

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

Sequence Number	Title	Regulation Identifier Number
439	SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment ( <b>Reg Plan Seq No. 147</b> ) .....	2060-AM34

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

**TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
440	SAN No. 3557 Lead-Based Paint; Amendments for Renovation, Repair and Painting ( <b>Reg Plan Seq No. 152</b> ) .....	2070-AC83

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

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

Sequence Number	Title	Regulation Identifier Number
441	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
442	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues .....	2040-AD94

**Environmental Protection Agency (EPA)**

**Final Rule Stage**

**Clean Air Act (CAA)**

**439. CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND EQUIPMENT**

**Regulatory Plan:** This entry is Seq. No. 147 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AM34

**Environmental Protection Agency (EPA)**

**Final Rule Stage**

**Toxic Substances Control Act (TSCA)**

**440. LEAD-BASED PAINT; AMENDMENTS FOR RENOVATION, REPAIR AND PAINTING**

**Regulatory Plan:** This entry is Seq. No. 152 in part II of this issue of the **Federal Register**.

**RIN:** 2070-AC83

The 336 Regulatory Agendas

#### Regional Office Philadelphia - Completed Action

Title	Regulation Identifier Number
E-Cycling Pilot Project for Region 3 States (ECOS); Streamlining RCRA Regulations To Encourage Reuse, Recycling, and Recovery of Electronic Equipment	<a href="#">2003-AA00</a>

#### Regional Office Atlanta - Completed Action

Title	Regulation Identifier Number
Modification to the Public Hearing and Submittal Requirements for State Implementation Plans	<a href="#">2004-AA02</a>

#### Regional Office Denver - Final Rule

Title	Regulation Identifier Number
Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area	<a href="#">2008-AA01</a>

#### Regional Office Denver - Completed Action

Title	Regulation Identifier Number
Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area	<a href="#">2008-AA00</a>

#### Regional Office San Francisco - Final Rule

Title	Regulation Identifier Number
Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	<a href="#">2009-AA00</a>

#### Regional Office San Francisco - Completed Action

Title	Regulation Identifier Number
Source-Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation	<a href="#">2009-AA01</a>
Final Rule to Rescind Federal Implementation Plan for Kennecott Copper Company in White Pine County, Nevada	<a href="#">2009-AA03</a>

#### Office of General Council - Proposed Rule

Title	Regulation Identifier Number
Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	<a href="#">2015-AA00</a>

#### Office of Enforcement and Compliance Assurance - Completed Action

Title	Regulation Identifier Number
Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions	<a href="#">2020-AA42</a>

#### Office of Environmental Information - Final Rule

Title	Regulation Identifier Number
TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals	<a href="#">2025-AA19</a>

#### Office of Environmental Information - Long-term Action

Title	Regulation Identifier Number
Public Information and Confidentiality Regulations	<a href="#">2025-AA02</a>
Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	<a href="#">2025-AA11</a>
TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory	<a href="#">2025-AA16</a>
TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	<a href="#">2025-AA17</a>

#### Office of Environmental Information - Completed Action

Title	Regulation Identifier Number
Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-like Compounds Category Under EPCRA, Section 313	<a href="#">2025-AA12</a>

#### Administration and Resources Management - Proposed Rule

Title	Regulation Identifier Number
Revisions to Acquisition Regulation Concerning Conflict of Interest	<a href="#">2030-AA67</a>
Security Requirements for Toxic Substances Control Act: Confidential Business Information Access for Contractors	<a href="#">2030-AA88</a>
Award Term Contracting	<a href="#">2030-AA89</a>
Accessibility Standards for Contract Deliverables (Section 508)	<a href="#">2030-AA90</a>

#### Administration and Resources Management - Final Rule

Title	Regulation Identifier Number
Incorporation of Class Deviations Into EPAAR	<a href="#">2030-AA37</a>

#### Administration and Resources Management - Completed Action

Title	Regulation Identifier Number
EPA Green Meetings and Conferences	<a href="#">2030-AA95</a>

#### Water - Proposed Rule



<b>Title</b>	<b>Regulation Identifier Number</b>
Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II	<a href="#">2040-AD39</a>
Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters	<a href="#">2040-AD89</a>
Effluent Limitations Guidelines and Standards for Airport Deicing Operations	<a href="#">2040-AE69</a>
Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment	<a href="#">2040-AE74</a>
Drinking Water Regulations for Aircraft Public Water System	<a href="#">2040-AE84</a>
2008 Effluent Guidelines Program Plan	<a href="#">2040-AE89</a>
NPDES Vessel Vacatur	<a href="#">2040-AE93</a>
Supplemental Notice for CAFO Rule Regarding Terms of the Nutrient Management Plan	<a href="#">2040-AE94</a>

### Water - Final Rule

<b>Title</b>	<b>Regulation Identifier Number</b>
NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy	<a href="#">2040-AD87</a>
Drinking Water Contaminant Candidate List 3	<a href="#">2040-AD99</a>
Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	<a href="#">2040-AE60</a>
Concentrated Animal Feeding Operation Rule	<a href="#">2040-AE80</a>
Water Transfers Rule	<a href="#">2040-AE86</a>
Implementation Guidance for Mercury Water Quality Criteria	<a href="#">2040-AE87</a>

### Water - Long-term Action

<b>Title</b>	<b>Regulation Identifier Number</b>
National Primary Drinking Water Regulations: Radon	<a href="#">2040-AA94</a>
Shore Protection Act, Section 4103(b) Regulations	<a href="#">2040-AB85</a>
National Primary Drinking Water Regulations: Aldicarb	<a href="#">2040-AC13</a>
NPDES Applications Revisions	<a href="#">2040-AC84</a>
Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	<a href="#">2040-AC93</a>
NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities	<a href="#">2040-AD02</a>
Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act	<a href="#">2040-AD09</a>
Underground Injection Control: Update of State Programs	<a href="#">2040-AD40</a>
National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	<a href="#">2040-AD54</a>
National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues	<a href="#">2040-AD94</a>
Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	<a href="#">2040-AE61</a>
New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	<a href="#">2040-AE77</a>
Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process	<a href="#">2040-AE82</a>
Availability of and Procedures for Removal Credits	<a href="#">2040-AE88</a>
Second 6--Year Review of Existing National Primary Drinking Water Regulations	<a href="#">2040-AE90</a>
Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category	<a href="#">2040-AE91</a>

**Water - Completed Action**

Title	Regulation Identifier Number
Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Point Source Category, Dissolving Kraft and Dissolving Sulfite Subcategories (Phase III)	<a href="#">2040-AD49</a>
National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications	<a href="#">2040-AE83</a>
Concentrated Animal Feeding Operations--Amendment to the Compliance Dates	<a href="#">2040-AE92</a>

**Solid Waste and Emergency Response - Proposed Rule**

Title	Regulation Identifier Number
RCRA Subtitle C Financial Test Criteria Regulatory Determination	<a href="#">2050-AC71</a>
National Priorities List for Uncontrolled Hazardous Waste Sites	<a href="#">2050-AD75</a>
Management of Cement Kiln Dust (CKD)	<a href="#">2050-AE34</a>
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	<a href="#">2050-AF08</a>
Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule	<a href="#">2050-AG16</a>
NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis)	<a href="#">2050-AG29</a>
Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts	<a href="#">2050-AG34</a>
CERCLA/EPCRA Notification Requirements and the Agricultural Sector	<a href="#">2050-AG37</a>
Amendment to the Universal Waste Rule: Addition of Pharmaceuticals	<a href="#">2050-AG39</a>

**Solid Waste and Emergency Response - Final Rule**

Title	Regulation Identifier Number
Emergency Planning and Community Right-to-Know Act: Amendments to Parts 355 and 370	<a href="#">2050-AE17</a>
Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	<a href="#">2050-AE51</a>
Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas	<a href="#">2050-AE78</a>
Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)	<a href="#">2050-AG15</a>
Expanding the Comparable Fuels Exclusion Under RCRA	<a href="#">2050-AG24</a>
Definition of Solid Wastes Revisions	<a href="#">2050-AG31</a>
NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)	<a href="#">2050-AG35</a>
Waste Management System; Testing and Monitoring Activities; Methods Innovation Rule; Correction	<a href="#">2050-AG38</a>

**Solid Waste and Emergency Response - Long-term Action**

Title	Regulation Identifier Number
Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	<a href="#">2050-AE23</a>
Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers	<a href="#">2050-AE81</a>
Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	<a href="#">2050-AE87</a>
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	<a href="#">2050-AE93</a>
Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Availability of Information to the Public; Technical Amendment	<a href="#">2050-AE95</a>
RCRA Smarter Waste Reporting	<a href="#">2050-AF01</a>
Correction of Errors and Adjustment of CERCLA Reportable Quantities	<a href="#">2050-AF03</a>
Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories	<a href="#">2050-AG18</a>
Hazardous Waste Manifest Revisions--Standards and Procedures for Electronic Manifests	<a href="#">2050-AG20</a>
National Contingency Plan Revisions To Align With the National Response Plan	<a href="#">2050-AG22</a>
Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule	<a href="#">2050-AG40</a>

### Solid Waste and Emergency Response - Completed Action

Title	Regulation Identifier Number
Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	<a href="#">2050-AE62</a>
Criteria for Safe and Environmentally Protective Use of Granular Mine Tailings	<a href="#">2050-AG27</a>
Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Requirements--Extension of Compliance Dates	<a href="#">2050-AG36</a>

### Air and Radiation - PreRule

Title	Regulation Identifier Number
Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant	<a href="#">2060-AN49</a>
Review of the National Ambient Air Quality Standards for Lead	<a href="#">2060-AN83</a>
Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers	<a href="#">2060-AO29</a>
Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder	<a href="#">2060-AO38</a>
New Source Performance Standards (NSPS) Review Strategy	<a href="#">2060-AO60</a>
Opportunity To Provide Feedback to the Agency on Emissions Standards for Stationary Diesel Engines	<a href="#">2060-AO73</a>

### Air and Radiation - Proposed Rule

Title	Regulation Identifier Number
Amendments to Method 24 (Water-Based Coatings)	<a href="#">2060-AF72</a>
Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	<a href="#">2060-AH63</a>
Technical Change to Dose Methodology	<a href="#">2060-AH90</a>
General Conformity Regulations; Revisions	<a href="#">2060-AH93</a>
National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments	<a href="#">2060-AI62</a>
Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	<a href="#">2060-AJ61</a>
Performance Specifications for Continuous Parameter Monitoring Systems	<a href="#">2060-AJ86</a>
Performance-Based Measurement System For Fuels: Criteria for Self-Qualifying Alternative Test Methods; Description of Optional Statistical Quality Control Measures	<a href="#">2060-AK03</a>
Petition to Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate	<a href="#">2060-AK84</a>
Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	<a href="#">2060-AM09</a>
NESHAP: Area Source Standards--Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing	<a href="#">2060-AM12</a>
NESHAP: Area Source Standards for Miscellaneous Chemical Manufacturing	<a href="#">2060-AM19</a>
Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries	<a href="#">2060-AM36</a>
NESHAP: Area Source Standards--Plating and Polishing	<a href="#">2060-AM37</a>
Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers	<a href="#">2060-AM44</a>
Flexible Air Permit Rule	<a href="#">2060-AM45</a>
Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use with Substitute Refrigerants	<a href="#">2060-AM49</a>
Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	<a href="#">2060-AM55</a>
Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods To Improve Such Monitoring	<a href="#">2060-AM63</a>
NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing--Area Source	<a href="#">2060-AM71</a>
NESHAP: Defense Land Systems and Miscellaneous Equipment	<a href="#">2060-AM84</a>
Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions	<a href="#">2060-AM91</a>
Implementing Periodic Monitoring in Federal and State Operating Permit Programs	<a href="#">2060-AN00</a>
NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations--Area Sources (Includes Autobody, Paint Stripping, and Miscellaneous Coating Plastic Parts)	<a href="#">2060-AN21</a>
Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas	<a href="#">2060-AN30</a>
NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments	<a href="#">2060-AN33</a>
NESHAP: Site Remediation Amendments--Response to Litigation	<a href="#">2060-AN36</a>
NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments	<a href="#">2060-AN37</a>
Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.	<a href="#">2060-AN48</a>
Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Products	<a href="#">2060-AN58</a>
Revisions to the Definition of Potential to Emit (PTE)	<a href="#">2060-AN65</a>
National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing; Amendments	<a href="#">2060-AN80</a>
Risk and Technology Review Phase II Group 2	<a href="#">2060-AN85</a>
Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval	<a href="#">2060-AN93</a>
Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska	<a href="#">2060-AN94</a>
NESHAP: Mercury Cell Chlor-Alkali Plants--Amendments	<a href="#">2060-AN99</a>
NESHAP: Miscellaneous Organic Chemical Manufacturing--Amendments	<a href="#">2060-AO07</a>

Air Quality Index Reporting and Significant Harm Level for PM2.5	<a href="#">2060-AO11</a>
NESHAP: Ferroalloys Production--Area Source Standards	<a href="#">2060-AO13</a>
NESHAP: Portland Cement Notice of Reconsideration	<a href="#">2060-AO15</a>
Risk and Technology Review for Group 1: Polymers & Resins I; Polymers & Resins II, Acetal Resins, and Hydrogen Fluoride	<a href="#">2060-AO16</a>
Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of Family of Four Hydrofluoropolyethers (HFPEs) and HFE-347pc-f	<a href="#">2060-AO17</a>
Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)	<a href="#">2060-AO23</a>
Prevention of Significant Deterioration for PM2.5--Increments, Significant Impact Levels, and Significant Monitoring Concentrations	<a href="#">2060-AO24</a>
Revision of Hearing-Protector Regulations	<a href="#">2060-AO25</a>
NESHAP--Area Source Standards--Nine Metal Fabrication and Finishing Source Categories (12 SIC's, 25 NAICS Codes)	<a href="#">2060-AO27</a>
Protection of Stratospheric Ozone: Extension of Global Lab and Analytical Use Exemption for Essential Class I Ozone Depleting Substances	<a href="#">2060-AO28</a>
Review of New Source Performance Standards--Nonmetallic Minerals	<a href="#">2060-AO41</a>
Review of New Source Performance Standards--Portland Cement	<a href="#">2060-AO42</a>
Review of New Source Performance Standards (Subpart UUU)--Mineral Dryers/Calciners	<a href="#">2060-AO43</a>
Public Notification of Upcoming Revisions to State Implementation Plans	<a href="#">2060-AO49</a>
Measurement of PM 2.5 and PM 10 Emissions by Dilution Sampling	<a href="#">2060-AO50</a>
Rulemaking To Address Greenhouse Gas Emissions From Motor Vehicles	<a href="#">2060-AO56</a>
Standards of Performance for Coal Preparation Plants: Amendments	<a href="#">2060-AO57</a>
Amend Methods 201a and 202 To Improve Measurement of Fine PM	<a href="#">2060-AO58</a>
Clarification of Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units	<a href="#">2060-AO61</a>
Federal Plan Requirements for Large Municipal Waste Combustors Constructed On or Before September 20, 1994	<a href="#">2060-AO63</a>
Pulp and Paper Sector Model Rule	<a href="#">2060-AO67</a>
Protection of Stratospheric Ozone: Labeling of Products Using HCFCs	<a href="#">2060-AO68</a>
Adoption of International NOx Standard for Aircraft Engines	<a href="#">2060-AO70</a>

### Air and Radiation - Final Rule

Title	Regulation Identifier Number
NSPS: SOCMI--Wastewater Amendment	<a href="#">2060-AE94</a>
Review of New Sources and Modifications in Indian Country	<a href="#">2060-AH37</a>
Importation of Nonconforming Vehicles; Amendments to Regulations	<a href="#">2060-AI03</a>
Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	<a href="#">2060-AJ82</a>
Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	<a href="#">2060-AK26</a>
NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	<a href="#">2060-AK54</a>
California Gasoline Technical Correction	<a href="#">2060-AK56</a>
Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	<a href="#">2060-AK69</a>
National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines--Petition To Delist	<a href="#">2060-AK73</a>
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting	<a href="#">2060-AL75</a>
Alternative Work Practice for Leak Detection and Repair	<a href="#">2060-AL98</a>
Control of Emissions from New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder	<a href="#">2060-AM06</a>
NESHAP and NSPS for Municipal Solid Waste Landfills--Amendments	<a href="#">2060-AM08</a>
NESHAP: Area Source Standards--Ethylene Oxide Hospital Sterilization	<a href="#">2060-AM14</a>

Control of Emissions From Nonroad Spark-Ignition Engines and Equipment	<a href="#">2060-AM34</a>
Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	<a href="#">2060-AM46</a>
Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	<a href="#">2060-AM54</a>
NESHAP: Gasoline Distribution Area Source Standards	<a href="#">2060-AM74</a>
NESHAP: General Provisions (Once In Always In)--Amendments	<a href="#">2060-AM75</a>
Standards of Performance for Stationary Spark-Ignited Internal Combustion Engines	<a href="#">2060-AM81</a>
NESHAP: Iron and Steel Foundries; Amendments	<a href="#">2060-AM85</a>
Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport	<a href="#">2060-AN12</a>
Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada	<a href="#">2060-AN15</a>
Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program	<a href="#">2060-AN16</a>
Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments	<a href="#">2060-AN17</a>
Revisions to Air Emissions Reporting Requirements	<a href="#">2060-AN20</a>
Review of the National Ambient Air Quality Standards for Ozone	<a href="#">2060-AN24</a>
Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification	<a href="#">2060-AN26</a>
Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units	<a href="#">2060-AN28</a>
Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004	<a href="#">2060-AN43</a>
NESHAP: Area Source Standards--Reciprocating Internal Combustion Engines	<a href="#">2060-AN62</a>
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	<a href="#">2060-AN63</a>
National Volatile Organic Compound Emission Standards for Aerosol Coatings	<a href="#">2060-AN69</a>
New Source Performance Standards (NSPS): Equipment Leaks--Subparts VV & GGG	<a href="#">2060-AN71</a>
Petroleum Refineries--New Source Performance Standards (NSPS)--Subpart J	<a href="#">2060-AN72</a>
Revision to Definition of Volatile Organic Compounds--Exclusion of Two Compounds	<a href="#">2060-AN75</a>
Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)	<a href="#">2060-AN82</a>
Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5	<a href="#">2060-AN86</a>
Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	<a href="#">2060-AN87</a>
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reasonable Possibility in Recordkeeping	<a href="#">2060-AN88</a>
Clean Air Mercury Rule: Federal Plan	<a href="#">2060-AN98</a>
Refinement to Increment Modeling Procedures	<a href="#">2060-AO02</a>
National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations--Amendment	<a href="#">2060-AO03</a>
Hospital/Medical/Infectious Waste Incineration Units--Response to Remand and 5-Year Technology Review	<a href="#">2060-AO04</a>
Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact	<a href="#">2060-AO05</a>
Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs)	<a href="#">2060-AO18</a>
Change in Regulatory Deadline for Rulemaking To Address the Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder	<a href="#">2060-AO26</a>
Protection of the Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide	<a href="#">2060-AO30</a>
Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides, Subparts H and I	<a href="#">2060-AO31</a>
Protection of Stratospheric Ozone: Revision of Refrigerant Recycling and Recovery Equipment Standards	<a href="#">2060-AO32</a>
Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections	<a href="#">2060-AO36</a>
Nonroad Diesel Technical Amendments	<a href="#">2060-AO37</a>

Recommended Test Methods for State Implementation Plans, Addition of Method 207, "Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources"	<a href="#">2060-AO39</a>
Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008	<a href="#">2060-AO44</a>
Revisions to Consolidated Federal Air Rule	<a href="#">2060-AO45</a>
Addition of Method 208, Protocol for the Source Testing, Analysis, and Reporting of VOC Emissions From Hot Mix Asphalt Plant Dryers	<a href="#">2060-AO51</a>
National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Corrections	<a href="#">2060-AO52</a>
National Emission Standards for Hazardous Air Pollutants: Appendix A--Test Methods; Amendments to Method 301	<a href="#">2060-AO53</a>
Petroleum Refinery Residual Risk Standards	<a href="#">2060-AO55</a>
Interpretation of the National Ambient Air Quality Standards for PM2.5--Correcting and Simplifying Amendment	<a href="#">2060-AO59</a>
In-Use Testing for Heavy-Duty Diesel Engines and Vehicles	<a href="#">2060-AO69</a>
Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel	<a href="#">2060-AO71</a>
Performance Specification 16--Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources	<a href="#">2060-AO74</a>

### Air and Radiation - Long-term Action

Title	Regulation Identifier Number
Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	<a href="#">2060-AH01</a>
Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements	<a href="#">2060-AH23</a>
Transportation Conformity Rule Amendment: Clarification of Trading Provisions	<a href="#">2060-AH31</a>
NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins--Amendments	<a href="#">2060-AH47</a>
Review of the National Ambient Air Quality Standards for Carbon Monoxide	<a href="#">2060-AI43</a>
Inspection/Maintenance Program Requirements for Federal Facilities	<a href="#">2060-AI97</a>
Section 126 Rule Withdrawal Provision	<a href="#">2060-AK41</a>
Section 126 Rule: Withdrawal of Findings for Sources in Michigan	<a href="#">2060-AL83</a>
Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")	<a href="#">2060-AL84</a>
Control of Emissions of Air Pollution From New Motor Vehicles: On-Board Diagnostic Requirments for Heavy-Duty Engines and Vehicles Above 14,000 Pounds & In-Use, Not-To-Exceed Emission Standard Testing	<a href="#">2060-AL92</a>
Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	<a href="#">2060-AL94</a>
Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	<a href="#">2060-AM20</a>
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments	<a href="#">2060-AM62</a>
NESHAP: Taconite Iron Ore Processing; Amendments	<a href="#">2060-AM87</a>
Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks and Heavy Duty Vehicles	<a href="#">2060-AN01</a>
Optional Chassis Certification for Diesel Vehicles	<a href="#">2060-AN39</a>
NESHAP: Area Source Standards--Chemical Preparations Industry	<a href="#">2060-AN46</a>
NESHAP: Area Source Standards--Paint and Allied Products	<a href="#">2060-AN47</a>
Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule	<a href="#">2060-AN68</a>
Defect Reporting for On-Highway Motor Vehicles and Engines	<a href="#">2060-AN73</a>
Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines	<a href="#">2060-AO12</a>
Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide	<a href="#">2060-AO19</a>
Review of the National Ambient Air Quality Standards for Particulate Matter	<a href="#">2060-AO47</a>
Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide	<a href="#">2060-AO48</a>
NESHAP: Aviation Gasoline Distribution MACT Standards	<a href="#">2060-AO62</a>



National Emissions Standards for Asbestos--Amendments	<a href="#">2060-AO64</a>
Plywood and Composite Wood Products (PCWP) NESHAP--Amendments To Address "No Emission Reduction" MACT Floors	<a href="#">2060-AO66</a>
Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur	<a href="#">2060-AO72</a>

### Air and Radiation - Completed Action

Title	Regulation Identifier Number
Modification of Anti-Dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska, and the U.S. Territories	<a href="#">2060-AK02</a>
NESHAP: Halogenated Solvent Cleaning--Residual Risk Standards	<a href="#">2060-AK22</a>
Clean Air Fine Particle Implementation Rule	<a href="#">2060-AK74</a>
Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon From DOE Facilities	<a href="#">2060-AK81</a>
Area Source NESHAP for Secondary Nonferrous Metals	<a href="#">2060-AM70</a>
NESHAP: Surface Coating of Automobiles and Light-Duty Trucks; Amendments	<a href="#">2060-AN10</a>
Notice for Information on Determining the Emissions Reductions Achieved From Limiting the VOC Content of Architectural Coatings	<a href="#">2060-AN42</a>
NESHAP: Acrylic/Modacrylic Fibers, Chemical Manufacturing: Chromium Compounds, Flexible Foam Fabrication and Foam Production, Carbon Black Production, Lead Acid Battery Manufacturing, Wood Preserving	<a href="#">2060-AN44</a>
Transition to New or Revised Particulate Matter (PM) (NAAQS)	<a href="#">2060-AN59</a>
Renewable Fuels Standard Rule	<a href="#">2060-AN76</a>
Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the "Major Emitting Facility" Definition	<a href="#">2060-AN77</a>
Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007	<a href="#">2060-AN81</a>
Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Revisions to Initial Performance Test Provisions	<a href="#">2060-AN84</a>
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Removal of Vacated Elements	<a href="#">2060-AN92</a>
Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units	<a href="#">2060-AN97</a>
Phase 2 of the Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard--Notice of Reconsideration	<a href="#">2060-AO00</a>
Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Amendments to Related Mercury Monitoring Provisions	<a href="#">2060-AO01</a>
Ambient Air Monitoring Regulations: Correcting and Other Amendments	<a href="#">2060-AO06</a>
Update of Continuous Instrumental Test Methods: Technical Amendments	<a href="#">2060-AO09</a>
Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances--N-Propyl Bromide in Solvent Cleaning	<a href="#">2060-AO10</a>
Consumer and Commercial Products, Group III: Control Techniques Guidelines in Lieu of Regulations for Paper, Film and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings	<a href="#">2060-AO14</a>
Revisions to Cogeneration Unit Definition Under CAIR and CAMR and Corrections to CAIR and Acid Rain Program Rules	<a href="#">2060-AO33</a>
Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area	<a href="#">2060-AO34</a>
Update of Test Procedure Schedule for All Terrain Vehicles	<a href="#">2060-AO35</a>
Response to Reconsideration Regarding NESHAP Startup, Shutdown, and Malfunction Amendments	<a href="#">2060-AO40</a>
NESHAP: Primary Copper Smelting and Secondary Copper Smelting--Amendments	<a href="#">2060-AO46</a>
Clean Air Interstate Rule (CAIR) and CAIR Federal Implementation Plans: Corrections	<a href="#">2060-AO54</a>
Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products	<a href="#">2060-AO65</a>

Title	Regulation Identifier Number
Future Testing for Existing Chemicals (Overview Entry)	<a href="#">2070-AB94</a>
Endocrine Disruptor Screening Program (EDSP); Implementing the Screening and Testing Phase	<a href="#">2070-AD61</a>
Nanoscale Materials Under TSCA	<a href="#">2070-AJ30</a>
Test Rule: Nonylphenol (NP) and Its Ethoxylates (NPE)	<a href="#">2070-AJ34</a>

#### Office of Prevention, Pesticides and Toxic Substances - Proposed Rule

Title	Regulation Identifier Number
Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	<a href="#">2070-AD16</a>
Pesticides; Data Requirements for Antimicrobials	<a href="#">2070-AD30</a>
Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	<a href="#">2070-AD48</a>
Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues	<a href="#">2070-AD52</a>
TSCA Inventory Nomenclature for Enzymes and Proteins	<a href="#">2070-AJ04</a>
Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA	<a href="#">2070-AJ15</a>
Pesticides; Competency Standards for Occupational Users	<a href="#">2070-AJ20</a>
Clarification on TSCA Inventory Status of Activated Phosphors	<a href="#">2070-AJ21</a>
Pesticides; Agricultural Worker Protection Standard Revisions	<a href="#">2070-AJ22</a>
Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)	<a href="#">2070-AJ27</a>
Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	<a href="#">2070-AJ32</a>
Plant-Incorporated Protectant--Fusion Proteins (PIP-FPs)	<a href="#">2070-AJ33</a>

#### Office of Prevention, Pesticides and Toxic Substances - Final Rule

Title	Regulation Identifier Number
Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	<a href="#">2070-AA59</a>
TSCA Section 8(a) Preliminary Assessment Information Rules	<a href="#">2070-AB08</a>
TSCA Section 8(d) Health and Safety Data Reporting Rules	<a href="#">2070-AB11</a>
Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	<a href="#">2070-AB27</a>
Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	<a href="#">2070-AB79</a>
Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	<a href="#">2070-AC21</a>
TSCA; Refractory Ceramic Fibers (RCFs)	<a href="#">2070-AC37</a>
Groundwater and Pesticide Management Plan Rule	<a href="#">2070-AC46</a>
Lead-Based Paint; Amendments for Renovation, Repair and Painting	<a href="#">2070-AC83</a>
Voluntary High Production Volume (HPV) Chemical Challenge Program	<a href="#">2070-AD25</a>
Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers	<a href="#">2070-AD58</a>
Testing Agreement for Perfluorooctanoic Acid (PFOA)	<a href="#">2070-AJ06</a>
Testing Agreement for Diethanolamine	<a href="#">2070-AJ09</a>
Testing Agreement for Hydrogen Fluoride	<a href="#">2070-AJ10</a>
Testing Agreement for Phthalic Anhydride	<a href="#">2070-AJ11</a>
Testing Agreement for Maleic Anhydride	<a href="#">2070-AJ13</a>
Pesticides; Expansion of Crop Grouping Program	<a href="#">2070-AJ28</a>

Significant New Use Rule for Chloranil	<a href="#">2070-AJ31</a>
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#### Office of Prevention, Pesticides and Toxic Substances - Long-term Action

Title	Regulation Identifier Number
Follow-Up Rules on Existing Chemicals	<a href="#">2070-AA58</a>
Voluntary Children's Chemical Evaluation Program (VCCEP)	<a href="#">2070-AC27</a>
Asbestos Model Accreditation Plan Revisions	<a href="#">2070-AC51</a>
Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule	<a href="#">2070-AC64</a>
Test Rule; Hazardous Air Pollutants (HAPs)	<a href="#">2070-AC76</a>
Test Rule; Certain Metals	<a href="#">2070-AD10</a>
Pesticides; Registration Requirements for Antimicrobial Pesticide Products	<a href="#">2070-AD14</a>
Testing Agreement for Certain Oxygenated Fuel Additives	<a href="#">2070-AD28</a>
Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	<a href="#">2070-AD44</a>
Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes	<a href="#">2070-AD49</a>
TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	<a href="#">2070-AD53</a>
Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	<a href="#">2070-AD55</a>
Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	<a href="#">2070-AD56</a>
Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing	<a href="#">2070-AD64</a>
Testing Agreement for Aryl Phosphates (ITC List 2)	<a href="#">2070-AJ07</a>
Test Rule; Brominated Flame Retardants (BFRs)	<a href="#">2070-AJ08</a>
Pesticides; Tolerance Processing Fees	<a href="#">2070-AJ23</a>
Pesticides; Determination of Status of Prions as Pests	<a href="#">2070-AJ26</a>
Pesticide Agricultural Container Recycling Program	<a href="#">2070-AJ29</a>

#### Office of Prevention, Pesticides and Toxic Substances - Completed Action

Title	Regulation Identifier Number
Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption	<a href="#">2070-AB20</a>
Pesticides; Data Requirements for Conventional Chemicals	<a href="#">2070-AC12</a>
Pesticides; Data Requirements for Biochemical and Microbial Products	<a href="#">2070-AD51</a>
Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD)	<a href="#">2070-AJ05</a>
Significant New Use Rule, Perfluoroalkyl Sulfonates (PFAS)	<a href="#">2070-AJ18</a>
Significant New Use Rule (SNUR); Elemental Mercury in Certain Motor Vehicle Switches	<a href="#">2070-AJ19</a>
Polychlorinated Biphenyls (PCBs); Transfer of Cleanup and Disposal Program From OPPTS to OSWER	<a href="#">2070-AJ35</a>

#### Office of Research and Development - Final Rule

Title	Regulation Identifier Number
A Revision to the Budget Period Limitation for Research Grants and Cooperative Agreements	<a href="#">2080-AA12</a>

#### Office of the Administrator - Proposed Rule

Title	Regulation Identifier Number
Age Discrimination Regulations--EPA-Assisted Programs--Age Discrimination Act of 1975	<a href="#">2090-AA37</a>

**Office of the Administrator - Final Rule**

Title	Regulation Identifier Number
Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements	<a href="#">2090-AA38</a>

**Office of the Administrator - Long-term Action**

Title	Regulation Identifier Number
RCRA Incentives for Performance Track Members	<a href="#">2090-AA34</a>

**Office of the Administrator - Completed Action**

Title	Regulation Identifier Number
Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I--II)	<a href="#">2090-AA27</a>
Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York	<a href="#">2090-AA29</a>

**Environmental Protection Agency (EPA)  
Regional Office Philadelphia ( ROPHILA )**

RIN: 2003-AA00

**Title:** E-Cycling Pilot Project for Region 3 States (ECOS); Streamlining RCRA Regulations To Encourage Reuse, Recycling, and Recovery of Electronic Equipment

**Abstract:** This project originally was the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six State environmental agencies. As part of the partnership agreement, the Region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. The direct final was withdrawn because there were adverse comments on the rule. Originally, this regional rule was to be used as a model for electronic recycling nationwide. However, the usefulness of this rule as a pilot project was overtaken by the promulgation of EPA's national cathode ray tube (CRTs) exclusion from the definition of solid waste. CRTs are the video display components of televisions and computer monitors. Upon issuance of the national CRT rule on July 28, 2006 (71 FR 42928), this project was terminated. No work has been done on this project since the promulgation of the CRT rule.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 261.4(a)(24); 40 CFR 261.40 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	12/26/2002	67 FR 78718
NPRM	12/26/2002	67 FR 78761
Other	02/24/2003	68 FR 8553
Withdrawn	07/28/2006	71 FR 42927

**Additional Information:** SAN No. 4701; Action withdrawn upon issuance of the national CRT rule 07/28/2007 (71 FR 42928).; EPA publication information: NPRM - [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002\\_register&docid=fr26de02-26.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr26de02-26.pdf);

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Regional Office Atlanta ( ROATLANTA )****RIN:** 2004-AA02

**Title:** Modification to the Public Hearing and Submittal Requirements for State Implementation Plans

**Abstract:** The current regulation as written requires States to hold public hearings for any revision to State implementation plans. States currently hold public hearings whether or not the public attends and participates in these hearings. Many of these plan revisions are minor or noncontroversial in nature, and no member of the public or the regulated community attends or participates in the hearing. These hearings consume both valuable time and resources. Rather than requiring a public hearing for all SIP revisions, the proposed revision will allow States to determine those actions for which there may be little or no interest by the public or the regulated community and, for those actions, to provide the public the opportunity to request a public hearing. If no request for public hearing is made, then the State would have fulfilled the requirements and no public hearing is required to be held. Whether or not a public hearing is held, the State is required to provide a 30-day period for the written submission of comments from the public. EPA believes this rule revision will have no effect on public participation in the rulemaking process, but will help State agencies reduce costs by not needing to pay for facilities for public hearings for which no one is interested in attending and participating. In addition, it will increase efficiency by allowing limited staff resources to be devoted to productive activities rather than staffing a hearing that is not attended. This proposed revision will also establish the minimum required number of electronic (1) and hard copies (2) to be submitted with all official SIP submittals or preliminary requests for EPA review from the current requirement of submitting five hard copies. With today's use of electronic processing and the use of the Internet these revisions align the regulatory requirements with the way States and EPA interact and with the way information is made available to the public. Rulemaking dockets are now available electronically, providing greater access to the public because there are no geographic or time limits on where or when documents may be obtained. Previously, when the dockets were comprised solely of hard copies of documents, the public needed to travel to specified locations to review the docket and the docket was available only during business hours. These revisions will reduce costs for States but will not interfere with the public's access to SIP revisions being reviewed by EPA. Rather, as described above, the availability of electronic files simplifies access for the public. Since the promulgation of 40 CFR EPA Regional Offices 3, 4, 7 and 8 have relocated. EPA is updating addresses to provide the public with the current address.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51.102(a) and (f), 51.103, 40 CFR 52.0 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 23 USC 101; 42 USC 7401 to 7641q

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/13/2007	72 FR 11307
Final Action	07/16/2007	72 FR 38787

**Additional Information:** SAN No. 5113; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-13/a4563.pdf>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Local; State

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Regional Office Denver ( RODENVER )****RIN:** 2008-AA01

**Title:** Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO<sub>2</sub>) Area

**Abstract:** The State of Montana submitted a sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) for the Billings/Laurel, Montana area. On May 2, 2002 and May 22, 2003 we partially and limitedly approved and partially and limitedly disapproved Montana's SO<sub>2</sub> SIP for Billings/Laurel. EPA proposed a Federal Implementation Plan (FIP) on July 12, 2006, to cover those parts of the State's plan we disapproved. EPA's FIP will assure that the Billings/Laurel area will attain and maintain the SO<sub>2</sub> NAAQS.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/2006	71 FR 39259
Final Action	11/00/2007	

**Additional Information:** SAN No. 5161; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-12/a6096.htm>; This action is merged with RIN 2008-AA00, SAN 4542

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** Business      **Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Regional Office Denver ( RODENVER )**

**RIN:** 2008-AA00

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**Title:** Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO<sub>2</sub>) Area

**Abstract:** The State of Montana submitted a sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) for the Billings/Laurel, Montana area. On May 2, 2002 and May 22, 2003 we partially and limitedly approved and partially and limitedly disapproved Montana's SO<sub>2</sub> SIP for Billings/Laurel. EPA intends to propose a Federal Implementation Plan (FIP) to cover those parts of the State's plan we disapproved. EPA's FIP will assure that the Billings/Laurel area will attain and maintain the SO<sub>2</sub> NAAQS.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/2006	71 FR 39259
Withdrawn	08/29/2007	

**Additional Information:** SAN No. 4542; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-12/a6096.htm>; This action is being merged with RIN 2008-AA01, SAN 5161.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 32411

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**Environmental Protection Agency (EPA)  
Regional Office San Francisco ( ROSANFRAN )****RIN:** 2009-AA00**Title:** Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation**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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 49 CFR 123 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA 301(d)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/08/1999	64 FR 48725
Notice	01/26/2000	65 FR 4244
Other	09/12/2006	71 FR 53639
Final Action	01/00/2008	

**Additional Information:** SAN No. 4315; Formerly listed as RIN 2060-A179; EPA Docket information: epa-r09-oar-2006-0185**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Rebecca Rosen Environmental Protection Agency

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**Environmental Protection Agency (EPA)  
Regional Office San Francisco ( ROSANFRAN )**

RIN: 2009-AA01

**Title:** Source-Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation

**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.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 1740

**Legal Deadline:**

Action	Source	Date
Other	Judicial	04/30/2007

**Timetable:**

Action	Date	FR Cite
Other	09/12/2006	71 FR 53631
Final Action	05/07/2007	72 FR 25696

**Additional Information:** SAN No. 3569; EPA publication information: Reproposal - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-12/a15097.pdf>; NPRM- <http://www.epa.gov/fedrgstr/EPA-AIR/1999/September/Day-08/a23277.htm>; Formerly listed as RIN 2060-AF42

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
Regional Office San Francisco ( ROSANFRAN )**

RIN: 2009-AA03

**Title:** Final Rule to Rescind Federal Implementation Plan for Kennecott Copper Company in White Pine County, Nevada

**Abstract:** This final Federal Register action rescinds the Federal Implementation Plan for the control of fugitive sulfur oxide emissions from the Kennecott Copper Company in White Pine County, Nevada. In a letter dated February 16, 2005, the Nevada Department of Environmental Protection requested the rescission of this Federal Implementation Plan. In 1993, the last vestige of the Kennecott Copper Company was removed from the area. As a result of the elimination of the source, the Federal Implementation Plan provisions are obsolete and can be removed from the applicable Nevada State Implementation Plan. We proposed to approve this rescission on August 28, 2006, and received no adverse comments on the proposal.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7410 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/2006	71 FR 50875
Final Action	06/13/2007	72 FR 32529

**Additional Information:** SAN No. 5134; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-28/a14214.pdf>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Office of General Council ( OGC )

**RIN:** 2015-AA00

**Title:** Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations

**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 30 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 164 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 7 USC 136a(c) to 136a(d); 7 USC 136b(d) to 136b(f); 7 USC 136d(b) to 7 USC 136d(e); 7 USC 136w(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	06/00/2008	

**Additional Information:** SAN No. 4618; Previous listed as RIN 2020-AA44.

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 112; 111; 32532

**Related RINs:** Previously Reported as 2020-AA44

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### Environmental Protection Agency (EPA)

#### Office of Enforcement and Compliance Assurance ( OECA )

**RIN:** 2020-AA42

**Title:** Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions

**Abstract:** The Environmental Protection Agency is proposing to amend its procedures for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA). The proposed rule would also include minor, technical amendments to the Agency's procedures for implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 6 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 4321

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/2006	71 FR 76082
Final Action	09/19/2007	72 FR 53652

**Additional Information:** SAN No. 4292; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2006/December/Day-19/g21402.pdf>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
Office of Environmental Information ( OEI )**

**RIN:** 2025-AA19

**Title:** TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals

**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, and 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 372 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 11013 EPCRA 313

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	05/00/2008	

**Additional Information:** SAN No. 2425.3; EPA publication information: Response-Acetonitrile (Request to Delete); 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).

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/tri](http://www.epa.gov/tri)

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**Environmental Protection Agency (EPA)  
Office of Environmental Information ( OEI )****RIN:** 2025-AA02**Title:** Public Information and Confidentiality Regulations

**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.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

**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 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**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

**Legal Deadline:**

Action	Source	Date
NPRM	Statutory	08/31/2000

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Other	11/23/1994	59 FR 60446
Other	10/25/1999	64 FR 57421
Other	12/21/1999	64 FR 71366
Other	08/30/2000	65 FR 52684
ANPRM	12/21/2000	65 FR 80394

**Additional Information:** SAN No. 3240;**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal

**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Sara Hisel-McCoy Environmental Protection Agency

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**Environmental Protection Agency (EPA)  
Office of Environmental Information ( OEI )****RIN:** 2025-AA11**Title:** Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation**Abstract:** The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores can not be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 40 CFR 372 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 11001 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2009	
Final Action	03/00/2011	

**Additional Information:** SAN No. 4616;**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** Business**Federalism:** Undetermined**Energy Affected:** No**RIN Information URL:** [www.epa.gov/tri](http://www.epa.gov/tri)



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**Environmental Protection Agency (EPA)  
Office of Environmental Information ( OEI )****RIN:** 2025-AA16**Title:** TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory**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, and the deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 40 CFR 372 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 11013 EPCRA 313**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	

**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).**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/tri](http://www.epa.gov/tri)

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**Environmental Protection Agency (EPA)  
Office of Environmental Information ( OEI )****RIN:** 2025-AA17**Title:** TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals**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, and 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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 40 CFR 372 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 11013 EPCRA 313**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/05/2000	65 FR 53681
Other	06/14/2005	70 FR 34437
Final Action	02/00/2009	

**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).**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/tri](http://www.epa.gov/tri)

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**Environmental Protection Agency (EPA)  
Office of Environmental Information ( OEI )****RIN:** 2025-AA12**Title:** Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-like Compounds Category Under EPCRA, Section 313**Abstract:** Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (i.e., the Toxics Release Inventory (TRI)), dioxin and dioxin-like compounds are reported in units of grams for the category. This project will add toxic equivalency (TEQ) reporting for the category and quantity data for individual members of the category to the grams only reporting currently required for the category under EPCRA section 313. TEQs are a weighted quantity measure based on the toxicity of each dioxin congener relative to the most toxic dioxin congeners, 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. The addition of TEQ reporting will allow better understanding of the releases and waste management quantities currently reported to the TRI for dioxin and dioxin-like compounds. TEQ reporting will also make it easier to compare TRI data on dioxin and dioxin-like compounds with other EPA activities which present data on dioxin and dioxin-like compounds in terms of TEQs. Several industry groups have written OMB supporting the addition of TEQ reporting to TRI.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 372 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 11001 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/07/2005	70 FR 10919
Final Action	05/10/2007	72 FR 26544

**Additional Information:** SAN No. 4692; EPA publication information: NPRM - <http://www.epa.gov/fedrgrstr/EPA-TOX/2005/March/Day-07/t4339.htm>; TRI has not converted to NAICS so the Standard Industrial Classification (SIC) Codes are listed: SIC Code 10 Metal Mining (except SIC codes 1011, 1081, and 1094), SIC Code 12 Coal Mining (except SIC code 1241), SIC Code 20-39 Manufacturing, SIC Codes 4911, 4931, and 4939 Electric Utilities (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce), SIC Code 4953 Commercial Hazardous Waste Treatment (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), SIC Code 5169 Chemicals and Allied Products-Wholesale, SIC Code 5171 Petroleum Bulk Terminals and Plants, SIC Code 7389 Solvent Recovery Services (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis).**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** Business**Federalism:** No

**Energy Affected:** No

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### Environmental Protection Agency (EPA)

#### Administration and Resources Management ( ARM )

**RIN:** 2030-AA67

**Title:** Revisions to Acquisition Regulation Concerning Conflict of Interest

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** Not Yet Determined

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	
Final Action	12/00/2008	

**Additional Information:** SAN No. 4319;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 5413; 54162; 5416; 5417; 562

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**Environmental Protection Agency (EPA)**  
**Administration and Resources Management ( ARM )**

RIN: 2030-AA88

**Title:** Security Requirements for Toxic Substances Control Act: Confidential Business Information Access for Contractors

**Abstract:** Current security requirements for Toxic Substances Contract Act Confidential Business Information (TSCA CBI) access for contractors are implemented in three Environmental Protection Agency contract clauses, 1552.235-75, 1552.235-76, and 1552.235-78. Security requirements for the Government and contractors have been updated in a 2003 TSCA CBI Protection Manual. This rulemaking will implement the new TSCA CBI requirements into the three EPAAR clauses cited above.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 48 CFR 1552; 48 CFR 1535 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 5 USC 301, sec 205 (c); 63 Stat 390, as amended; 40 USC 486 (c); 41 USC 418b

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	
Final Action	02/00/2009	

**Additional Information:** SAN No. 4904;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Administration and Resources Management ( ARM )**

RIN: 2030-AA89

**Title:** Award Term Contracting

**Abstract:** The Environmental Protection Agency (EPA) is proposing to amend the EPA Acquisition Regulation (EPAAR) to add guidance on the use of award-term contracts. The guidance is necessary for contracting officers seeking to include award-term provisions in contracts. This guidance will establish a solicitation provision and contract clause in the EPAAR.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 48 CFR 1516; 48 CFR 1552 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 41 USC 418(b); 5 USC 301, sec 205(c); 63 Stat 390, as amended

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/2007	72 FR 56708
NPRM Comment Period End	12/03/2007	
Final Action	07/00/2009	

**Additional Information:** SAN No. 4903;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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### Environmental Protection Agency (EPA)

#### Administration and Resources Management ( ARM )

RIN: 2030-AA90

**Title:** Accessibility Standards for Contract Deliverables (Section 508)

**Abstract:** This action will amend the Environmental Protection Agency Acquisition Regulation (EPAAR) to require contractors to identify applicable accessibility (508) standards in contract deliverables.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 48 CFR 1511; 48 CFR 1552 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 5 USC 301, sec 205(c); 41 USC 418(b)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	
Final Action	01/00/2009	

**Additional Information:** SAN No. 4931;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Administration and Resources Management ( ARM )**

RIN: 2030-AA37

**Title:** Incorporation of Class Deviations Into EPAAR

**Abstract:** The Agency has approved a number of class deviations (e.g., changes to reporting requirements and monthly progress reports) to the EPAAR since its promulgation in April 1994. This proposed rule would incorporate most of the class deviations to the EPAAR.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 48 CFR 1537; 48 CFR 1552 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 40 USC 486(c)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	01/00/2008	

**Additional Information:** SAN No. 3580;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Administration and Resources Management ( ARM )**

RIN: 2030-AA95

**Title:** EPA Green Meetings and Conferences

**Abstract:** Executive Order (EO) 13101 directs Federal agencies to identify and give preference to the purchase of green products and services that pose fewer environmental burdens. EPA established a plan for the implementation of EO 13101. The plan includes goals to: Increase and promote recycling, reduce materials entering waste streams, promote and achieve increased preferential use of materials with recycled contents, and emphasize and increase the purchase and use of environmentally preferable products. This action supports EPA's Green Meetings goal. The provision established in this action will provide a framework to assist requisitioners in identifying and differentiating levels of environmental commitment and responsibility among various service providers.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No



**CFR Citation:** 48 CFR 1552 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** sec 205(c), 63 Stat 390, as amended, 40 USC 486(c)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/2007	72 FR 8143
Final Action	04/12/2007	72 FR 18401

**Additional Information:** SAN No. 5148; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2007/February/Day-23/g3114.pdf>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AD39

**Title:** Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 1700 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 33 USC 1322; 33 USC 1361

**Legal Deadline:**

Action	Source	Date
Other	Statutory	05/10/2001

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	
Final Action	12/00/2009	

**Additional Information:** SAN No. 4357;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** Yes

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/waterscience/rules/](http://www.epa.gov/waterscience/rules/)  
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**Environmental Protection Agency (EPA)**
**Water ( WATER )**
**RIN:** 2040-AD89

**Title:** Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters

**Abstract:** Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop those 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 will reduce the environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** PL 106-554, sec 1404 to 1407

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2008	
Final Action	01/00/2009	

**Additional Information:** SAN No. 4746; This rule was formerly known as "Regulations for Cruise Ships Operating in Alaskan Waters"

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 483114; 483112

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## Environmental Protection Agency (EPA)

### Water ( WATER )

RIN: 2040-AE69

**Title:** Effluent Limitations Guidelines and Standards for Airport Deicing Operations

**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 likely source of pollutants is aircraft deicing fluid (ADF) 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. Based on preliminary estimates, airports annually discharge approximately 21 million gallons of ADF. Early estimates of potential reductions from treatment technology and from pollution prevention practices indicate that those discharges could be lowered to 4 million gallons. Effluent guidelines for these operations would apply only to wastewaters that are considered point source discharges. Discharges that are non-point sources would not be subject to any potential effluent guidelines.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	
Final Action	12/00/2009	

**Additional Information:** SAN No. 4948; EPA Docket information: OW-2004-0038

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Small Entities Affected:** No

**Federalism:** Undetermined

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/waterscience/guide/airport](http://www.epa.gov/waterscience/guide/airport)

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**Environmental Protection Agency (EPA)**

**Water ( WATER )**

**RIN:** 2040-AE74

**Title:** Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment

**Abstract:** In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from drinking water treatment plants. Based on preliminary study and on public comments, discharges from drinking water facilities have the potential to discharge significant quantities of conventional and toxic pollutants, including metals, chlorine, and salts. Some of the sources of these pollutants are treatment sludges and reverse osmosis reject wastewaters. The preliminary data is not conclusive, and additional study and analysis of treatability is necessary to determine whether pollutant reductions are technologically feasible and economically achievable. The early steps of regulatory development, especially gathering additional discharge data, will be critical to better-informed decisions on how to proceed. EPA is preparing to conduct a study of a representative sample of the industry, along with wastewater sampling of facilities representing different size categories and treatment technologies.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	
Final Action	01/00/2010	

**Additional Information:** SAN No. 4949; EPA Docket information: OW-2004-0035

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local

**Small Entities Affected:** No

**Federalism:** Undetermined

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/waterscience/guide/dw/index.htm](http://www.epa.gov/waterscience/guide/dw/index.htm)

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AE84

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**Title:** Drinking Water Regulations for Aircraft Public Water System

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 141 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 300f et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	
Final Action	01/00/2009	

**Additional Information:** SAN No. 4966;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** Undetermined

**Energy Affected:** Undetermined

**RIN Information URL:** [www.epa.gov/safewater/airlinewater/index2.html](http://www.epa.gov/safewater/airlinewater/index2.html)

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE89**Title:** 2008 Effluent Guidelines Program Plan

**Abstract:** EPA publishes a final Effluent Guidelines Plan every other year after taking comment on a preliminary plan, as required by Section 304(m) of the Clean Water Act. EPA intends to publish the next preliminary Effluent Guidelines Plan by the end of 2007, in anticipation of publishing a final Effluent Guidelines Plan in 2008. The 2007 preliminary plan will discuss EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). It will also solicit comment on guidelines that EPA is considering for possible revision or new guidelines that may be developed, and will provide a preliminary schedule for such rulemaking.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** CWA 33 USC 1251, et seq; 33 USC 1311(d); 33 USC 1314(b); 33 USC 1314(g); 33 USC 1314(m); 33 USC 1316; 33 USC 1317 (b)**Legal Deadline:**

Action	Source	Date
Other	Statutory	12/21/2008

**Timetable:**

Action	Date	FR Cite
Other	10/30/2007	72 FR 61335
Comment Period End	12/31/2007	
Other	09/00/2008	

**Additional Information:** SAN No. 5064;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/guide/plan.html](http://www.epa.gov/guide/plan.html)**Agency Contact:** Carey Johnston Environmental Protection Agency

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E-Mail: [Matuszko.Jan@epamail.epa.gov](mailto:Matuszko.Jan@epamail.epa.gov)**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE93**Title:** NPDES Vessel Vacatur

**Abstract:** This action is necessary because EPA must address a District Court ruling (currently on appeal to the U.S. Court of Appeals for the 9th Circuit) which vacates a regulatory exemption at 40 CFR 122.3(a). Northwest Environmental Advocates v. U.S. Environmental Protection Agency (ND CA, C 03-5760 SI). The regulation excludes discharges incidental to the normal operation of a vessel from NPDES permitting and has existed, essentially unchanged, since 1973. Unless overruled on appeal, the Court's September 2006 ruling will vacate the entire exclusion as of September 30, 2008. As of September 30, 2008, discharges of pollutants incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation will be subject to prohibitions in CWA § 301(a) against the discharge of a pollutant without a permit.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 40 CFR 122.3 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** Not Yet Determined

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** This action is necessary because EPA needs to address a District Court ruling (currently on appeal to the U.S. Court of Appeals for the 9th Circuit) which vacates a regulatory exemption at 40 CFR 122.3(a). Northwest Environmental Advocates v. U.S. Environmental Protection Agency (ND CA, C 03-5760 SI). The existing regulation excludes discharges incidental to the normal operation of a vessel from NPDES permitting and has been on the books, essentially unchanged, since 1973. The Court's September 2006 ruling will vacate the entire exclusion as of September 30, 2008.

**Legal Basis:** The legal basis is the Clean Water Act, 33 USC 1251 et seq.

**Alternatives:** Unknown.

**Costs and Benefits:** Unknown.

**Risks:** Unknown.

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
Other	01/00/2008	

**Additional Information:** SAN No. 5162;

**Regulatory Flexibility Analysis**

**Government Levels Affected:** Undetermined

**Required:** Undetermined

**Small Entities Affected:** No

**Federalism:** Undetermined

**Energy Affected:** Undetermined

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE94**Title:** Supplemental Notice for CAFO Rule Regarding Terms of the Nutrient Management Plan

**Abstract:** This rulemaking is in response to the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance v. EPA*, which vacated certain provisions of the 2003 Concentrated Animal Feeding Operations (CAFO) rule. Affected issues include the 1) requirement that all CAFOs with a potential to discharge seek NPDES permit coverage, and 2) review and enforceability of nutrient management plans (NMPs). This supplemental notice provides an alternative approach for identifying the terms of the NMP to be incorporated into NPDES permits.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 122; 40 CFR 412 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CWA 301, 304, 306, 307, 308, 402, 501**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	
Final Action	08/00/2008	

**Additional Information:** SAN No. 4996.3; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-30/w5773.htm>; Split from RIN 2040-AE80.

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** George Utting Environmental Protection Agency

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E-Mail: [Roose.Rebecca@epamail.epa.gov](mailto:Roose.Rebecca@epamail.epa.gov)**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AD87

**Title:** NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy

**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. Based on a review of all the information received, EPA has decided not to finalize the policy as proposed in November 2003. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 122.41(m) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 33 USC 1311; 33 USC 1318; 33 USC 1342; 33 USC 1361

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Regulatory agencies, municipal operators of wastewater facilities, and representatives of environmental advocacy groups have expressed uncertainty about the appropriate regulatory interpretation for peak wet weather diversions at publicly owned treatment works (POTW) treatment plants serving separate sanitary sewer collection systems. This policy is needed to clarify NPDES permit requirements for such wet weather diversions and to ensure a comprehensive regulatory approach reduces peak wet diversions.

**Legal Basis:** 33 USC 1251 et seq.

**Alternatives:** On November 7, 2003, EPA requested public comment on a proposed policy which would have provided an alternative regulatory interpretation. Under the proposed interpretation in the November 7, 2003 proposed policy, a wet weather diversion around biological treatment units that was blended with the wastewaters from the biological units prior to discharge would not have been considered to constitute a prohibited bypass if the six criteria specified in the November 7, 2003 proposed policy were met. EPA received significant public comment on the proposed policy, including over 98,000 comments opposing the policy due to concerns about human health risks. On May 19, 2005, EPA indicated that after consideration of the comments, the Agency had no intention of finalizing the 2003 proposal. On July 26, 2005, Congress enacted the FY 2006 Department of the Interior, Environment, and Related Agencies Appropriations Act (Pub. L. 109-54). Section 203 of the Appropriations Act provides that none of the funds made available in the Act could be used to finalize, issue, implement or enforce the November 7, 2003 proposed blending policy. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

**Costs and Benefits:** The costs and benefits associated with this policy have not been evaluated.

**Risks:** The collection and treatment of municipal sewage and wastewater is vital to public health. During significant rain events, high volumes of water entering a sewage collection system can overwhelm the collection system or treatment plant. Operators of wastewater treatment plants must manage these high flows to both ensure the continued operation of the treatment process and to prevent backups and overflows of raw wastewater in basements or city streets. The proposed policy seeks to reduce public health risks by encouraging municipalities to make investments in ongoing maintenance and capital improvements to improve their system's long-term performance.

**Timetable:**

Action	Date	FR Cite
Other	11/07/2003	68 FR 63042
Other	12/22/2005	70 FR 76013
Other	03/00/2008	

**Additional Information:** SAN No. 4690; EPA publication information: 2nd Draft Policy - <http://www.epa.gov/fedrgstr/EPA-WATER/2005/December/Day-22/w7696.htm>; EPA Docket information: EPA-HQ-OW-2005-0523

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Local; State; Tribal

**Small Entities Affected:** No      **Federalism:** Undetermined

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/npdes](http://www.epa.gov/npdes)

**Sectors Affected:** 22132

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AD99

**Title:** Drinking Water Contaminant Candidate List 3

**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, and use an approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 300g-1(b)

**Legal Deadline:**

Action	Source	Date
Other	Statutory	02/24/2010

**Timetable:**

Action	Date	FR Cite
Final Rule	02/00/2008	
Final Action	08/00/2009	

**Additional Information:** SAN No. 4745;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/safewater/ccl](http://www.epa.gov/safewater/ccl)

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AE60

**Title:** Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List

**Abstract:** The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every five years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10247). The second CCL was published on February 22, 2005 (70 FR 9017). In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the second CCL and determine whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a determination of whether to develop an NPDWR for a contaminant, the SDWA requires three statutory tests be met: 1) The contaminant may have an adverse effect on the health of persons; 2) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and 3) in the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems. Using these three statutory tests to make regulatory decisions, there are three possible outcomes: 1) Regulate the contaminant with an NPDWR; 2) develop guidance (e.g., Health or Consumer Advisory); or 3) determine no action is necessary.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 300g-1(b)

**Legal Deadline:**

Action	Source	Date
Other	Statutory	07/18/2008

**Timetable:**

Action	Date	FR Cite
Other	05/01/2007	72 FR 24016
Other	07/00/2008	

**Additional Information:** SAN No. 4821; EPA publication information: Preliminary Notice - <http://www.epa.gov/fedrgstr/EPA-WATER/2007/May/Day-01/w7539.pdf>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/safewater/ccl/index.html](http://www.epa.gov/safewater/ccl/index.html)

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AE80

**Title:** Concentrated Animal Feeding Operation Rule

**Abstract:** This rulemaking is in response to the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance vs. EPA*, which vacated provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR 412. Two vacatures from the case affect the 1) duty that all CAFOs need to apply for an NPDES permit, and 2) provisions that nutrient management plans (NMPs) need only be kept on-site. This rule would remove the duty to apply for all CAFOs and replace it with a requirement for CAFOs to apply for a permit if they discharge or propose to. The rule also would establish a process to address the court's concerns that the information within NMPs be available for public comment, reviewed by the permit authority, and incorporated into the permit. It is EPA's intention to make only those changes necessary to address the issues raised by the court.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR Part 122; 40 CFR Part 412 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CWA 301, 304, 306, 307, 308, 402, 501

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** EPA is revising the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in response to the decision issued by the Second Circuit Court of Appeals in *Waterkeeper Alliance v. EPA*, 399 F.3d 486 (2nd Cir. 2005), which vacated certain aspects of the 2003 CAFO rule and remanded other aspects for clarification. This rule responds to the court's decision while furthering the statutory goal of restoring and maintaining the nation's water quality and effectively ensuring that CAFOs properly manage manure generated by their operations.

**Legal Basis:** Congress passed the Federal Water Pollution Control Act (1972), also known as the Clean Water Act (CWA), to "restore and maintain the chemical, physical, and biological integrity of the nation's waters" (33 U.S.C. 1251(a)). Among the core provisions, the CWA establishes the NPDES permit program to authorize and regulate the discharge of pollutants from point sources to waters of the U.S. 33 U.S.C. 1342. Section 502(14) of the CWA specifically includes CAFOs in the definition of the term "point source." Section 502(12) defines the term "discharge of a pollutant" to mean "any addition of any pollutant to navigable waters from any point source" (emphasis added). EPA has issued comprehensive regulations that implement the NPDES program at 40 CFR Part 122. The Act also provides for the development of technology-based and water quality-based effluent limitations that are imposed through NPDES permits to control the discharge of pollutants from point sources. CWA sections 301(a) and (b).

**Alternatives:** Because this rulemaking is in response to the decision issued by the Second Circuit Court of Appeals in *Waterkeeper Alliance v. EPA* vacating or remanding certain aspects of the 2003 CAFO rule, there are no non-regulatory options that would satisfy the requirements of the court.

**Costs and Benefits:** Since there is no change in technical requirements, changes in impacts on respondents are estimated to result exclusively from changes in the information collection burden. EPA estimates that CAFOs will experience a net reduction in administrative burden of approximately \$15.4 million due to the court decision. At the same time, however, permitting authorities would have to bear a net \$0.5 million annual increase in administrative burden. In total, the administrative burden under the proposed rule is projected to decline to a total of approximately \$64 million annually for both regulated facilities and permit authorities, which constitutes a reduction of more than \$14.9 million compared to the 2003 CAFO rule.

**Risks:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/2006	71 FR37744
Final Action	01/00/2008	

**Additional Information:** SAN No. 4996; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-30/w5773.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE86**Title:** Water Transfers Rule

**Abstract:** This rulemaking addresses the question of whether the National Pollutant Discharge Elimination System (NPDES) permitting program under Section 402 of the Clean Water Act (CWA) is applicable to water control facilities that merely convey or connect navigable waters. For purposes of this action, the term "water transfer" refers to any activity that conveys or connects navigable waters (as that term is defined in the CWA) without subjecting the water to intervening industrial, municipal, or commercial use. This rulemaking focuses exclusively on water transfers and is not relevant to whether any other activity is subject to the CWA permitting requirement.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 122.3 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 33 USC 1251 et seq.**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** This rulemaking is needed to clarify that NPDES permits are generally not required for water transfers. In 2004, this question was presented before the Supreme Court in *South Florida Water Management District v. Miccosukee Tribe of Indians*. The Court declined to rule directly on the issue and remanded it back to the District Court for further deliberation, generating uncertainty among the potentially regulated community and other stakeholders.

**Legal Basis:** 33 USC 1251 et seq.

**Alternatives:** On August 5, 2005, EPA issued a legal memorandum entitled "Agency Interpretation on Applicability of Section 402 of the Clean Water Act to Water Transfers." Based on the statute as a whole, this memo concluded that Congress generally intended for water transfers to be subject to oversight by water resource management agencies and State non-NPDES authorities, rather than the NPDES permitting program. The interpretive memo stated that the Agency would initiate a rulemaking to this effect. The issuance of a rulemaking will provide the greatest certainty for stakeholders.

**Costs and Benefits:** There are no costs and benefits associated with this rulemaking.**Risks:** There are no risks associated with this rulemaking.**Timetable:**

Action	Date	FR Cite
NPRM	06/07/2006	71 FR 32887
Final Action	01/00/2008	

**Additional Information:** SAN No. 5040; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-07/w8814.htm>; EPA Docket information: EPA-HQ-OW-2006-0141

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/NPDES/agriculture](http://www.epa.gov/NPDES/agriculture)**Agency Contact:** Virginia Garelick Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE87**Title:** Implementation Guidance for Mercury Water Quality Criteria

**Abstract:** In the 2001 Federal Register notice of the availability of EPA's recommended water quality criterion for methylmercury, EPA stated that it would develop associated procedures and guidance for implementing the criterion. For states and authorized tribes exercising responsibility under CWA section 303(c), this document provides technical guidance on how they might want to use the recommended 2001 fish tissue-based criterion to develop and implement their own water quality standards for methylmercury. The guidance addresses topics including adoption and revision of standards, monitoring, waterbody assessment, water quality standards issues, TMDL development, and NPDES permitting. Since atmospheric deposition is considered to be a major source of mercury for many waterbodies, implementing this criterion involves coordination across media and program areas.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 33 USC 1251 et seq**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** The methylmercury criterion is expressed as a fish and shellfish tissue value, and this raises both technical and programmatic implementation questions. Development of water quality standards, NPDES permits, and TMDLs present challenges because these activities typically have been based on a water concentration (e.g., as a measure of mercury levels in effluent). This guidance addresses issues associated with states and authorized tribes adopting a fish tissue-based water quality criterion into their water quality standards programs and implementation of the revised water quality criterion in TMDLs and NPDES permits. Further, because atmospheric deposition serves as a large source of mercury for many waterbodies, implementation of the criterion involves coordination across media and program areas.

**Legal Basis:** N/A**Alternatives:** N/A**Costs and Benefits:** The costs and benefits associated with this guidance have not been evaluated.**Risks:** N/A**Timetable:**

Action	Date	FR Cite
Other	01/00/2008	

**Additional Information:** SAN No. 5098; FDMS Docket number: Docket ID No. EPA-HQ-OW-2006-0656**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

**RIN Information URL:** <http://www.epa.gov/waterscience/criteria/methylmercury>

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AA94

**Title:** National Primary Drinking Water Regulations: Radon

**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.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Yes

**Unfunded Mandates:** State, Local, Or Tribal Governments

**CFR Citation:** 40 CFR 141; 40 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 300f, et seq

**Legal Deadline:**

Action	Source	Date
Other	Statutory	02/06/1999
NPRM	Statutory	08/06/1999
Other	Statutory	11/02/2000

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/1986	51 FR 34836
Other	07/18/1991	56 FR 33050
Other	02/26/1999	64 FR 9560
NPRM	11/02/1999	64 FR 59246
Final Action	05/00/2009	

**Additional Information:** SAN No. 2281; EPA publication information: NPRM - <http://www.epa.gov/ogwdw/radon/proposal.html>; EPA Docket information: EPA-HQ-OW-2003-0041

**Regulatory Flexibility Analysis**

**Government Levels Affected:** Federal; Local; State; Tribal

**Required:** Business; Governmental Jurisdictions

**Federalism:** Yes

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ogwdw/radon.html](http://www.epa.gov/ogwdw/radon.html)

**Sectors Affected:** 22131

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AB85**Title:** Shore Protection Act, Section 4103(b) Regulations

**Abstract:** This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. Coastal Waters. This rule establishes minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies procedures to prevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. With regard to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 237 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 33 USC 2601 "Shore Protection Act of 1988"; PL 100-688 "4103(b)"**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/30/1994	59 FR 44798

**Additional Information:** SAN No. 2820;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local**Small Entities Affected:** Business; Governmental Jurisdictions**Federalism:** No**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AC13**Title:** National Primary Drinking Water Regulations: Aldicarb

**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.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** Undetermined**CFR Citation:** 40 CFR 141; 40 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 300f et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	

**Additional Information:** SAN No. 3238;**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal; State; Local; Tribal**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations**Federalism:** Undetermined**Energy Affected:** No**Sectors Affected:** 22131**Agency Contact:** Dan Olson Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AC84**Title:** NPDES Applications Revisions

**Abstract:** EPA plans to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include modifying and streamlining existing permit application requirements. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities that implement the NPDES program or are regulated by it. This includes small businesses and State, tribal, and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	

**Additional Information:** SAN No. 3786; EPA publication information: Final Action-projected date;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AC93

**Title:** Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures

**Abstract:** This action would establish performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 136 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 1314; 33 USC 1361(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	03/28/1997	62 FR 14975

**Additional Information:** SAN No. 3713; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/1997/March/Day-28/w7221.htm>;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State; Local; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Richard Reding Environmental Protection Agency

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E-Mail: [Reding.Richard@epamail.epa.gov](mailto:Reding.Richard@epamail.epa.gov)**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AD02**Title:** NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities**Abstract:** EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** Undetermined**CFR Citation:** 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**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)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	

**Additional Information:** SAN No. 3999; EPA publication information: Final Action-projected date; Note: This rule was formerly known as "Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges."

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local; State; Tribal

**Small Entities Affected:** Governmental Jurisdictions

**Federalism:** Undetermined

**Energy Affected:** No

**RIN Information URL:** www.epa.gov/npdes

**Sectors Affected:** 22132

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**Environmental Protection Agency (EPA)**

**Water ( WATER )**

**RIN:** 2040-AD09

**Title:** Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act

**Abstract:** The proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 136 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 33 USC 1314; 33 USC 1361(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	

**Additional Information:** SAN No. 4049;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State; Local; Tribal

**Small Entities Affected:** No

**Federalism:** No



**Energy Affected:** No

**RIN Information URL:** <http://www.epa.gov/waterscience/methods>

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## Environmental Protection Agency (EPA)

### Water ( WATER )

**RIN:** 2040-AD40

**Title:** Underground Injection Control: Update of State Programs

**Abstract:** EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 147 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 300h-1"SDWA 1422"; 42 USC 300h-4"SDWA 1425"

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	

**Additional Information:** SAN No. 4236;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AD54

**Title:** National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR

**Abstract:** Methyl Tertiary Butyl Ether (MTBE) is an automobile fuel additive, introduced in the late 1970s during lead phase-out as an octane enhancer. It has been used in increasing quantity in the 1990s to meet the requirement of the Federal Reformulated Gasoline (RFG) and Oxyfuels programs required by the Clean Air Act Amendments of 1990. However, MTBE has been detected in ground water and drinking water in a number of States due to leaking underground storage tanks and leaking pipelines. Although most of these detections are at levels well below health concern, MTBE's distinctive turpentine-like taste and odor can be detected at low levels. Presently, the Agency is revising the health assessment for MTBE.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 143 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 300f et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	

**Additional Information:** SAN No. 4404;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 22131**Agency Contact:** Irene Dooley Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AD94

**Title:** National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** State, Local, Or Tribal Governments; Private Sector

**CFR Citation:** 40 CFR 141; 40 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 300f et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2010	
Final Action	10/00/2012	

**Additional Information:** SAN No. 4775;

**Regulatory Flexibility Analysis**

**Government Levels Affected:** Federal; Local; State; Tribal

**Required:** Business; Governmental Jurisdictions

**Federalism:** Undetermined

**Energy Affected:** Undetermined

**RIN Information URL:** [www.epa.gov/safewater/tcr/tcr.html](http://www.epa.gov/safewater/tcr/tcr.html)

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE61**Title:** Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines

**Abstract:** Several years ago, OW conducted a comprehensive review of effluent guidelines and removed from the Code of Federal Regulations (CFR) provisions contained in a number of regulations that were obsolete or redundant (FR 60 33926, Jun. 29, 1995). In addition to removing these provisions, EPA's Office of Water identified additional opportunities for further streamlining some of the effluent guidelines. This action would recodify the effluent limitations and standards for one point source category and the general definitions without making any legally substantive changes in the requirements. The revised and shorter format will enable Federal, State, and local regulators and the regulated community to more easily read, understand, and implement the regulations. By reducing the number of pages in title 40, the new format will also afford some long-term savings in the annual cost of printing these regulations. The point source category which would be recodified by this action is Petroleum Refining (part 419). The revisions would also expand the list of general definitions in section 401.11.

**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 401; 40 CFR 419 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Clean Water Act 301; Clean Water Act 304; Clean Water Act 306; Clean Water Act 307; Clean Water Act 308; Clean Water Act 402; Clean Water Act 501**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	

**Additional Information:** SAN No. 4822;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Debra Nicoll Environmental Protection Agency

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E-Mail: [Nicoll.Debra@epa.gov](mailto:Nicoll.Debra@epa.gov)**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE77**Title:** New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters

**Abstract:** The results of four fresh water (Great Lakes) epidemiology studies and companion rapid fecal indicator validation studies will be analyzed and evaluated whether to be used in establishing the criteria recommended for certain fresh waters designated for primary contact recreation.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CWA 304(a)(9)**Legal Deadline:**

Action	Source	Date
Other	Statutory	10/05/2005

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
Other	00/00/0000	

**Additional Information:** SAN No. 4967;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Stephen Schaub Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE82**Title:** Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process

**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, and in the 2004 Effluent Guidelines Program Plan, EPA identified these two industrial sectors as candidates for possible regulatory revision. EPA has since expanded its review to include all manufacturing processes that produce elemental chlorine and the manufacture of chlorinated hydrocarbons. Chlorinated hydrocarbons that are regulated under the Pesticide Chemicals Manufacturing Point Source Category (40 CFR 455) or the Pharmaceutical Manufacturing Point Source Category (40 CFR 439) are not included in the CCH manufacturing segment. Preliminary estimates of the scope of the rulemaking are that 60 to 70 facilities might be affected.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 414 (Revision); 40 CFR 415 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 30 USC 1311 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	

**Additional Information:** SAN No. 4980; 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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Small Entities Affected:** Business

**Federalism:** Undetermined

**Energy Affected:** Undetermined

**RIN Information URL:** [www.epa.gov/waterscience/guide/cch/](http://www.epa.gov/waterscience/guide/cch/)

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**Environmental Protection Agency (EPA)**

**Water ( WATER )**

**RIN:** 2040-AE88

**Title:** Availability of and Procedures for Removal Credits

**Abstract:** This action is an update to the removal credits regulation found at 40 CFR 403.7. Specifically, EPA will propose to amend the list of pollutants eligible for removal credits in 40 CFR 403.7, Appendix G, Table II, to add 16 pollutants that EPA has determined would not need to be regulated under the sewage sludge regulations. These 16 pollutants have gone through the same assessment as the pollutants currently identified as eligible for removal credits in Table II; the assessment included public notice and comment in conjunction with a related Office of Water action.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 403 (To search for a specific CFR, visit the [Code of Federal Regulations](http://www.ecfr.gov) )

**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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	10/14/2005	70 FR 60199
NPRM	01/00/2010	
Final Action	01/00/2011	

**Additional Information:** SAN No. 3663.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2005/October/Day-14/w20000.htm>; Split from RIN 2040-AC58.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE90**Title:** Second 6--Year Review of Existing National Primary Drinking Water Regulations

**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 6-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.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 141; 40 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 300f et seq**Legal Deadline:**

Action	Source	Date
Other	Statutory	08/06/2009

**Timetable:**

Action	Date	FR Cite
Other	03/00/2009	
Other	07/00/2010	

**Additional Information:** SAN No. 5066;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No



**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Karen Wirth Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE91**Title:** Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category**Abstract:** This rulemaking will establish effluent limitations and standards for stormwater discharges associated with construction and development activities. This rulemaking and its schedule respond to a court order that requires the Agency to promulgate final regulations by December of 2009. The effluent limitations and standards will control the discharge of pollutants such as sediment in stormwater runoff from construction and development activities and will be implemented through the issuance of NPDES permits.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 501**Legal Deadline:**

Action	Source	Date
Other	Judicial	12/01/2007
NPRM	Judicial	12/01/2008
Other	Judicial	12/01/2009

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2008	
Final Action	12/00/2009	

**Additional Information:** SAN No. 5119;**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** Undetermined**Energy Affected:** Undetermined

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AD49

**Title:** Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Point Source Category, Dissolving Kraft and Dissolving Sulfite Subcategories (Phase III)

**Abstract:** On December 17, 1993, EPA proposed revised effluent limitations, guidelines, and standards, and best management practices regulations for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430). EPA refers to this rulemaking as Pulp and Paper Phase III. EPA considered the public comments on the proposed rule and the new data acquired since proposal. The December 2006 Effluent Guidelines Plan clarified that EPA is not proceeding with a national rulemaking but will instead provide assistance to the States to address any concerns with discharges from these facilities.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361

**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/17/1993	58 FR 66078
Withdrawn	08/27/2007	

**Additional Information:** SAN No. 4370;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/waterscience/pulppaper/reg.html](http://www.epa.gov/waterscience/pulppaper/reg.html)

**Sectors Affected:** 3221

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE83**Title:** National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications

**Abstract:** This action (proposed in the Federal Register on July 18, 2006 (71 FR 40827)) is minor as it makes minor additions and clarifications to an existing regulation. EPA undertook several activities in 2004 to determine whether a national problem exists related to elevated drinking water lead levels comparable to that in the District of Columbia. This evaluation, while it did not reveal a national problem comparable to DC, highlighted areas for improvement and clarification to the existing lead and copper rule and associated guidance materials. Several short-term actions will be initiated in 2005 and completed during the 2005 to 2006 time frame. EPA also identified several regulatory changes that will be considered as part of identifying more comprehensive changes to the rule. These considerations are longer-term as they require additional data collection, research, analysis, and stakeholder involvement to support decisions. These longer-term regulatory changes will be examined by a separate workgroup under an additional regulatory action. This action addresses the regulatory revisions to be completed in the 2005 to 2006 time frame. Regulatory changes to be addressed include clarifications about sample collection; clarifications to definitions for monitoring and compliance periods; modifications regarding public water system notification to their state of treatment changes prior to the change; revisions to language related to criteria for reduced monitoring; revisions to language regarding consideration of lead service line replacement for compliance purposes; revisions to language related to flushing guidance; and additional requirements for consumer notification of lead monitoring results.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 141; 40 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** SDWA; 42 USC sec 300f et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/18/2006	71 FR 40828
Final Action	10/10/2007	72 FR 57781

**Additional Information:** SAN No. 4981; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/July/Day-18/w6250.htm>;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local; State**Small Entities Affected:** Governmental Jurisdictions**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/safewater/lcrrm/](http://www.epa.gov/safewater/lcrrm/)

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**Environmental Protection Agency (EPA)****Water ( WATER )****RIN:** 2040-AE92**Title:** Concentrated Animal Feeding Operations--Amendment to the Compliance Dates**Abstract:** While EPA is currently making revisions to the 2003 CAFO regulations in light of the 2005 Second Circuit Court of Appeals in *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486, this separate, expedited rule is necessary in order to: 1) Ensure that permit application deadlines are subsequent to final rule revisions; and 2) make the permit application and the nutrient management plan (NMP) due dates coincidental in response to the court's decision.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 122; 40 CFR 412 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CWA 301, 304, 306, 307, 308, 402, 501**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	05/10/2007	72 FR 26582
Final Action	07/24/2007	72 FR 40245

**Additional Information:** SAN No. 4996.2; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2007/May/Day-10/w9027.pdf>; Split from RIN 2040-AE80.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Split From 2040-AE80**Agency Contact:** George Utting Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AC71**Title:** RCRA Subtitle C Financial Test Criteria Regulatory Determination

**Abstract:** The RCRA subtitle C financial test is one of several mechanisms available to the regulated community for demonstrating financial assurance for closure/post-closure of their facilities. EPA decided at the end of the second quarter of FY 2007 to analyze whether regulatory changes are needed to ensure the test's continued and effective use. Test criteria have not been updated since promulgation in 1982. Concerns have been raised that the criteria are outdated and no longer adequately predict a company's continued solvency, such that some States are not allowing companies to use the test, reducing the number of mechanisms that are available. Although action external to EPA has been taken (e.g., passage of Sarbanes-Oxley Act) to address this market failure, the perception of a problem remains and continues to drive some States' behavior. Providing the regulated community with a strong and effective financial test is an important regulatory function. In the absence of EPA taking action to analyze the issues and make changes, as appropriate, the availability of the test as a financial assurance mechanism will likely continue to be restricted. Therefore, we believe it is important to address this now so as to assure the continued availability of the financial test, thereby saving costs that would be incurred if an alternate mechanism had to be obtained or closure/post-closure activities were delayed. Additionally, some language in the financial test reporting requirements is no longer consistent with current professional standards under Generally Acceptable Accounting Principles. Addressing this inconsistency would facilitate implementation by regulators who may not have appropriate expertise to adequately review detailed financial information submissions. There are three options that EPA is considering. After analyzing these options, EPA may decide to proceed with a rulemaking utilizing these options either independently or in combination. If so, EPA will issue a new proposed rule. The three options are briefly described below: (1) Undertake targeted rulemaking to address documentation and reporting issues, particularly with respect to "negative assurance" language, as well as other implementation issues. (2) Undertake rulemaking to propose adding a ratings requirement to Alternative I of the financial test. [Note: This was the recommendation of the Environmental Financial Advisory Board (EFAB).] (3) Undertake rulemaking to propose adopting the financial test criteria that were promulgated as part of the standardized permit rule.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 6912(a); 42 USC 6924; 42 USC 6925; 42 USC 6926

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	07/01/1991	56 FR 30201
NPRM	10/12/1994	59 FR 51523
Other	09/00/2008	

**Additional Information:** SAN No. 2647;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 325188; 325199; 33299; 333999; 325998; 336399; 331311; 4411; 323110; 334; 22111; 332813; 325193; 221112; 45431; 4471; 811111; 32512; 325131; 33271; 56292; 333319; 32551; 32511; 42271; 32411; 325211; 323114; 22132; 48422; 311942; 336; 56211; 56221

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

RIN: 2050-AD75

**Title:** National Priorities List for Uncontrolled Hazardous Waste Sites

**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.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 300.425 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 9605**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	03/06/1998	63 FR 11332
Other	03/06/1998	63 FR 11340
Other	07/28/1998	63 FR 40182
Other	07/28/1998	63 FR 40247
Other	09/18/1998	63 FR 49855
Other	09/29/1998	63 FR 51848
Other	09/29/1998	63 FR 51882
Other	01/19/1999	64 FR 2942
Other	01/19/1999	64 FR 2950
Other	02/16/1999	64 FR 7564
Other	04/23/1999	64 FR 19968
Other	05/10/1999	64 FR 24990
Other	05/10/1999	64 FR 24949
Other	07/22/1999	64 FR 39878
Other	07/22/1999	64 FR 39886
Other	09/17/1999	64 FR 50459
Other	10/22/1999	64 FR 56992
Final Action	10/22/1999	64 FR 56966
Other	02/04/2000	65 FR 5435
Other	02/04/2000	65 FR 5468
Other	05/11/2000	65 FR 30482
Other	05/11/2000	65 FR 30489
Other	07/27/2000	65 FR 46096
Other	07/27/2000	65 FR 46131
Other	08/24/2000	65 FR 51567
Other	12/01/2000	65 FR 75179
Other	12/01/2000	65 FR 75215
Other	01/11/2001	66 FR 2380
Other	06/14/2001	66 FR 32235
Other	06/14/2001	66 FR 32287
Other	09/13/2001	66 FR 47583
Other	09/13/2001	66 FR 47612
Other	02/26/2002	67 FR 8836
Other	09/05/2002	67 FR 56757
Other	09/05/2002	67 FR 56794

Other	10/24/2002	67 FR 65315
Other	04/30/2003	68 FR 23077
Other	04/30/2003	68 FR 23094
Other	09/29/2003	68 FR 55875
Other	03/08/2004	69 FR 10646
Other	07/23/2004	69 FR 43755
Other	08/13/2004	69 FR 50115
Other	09/23/2004	69 FR 56949
Other	09/23/2004	69 FR 56970
Other	02/11/2005	70 FR 7184
Other	04/27/2005	70 FR 21644
Other	04/27/2005	70 FR 21718
Other	09/14/2005	70 FR 54286
Other	09/14/2005	70 FR 54327
Other	04/19/2006	71 FR 20016
Other	04/19/2006	71 FR 20052
Other	09/27/2006	71 FR 56399
Other	09/27/2006	71 FR 56433
Other	03/07/2007	72 FR 10078
Other	03/07/2007	72 FR 10105
Other	09/19/2007	72 FR 53463
Other	09/19/2007	72 FR 53509
Other	03/00/2008	
Other	03/00/2008	

**Additional Information:** SAN No. 3439; EPA publication information: NPRM 24-24; EPA Docket information: [www.regulations.gov](http://www.regulations.gov) EPA-HQ-SFUND-2006-XXXX

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/superfund](http://www.epa.gov/superfund)

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AE34



**Title:** Management of Cement Kiln Dust (CKD)

**Abstract:** In December 1993, EPA submitted a report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366, 2/7/95). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD. The Agency continues to consider an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999, proposal as a RCRA subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and state regulatory programs evolve over the next three to five years. Based on this assessment, EPA would then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 6912(a) RCRA 2002(a); 42 USC 6921(a) RCRA 3001(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	02/07/1995	60 FR 7366
NPRM	08/20/1999	64 FR 45632
Other	10/28/1999	64 FR 58022
Other	07/25/2002	67 FR 48648
Other	11/08/2002	67 FR 68130
Other	05/00/2008	
Final Action	04/00/2009	

**Additional Information:** SAN No. 3856; EPA publication information: Regulatory Determination-Regulatory Determination;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 32731**Agency Contact:** Jana Englander Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AF08

**Title:** 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

**Abstract:** EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on the assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule that would revise the TPQ for solids in solution and seek comment on an alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). If the TPQ for solids in solution is raised, it would result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 355 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 1102

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	

**Additional Information:** SAN No. 4753;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AG16

**Title:** Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule

**Abstract:** EPA will propose to amend 40 CFR part 112, which includes the Spill Prevention, Control, and Countermeasure (SPCC) rule promulgated under the authority of the Clean Water Act. The proposed rule may address a variety of issues associated with the July 2002 SPCC final rule.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 112 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 33 USC 1321

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The proposed rule is necessary to clarify the regulatory obligations of SPCC facility owners and operators and to reduce the regulatory burden where appropriate.

**Legal Basis:** 33 USC 1321 et seq.

**Alternatives:** EPA considered alternative options for various aspects of this proposed rule, following receipt of public comments, and through logical outgrowth of previously considered alternatives. Alternative options included (1) exempting asphalt cement containers from the requirements of the SPCC rule; (2) exempting farms of a certain storage capacity, where the exact storage capacity has not been specified; (3) providing an exemption only for residential heating oil containers located at farms; (4) providing the same relief as in the preferred option to owners and operators of qualified facilities with total oil storage capacities of 5,000 gallons or less; (5) giving the option wherein owners and operators of new production facilities would be allowed one year after the start of operations to prepare and implement an SPCC Plan; (6) allowing the facilities to choose between a flowline maintenance program with a contingency plan (as in the proposed amendments) and providing a method of secondary containment for flowlines and intra-facility gathering lines; (7) regulatory alternatives for oil production facilities that have wells that produce 10 barrels or less of crude oil per day and are known as "stripper wells."

**Costs and Benefits:** At the 7 percent discount rate, the proposed amendments to the SPCC rule are expected to yield annualized cost savings of approximately \$7 million from the proposed exemption of hot-mix asphalt containers, \$4 million from the proposed changes for exempting pesticide application equipment, \$2 million from the proposed exemption of residential heating oil containers, \$251 million from the proposed amendments to the definition of facility, \$1 million from the proposed clarification to the facility diagram requirements, \$48 million from the proposed revision to the loading rack definition, \$24 million from the streamlined requirements for Tier 1 qualified facilities, \$7 million from the proposed amendments to the security requirements, \$9 million from the amendments to integrity testing requirements, \$2 million for owners and operators of AFVO facilities, \$25 million for owners and operators of production facilities from the six-month delay in SPCC Plan preparation and implementation, and \$8 million from exemption of flow-through process vessels from sized secondary containment. Additional benefits of this rule were not quantified because the impact of the rule on human health and environment are expected to be marginal. The principal effect of the proposed amendments would be lower compliance costs for owners and operators of certain types of facilities and equipment.

**Risks:** In the absence of quantitative information on the change in risk related to the specific proposed amendments, EPA conducted a qualitative assessment, which suggests that the proposed amendments will not lead to a significant increase in oil discharge risk.

**Timetable:**

Action	Date	FR Cite
Other	05/25/2004	69 FR 29728
Other	06/17/2004	69 FR 34014
Other	08/11/2004	69 FR 48794
Other	09/20/2004	69 FR 56182
Other	09/20/2004	69 FR 56184
NPRM	10/15/2007	72 FR 58377
NPRM Comment Period End	12/14/2007	
Final Action	10/00/2008	

**Additional Information:** SAN No. 2634.2; Split from RIN 2050-AC62.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oilspill/spcc.htm](http://www.epa.gov/oilspill/spcc.htm)

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### Environmental Protection Agency (EPA)

#### Solid Waste and Emergency Response ( SWER )

**RIN:** 2050-AG29

**Title:** NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis)

**Abstract:** On October 12, 2005, pursuant to section 112 (d) of the Clean Air Act, EPA issued national emission standards for hazardous air pollutants (NESHAP) emitted by various types of hazardous waste combustors. EPA subsequently granted reconsideration petitions relating to certain issues presented by the rules, but has not yet issued a final determination on reconsideration. (See SAN 5047.1 (RIN 2050-AG35) for the specific citations of this overall effort). Following the close of the comment period on the proposed reconsideration rule, the United States Court of Appeals for the District of Columbia Circuit has issued two opinions construing section 112 (d) of the Clean Air Act, and one of those opinions has called into question the legality of some of the standards for hazardous waste combustors. This notice will discuss the standards that EPA promulgated in October 2005, and specifically identify which standards EPA believes are consistent with the Act and case law, and which standards are not and need to be reexamined through a subsequent rulemaking. With respect to those standards EPA intends to retain, this notice will indicate the portions of the rationale upon which EPA intends to rely, and which portions EPA would no longer rely upon as a justification for the standards. EPA will seek public comment on this analysis. EPA will also place edited versions of various support documents in the public docket, edited to remove portions of the rationale on which EPA no longer plans to rely, and seek public comment on these edits. EPA will also seek public comment on its revised response to public comment on whether hydrogen chloride and chlorine are pollutants with a threshold level of exposure for purposes of section 112 (d) (4) of the Act.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7412; 42 USC 7414

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Notice	09/27/2007	72 FR 54875
Comment Period Extended	11/00/2007	

**Additional Information:** SAN No. 5047; See SAN 5047.1 (RIN 2050-AG35) for the reconsideration rulemaking efforts.; EPA Docket information: EPA-HQ-OAR-2004-0022

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State; Tribal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/hwcmact/](http://www.epa.gov/hwcmact/)

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**Environmental Protection Agency (EPA)**  
**Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AG34

**Title:** Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts

**Abstract:** Pursuant to regulations found at 40 CFR 260.20, the Vanadium Producers and Reclaimers Association (VPRA) submitted a rulemaking petition to the EPA requesting that the Agency amend the hazardous waste regulations affecting the treatment and disposal of certain petroleum refinery process wastes. Specifically, VPRA requested that EPA revise the treatment standards under the Land Disposal Restrictions (LDR) Program for the disposal of spent hydrotreating and hydrorefining catalysts (waste codes K171 and K172, respectively). EPA is publishing a notice in response to the rulemaking petition, by proposing to amend the Land Disposal Restriction (LDR) requirements for EPA Waste Code K172 by adding numeric treatment standards for certain polynuclear aromatic hydrocarbons (PAHs). EPA is also responding to other elements of the rulemaking petition in this notice. Finally, in response to separate comments received from petroleum industry representatives, EPA is taking this opportunity to propose changes to its regulations to help encourage consistent levels of recycling of spent hydrotreating and hydrorefining catalysts, in a manner that protects human health and the environment.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 261; 40 CFR 266; 40 CFR 268 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 1006; 42 USC 2002(a); 42 USC 3001 to 3009; 42 USC 3014; 42 USC 6905; 42 USC 6906; 42 CFR 6912; 42 USC 6921; 42 USC 6922; 42 USC 6924 to 6927; 42 USC 6934; 42 USC 6937; 42 USC 6938

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The purpose of this proposed rule, as described in the abstract, is to respond to a rulemaking petition. EPA believes that the petitioners have made suitably credible arguments that the existing requirements for treating and disposing of certain refinery wastes may need adjusting, thus this proposal. In addition, regarding the recycling part of this action (again, described in the abstract above) EPA determined that exploring ways to encourage the recycling of these spent catalysts safely has merit.

**Legal Basis:** There is no court order requiring this action.

**Alternatives:** EPA decided that the alternative of not proposing this rule was not the option of choice. See Statement of Need. Further evaluation of alternatives may occur during the development of this action; currently in the early stages of development.

**Costs and Benefits:** No formal cost/benefit analysis has been performed to date.

**Risks:** This rule is responding to a petition that alleges EPA's current rules do not adequately address the risk to human health and the environment associated with the disposal of spent refinery catalysts. EPA is currently trying to better understand the risk issues. At this time, this is undetermined.

**Timetable:**

Action	Date	FR Cite
Other	10/20/2003	68 FR 59935
NPRM	06/00/2008	

**Additional Information:** SAN No. 5070; EPA publication information: Notice of Data Availability - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-24/f29319.htm>; ; EPA Docket information: Legacy Docket No. RCRA-2003-0023 for 10/20/03 NODA

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

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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### Environmental Protection Agency (EPA)

#### Solid Waste and Emergency Response ( SWER )

RIN: 2050-AG37

**Title:** CERCLA/EPCRA Notification Requirements and the Agricultural Sector

**Abstract:** Since the Agency does not expect to respond to certain releases from farms and in an effort to ensure that National Response Center resources are used efficiently, EPA is considering a rulemaking proposing to exempt from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) notification requirements air releases of hazardous substances from animal waste. As part of this evaluation, EPA does not anticipate exempting releases of hazardous substances to water from animal waste, nor is EPA considering exempting all types of hazardous substance releases to air associated with agriculture. That is, EPA is not considering exempting ammonia releases from ammonia storage tanks located at agricultural operations, and thus they would still be reportable at or above their reportable quantity. The Emergency Planning and Community Right-to-Know Act (EPCRA) emergency notification requirements to State emergency response commissions (SERCs) and local emergency planning committees (LEPCs) are linked by statute to the CERCLA notification requirements. This rulemaking will also address those EPCRA emergency notification requirements.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 302; 40 CFR 355 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 9603; 42 USC 11004

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	

**Additional Information:** SAN No. 5117;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
 Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AG39

**Title:** Amendment to the Universal Waste Rule: Addition of Pharmaceuticals

**Abstract:** This action will propose adding hazardous pharmaceutical wastes to the universal waste system. This incorporation is appropriate because these wastes are produced by a various and vast community of generators and are often mismanaged due to health care workers and retail chain employees being unfamiliar with the Resource Conservation and Recovery Act regulations. Expansion of the universal waste system to include hazardous pharmaceutical wastes will protect public health and the environment by providing a more streamlined but effective waste management system. Due to the simplified requirements, this action will also provide regulatory relief to health care facilities, retail pharmacies, veterinary clinics and any other entities that generate hazardous pharmaceutical wastes. The inclusion of hazardous pharmaceutical wastes in the universal waste rule is expected to provide relief in the management of P-listed pharmaceuticals by simplifying current requirements of large quantity generators. Also, we anticipate that the rule will encourage health care personnel to manage other pharmaceutical wastes as universal wastes, particularly wastes that are not regulated as hazardous but which nonetheless pose hazards. Finally, the addition of hazardous pharmaceutical wastes to the rule will facilitate pharmaceutical take-back programs so that these wastes can be properly managed.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 273 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6937

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2008	

**Additional Information:** SAN No. 5127;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
 Solid Waste and Emergency Response ( SWER )**

RIN: 2050-AE17

**Title:** Emergency Planning and Community Right-to-Know Act: Amendments to Parts 355 and 370

**Abstract:** This rule will address some of the remaining issues from the proposed rule of June 8, 1998. Reporting thresholds for gasoline and diesel fuel at retail gas stations were finalized on February 11, 1999 (64 FR 7031). This rule will address those reporting changes in section B of the preamble to the proposed rule under the heading "Other Regulatory Changes." The revisions in this rule will have only minimal impact on the regulated community. Most of the changes are minor revisions and clarifications of interpretation that EPA has been providing the regulated communities. In addition, as stated in the proposed rule, 40 CFR parts 355 and 370 will be reorganized and rewritten in plain English format to make them clearer and easier to use.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 355; 40 CFR 370 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/1998	63 FR 31268
Other	04/00/2008	

**Additional Information:** SAN No. 3215; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/1998/June/Day-08/f14490.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
 Solid Waste and Emergency Response ( SWER )**

RIN: 2050-AE51

**Title:** Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes

**Abstract:** EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic sub-sectors, but many users use small numbers of wipes with small amounts of solvents on them. EPA completed a risk analysis 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. When finalized, this regulation would provide regulatory relief for two types of solvent-contaminated wipes: (1) Wipes disposed of in a landfill or by combustion after use, and (2) wipes which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposed wipes from the definition of hazardous waste and to conditionally exclude laundered wipes from the definition of solid waste. The regulation, if finalized, is estimated to result in \$28 million to \$72 million in net benefits throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 261 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 6921

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	11/20/2003	68 FR 65586
Other	03/00/2008	

**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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm](http://www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm)

**Sectors Affected:** 325; 334; 332; 337; 333; 441; 812; 323; 811; 336

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AE78

**Title:** Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas

**Abstract:** The U.S. Environmental Protection Agency (EPA) is considering finalizing revisions to the RCRA hazardous regulations to exclude oil-bearing secondary materials, generated by the petroleum refining industry, from the definition of solid waste if the materials are destined to be processed in a gasification device manufacturing synthesis gas fuel. We are considering this exclusion in order to clarify and simplify RCRA jurisdiction, and to be consistent with other comparable existing exclusions in the petroleum refining industry.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 260; 40 CFR 261 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 6901; 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6974**Legal Deadline:** None**Regulatory Plan:****Statement of Need:** We are undertaking the rulemaking to: (1) Prevent unnecessary confusion regarding the status of recycling of oil-bearing hazardous secondary material from the petroleum industry in a gasification system; (2) promote the use of a technologically advanced method of extracting hydrocarbons from secondary materials; and (3) remove regulatory restrictions that may limit the petroleum refining industry's ability to maximize the production of fuels and materials commodities from petroleum refining while minimizing the generation of waste.**Legal Basis:** No aspect of this action is required by statute or court order.**Alternatives:** Based on comments and additional analysis, we are looking into whether a separate exclusion is unnecessary and overly prescriptive and whether our original strategy of amending the existing regulatory language found at 40 CFR 261.4(a)(12) should be done.**Costs and Benefits:** We estimate the rule will yield between \$46.4 million and 48.7 million in net social benefits per year. Avoided waste management costs make up the most significant share of the benefits followed by feedstock savings. Commercial facilities that manage refinery wastes may experience annual revenue losses of \$10.8 million to \$15.1 million under the final rule.**Risks:** N/A**Timetable:**

Action	Date	FR Cite
NPRM	03/25/2002	67 FR 13684
Other	06/11/2002	67 FR 39927
Final Action	02/00/2008	

**Additional Information:** SAN No. 4411; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2002/March/Day-25/f7097.htm>; This is an extension of a previous notice that contained the following RIN: 2050-AD88.; EPA Docket information: F-2002-RPRP-FFFFF**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** <http://www.epa.gov/epaoswer/hazwaste/gas-fs.pdf>**Sectors Affected:** 32411**Agency Contact:** Elaine Eby Environmental Protection Agency

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**Environmental Protection Agency (EPA)  
 Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AG15

**Title:** Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)

**Abstract:** Automobile and light truck manufacturers are substituting aluminum or aluminized components in place of steel in vehicles to reduce the weight and to increase fuel economy. When aluminum components are added to the automobile assembly process, the current federal regulations require that the wastewater treatment sludges generated from this conversion coating process be managed as a hazardous waste under the Resource Conservation and Recovery Act. We have determined that this particular industry's wastewater treatment sludge is unlikely to present significant human health or environmental risk when managed in the expected quantities. Therefore, this action would reduce the regulatory burden on these industries by excluding them from current RCRA regulations that apply to the wastewater treatment sludges from the chemical conversion coating (zinc phosphating) of aluminum.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 261.31; 40 CFR 302.4 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 3001

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/2007	72 FR 2219
Final Action	06/00/2008	

**Additional Information:** SAN No. 4834; EPA publication information: NPRM - <http://www.epa.gov/fedrgst/EPA-WASTE/2007/January/Day-18/f640.htm>; ; EPA Docket information: EPA-HQ-RCRA-2006-0984

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** <http://www.epa.gov/epaoswer/hazwaste/id/f019/f019.htm>

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AG24

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**Title:** Expanding the Comparable Fuels Exclusion Under RCRA

**Abstract:** EPA currently excludes specific industrial wastes, also known as comparable fuels, from most Resource Conservation and Recovery Act (RCRA) hazardous waste management requirements when the wastes are used for energy production and do not contain hazardous constituent levels that exceed those found in a typical benchmark fuel that facilities would otherwise use. Using such wastes as fuel saves energy by reducing the amount of hazardous waste that would otherwise be treated and disposed, promotes energy production from a domestic, renewable source, and reduces use of fossil fuels. With an interest in supplementing the nation's energy supplies and to ensure that energy sources are managed only to the degree necessary to protect human health and the environment, EPA, as part of the Resource Conservation Challenge, is examining the effectiveness of the current comparable fuel program and considering whether other industrial wastes could be safely used as fuel as well. As part of this investigation, EPA has proposed to expand the existing comparable fuel exclusion and is seeking comment on that proposal.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 261.38 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** RCRA 4004

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** EPA has proposed to expand the comparable fuel exclusion under section 261.38 of the rules implementing subtitle C of the Resource Conservation and Recovery Act (RCRA) for fuels that are produced from hazardous waste but which generate emissions that are comparable to emissions from burning fuel oil when such fuels are burned in an industrial boiler. Such excluded fuel would be called emission-comparable fuel (ECF). ECF would be subject to the same specifications that currently apply to comparable fuels, except that the specifications for certain hydrocarbons and oxygenates would not apply. The ECF exclusion would be conditioned on requirements including: 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 conditions for tanks storing ECF which conditions are typical of those for storage of commercial fuels, and are tailored for the hazards that ECF may pose. This rule, if finalized, is intended to save energy by reducing the amount of hazardous waste that would be otherwise treated and disposed, and also to promote energy production from a domestic, renewable source and reduce our use of fossil fuels.

**Legal Basis:** This action is discretionary on the Agency's part.

**Alternatives:** To make significant changes to the existing comparable fuels standard, EPA must modify the existing regulations. EPA has proposed modified regulations and is seeking comment on those potential regulatory modifications.

**Costs and Benefits:** This rule, as proposed, is projected to result in a benefit to society in the form of net cost savings to the private sector, on a nationwide basis, thereby allowing for the more efficient use of limited resources elsewhere in the market. This is accomplished without compromising protection of human health and the environment by ensuring comparable emissions from the burning of high Btu value waste. The total net social benefits projected as a result of this rule, as proposed, are estimated at approximately \$23 million per year. Avoided management and fuel costs represent the vast majority of all benefits (cost savings). Transportation, boiler retrofits, and analytical costs represent the majority of the costs. This estimate assumes all States adopt the rule, and incorporates all cost savings to affected generators, less all associated costs. Nearly

183,000 tons (U.S.) of waste are expected to initially qualify for the exclusion with approximately 107,000 tons/year actually excluded. Of this total, we estimate that approximately 34,000 tons are not currently burned for energy recovery.

**Risks:** The exclusion for emission-comparable fuel (ECF) would be based on the rationale that ECF has fuel value, that the hydrocarbon and oxygenate constituents no longer subject to a specification themselves have fuel value, and that emissions from burning ECF in an industrial boiler operating under good combustion conditions are likely not to differ from emissions from burning fossil fuels under those same conditions. Emissions from burning ECF in an industrial boiler operating under good combustion conditions would be comparable to emissions from burning fuel oil in an industrial boiler operating under the same good combustion conditions because operating a boiler under good combustion conditions, evidenced by carbon monoxide (CO) emissions below 100 ppmv (on an hourly rolling average), assures the destruction of organic compounds generally to trace levels, irrespective of the type or concentration of the organic compound in the feed. Given that ECF (including the hydrocarbon and oxygenate portion) would have legitimate energy value and that emissions from burning ECF are comparable to fuel oil when burned in an industrial boiler under the good combustion conditions typical of such boilers, classifying such material as a fuel product and not as a waste promotes RCRA's resource recovery goals without creating a risk from burning greater than those posed by fossil fuel. Under these circumstances, EPA can permissibly classify ECF as a non-waste.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/2007	72 FR 33284
Other	07/19/2007	72 FR 39587
Final Action	11/00/2008	

**Additional Information:** SAN No. 4977; ; EPA Docket information: EPA-HQ-RCRA-2005-0017; <http://www.regulations.gov>

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** <http://www.epa.gov/epaoswer/hazwaste/combust/compfuels/exclusion.htm>

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AG31

**Title:** Definition of Solid Wastes Revisions

**Abstract:** On October 28, 2003 (68 FR 61558), EPA proposed revisions to the definition of solid waste for hazardous secondary materials being reclaimed in a continuous process in the generating industry in an effort to increase the recycling of such materials. The Agency also took comment on a broader proposal to exclude hazardous secondary materials from being a solid waste under RCRA Subtitle C. This proposal was in part prompted by various court decisions about the extent of RCRA jurisdiction over hazardous secondary materials being recycled. In the same notice, the Agency also proposed criteria for determining whether or not hazardous secondary materials are recycled legitimately; the legitimacy criteria would apply to both those hazardous secondary materials that were excluded, as well as those that would remain subject to regulation under Subtitle C of RCRA. EPA received numerous comments on the proposal. In addition, EPA has conducted studies of recycling practices and the circumstances under which recycling of hazardous secondary materials are reclaimed in an environmentally sound manner, as well as when such reclamation has caused environmental problems. Based on the comments received and the new information being made available for public comment, the Agency issued a supplemental proposal on March 26, 2007 (72 FR 14172) to exclude from being a solid waste certain hazardous secondary materials that are reclaimed. We also took comment on revisions being considered to the legitimacy criteria, as well as on a variance process regarding hazardous secondary materials that are recycled.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 261.2 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 6903 "RCRA Section 1004"

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** EPA is revising the definition of solid waste to increase recycling.

**Legal Basis:** Association of Battery Recyclers v. EPA, 203 F. 2d 1047 (D.C. Cir. 2000); American Mining Congress v. EPA, 824 F. 2d 1177 (D.C. Cir. 1987) and other cases.

**Alternatives:** We have solicited comment in the proposal on several alternative regulatory options, including a broad exclusion for legitimately recycled materials, and are evaluating public comments on all available options.

**Costs and Benefits:** If the exclusions are promulgated as proposed and are adopted by all states, EPA expects this action to result in a net effect of \$107 million in average annual cost savings to about 4600 facilities in 530 industries, and is expected to remove from RCRA regulation 0.65 million tons per year of hazardous secondary materials currently managed as RCRA hazardous waste, and 0.06 million tons (9%) of hazardous waste that is currently disposed (i.e., landfilled or incinerated), which EPA expects may switch to recycling as a result of this rule. The breakdown of net cost savings per exclusion is \$87 million per year for materials recycled onsite, by the same company, or through a tolling arrangement, \$19 million per year for intercompany offsite recycling, and one million per year for case-by-case non-waste determinations. These estimates are within the uncertainty range of \$93 million to \$205 million in annual materials management cost savings, and 0.33 to 1.70 million tons per year in affected hazardous secondary materials, respectively, for the net effect of the proposed regulatory exclusions.

**Risks:** EPA has conducted three new studies that address the following risk-related questions: (1) How do recyclers ensure that industrial recycling is done in an environmentally safe manner?; (2) to what extent has industrial recycling resulted in past environmental problems?; and (3) are there certain economic forces that can explain environmental problems resulting from such recycling? EPA used these studies in developing our 2007 proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/2003	68 FR 61558
Supplemental NPRM	03/26/2007	72 FR 14172
Final Action	07/00/2008	

**Additional Information:** SAN No. 4670.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/October/Day-28/f26754.htm>; Split from RIN 2050-AE98.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State



**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** <http://www.epa.gov/epaoswer/hazwaste/dsw/index.htm>

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AG35

**Title:** NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)

**Abstract:** EPA promulgated national emission standards for hazardous air pollutants for hazardous waste combustors on October 12, 2005. Following promulgation of the final rule, the EPA Administrator received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act. Under this section of the Clean Air Act, the Administrator must initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public comment period. On March 23, 2006 and September 6, 2006, EPA granted reconsideration with respect to eight issues raised by the petitions. EPA also proposed amendments and corrections to the October 2005 final rule that clarify several compliance and monitoring provisions of the rule. The Response to the Petitions for Reconsideration rule will announce EPA's final action regarding the eight issues raised in the petitions and the other compliance and monitoring amendments.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (Revision); 40 CFR 264 (Revision); 40 CFR 266 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA 112; 42 USC 7412; 42 USC 7414

**Legal Deadline:** EPA's promise to court to complete reconsideration. (Sierra Club v. EPA No 05-1441 (D.C. Cir.)) July 16, 2007, EPA to inform court of Agency's intended disposition of rule in light of Brick MACT decision.

Action	Source	Date
Other	Judicial	04/16/2007

**Timetable:**

Action	Date	FR Cite
Other	04/20/2004	69 FR 21197
Other	10/12/2005	70 FR 59401
Direct final Rule	12/19/2005	70 FR 75042
Other	12/19/2005	70 FR 75096
Other	03/23/2006	71 FR 14655
Other	03/23/2006	71 FR 14665
NPRM	09/06/2006	71 FR 52624
Final Action	02/00/2008	

**Additional Information:** SAN No. 5047.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-06/a7251.htm>; Split from RIN 2050-AG29.; EPA Docket information: EPA-HQ-OAR-2004-0022

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Federal; State; Tribal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/hwcmact/All rules](http://www.epa.gov/hwcmact/All%20rules)

found: [http://www.epa.gov/epaoswer/hazwaste/combust/](http://www.epa.gov/epaoswer/hazwaste/combust/finalmact/index.htm)

[finalmact/index.htm](http://www.epa.gov/epaoswer/hazwaste/combust/finalmact/index.htm)

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## Environmental Protection Agency (EPA)

### Solid Waste and Emergency Response ( SWER )

**RIN:** 2050-AG38

**Title:** Waste Management System; Testing and Monitoring Activities; Methods Innovation Rule; Correction

**Abstract:** On June 14, 2005 (70 FR 34538), EPA published a final rule (the Methods Innovation Rule, or the MIR) to amend a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations. EPA is correcting errors inadvertently made by the MIR to appendix II to part 258 of the RCRA regulations. Specific actions are: Amendments to the table in appendix II to part 258 of 40 CFR by (1) removing three chemical entries and (2) adding two chemical entries. The chemical entry errors inadvertently occurred as a result of publication of the final MIR on June 14, 2006 (70 FR 34538). The first chemical entry for removal from the table in appendix II, part 258, is as follows (written here exactly as the entry incorrectly appears in the appendix): "1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene." This entry is being removed because it incorrectly addresses two different chemicals and their synonyms under one entry. To correct and replace this entry, we are adding the following two chemical entries: "1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride" and "cis-1,1-dichloroethylene; cis-1,2-Dichloroethene." The other two chemical entries for deletion are: "alpha, alpha-Dimethylphenethylamine," and "2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin." These chemical entries are being deleted because these chemicals did not appear in the table prior to publication of the MIR and were inadvertently added during development and publication of the MIR.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 258 (To search for a specific CFR, visit the [Code of Federal Regulations](http://www.federalregister.gov))

**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)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/2007	

**Additional Information:** SAN No. 5128; EPA Docket information: www.regulations.gov EPA-HQ-RCRA-2002-0025

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** www.epa.gov/epaoswer/hazwaste/test/mir.htm  
<http://www.epa.gov/epaoswer/hazwaste/test/mir-faq.htm>

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**Environmental Protection Agency (EPA)**
**Solid Waste and Emergency Response ( SWER )**
**RIN:** 2050-AE23

**Title:** Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials

**Abstract:** RCRA section 6002 and EO 13101 require EPA to prepare guidelines in the Federal Register that designate items that are or can be made with recovered materials and to issue recommendations for government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 61 items under four Comprehensive Procurement Guidelines (CPG1, CPG2, CPG3 and CPG4). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG that provides recommendations on buying the designated items. EO 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. EPA has proposed one new and one revised item designation in CPG5. In addition, CPG Nylon Carpet was originally proposed with CPG4, but, not included in the final designation because more information was needed. A Notice of Data Availability was issued asking for that information. EPA is now considering finalizing the CPG for Nylon Carpet separately from CPG4 and 5.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 247 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 6912(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
Other	04/20/1994	59 FR 18892
Other	05/01/1995	60 FR 21370
Other	11/07/1996	61 FR 57748
Other	11/13/1997	62 FR 60962
Other	08/26/1998	63 FR 45558
Other	01/19/2000	65 FR 3069
Other	08/28/2001	66 FR 45256
Other	07/16/2003	68 FR 42040
Other	12/10/2003	68 FR 68813
Other	04/30/2004	69 FR 24028
Final Rule	09/14/2007	72 FR 52475

**Additional Information:** SAN No. 3545; EPA publication information: NPRM-CPG3-(CPG3 and RMAN 3); EPA Docket information: For CPG V rule: EPA-HQ-RCRA-2003-0005

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/cpg](http://www.epa.gov/cpg)

**Sectors Affected:** 92119; 92111

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**Environmental Protection Agency (EPA)**

**Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AE81

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**Title:** Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers

**Abstract:** This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations under RCRA are appropriate for certain coal combustion wastes. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency is currently analyzing the human health and eco-risks, costs, and economic impact of this action as it develops the proposed regulation. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance instead of regulations to industry and State and local governments to focus on these remaining waste management issues, particularly since the industry has improved its waste management practices and most State regulatory programs are similarly improving. To this end, the Agency will be issuing a Notice of Data Availability (NODA) announcing the availability for public inspection and comment of new information and data on the management of coal combustion wastes that the Agency will consider in deciding next steps in this effort.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 40 CFR 257 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	
Other	08/29/2007	72 FR 49714

**Additional Information:** SAN No. 4470; 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

**Regulatory Flexibility Analysis**

**Government Levels Affected:** Federal; Local; State;

**Required:** Undetermined

Tribal

**Small Entities Affected:** No

**Federalism:** Undetermined

**Energy Affected:** Undetermined

**Sectors Affected:** 221112

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AE87

**Title:** Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements

**Abstract:** This action will propose 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. This rulemaking will propose revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. It will clarify EPA authority to remove products from the Product Schedule. These changes will 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.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 300 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 33 USC 1321(d)(2); CWA 311(d)(2)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 4526;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oilspill](http://www.epa.gov/oilspill)

**Sectors Affected:** 3251; 325; 3259; 54

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AE93

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**Title:** 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

**Abstract:** The Agency is considering amending the existing regulation under the Resource Conservation and Recovery Act (RCRA) regarding the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), as specified in 40 CFR 262, subpart H. Proposed regulatory changes under consideration include, but are not limited to, reducing the number of control levels, exempting qualifying shipments sent for laboratory analysis from certain paperwork requirements, requiring recovery facilities to submit a certificate of recovery, and adding provisions for the return or re-export of wastes subject to Amber control procedures under the OECD framework. These amendments would implement revisions that the OECD made to both its framework for hazardous waste transboundary movements between member countries and to its waste lists. The revisions were adopted by the OECD to create a more streamlined, uniform system for exports and imports, resulting in a more efficient international recycling market and increased recycling among the member countries. Since the United States supported the 2001 Decision and is a party to the OECD, the United States is legally obligated to implement these changes within its domestic regulations. Besides addressing the amendments adopted by the OECD in 2001 and 2004, the Agency may also seek to clarify certain existing provisions in subpart H that were identified as potentially ambiguous to the regulated community. In addition to the OECD amendments, the Agency is considering amending the regulations under RCRA regarding the transboundary movements of spent lead-acid batteries being reclaimed, as specified in 40 CFR part 266, subpart G. Currently, spent lead-acid batteries destined for export/reclamation are not subject to the export notification and consent requirements specified in 40 CFR part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely accepted international practices. These proposed amendments would require appropriate notice and consent for those batteries intended for export/reclamation. EPA is considering amending the current regulations in the interest of harmonizing them with both the amendments adopted by the OECD in 2001 and EPA's existing export requirements for RCRA Universal Waste.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**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) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 6901 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2008	

**Additional Information:** SAN No. 4606; ; EPA Docket information: EPA-HQ-RCRA-2005-0018

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AE95

**Title:** Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Availability of Information to the Public; Technical Amendment

**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 (CSISSFRRRA) 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.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 68.210 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA 112(r)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	

**Additional Information:** SAN No. 4607;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AF01

**Title:** RCRA Smarter Waste Reporting

**Abstract:** As part of its response to the Paperwork Reduction Act, EPA formed the RCRA Burden Reduction Initiative. The Agency is reviewing additional Burden Reduction opportunities, some of which were proposed but not included in the Burden Reduction Initiative final rule. Additionally, EPA will look for opportunities for burden reduction within the Biennial Report. Moving from a paper system to an electronic system focused on information gathered and generated by Treatment, Storage, and Disposal Facilities may provide for significant Burden Reduction savings.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 262.40; 40 CFR 262.41; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.75; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7; 40 CFR 268.9; 40 CFR 270.16; 40 CFR 270.17; 40 CFR 270.30 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104-13

**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 4735;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State; Local; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Peggy Vyas Environmental Protection Agency

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E-Mail: [vyas.peggy@epa.gov](mailto:vyas.peggy@epa.gov)**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AF03**Title:** Correction of Errors and Adjustment of CERCLA Reportable Quantities

**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.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 302 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 9602 to 9603

**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 4737;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AG18

**Title:** Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories

**Abstract:** The College and University Laboratory rulemaking is focusing 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 improving the fit through regulatory changes to 40 CFR 262.34.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 262 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 6922

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	05/23/2006	71 FR 29712

**Additional Information:** SAN No. 4920; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/May/Day-23/f4654.htm>; No legal deadline.; EPA Docket information: EPA-HQ-RCRA-2003-0012

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 6113; 6112

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AG20**Title:** Hazardous Waste Manifest Revisions--Standards and Procedures for Electronic Manifests

**Abstract:** This action is aimed at finalizing the development of 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 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. 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 systems. However, since publication of the proposed rule in 2001, EPA found that there is a broad consensus in favor of the development of a single national e-manifest system by EPA, rather than assorted de-centralized private systems. Subsequently in May 2004, EPA conducted a stakeholder meeting to collect additional stakeholder views on the future direction of the electronic manifest. 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 electronic manifest system to be hosted on EPA's Central Data Exchange (CDX) computer hub. To that end, in Autumn 2006 EPA provided technical assistance to the US Senate for drafting S.3871 which would have authorized the CDX-based solution, as well as authorized EPA to charge and retain user fees to fund a "share-in-revenue" contracting approach to build and operate the system. EPA's ability to publish a final rule in 2008 that will recognize this system as a compliant voluntary alternative to the current paper manifest form, and to pursue this centralized system design and funding solution, will depend on new funding being authorized (OMB added \$4 million to the President's FY 2008 budget request for this system), or on new congressional authority for EPA to collect user fees.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6926; PL 105-277**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	05/22/2001	66 FR 28240
Other	04/01/2004	69 FR 17145
Other	04/18/2006	71 FR 19842

**Additional Information:** SAN No. 3147.1; EPA publication information: NPRM - [http://www.gpo.gov/su\\_docs/aces/fr-cont.html](http://www.gpo.gov/su_docs/aces/fr-cont.html); Split from RIN 2050-AE21.; EPA Docket information: EPA-HQ-RCRA-2001-0032**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/epaoswer/hazwaste/gener/manifest/](http://www.epa.gov/epaoswer/hazwaste/gener/manifest/)**Sectors Affected:** 325; 2211; 332; 2122; 2111; 326; 331; 323; 3221; 482; 484; 5621; 56221; 483

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AG22**Title:** National Contingency Plan Revisions To Align With the National Response Plan

**Abstract:** The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response Plan (NRP), as required by the Department of Homeland Security. 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 NRP is to provide a common organizational structure and procedures for Federal departments and agencies to provide emergency and disaster assistance to State, tribal, and local governments for incidents of national significance. The NRP was developed by the Department of Homeland Security, in close consultation with Federal (including EPA), State, tribal, local governments, first responder organizations, private sector preparedness and relief groups. Alignment of the NCP with the NRP will facilitate smooth integration of emergency response activities under the NCP with the NRP when both plans are activated. The NRP does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating structures, processes, and protocols required to integrate the authorities of various agencies into an all-hazard approach to incident management. EPA is making another minor revision to the NCP. The descriptions of Federal agency capabilities are being updated, and modifications are being made, where appropriate to reflect the new Department of Homeland Security organization.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 300 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 9601 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 4971;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State;  
Tribal**Small Entities Affected:** No**Federalism:** Undetermined**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Solid Waste and Emergency Response ( SWER )**

**RIN:** 2050-AG40

**Title:** Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule

**Abstract:** This supplemental proposal will address reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk. The proposed rule was published on June 8, 1998 (63 FR 31268). This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under sections 311 and 312 of the Emergency Planning and Community Right-To-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities' and emergency response officials' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, State and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 370 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM	00/00/0000	

**Additional Information:** SAN No. 3215.1; Split from RIN 2050-AE17.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
Solid Waste and Emergency Response ( SWER )**

RIN: 2050-AE62

**Title:** Cooperative Agreements and Superfund State Contracts for Superfund Response Actions

**Abstract:** 40 CFR part 35 subpart O prescribes requirements for administering cooperative agreements (CAs) awarded to States, Indian tribes, and political subdivisions to conduct remedial actions, non-time-critical removal actions, pre-remedial activities, and other response activities authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(a)-(j). In addition, subpart O prescribes requirements for the Superfund State Contract that is necessary whenever EPA or a political subdivision is the lead agency for a CERCLA remedial action. Subpart O was promulgated on June 5, 1990, and became effective on July 5, 1990. Since then, the Superfund program has demonstrated several process improvements that are not authorized under the current regulation. For example, the 16 Block Funding Reform pilots established during 1997 to 2000 generated at least 60 approved requests for deviations from subpart O and 40 CFR part 31. The revisions to subpart O make it possible to use the process innovations tested in the pilot projects without having to obtain deviations. The revisions are also expected to update cross-references to other regulations that have changed, and eliminate references to obsolete forms and regulations.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 35 subpart O (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 9604(a) to (j)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	05/02/2007	72 FR 24496

**Additional Information:** SAN No. 4177; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2007/May/Day-02/g7990.htm>; EPA Docket information: EPA-HQ-SFUND-2006-0498

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AG27**Title:** Criteria for Safe and Environmentally Protective Use of Granular Mine Tailings**Abstract:** The 2005 Transportation Equity Act requires EPA to establish criteria for the safe and environmentally protective use of granular mine tailings (chat) from the Tar Creek, Oklahoma Mining District in cement and concrete products and in transportation construction projects.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 278 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** PL 109-59**Legal Deadline:**

Action	Source	Date
Other	Statutory	02/06/2006

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/2006	71 FR 16729
Final Action	07/18/2007	72 FR 39331

**Additional Information:** SAN No. 5019; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/April/Day-04/f3104.htm>; EPA Docket information: EPA-HQ-RCRA-2006-0097**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Stephen Hoffman Environmental Protection Agency

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E-Mail: [Kinch.Richard@epa.gov](mailto:Kinch.Richard@epa.gov)**Environmental Protection Agency (EPA)****Solid Waste and Emergency Response ( SWER )****RIN:** 2050-AG36**Title:** Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Requirements--Extension of Compliance Dates

**Abstract:** The Environmental Protection Agency extended the dates by which facilities must prepare or amend Spill Prevention, Control, and Countermeasure Plans (SPCC Plans), and implement those Plans. This action allows the Agency time to promulgate further revisions to the July 17, 2002 SPCC rule before owners and operators are required to meet requirements of the rule related to preparing or amending, and implementing SPCC Plans. EPA expects to propose further revisions to the SPCC rule in 2007.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 112 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 33 USC 1321

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/2006	71 FR 77357
Final Action	05/16/2007	72 FR 27443

**Additional Information:** SAN No. 2634.5; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/December/Day-26/w21507.pdf>; Split from RIN 2050-AG23. Split from RIN 2050-AG16.; EPA Docket information: EPA-HQ-OPA-2005-0001

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oilspill/spcc.htm](http://www.epa.gov/oilspill/spcc.htm)

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN49

**Title:** Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant

**Abstract:** EPA received a petition from Environmental Defense to list diesel exhaust as a Hazardous Air Pollutant (HAP). Diesel exhaust is a mixture of numerous chemicals, and its composition can vary between engines and under different operating conditions. There are several issues to be considered: (1) Adding an emission mixture such as diesel exhaust to the list of hazardous air pollutants appears to be contrary to Congress' intent that EPA list individual substances rather than mixtures; (2) adding diesel exhaust to the list of hazardous air pollutants would have little practical impact on public health or the environment because EPA is already addressing emissions from diesel engines through a number of voluntary and regulatory programs, and (3) adding diesel exhaust to the list of HAP would not likely impact the level of control achieved in these programs. EPA is in the process of developing an Advanced Notice of Proposed Rulemaking ANPRM in order to request comments from the public on approaches to address exhaust emissions from existing stationary diesel engines. We are still discussing with the litigants the scope of the ANPRM.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** PreRule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 112(b)(3)

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	03/14/2007
Other	Judicial	05/01/2007

**Timetable:**

Action	Date	FR Cite
ANPRM	00/00/0000	
Other	12/00/2007	

**Additional Information:** SAN No. 5020; Judicial information continued: Consent decree dates on hold as per negotiations for judicial NPRM and Final.; EPA Docket information: EPA-HQ-OAR-2005-0489

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN83

**Title:** Review of the National Ambient Air Quality Standards for Lead

**Abstract:** On October 5, 1978 the EPA promulgated primary and secondary NAAQS for lead under section 109 of the Act (43 FR 46258). Both primary and secondary standards were set at a level of 1.5 µg/m<sup>3</sup> 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 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 draft AQCD was released December 1, 2005. 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. The AQCD and draft Staff Paper were reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public. An ANPRM will be published outlining the results of the final risk assessment and giving consideration to the policy assessment. As the lead NAAQS review is completed, the Administrator's proposal to reaffirm or revise the lead 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.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** PreRule**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7408; 42 USC 7409**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	05/01/2008
Other	Judicial	09/01/2008

**Regulatory Plan:****Statement of Need:** As established in the Clean Air Act, the national ambient air quality standards for lead are to be reviewed every five years.**Legal Basis:** Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate "primary" and "secondary" national ambient air quality standards for pollutants identified under Section 108 (the "criteria" pollutants). The "primary" standards are established for the protection of public health, while the "secondary" standards are to protect against public welfare or ecosystem effects.**Alternatives:** The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for lead are whether to reaffirm or revise the existing standards.**Costs and Benefits:** Cost and benefit estimates are being developed with the proposal.**Risks:** The current national ambient air quality standards for lead are intended to protect against public health risks. During the course of this review, a risk assessment will be conducted to evaluate health risks associated with the retention or revision of the lead standards. Welfare effects will also be reviewed in relation to retention or revision of the current standard.**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/2007	
NPRM	04/00/2008	
Final Action	09/00/2008	

**Additional Information:** SAN No. 5059;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Ginger Tennant Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO29**Title:** Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers

**Abstract:** EPA is concerned with the environmental impacts that could result from the need to manufacture additional methyl bromide to serve the needs of approved critical users where part of their overall need could be served by drawing from the inventory of methyl bromide produced prior to January 1, 2005. Therefore, EPA intends to issue an advance notice considering the need to propose a regulation restricting access to pre-2005 inventory only to meet the needs of the approved critical users, recognizing that such a restriction would not replace in whole or in part, the critical use nomination process. This restriction would ensure that those uses of methyl bromide that do not seek and receive a critical use nomination could not access pre-phaseout inventory.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7401 to 7671q**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/2008	
NPRM	06/00/2008	
Final Action	01/00/2009	

**Additional Information:** SAN No. 5137;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Cindy Newberg Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO38**Title:** Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder

**Abstract:** Emissions from Category 3 marine engines (greater than 30 liters per cylinder) contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a State or local level. EPA currently regulates marine diesel engines on ships flagged in the United States. This rulemaking will consider new standards for oxides of nitrogen and particulate matter. Technologies under consideration include aftertreatment devices and the use of distillate or low sulfur fuel. This rule will consider whether it is appropriate to apply these standards to foreign flagged vessels that use U.S. ports.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 1042 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/2007	
Final Action	12/00/2009	

**Additional Information:** SAN No. 5129;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Michael Samulski Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO60**Title:** New Source Performance Standards (NSPS) Review Strategy

**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.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7411; 42 USC 7429**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/2007	

**Additional Information:** SAN No. 5168;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A073**Title:** Opportunity To Provide Feedback to the Agency on Emissions Standards for Stationary Diesel Engines**Abstract:** The purpose of this ANPRM is to solicit comment on several issues concerning options EPA can pursue through Federal rulemaking under Clean Air Act authorities to reduce emissions from existing stationary diesel engines, generally and specifically from larger, older diesel engines such as: i. Location of engines ii. Which engines to control iii. Appropriate controls for those engines iv. Recordkeeping and reporting requirements.**Priority:** Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	02/00/2008	

**Additional Information:** SAN No. 5166;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Chris Stoneman Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AF72**Title:** Amendments to Method 24 (Water-Based Coatings)

**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.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7410**Legal Deadline:**

Action	Source	Date
Other	Statutory	06/15/2001

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	

**Additional Information:** SAN No. 3649;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Candace Sorrell Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AH63**Title:** Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste

**Abstract:** This rulemaking would address the problem of disposal of low-activity mixed radioactive wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rulemaking is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule would not mandate a disposal method, but rather would permit an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule. An Advanced Notice of Proposed Rulemaking was issued to solicit early public input on this issue.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 193 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No 3 of 1970; Nuclear Waste Policy Act of 1982

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	11/18/2003	68 FR 65120
NPRM	06/00/2008	

**Additional Information:** SAN No. 4054; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-18/f28651.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AH90

**Title:** Technical Change to Dose Methodology

**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 #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 #26. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state-of-the-art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 190(B); 40 CFR 191(A) (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No 3 of 1970; Nuclear Waste Policy Act of 1982

**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	02/00/2008	

**Additional Information:** SAN No. 4003;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Ray Clark Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AH93**Title:** General Conformity Regulations; Revisions

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

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51.850 to 51.860; 40 CFR 93.150 to 93.160 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 to 7671**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	

**Additional Information:** SAN No. 4070;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AI62**Title:** National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments**Abstract:** This action consists of amendments to the consumer products and the architectural and industrial maintenance (AIM) coatings part 59 VOC rules under Clean Air Act section 183(e). Consistent with Clean Air Act Advisory Committee recommendations AQM2.3 and AQM2.4, these rules are being updated to align them with the model rules adopted by the Ozone Transport Commission. This action has also been requested by the Consumer Products industry and the Coatings industry to promote consistency in requirements nationwide. This action incorporates requirements that are already in force in several States. In addition, this action will subsume SAN 5009, Determining Emissions Reductions Achieved from Rules Limiting VOC Content of AIM Coatings.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 59 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7511b**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	01/00/2008	

**Additional Information:** SAN No. 4309;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State; Tribal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Sectors Affected:** 32599**Agency Contact:** Bruce Moore Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )**

RIN: 2060-AJ61

**Title:** Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives

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

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 80 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA 211**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	10/00/2008	
Final Action	11/00/2009	

**Additional Information:** SAN No. 4531;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Jeff Herzog Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )**

RIN: 2060-AJ86

**Title:** Performance Specifications for Continuous Parameter Monitoring Systems

**Abstract:** The PS-17 and QA Procedure 4 would apply to continuous parameter monitoring systems (CPMS) that are required under an applicable subpart to parts 60, 61, or 63. Therefore, this rulemaking would not require the installation or operation of additional CPMS. The specific types of CPMS covered by the proposed PS-17 and QA Procedure 4 are those that are used to measure and record temperature, pressure, liquid flow rate, gas flow rate, mass flow rate, pH, or conductivity on a continuous basis. The proposed PS-17 establishes procedures and other requirements that will help to ensure that CPMS are properly selected, installed, and placed into operation. The proposed QA Procedure 4 specifies procedures that will help to ensure that CPMS provide quality data on an ongoing basis. The proposed amendments to QA Procedure 1, of 40 CFR 60, appendix F, add provisions to address CEMS that are used to monitor multiple pollutants and are subject to PS-9 or PS-15. The amendments to 40 CFR 63, subpart A, ensure consistency among the proposed PS-17, QA Procedure 4, and the General Provisions to part 63. The amendments to section 63.996(c) of 40 CFR 63, subpart SS, ensure consistency among PS-17, QA Procedure 4, and the monitoring requirements of subpart SS.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 subpart SS; 40 CFR 63.8; 40 CFR 60 app B; 40 CFR 60 app F (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7412(b)(5) et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	

**Additional Information:** SAN No. 4584;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 31-33; 21; 486; 562213; 562212; 22**Agency Contact:** Barrett Parker Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK03**Title:** Performance-Based Measurement System For Fuels: Criteria for Self-Qualifying Alternative Test Methods; Description of Optional Statistical Quality Control Measures**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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 80 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7545

**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	

**Additional Information:** SAN No. 4633;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 324199; 54199; 334516; 42271; 48691**Agency Contact:** John Holley Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK84**Title:** Petition to Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate

**Abstract:** The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two reviews: A completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team is required to make a recommendation to the Administrator on whether to grant the petition. If the Administrator decides to grant a petition, a proposed rule is published in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing and all additional substantive information received during the public's involvement is evaluated prior to the decision on the issuance of a final rule. However, if the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in the CAA.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7412



**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
Other	05/26/2005	70 FR 30407
NPRM	08/00/2008	

**Additional Information:** SAN No. 4782;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Greg Nizich Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM09**Title:** Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations

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

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82, subpart F (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 to 7671q**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	
Final Action	10/00/2008	

**Additional Information:** SAN No. 4856;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/zone/title6/608](http://www.epa.gov/zone/title6/608)

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM12

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**Title:** NESHAP: Area Source Standards--Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing

**Abstract:** Clay Ceramics Manufacturing: There are 51 existing area sources in this source category. There are two types of affected facilities: kilns and glaze spray booths. The proposed standards are equipment standards. There are currently no particulate matter (PM) emission controls on kilns at any facility. The proposed standards would require that the kiln be operated below the peak temperature where metals would volatilize. Also, natural gas or other clean fuels are required to be used. For glaze spray booths, there are different requirements depending on the size of the facility. The larger facilities would be required to have air pollution controls or use low hazardous air pollutants (HAP) metal glazes. The smaller facilities have the option of operating under the requirements for large facilities or may use waste minimization practices. For monitoring, daily checks of the kiln operating temperature and weekly visual checks of air pollution control equipment for the glaze spray booths would be required. Glaze spray booths that are controlled with scrubbers would be required to conduct weekly inspections. Glaze spray booths that are controlled by baghouses would be required to conduct either weekly inspections or daily visible emission tests. Glass Manufacturing: There are 21 existing facilities that would be subject to the proposed standards, and 6 of these would have to install controls to meet the existing source emission limits. We are proposing two subcategories of glass manufacturing furnaces: One for existing furnaces processing glass raw materials, including lead or arsenic, and one for existing furnaces processing any of the other metal HAP (cadmium, chromium, manganese, and nickel). Furnaces processing lead or arsenic would be subject to an emission limit of 0.2 lb PM/ton of glass produced. Furnaces melting glass with any of the remaining metals would be required to meet the emission limit of 1.0 lb PM/ton of glass produced from the furnace. Furnaces processing lead or arsenic, even in combination with any of the other metal HAP, would be subject to the tighter emission limit. New glass furnaces processing any of the six urban HAP metals would be required to meet the 0.2 lb PM/ton emission limit. Existing sources would be required to monitor control equipment operating parameters every 8 hours and conduct annual control equipment inspections. These requirements are consistent with current industry practice. New sources would be required to use continuous parameter monitoring systems in the control device. Secondary Nonferrous Metals Processing: There are ten existing area sources for the processing of secondary nonferrous metals. All secondary nonferrous metal processing operations are currently controlled by a baghouse. Each baghouse at these facilities is designed to achieve the best emission reduction possible where the range is between 99-99.7 percent reduction in PM. Under the proposed rule, existing sources would be required to have a baghouse that achieves at least 99 percent reduction of PM as a surrogate for metal HAP. New sources would be required to achieve 99.5 percent reduction of PM from their furnaces using a baghouse. Weekly visual emission tests and equipment inspections would be required for monitoring at existing sources. For new sources, bag leak detection systems and weekly equipment inspections would be required for monitoring secondary nonferrous metals processing sources.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 7401 to 7626; CAA**Legal Deadline:**

Action	Source	Date
Other	Statutory	11/15/2000
Other	Judicial	12/15/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 4873; Additional Contact Information: Bill Neuffer -for clay ceramics at 919 541-5435, neuffer.bill@epa.gov. Susan Fairchild- for Glass and Secondary Nonferrous Metals Processing.; EPA Docket information: EPA-HQ-2006-0424 (CLAY) EPA-HQ-OAR-2006-0360 (GLASS) EPA-HQ-OAR-2006-0940 (SECONDARY NONFERROUS)

**Regulatory Flexibility Analysis Required:** No **Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** Undetermined**Agency Contact:** Susan Fairchild Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM19**Title:** NESHAP: Area Source Standards for Miscellaneous Chemical Manufacturing

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from the chemical manufacturing industry, including industrial organic chemicals, inorganic chemicals, pharmaceuticals, pesticides, and polymers and resins. These source categories were listed for regulation under the Urban Air Toxic Strategy to address HAP emissions from area sources.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:**

Action	Source	Date
Other	Judicial	12/15/2008

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	
Final Action	01/00/2009	

**Additional Information:** SAN No. 4874;**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Randy McDonald Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM36**Title:** Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. Both iron foundries and steel foundries were listed as high priority source categories via a toxicity-weighting analysis. Extensive data gathering and analyses were performed during the development of MACT standards for major iron and steel foundries in 1998. Although primarily a 1998 snapshot of the industry, this database was continually updated with new information regarding plant closures and new control equipment installation throughout the major source rule development. Consequently, this database includes the most recent data for substantial number of area source foundries, and forms the foundation of the environmental and economic impact analysis for area source iron and steel foundries. We intend to apply GACT as control options for regulated emission sources. Several HAPs have been identified that may be present in air emissions in significant enough quantities to be of concern. The metal HAPs emitted from melting furnaces include cadmium, chromium, lead, manganese, and nickel. Aromatic organic HAPs produced by mold- and core-making lines, melting furnaces, and pouring, cooling and shakeout (PCS) lines contain acetophenone, benzene, cumene, dibenzofurans, dioxins, naphthalene, phenol, pyrene, toluene, and xylene. The nonaromatic organic HAPs emitted are formaldehyde, methanol, and triethylamine. There are approximately 240 area source iron foundries in the U.S., with about 70 percent being small businesses. We estimate that 60 percent of the area source iron foundries have production under 10,000 tons per year. There are approximately 190 area source steel foundries in the U.S., with about 70 percent being small businesses. We estimate that 80 percent of the area source steel foundries have production under 10,000 tons per year. Approximately 75 percent of the iron foundries are located in the urbanized areas or urban clusters;

approximately 80 percent of the steel foundries are located in the urbanized areas or urban clusters. A preliminary analytical blue print was prepared in July 2006.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
Other	Statutory	11/30/2000
Other	Judicial	12/15/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 4879;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM37

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**Title:** NESHAP: Area Source Standards--Plating and Polishing

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. The Integrated Urban Air Toxics Strategy lists plating and polishing as an area source category.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
Other	Judicial	06/15/2008

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	
Final Action	06/00/2008	

**Additional Information:** SAN No. 4886;

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** Undetermined

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM44

**Title:** Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112(k) requires development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous 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). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories. Both industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
Other	Judicial	12/15/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 4884;

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Small Entities Affected:** Business; Governmental  
Jurisdictions; Organizations

**Federalism:** No

**Energy Affected:** Undetermined

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )**

**RIN:** 2060-AM45

**Title:** Flexible Air Permit Rule

**Abstract:** This package revises our regulations governing State and Federal operating permit programs required by title V of the Act and the NSR programs required by parts C and D of title I of the Act. These proposed actions are based, in large part, on the lessons learned through EPA's pilot experience in which EPA worked closely with States and sources to develop flexible air permitting approaches that provide greater operational flexibility and, at the same time, ensure environmental protection and compliance with applicable laws. In our pilot permits, increased flexibility is primarily achieved through advance approvals under NSR and alternative operating scenarios (AOSs). The proposed revisions clarify how this can often be done in the existing regulatory framework of the operating permit programs. The proposed revisions also add major NSR requirements for Green Groups, which allow future changes to occur within a group of emissions activities, provided that they are ducted to a common air pollution control device which is determined to meet "best available control technology" (BACT) or "lowest achievable emission rate" (LAER), as applicable and that they are determined to comply with all relevant ambient requirements.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 70; 40 CFR 51; 40 CFR 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA title V, parts C and D

**Legal Deadline:** None

**Timetable:**



Action	Date	FR Cite
NPRM	09/12/2007	72 FR 52205
NPRM Comment Period Extended	10/18/2007	72 FR 59065
NPRM Comment Period End	01/14/2008	
Final Action	03/00/2008	

**Additional Information:** SAN No. 4885;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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### Environmental Protection Agency (EPA)

#### Air and Radiation ( AR )

**RIN:** 2060-AM49

**Title:** Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use with Substitute Refrigerants

**Abstract:** This rule would amend the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants. This amendment would clarify how the requirements of Clean Air Act section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	
Final Action	03/00/2009	

**Additional Information:** SAN No. 4916;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ozone/title6/608](http://www.epa.gov/ozone/title6/608)

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM55**Title:** Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act**Abstract:** EPA is amending appendix D to subpart F of 40 CFR part 82--Standards for Becoming a Certifying Program for Technicians. The Refrigerant Recycling Regulations governing standards for certifying programs for technicians were promulgated under section 608 of the Clean Air Act Amendments of 1990 (May 1994; 59 FR 28660). These regulations were amended in November 9, 1994 (59 FR 559120), to clarify the scope of the technician certification requirements and to provide a limited exemption from certification requirements for apprentices. Today's amendment to the regulation will provide specific requirements for programs applying to become certifying organizations, will specify reporting and recordkeeping requirements in order to enhance implementation of the program, and will define other administrative components of the program to improve accountability.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2008	
Final Action	10/00/2008	

**Additional Information:** SAN No. 4901;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/ozone/title6/608/index.html](http://www.epa.gov/ozone/title6/608/index.html)

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM63

**Title:** Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods To Improve Such Monitoring

**Abstract:** This project is part of a four-pronged approach to improve emissions monitoring in air regulations. The purpose of this project is to identify and update existing regulations with poor or no emissions monitoring provisions. More specifically, this purpose of this project is to review parts 60, 61, and 63 regulations where the emissions monitoring provisions are deemed inadequate to provide a reasonable assurance of compliance. An ANPR was published asking for comments on updating existing regulations with poor or no emissions monitoring provisions. A response to comments document has been prepared. In addition, a database including the initial review of the emissions monitoring provisions' inadequacies of parts 60, 61, and 63 rules has been completed.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60; 40 CFR 61; 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	02/16/2005	70 FR 7905
NPRM	10/00/2008	

**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; Individual Document id in the EPA docket: <http://www.epa.gov/edocket>

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Tom Driscoll Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM71**Title:** NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing--Area Source

**Abstract:** There are approximately 93 small steel mills (minimills) that melt steel scrap in 142 electric arc furnaces (EAF). Minimills account for roughly half of US steel production (~50 million tons per year). The scrap charged to the furnace is the source of HAP emissions. A major source of scrap is recycled automobiles, which may contain mercury switches, lead components, oil, grease, plastics, and other materials that can contribute to HAP emissions. Pollutants of interest for the EAF NESHAP are manganese, lead, chromium, nickel, and mercury.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA sec 112**Legal Deadline:**

Action	Source	Date
Other	Statutory	11/30/2000
Other	Judicial	12/15/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 4889; EPA Docket information: OAR-2004-0083**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Phil Mulrine Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AM84

**Title:** NESHAP: Defense Land Systems and Miscellaneous Equipment

**Abstract:** This regulation will control emissions of hazardous air pollutants (HAP) from surface coating operations performed on-site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State) or the National Aeronautics and Space Administration and the surface coating of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State). Aerospace and shipbuilding surface coating operations at these installations were originally covered by the already-promulgated MACT standards for aerospace manufacturing and rework and shipbuilding and ship repair. However, other recently-promulgated surface coating MACT standards were also expected to address other surface coating operations at these installations (e.g., miscellaneous metal parts and products, plastic parts and products, etc.). Following proposal of these standards EPA received comments indicating that a separate standard for defense operations is a better approach. Accordingly, this rulemaking will address all surface coating activities at these installations which do not meet the applicability criteria of either the Aerospace Manufacturing and Rework or Shipbuilding and Ship Repair MACT standards.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA sec 112**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	

**Additional Information:** SAN No. 4926;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kim Teal Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AM91

**Title:** Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions

**Abstract:** On July 11, 2003, EPA received a petition for reconsideration on behalf of Newmont USA Limited, dba Newmont Mining Corporation ("Newmont") that stated that the December 31, 2002 (67 FR 80185), final rule included fugitive emissions for the purposes of determining whether a facility had undergone a major modification for the first time. The EPA is announcing their reconsideration of this issue arising from our final rules of December 31, 2002.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51 and 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA title I

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	

**Additional Information:** SAN No. 4940;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN00

**Title:** Implementing Periodic Monitoring in Federal and State Operating Permit Programs

**Abstract:** This rule would revise the Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rule (40 CFR parts 70 and 71) to define when periodic monitoring for monitoring stationary source compliance must be created, and to include specific criteria that periodic monitoring must meet. This rule satisfies our 4-step strategy announced in the final Umbrella Monitoring Rule (published January 22, 2004) to address monitoring inadequacies. The four steps were: 1) To clarify the role of title V permits in monitoring [Umbrella Monitoring Rule]; 2) to provide guidance for improved monitoring in PM-Fine SIP's; 3) to take comment on correction of inadequate monitoring provisions in underlying rules; and 4) to provide guidance on periodic monitoring. We have completed the RIA data collection and most of the analyses, and are beginning review with OPEI and an economic sub-work group.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 70.6(c)(1); 40 CFR 71.6(c)(1); 40 CFR 64 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The "periodic monitoring" rules, 40 CFR 70.6(a)(3)(i)(B) and 71.6(a)(3)(i)(B), require that "[w]here the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), [each title V permit must contain] periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to [§ 70.6(a)(3)(iii) or § 71.6(a)(3)(iii)]. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of [§70.6(a)(3)(i)(B) and §71.6(a)(3)(i)(B)]." Sections 70.6(c)(1) and 71.6(c)(1), called the umbrella monitoring rule, require that each title V permit contain, "[c]onsistent with paragraph (a)(3) of this section, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." On January 22, 2004 (69 Federal Register 3202), EPA announced that the Agency has determined that the correct interpretation of §§ 70.6(c)(1) and 71.6(c)(1) is that these sections do not provide a basis for requiring or authorizing review and enhancement of existing monitoring in title V permits independent of any review and enhancement as may be required under the periodic monitoring rules, the CAM rule (40 CFR part 64)(62 FR 54900, October 22, 1997) where it applies, and other applicable requirements under the Act.11 This action is to publish a separate proposed rule to address what monitoring constitutes periodic monitoring under §§ 70.6(a)(3)(i)(B) and 71.6(a)(3)(i)(B) and what types of monitoring should be created under these provisions. The intended effect of the rule revisions in this proposal is to focus case-by-case reviews on those applicable requirements for which we can identify potential gaps in the existing monitoring provisions.

**Legal Basis:** Section 502(b)(2) of the Act requires EPA to promulgate regulations establishing minimum requirements for operating permit programs, including "[m]onitoring and reporting requirements." 42 U.S.C. § 7661a(b)(2). Second, section 504 (b) authorizes EPA to prescribe "procedures and methods" for monitoring "by rule." 42 U.S.C. § 7661c(b). Section 504(b) provides: "The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act, but continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance. . . ." Other provisions of title V refer to the monitoring required in individual operating permits. Section 504(c) of the Act, which contains the most detailed statutory language concerning monitoring, requires that "[e]ach [title V permit] shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(c). Section 504(c) further specifies that "[s]uch monitoring and reporting requirements shall conform to any applicable regulation under [section 504(b)]. . . ." Section 504(a) more generally requires that "[e]ach [title V permit] shall include enforceable emission limitations and standards, . . . and such other conditions as are necessary to assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan." 42 U.S.C. § 7661c (a).

**Alternatives:** Some existing monitoring required under applicable requirements could be improved and will be addressed in connection with both the upcoming PM2.5 implementation rulemaking and by improving monitoring in certain federal rules or monitoring in SIP rules not addressed in connection with the PM2.5 implementation guidance or rulemaking over a longer time frame.

**Costs and Benefits:** We are assessing the benefits associated with improved monitoring including the reduction in source owner response time to potential excess emissions problems. Such reduced response time to take corrective action that will be required by the rule will result in measurable emissions reductions that will be balanced against the cost of increased equipment, data collection, and recordkeeping costs. We estimate the total costs of the rule to be more than \$100 million.

**Risks:** There are no environmental and health risks associated with implementing this monitoring rule; the underlying rules with emissions limits address those risks for each subject source category. The effect of the monitoring resulting from this rule will be to reduce the occurrence of excess emissions episodes that raise such risks.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	



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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Business

**Energy Affected:** No

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**Government Levels Affected:** Federal; Local; State; Tribal

**Federalism:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN21

**Title:** NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations--Area Sources (Includes Autobody, Paint Stripping, and Miscellaneous Coating Plastic Parts)

**Abstract:** These standards are being developed under the Clean Air Act, section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from "area" sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP or 25 tons/year of all HAP. As part of that strategy, Autobody Refinishing, Paint Stripping, and Plastic Parts and Products (Surface Coating) source categories were listed for regulation. These standards will establish requirements to control pollution from facilities engaged in autobody refinishing, paint stripping, and surface coating of miscellaneous parts and products comprised of metal and plastic substrates. Facilities in these source categories are known to emit methylene chloride, cadmium compounds, chromium compounds, lead compounds, manganese compounds, and nickel compounds. Previously EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for major sources engaged in refinishing, paint stripping, and surface coating activities.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR part 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
Other	Judicial	12/15/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 4978;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** Business; Governmental  
Jurisdictions

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN30

**Title:** Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas

**Abstract:** Section 612 of the Clean Air Act requires EPA to identify alternatives to Class I and II ozone-depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications. Independent of any petitions or notifications received, EPA may also initiate updates to the substitute lists based on new data on either additional substitutes or on characteristics of substitutes previously reviewed. Based on new information on the continued and growing use of carbon dioxide total flooding fire extinguishing systems, EPA is revising 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2008	

**Additional Information:** SAN No. 4991;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ozone/snap](http://www.epa.gov/ozone/snap)

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN33

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**Title:** NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments

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

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63.210 - 217 (To search for a specific CFR, visit the [Code of Federal Regulations](http://www.ecfr.gov).)

**Legal Authority:** 42 USC 4701 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2008	
Final Action	03/00/2009	

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN36**Title:** NESHAP: Site Remediation Amendments--Response to Litigation

**Abstract:** The Site Remediation regulation was promulgated on October 8, 2003. We were challenged by the Sierra Club on several provisions in the rule. We anticipate that settlement negotiations will result in certain revisions to the rule's requirements. These revisions could remove an exemption for certain sources thereby increasing the compliance costs of the final rule by up to \$7.7 million.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 subpart GGGGG (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7412**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	

**Additional Information:** SAN No. 4866.1; Split from RIN 2060-AM30.; EPA Docket information: OAR-2002-0021**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Greg Nizich Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN37**Title:** NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments

**Abstract:** We are currently in litigation/settlement discussions in response to a Petition for Reconsideration of the final rule. The outcome could result in an amendment to the rule that would require control of wastewater emission sources at OLD facilities.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	10/31/2006

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	

**Additional Information:** SAN No. 4910.1; Split from RIN 2060-AM77.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN48

**Title:** Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.

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

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7671 to 7671q

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2008	

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

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

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** www.epa.gov/ozone

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN58

**Title:** Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Products

**Abstract:** EPA is concerned with the environmental impacts that could result from the potential continued imports of HCFC pre-charged products after the phaseout of production and importation of bulk substances. Similar concerns resulted in the banning the imports of CFC pre-charged refrigeration products after the 1996 phaseout of production and import of bulk substances. Therefore, EPA intends to propose regulations banning the imports of HCFC pre-charged products under the provisions within title VI of CAAA.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2008	
Final Action	02/00/2009	

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

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** www.epa.gov/ozone/title6

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

**RIN:** 2060-AN65

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**Title:** Revisions to the Definition of Potential to Emit (PTE)

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

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR Part 51; 40 CFR 52; 40 CFR 63; 40 CFR 70; 40 CFR 71 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The proposed rulemaking responds to three court decisions issued in 1995 and 1996 that remanded EPA's regulatory requirement that PTE limits be federally enforceable. Although the federal enforceability requirement was vacated in the Federal PSD, NSR, and title V rules, the section 112 program rules were not vacated and thus still contain the federal enforceability requirement. In the interim however, until EPA clarifies the issues related to federal enforceability of PTE limits, current EPA policy recognizes State enforceable PTE limits for purposes of avoiding section 112 and Title V requirements in many circumstances. The new regulations would respond to the court's remands in the various cases.

**Legal Basis:** The proposed rule responds to three court orders regarding the federal enforceability component in the definition of "potential to emit." See *National Mining Association v. EPA* (59 F. 3d 1351, D.C. Cir. 1995), *Chemical Manufacturers Assn v. EPA*, No. 89-1514 (D.C. Cir. Sept. 15, 1995) and *Clean Air Implementation Project v. EPA*, No. 96-1224 (D.C. Cir. June 28, 1996). In those cases, the court questioned federal enforceability as a necessary criteria for effective PTE limits. The definitions of PTE in the implementing regulations for the major source programs interpret the statutory term "potential to emit" and provide a legal mechanism for sources that wish to restrain their emissions to avoid triggering major source requirements. Several provisions of the Clean Air Act (CAA or the Act) require that "major" sources be regulated more stringently than sources that are not major. A "major" source generally is defined as one that either "emits or has the potential to emit" air pollutants above a specified amount (referred to as major source thresholds). Until EPA addresses the issues and clarifies the PTE definitions, there will be some uncertainty regarding what is required for enforceability of PTE limits. Parties currently rely on EPA guidance for determining if PTE limits are legally enforceable and effective.

**Alternatives:** To address the court decisions EPA must either (i) remove the exclusive federal enforceability requirement or (ii) provide an explanation as to why federal enforceability enhances the effectiveness of PTE limits to such a degree that it is within reason to require federally enforceable limits. In this rulemaking, EPA will consider both options provided by the court

and propose our preferred option. The proposal will specifically request comment on our preferred approach as well as any alternative options.

**Costs and Benefits:** The proposed rule will not impose additional costs on sources. First, PTE limits are voluntary in that the source chooses to take a PTE limit rather than meet major source requirements. Moreover, currently, sources that wish to take PTE limits must demonstrate that their restrictions are effective according to a number of existing EPA policy documents and applicable regulations, for example under minor new source review regulations and guidance. By codifying the criteria that make PTE limits effective, we will be providing additional certainty and clarity for sources wishing to obtain PTE limits. We expect that clarifying enforceability would yield benefits in terms of improved information about sources emissions and compliance. But because PTE limits generally reduce potential rather than actual emissions and since PTE limits are already in widespread use, we do not expect significant environmental impacts associated with this rule change. These regulations will impose a burden increase initially on those State and local programs that may need to revise or remove PTE definitions in their rules to make them consistent with these amendments as approved in the final rule. Thereafter, we expect a reduction in burden for all programs due to a less burdensome administrative process.

**Risks:** There are no environmental and health risks associated with implementing the proposed amended PTE definition; the underlying rules with emissions limits address those risks for each subject source category.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	

**Additional Information:** SAN No. 5025;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN80

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**Title:** National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing; Amendments



**Abstract:** The promulgated National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing included process vent requirements for inorganic HAP streams or inorganic process HAP streams. However, a small minority of process vents in the industry contain emission streams that combine inorganic and organic HAPs. The purpose of this amendment is to add a definition for mixed stream process vents in order to clarify the rule requirements and avoid the confusion caused by the current rule. These amendments will not add additional burden or cost to the rule. Due to the recent Brick MACT Decision, this package was pulled back and we are having conversations with OGC to discuss how to move forward. Because of this decision, adding information into this final would be finalizing something that we did not propose earlier, thus OGC has advised us that we are going to have to repropose instead of going with the final amendments. This amendment affects 1 facility (Kodak) in New York. The original compliance date was May 22, 2006 and the State granted the facility a 1 year extension to May 22, 2007. The facility has contacted the State of New York again and explained the situation with these amendments and they have agreed to give Kodak the necessary time to comply with the amendments once we issue them. The facility has also requested that the State contact the Regional Office (Region 2) to explain the situation to them, so that they are aware and will not enforce any compliance penalties. Thus, we are having to collect additional data from this one facility in order to set an emission limit. We hope to have these amendments ready to send to DC by the end of June, so we will not make the compliance date of May 22, 2007 and the facility is well aware of this.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA title III

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	10/19/2006	71 FR 61701
Other	11/00/2007	
Final Action	01/00/2008	

**Additional Information:** SAN No. 5055; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-19/a17224.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN85

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**Title:** Risk and Technology Review Phase II Group 2

**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. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and resolve programmatic issues in one action, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data. This action was originally referred to as RTR Phase II and included 34 MACT standards and 50 source categories. We reduced the scope of this action and will now focus on RTR Phase II Group 2 which consists of 11 MACT standards covering 21 source categories with MACT compliance dates of 2002 and earlier. We plan to model each MACT source category to obtain inhalation risks, including cancer risk and incidence, population cancer risk, and non-cancer effects (chronic and acute). We also plan to evaluate multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP. We published an ANPRM in March 2007 to solicit public comments and corrections on emissions data that will be used to assess risk for these source categories. We will remodel the categories based on the updated data. EPA will then evaluate the effectiveness and cost of additional risk reduction options and make acceptability and ample-margin-of-safety determinations in accordance with Benzene NESHAP decision framework. Where the need for additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards. The 11 MACT standards, the 21 source categories, and the associated NAICS codes are listed below. Aerospace Manufacturing and Rework Facilities, 336411 Marine Tank Vessel Loading Operations, 4883 Mineral Wool Production, 32799 Natural Gas Transmission and Storage, 486210 Oil and Natural Gas Production, 211 Pharmaceuticals Production, 3254 Group I Polymers and Resins, 325212 Epichlorohydrin Elastomers Production Hypalon™ Production Nitrile Butadiene Rubber Production Polybutadiene Rubber Production Styrene-Butadiene Rubber and Latex Production, Group IV Polymers and Resins, 325211 Acrylic-Butadiene-Styrene Production Methyl Methacrylate-Acrylonitrile-Butadiene-Styrene Production Methyl Methacrylate-Butadiene-Styrene Production Nitrile Resins Production Polyethylene Terephthalate Production Polystyrene Production Styrene-Acrylonitrile Production Primary Aluminum Reduction Plants, 331312 Printing and Publishing Industry, 32311 Shipbuilding and Ship Repair Operations, 36611 EPA will finalize these in two groups; one group will be finalized following the schedule noted below, the other will be finalized in 2009.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 00 CFR NYD (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA Sections 112(f)(2), 112(d)(6)

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** 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.

**Legal Basis:** Clean Air Act Sections 112(f)(2) and 112(d)(6).

**Alternatives:** Where additional controls are identified, risk reduction alternatives will be evaluated that include technology, work practice, or performance standards. Any alternatives that are selected would be implemented as amendments to the existing MACT standards.

**Costs and Benefits:** For the risk reduction alternatives we will evaluate costs, emission reductions, risk reductions, various measures of cost effectiveness and where appropriate, benefits analysis. We plan to consider the added benefit of reducing emissions of criteria pollutants, including PM, and green house gas emissions. The facts underlying the risk determination will be key factors in making any subsequent technology review determination.

**Risks:** Each MACT source category will be assessed to determine cancer and noncancer inhalation risks, environmental risks, and multipathway risks. Cancer risk will include maximum individual risk (MIR), incidence, and population risk, and non-cancer effects will include chronic and acute risks. We also plan to evaluate the multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/29/2007	72 FR 14734
Other	05/25/2007	72 FR 29287
NPRM	11/00/2007	
Final Action	11/00/2008	

**Additional Information:** SAN No. 5093; EPA publication information: ANPRM;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 3364; 3313; 32731; 3341; 32411; 331492; 22132

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )**

RIN: 2060-AN93

**Title:** Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval

**Abstract:** This action is based on the Final Report of a Task Force which was formed in May 2004 to review the implementation and performance of the operating permit program under title V of the Clean Air Act Amendments. The report reflects the core issues of concern to all stakeholder groups and their perspectives on how best to address them. 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. This rulemaking address three recommendations from the title V Task Force. The recommendations include clarifying the use of administrative amendments and minor permit modifications, the treatment of insignificant emission units (IEU's), and alternatives to newspaper notices.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 70; 40 CFR 71 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2008	
Final Action	09/00/2008	

**Additional Information:** SAN No. 5079;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN94

**Title:** Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska

**Abstract:** This rule would revise EPA's gasoline-engine emission regulations to allow the use of the latest version of ASTM technical standards for Alaska. Gasoline-powered engines in Alaska face special challenges. Extremely cold winter temperatures increase the risk that engines using typical gasoline blends will suffer from difficulty in cold starting. To address these unique circumstances, the new ASTM 4814-04 standards for gasoline include special subclasses for gasoline used in extremely cold conditions. The new parameters enhance vehicle cold start and warm-up performance by allowing slightly different volatility characteristics for gasoline. Current EPA regulations only allow the use of the older 1988 version of the ASTM gasoline standards, which do not address Alaska's cold climate. This rulemaking is intended to adopt new specifications by changing the "Substantially Similar" definition to include the new standards in ASTM 4814-04 for Alaska only. This action is supported by automobile manufacturers and Alaska refiners.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 80 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA 211

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2008	

**Additional Information:** SAN No. 5080;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN99**Title:** NESHAP: Mercury Cell Chlor-Alkali Plants--Amendments

**Abstract:** This rule was promulgated in 2003 in 40 CFR part 63 subpart V (NESHAP) to require MACT for both major and area sources. The pollutant of concern is elemental mercury. At the time of the rule, 12 plants existed in the US. In 2003, NRDC submitted a petition for reconsideration requesting EPA to more accurately quantify the fugitive emissions of mercury from this industry and to set numerical standards, among other items. EPA granted NRDC's petition for reconsideration and, in response to NRDC's concerns, initiated a testing and monitoring study to evaluate and better characterize fugitive emissions from mercury cell chlor-alkali plants. The results of this study will improve EPA's ability to predict mercury emissions from chlor-alkali plants and to evaluate the next steps in the reconsideration. Currently, there are only 8 plants operating in the US, with three plants expecting to close or convert by 2008. The Chlorine Industry, in its 2005 report to the Great Lakes Bi-National Toxic Strategy, reported that only 3 tons of mercury were unaccounted in 2005, significantly lower than the 65 tons reported as unaccounted in the preamble to the MACT rule in 2003.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7412**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	

**Additional Information:** SAN No. 5095;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Donna Jones Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO07**Title:** NESHAP: Miscellaneous Organic Chemical Manufacturing--Amendments

**Abstract:** A final rule for this source category was published on November 10, 2003. Several parties petitioned the rule and final amendments to address issues raised by the petitioners were published on July 14, 2006. This action will correct several errors in the final amendments. Also, this action will propose an alternative control option for wastewater treatment tanks operated under negative pressure. Because the rule references the HON, the change will be made to the wastewater standards in the HON.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7412**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 4891.1; Split from RIN 2060-AM43.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Randy McDonald Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO11

**Title:** Air Quality Index Reporting and Significant Harm Level for PM2.5

**Abstract:** On July 23, 1999, EPA adopted revisions to the uniform air quality index used by States for daily air quality reporting to the general public in accordance with section 319 of the Clean Air Act (Act). These changes included the addition of the following elements: A new category described as "unhealthy for sensitive groups;" two new requirements, 1) to report a pollutant-specific sensitive group statement when the index is above 100, 2) to use specific colors if the index is reported in a color format; new breakpoints for the ozone (O3) sub-index in terms of 8-hour average O3 concentrations; a new sub-index for fine particulate matter (PM2.5); and conforming changes to the sub-indices for coarse particulate matter (PM10), carbon monoxide (CO), and sulfur dioxide (SO2). In addition, EPA changed the name of the index from the Pollutant Standards Index to the Air Quality Index (AQI). The revisions enhance the communication of pollutant-specific health effects information to members of sensitive groups, including precautionary actions that can be taken by individuals to reduce exposures of concern. The revisions also enhance the usefulness of the AQI with regard to other programs that provide air quality information and related health information to the general public, including State and local real-time air quality data mapping and community action programs. In 2006, EPA promulgated a revised national ambient air quality standard (NAAQS) for PM2.5 levels of 35 ug/m3, 24-hour average. The purpose of this rulemaking is to make revisions to the AQI sub-index for PM2.5 to be consistent with the new daily standard. It is important to make this revision expeditiously to allow members of the public, especially members of sensitive groups, to take exposure reduction measures when PM2.5 levels are forecasted to be high. State and local air agencies are encouraging EPA to make the revisions as soon as possible. EPA has never set a Significant Harm Level (SHL) for PM2.5. There are SHLs for sulfur dioxide, ozone, carbon monoxide, PM10 and nitrogen dioxide. Designated areas must have contingency plans in place to prevent ever reaching this level. There is not currently an SHL for PM2.5. The SHL is typically the same concentration as the 500 level of the AQI. So along with revising the AQI for PM2.5, we will also set an SHL for PM2.5.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 58.50; 40 CFR 58, app G; 40 CFR 51.150, subpart H (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 5115;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO13**Title:** NESHAP: Ferroalloys Production--Area Source Standards

**Abstract:** Section 112 (k) of the Clean Air Act requires the development of standards for area sources that account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists ferroalloys production as an area source category. Pollutants emitted include mostly metallic HAP such as manganese, nickel, chromium compounds, as well as polycyclic aromatic hydrocarbons (PAH) such as benzoanthracene and benzopyrene. Ferroalloys are alloys of iron in which one or more chemical elements are added into molten metal, usually in steelmaking. Worldwide, the principal ferroalloys are those of chromium, manganese, and silicon. Ferroalloys are also made with boron, titanium, cobalt, columbium, molybdenum, nickel, vanadium etc. Although calcium carbide and silicon metal are not ferroalloys, they are included in the proposed ferroalloys source category because each is manufactured using virtually the same equipment and processes as ferroalloys. This source category is currently regulated under both the new source performance standards (NSPS) and the national emissions standards for hazardous air pollutants (NESHAP) for major sources. There are approximately 19 area source facilities in the U.S. An informal information collection request was sent out to the facilities that use electric arc furnaces for production in July 2006.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA sec 112**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2008	

**Additional Information:** SAN No. 5122;**Regulatory Flexibility Analysis****Government Levels Affected:** State**Required:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Conrad Chin Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO15**Title:** NESHAP: Portland Cement Notice of Reconsideration



**Abstract:** On December 20, 2006, we published final amendments to the Portland Cement NESHAP. These amendments were in response to a remand by the D.C. Circuit Court of portions of the final rule published in 1999. At the same time as the final amendments were published, we also published a notice of reconsideration of the final new source limits for mercury and total hydrocarbons (a surrogate for non-dioxin organic HAP). We also are reconsidering the ban on the use of certain mercury containing fly ash in both new and existing kilns. We took this action because there are still substantive technical issues and there was not sufficient opportunity for public comment on parts of the final action. In addition to these reconsiderations, we have also agreed to reconsider the decision not to regulate HCl, and the existing source standards for mercury and total hydrocarbons. We have stated in the notice that we will complete this reconsideration by December 20, 2007. As part of this effort, we are requesting that four cement facilities that have wet scrubbers for SO<sub>2</sub> control perform inlet and outlet testing for speciated mercury emissions and submit the test data to EPA to be used in the reconsideration for the new source mercury standard. Due to the impacts of the decision of the D.C. Circuit Court on the Brick Manufacturing NESHAP, we now anticipate that significant data gathering will also be required for the other items under consideration.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63.1340 to 63.1359 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7412

**Legal Deadline:**

Action	Source	Date
Other	Judicial	12/20/2007

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	
Final Action	07/00/2008	

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Tribal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-A016

**Title:** Risk and Technology Review for Group 1: Polymers & Resins I; Polymers & Resins II, Acetal Resins, and Hydrogen Fluoride

**Abstract:** This action is called Risk and Technology Review (RTR) Group 1. It will address both EPA's obligation to conduct a residual risk review and to conduct a technology review. It includes eight source categories, each affected by one of four MACT standards. The eight source categories are: Polysulfide rubber manufacturing (P&R I MACT); ethylene propylene rubber manufacturing (P&R I MACT); butyl rubber manufacturing (P&R I MACT); neoprene manufacturing (P&R I MACT); epoxy resins manufacturing (P&R II MACT); non-nylon polyamides manufacturing (P&R II MACT); hydrogen fluoride manufacturing (GMACT); and acetal resins manufacturing (GMACT). EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with MACT air-toxic emission standards according to section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices, processes and control technologies according to section 112(d)(6) of the CAA.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	

**Additional Information:** SAN No. 5126;

**Regulatory Flexibility Analysis**

**Government Levels Affected:** No

**Required:** Undetermined

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-A017

**Title:** Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of Family of Four Hydrofluoropolyethers (HFPEs) and HFE-347pc-f

**Abstract:** This is a deregulatory action to exclude this family of HFPE's and also HFE-347pc-f from the list of volatile organic compounds (VOCs) on the basis that, as a precursor, these compounds make a negligible contribution to the formation of tropospheric ozone. These compounds have the potential for use as refrigerants because they are not stratospheric ozone depleters. This action will remove the necessity to control these particular HFPE's and HFE-347pc-f as VOCs in State Implementation Plans for attaining the ozone standard.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51.100(s) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA title I

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	

**Additional Information:** SAN No. 5131;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AO23

**Title:** Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)

**Abstract:** EPA is granting reconsideration on several relatively minor issues in the recently finalized stationary combustion turbine NSPS rule, subpart KKKK. The final rule does not require NOx continuous emission monitors (CEMS), but many new turbines will be required to install CEMS due to other regulatory programs. The credible evidence rule requires that units with CEMS demonstrate continuous compliance. Issues under reconsideration include if EPA should add a detailed methodology for units with CEMS to determine and report compliance under all situations. EPA will also be proposing to clarify that new, reconstruction, and modification should be determined in a similar manner as the previous stationary combustion turbine NSPS, subpart GG. Any changes that result from the reconsideration are not anticipated to result in additional controls being required or an increase in compliance costs.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA 111

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
Final Action	04/00/2008	

**Additional Information:** SAN No. 5116;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-A024

**Title:** Prevention of Significant Deterioration for PM2.5--Increments, Significant Impact Levels, and Significant Monitoring Concentrations

**Abstract:** Section 166 of the Clean Air Act authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration (PSD) of air quality due to emissions of any pollutant for which a NAAQS has been promulgated. The NAAQS for PM2.5 was 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 indicated that we would be proposing a separate rule for developing increments, Significant Impact Levels (SILs) and Significant Monitoring Concentrations (SMCs) to facilitate implementation of a PM2.5 PSD program. Increments are maximum allowable increases in ambient PM2.5 concentrations (PM2.5 increments) allowed in an area above the baseline concentration. SILs are a screening tool used by a major PSD source to determine if it needs to do a comprehensive increments analysis. If a source's impacts of PM2.5 emissions are less than the corresponding SIL, the source's impacts are considered to be de minimis and no further modeling analyses are required. Similarly, SMCs are a screening tool used by a major PSD source to determine if site specific ambient monitoring is necessary. In this NPRM, we are proposing 3 options each for developing PM2.5 increment, SILs and SMCs. EPA's proposed increment options are the percent of NAAQS option, also known as the "safe harbor" approach, the "Equivalent Increment" approach and a variation of the second option that also considers the stringency of PM2.5 NAAQS. For SILs we would be seeking comments on 3 options--percent of increments option, emissions ratio of PM10 option and NAAQS ratio of PM10 option. For SMCs the 3 options would be Emissions Ratio option, NAAQS Ratio option and Lowest Detectable Concentration option.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 52.21; 40 CFR 51.166 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	

**Additional Information:** SAN No. 5068;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AO25

**Title:** Revision of Hearing-Protector Regulations

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 211, subpart B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** Noise Control Act of 1972, sec 8

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	
Final Action	07/00/2008	

**Additional Information:** SAN No. 5102;

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO27**Title:** NESHAP--Area Source Standards--Nine Metal Fabrication and Finishing Source Categories (12 SIC's, 25 NAICS Codes)

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels equivalent to generally available control technology (GACT). The following nine (9) metal fabrication and finishing area source categories have been identified as contributing to the 33 urban HAP emissions (Cd, Cr, Mn, Ni, Pb): (1) Electrical and Electronic Equipment Finishing Operations (SIC's 3699, 3621); (2) Fabricated Metal Products (SIC 3499); (3) Fabricated Plate Work (Boiler Shops) (SIC 3443); (4) Fabricated Structural Metal Manufacturing (SIC 3441); (5) Heating Equipment, except Electric (SIC 3433); (6) Industrial Machinery and Equipment: Finishing Operations (SIC's 3531, 3533, 3561); (7) Iron and Steel Forging (SIC 3462); (8) Primary Metal Products Manufacturing (SIC 3399); (9) Valves and Pipe Fittings (SIC 3494). These nine industry sectors have common and similar processes that can emit air pollutants: Abrasive blasting, welding, painting, plating, and machining/grinding.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA sec 112(k)**Legal Deadline:**

Action	Source	Date
Other	Judicial	06/15/2008

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2008	
Final Action	06/00/2008	

**Additional Information:** SAN No. 5135;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO28**Title:** Protection of Stratospheric Ozone: Extension of Global Lab and Analytical Use Exemption for Essential Class I Ozone Depleting Substances**Abstract:** EPA is proposing to extend the global lab and analytical use exemption for production and import of class I ozone depleting substances from December 31, 2007, to December 31, 2009, authorized by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and consistent with the Clean Air Act Amendments. The exemption applies to production and import of ozone-depleting substances for essential laboratory and analytical uses as defined by the Montreal Protocol. The Montreal Protocol has permitted this exemption since 1994. EPA is also proposing to apply the exemption to methyl bromide produced and imported after the January 1, 2005, phaseout date, authorized by the Parties to the Protocol in Decision XVII/15.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82.8(b) (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/13/2007	72 FR 52332
NPRM Comment Period End	11/13/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 5136;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Staci Gatica Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO41**Title:** Review of New Source Performance Standards--Nonmetallic Minerals

**Abstract:** Section 111(b)(1)(B) of the Clean Air Act mandates that EPA review and if appropriate revise existing NSPS at least every 8 years. The NSPS was initially promulgated on August 1, 1985. The NSPS was reviewed in the mid-1990's. Final revisions for that review were promulgated on June 9, 1997. On October 2006, EPA entered into a consent decree with the Sierra Club and other environmental groups. The decree requires proposal of any further revisions by April 2008 and final revisions promulgated on April 2009.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	04/16/2008
Other	Judicial	04/16/2009

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2008	
Final Action	04/00/2009	

**Additional Information:** SAN No. 5145;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Bill Neuffer Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AO42

**Title:** Review of New Source Performance Standards--Portland Cement

**Abstract:** New Source Performance Standards (NSPS) regulate criteria pollutants from new stationary sources. The Portland Cement NSPS were originally promulgated in 1971, and last reviewed in 1988. Section 111 of the Clean Air Act requires that NSPS be reviewed every 8 years, and revised as appropriate, so the review is overdue. The Sierra Club filed a lawsuit to compel us to perform this review. We have agreed to review the NSPS and propose any appropriate changes by May 31, 2008, and to promulgate the final changes by May 31, 2009.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 subpart F (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA sec 111**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	05/31/2008
Other	Judicial	05/31/2009

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	
Final Action	06/00/2009	

**Additional Information:** SAN No. 5143;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Keith Barnett Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AO43

**Title:** Review of New Source Performance Standards (Subpart UUU)--Mineral Dryers/Calciners

**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 proposed on April 23, 1986, and promulgated on September 28, 1992. There have been no prior reviews of this NSPS. One focus of the review will be the applicability of this NSPS to various industries including the foundry sand reclamation dryers/calciners and coolers. Emission control data for the mineral dryers/calciners that have been subject to this NSPS will be reviewed to determine if the NSPS emission limits are appropriate. Also, applicability determinations will be reviewed to ascertain if changes in the standard are needed. Also input will be obtained from various stakeholders to obtain determine their recommendations on revisions to the standards.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2008	

**Additional Information:** SAN No. 5142;

**Regulatory Flexibility Analysis**

**Government Levels Affected:** No

**Required:** Undetermined

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AO49

**Title:** Public Notification of Upcoming Revisions to State Implementation Plans

**Abstract:** EPA is proposing to amend Federal regulations to provide additional options for meeting the requirements, regarding public notice requirements prior to adoption and submission to EPA of State Implementation Plan (SIP) revisions. States currently use local newspapers and State registers when announcing revisions to SIPs. EPA is proposing that the use of the Internet as a means of prominent advertisement effectively meets the needs of the public notice announcing the 30 day notification period as required by paragraph 51.102(d)(1). EPA believes that this rule revision will enhance public participation in the rulemaking process and will also help State agencies reduce costs by providing the information through a website. This revision aligns the regulatory requirements with the reality of the way in which States and EPA interact, and with the way information is made available to the public in the current era. Under the current requirement, applicable documents are available for public review at specified locations during business hours. Providing the proposed revisions online will provide greater access to the public (24 hours a day and 7 days a week). This revision will not only reduce costs for States but may reduce costs for public participation. Also, making public notices available electronically provides greater opportunity for notice to the public because there are no geographic or time limits (within the 30 day notification period) on where or when notice may be obtained. Use of the Internet as a prominent advertisement media allows advertisement to be accessible 24 hours a day and 7 days a week. Use of Internet notice expands the availability of the announcement to a national level. A website can be designed to accept comments, download material, interact with the agency hosting the website and review documents online. EPA believes that Internet notice is, and is likely to remain the most effective means for making available public notice and documents, and encourages States to adopt it as the primary mode of notice provision, supplementing it with newspaper and State register notice where appropriate. The regulation as previously written does not define prominent advertisement and in the past the majority of States advertised in local newspapers and some advertised in a State register. This, however, had limitations since local newspapers charged for each time an advertisement/ announcement appeared in the paper. Should a person miss the advertisement(s), they might not become aware of the proposed SIP revision. EPA believes that with today's wide scope of Internet coverage available to the public, this rule revision will enhance public participation in the rulemaking process. EPA believes that the revision will also help State agencies reduce costs. States may use the Internet, State register, local newspaper, or any combination of these media sources to make the announcement required by Section 51.102(d), although use of the Internet should be the preferred mode. When a State utilizes the Internet as a means of "prominent advertisement," then the State must establish a website that is dedicated to the announcement of revisions to its SIPs, and give the public notice of that website. The public must be able to access this website and all of its contents without being required to disclose personal information (e.g., name, address, phone number). This accessibility requirement notwithstanding, the State may collect such personal information as is necessary to create, effect, and maintain a voluntary mailing list for the sole purpose of notifying persons who ask to receive automatic notice of the posting of revisions to the SIP.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51.102(d)(1) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 23 USC 101; 42 USC 7401 to 7641q

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	

**Additional Information:** SAN No. 5152;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State

**Small Entities Affected:** No

**Federalism:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO50**Title:** Measurement of PM 2.5 and PM 10 Emissions by Dilution Sampling

**Abstract:** This regulation describes the performance specifications and procedures for the measurement of particulate matter with an aerodynamic size cut of both 10 microns and 2.5 microns using a dilution air technique to cause the formation of condensable particulate matter. States which are in non-attainment to the national ambient air quality standards may need to test with this method to determine what contribution specific sources cause to the particulate matter burden. The use of dilution sampling was recommended by EPA's Science Advisory Board. They believe that the dilution process simulates the formation process that occurs in 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.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	

**Additional Information:** SAN No. 5155;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Tom Logan Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )****RIN:** 2060-A056**Title:** Rulemaking To Address Greenhouse Gas Emissions From Motor Vehicles**Abstract:** This action will implement the President's recent Executive Order to address greenhouse gas emissions from motor vehicles. This regulatory effort will evaluate reductions in gas consumption and greenhouse gas emissions from motor vehicles, using as a starting point the President's proposal to reduce gasoline consumption by up to 20% over the next 10 years. By increasing the supply of alternative fuels and making motor vehicles more energy efficient, this effort will serve to establish rules giving effect to the President's proposal.**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** Undetermined**CFR Citation:** 40 CFR 86, 40 CFR 80 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** Clean Air Act Sections 202, 206, 208, 211**Legal Deadline:** None**Regulatory Plan:****Statement of Need:** On May 14, 2007 President Bush signed an Executive Order requiring Federal agencies to take the first steps toward regulations to control greenhouse gas emissions (GHG) from motor vehicles and their fuels. The President also directed agencies to take steps to cut gasoline consumption and GHG from motor vehicles using his "Twenty in Ten" plan as a starting point. This plan would achieve reductions in U.S. gasoline consumption of up to 20 percent over the next 10 years. Up to a fifteen-percent reduction in petroleum-based consumption would come through the use of renewable and alternative fuels, and up to a five-percent reduction would come from increased fuel efficiency for cars and trucks. The President directed EPA, DOT, DOE, and USDA to complete this process by the end of 2008. Based on this directive, we have established a schedule to issue a notice of proposed rulemaking by the end of 2007 and a final rule by the end of October 2008.**Legal Basis:** On April 2, 2007, the Supreme Court ruled that the EPA must determine, under Section 202(a) of the Clean Air Act, whether greenhouse gas emissions (GHG) from new motor vehicles cause or contribute to air pollution that endangers public health or welfare. Based on that Supreme Court ruling, GHG are air pollutants under the Clean Air Act. EPA expects to address whether GHG from new motor vehicles meet the endangerment criteria in the process of proposing regulations to control GHG from new motor vehicles and their fuels. EPA is following the directions of the Presidential Executive Order in proposing such standards. The primary authority to regulate motor vehicles to reduce their emissions falls under Section 202 (a) (1) of the Clean Air Act. This provision requires that the Administrator shall by regulation prescribe standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or motor vehicle engines which in his judgment cause or contribute to air pollution and which may reasonably be anticipated to endanger public health or welfare. A regulatory action depends on an Administrator determination that the GHG emissions from new motor vehicles causes, or contributes to, air pollution which may reasonably be anticipated to endanger the public health or welfare. In setting fuel standards, two sections of the Clean Air Act are being considered. The primary authority for regulating motor vehicle fuels and fuel additives falls under Section 211(c) where the Administrator may, on the basis of information available to him, by regulation, control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle, motor vehicle engine, or nonroad engine or nonroad vehicle where a similar endangerment finding is made. This section provides authority to address all fuels and additives, including renewable and alternative fuels. Further, the Energy Policy Act of 2005 (EPAAct 2005, Public Law 109-58) amended the Clean Air Act by adding section Section 211(o) which requires EPA to set minimum volume standards for renewable fuel use. EPAAct 2005 established the volumes of renewable fuel to be used through 2012, and established a minimum level to be used after that date which EPA can adjust upward based on consideration of certain factors. EPA is considering an integrated compliance approach that will use both 211 (c) and 211(o) authorities for the fuel-related provisions of the proposed GHG rule.**Alternatives:** EPA will seek comment on alternatives to approaches being developed in the proposed rulemaking.**Costs and Benefits:** Cost and benefit information is being developed as the rulemaking process proceeds. Costs and benefit information can not be determined until after regulatory approaches have been proposed. Preliminary cost and benefit information will be provided when the rule is officially proposed.

**Risks:** The risks from emissions contributing to GHG's and their impact on public health and welfare are being evaluated and will be discussed as the endangerment finding process proceeds.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	
Final Action	10/00/2008	

**Additional Information:** SAN No. 5164;

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** Undetermined

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )**

**RIN:** 2060-A057

**Title:** Standards of Performance for Coal Preparation Plants: Amendments

**Abstract:** EPA entered into a consent decree to propose amendments the the coal preparation (subpart Y) new source performance standard (NSPS) by April 16, 2008. The consent decree date for final action is April 16, 2009. Subpart Y was last reviewed in 1989. EPA anticipates that the review will result in a tightening of the particulate emissions standard and updated monitoring requirements. In addition, EPA anticipates setting work practice standards to control fugitive PMM emissions.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60, subpart Y (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA sec 111

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	04/16/2008
Other	Judicial	04/16/2009

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2008	
Final Action	05/00/2009	

**Additional Information:** SAN No. 5144;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AO58

**Title:** Amend Methods 201a and 202 To Improve Measurement of Fine PM

**Abstract:** This action adds new procedures to two methods required in State Implementation Plans to measure fine PM or PM<sub>2.5</sub> 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<sub>2.5</sub> 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51, app M (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	

**Additional Information:** SAN No. 5147;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO61**Title:** Clarification of Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units**Abstract:** The amendments will address minor issues that have recently come to the Agency's attention and clarify the regulatory text to be consistent with the intent (as described in the response to comments document) of the final action of the "Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institution Steam Generating Units" that was signed on 13 June 2007. Amendments include clarifying that both utility and industrial steam generating units burning low sulfur oil are exempt from continuously monitoring opacity, adding monitoring requirements for subpart D units complying with the optional 30 day SO2 standard, clarifying control device monitoring requirements for new utility units that do not install PM CEMS, and clarifying requirements for industrial sources burning coke oven gas. The amendments will not amend any emission standards and will not change the cost of the rule.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA 111**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	

**Additional Information:** SAN No. 5174;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Christian Fellner Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**
**RIN:** 2060-AO63**Title:** Federal Plan Requirements for Large Municipal Waste Combustors Constructed On or Before September 20, 1994

**Abstract:** Under the Clean Air Act, EPA is directed to address air emissions from existing municipal waste combustors (MWC) by developing emission guidelines, which States are required to follow. The Clean Air Act also requires EPA to develop companion Federal regulations that must be imposed in cases where States do not follow the Federal guidelines. The emission guidelines and the companion Federal regulations are intended to be substantively identical. On December 19, 1995, EPA adopted emission guidelines to address air emissions from large MWC (60 CFR subpart Eb). On November 12, 1998, EPA adopted companion Federal regulations (63 FR 63191). Last year, EPA revised the emission guidelines (May 10, 2006, 71 FR 27323). This rulemaking would revise the Federal regulations to make conforming changes that mirror those made to the emission guidelines.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 101-549**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	

**Additional Information:** SAN No. 5180;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Walt Stevenson Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**
**RIN:** 2060-AO67**Title:** Pulp and Paper Sector Model Rule

**Abstract:** The 2004 National Academy of Sciences' (NAS) report recommended that EPA begin conducting integrated assessments that consider multiple pollutants (ozone and PM2.5 precursors, hazardous air pollutants, and other chemicals that may be of concern) and multiple effects (health, ecosystem, visibility) to set standards and develop planning and control strategies. In response to this recommendation, EPA's Office of Air Quality Planning and Standards (OAQPS) identified the pulp and paper sector as the candidate industry for its first multi-pollutant, sector- based strategy pilot because of the sector's potential for both SO2 and NOx emissions reductions, the sector's regulatory and compliance complexities and related timing, and the sector's interest in participating in such an approach. The pulp and paper sector strategy approach will include developing guidance in the form of a model rule for States to consider adopting. If a State adopts the rule, facilities would have the option of voluntarily opting in with binding commitments for a specified time period. The program would have a clause that would allow the rule to be reviewed and reopened in light of circumstances that could not be ignored (i.e., reauthorization of the Clean Air Act). The framework would focus on larger SO2 emissions reductions from bigger facilities in problem areas and would also reflect possible emissions reduction requirements, baselines and source monitoring requirements. Facilities opting into the program would be afforded some regulatory flexibilities and a period of regulatory certainty.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** State implementation plans

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	

**Additional Information:** SAN No. 5186;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-A068

**Title:** Protection of Stratospheric Ozone: Labeling of Products Using HCFCs

**Abstract:** This action will require to 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 a requiring a warning statement for all for all class I and II containers and products of class I substances. A warning statement will help consumer choose products that do not contain a class II ODS which will result in protecting the stratosphere and ultimately protecting the environment and human health.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7601**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2008	

**Additional Information:** SAN No. 5151;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Monica Shimamura Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A070**Title:** Adoption of International NOx Standard for Aircraft Engines

**Abstract:** This rulemaking would amend the existing United States regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. This action would adopt standards equivalent to the NOx standards of the United Nations International Civil Aviation Organization (ICAO), and thereby bring the United States emission standards into alignment with the internationally adopted standards. These NOx standards were adopted by ICAO in 2005, and the implementation of the standards is to begin in January 2008. The proposed rule would establish consistency between United States and international requirements. This action is necessary to ensure that domestic commercial aircraft meet the current international standards, and thus, the public can be assured they are receiving the air quality benefits of the international standards.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 87 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7571**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	

**Additional Information:** SAN No. 5153;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Bryan Manning Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AE94**Title:** NSPS: SOCMI--Wastewater Amendment

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

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 app J to part 60; 40 CFR 63 app C to part 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7411**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	09/12/1994	59 FR 46780
Other	10/11/1995	60 FR 52889
Other	12/09/1998	63 FR 67988
Other	06/30/2004	69 FR 39383
Final Action	03/00/2008	

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 3251

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AH37

**Title:** Review of New Sources and Modifications in Indian Country

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

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 49 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7410

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/2006	71 FR 48696
Final Action	06/00/2008	

**Additional Information:** SAN No. 3975; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-21/a6926.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Tribal**Small Entities Affected:** Business; Governmental  
Jurisdictions**Federalism:** No**Energy Affected:** Undetermined**Agency Contact:** Jessica Montanez Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A103**Title:** Importation of Nonconforming Vehicles; Amendments to Regulations**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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 85 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**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**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/24/1994	59 FR 13912
Final Action	05/00/2008	

**Additional Information:** SAN No. 2665;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AJ82**Title:** Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline

**Abstract:** "Dumping" refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and "dump" them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing "anti-dumping" rules on the books that codify this Clean Air Act prohibition. This regulation is a minor technical amendment to those existing regulations. It would amend a portion of those regulations to allow the use of data collected after January 1, 1995, in the development of baselines, and it would establish a cut-off date of January 1, 2002, for the submission of all individual baselines under the anti-dumping program. This date is the same as that allowed for foreign refineries seeking a unique individual baseline under the anti-dumping program.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 80.91(b)(1)(i); 40 CFR 80.93(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	01/00/2008	

**Additional Information:** SAN No. 4604;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Christine Brunner Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK26

**Title:** Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide

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

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	06/03/2003	68 FR 33283
Other	10/02/2003	68 FR 56809
Other	05/30/2007	72 FR 30168
Final Action	06/00/2008	

**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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)

**Sectors Affected:** 334; 332; 337; 333; 331; 336; 32615

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AK54

**Title:** NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements



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

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63.2; 40 CFR 63.17; 40 CFR 63.18 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7412

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/2003	68 FR 26249
Final Action	11/00/2007	

**Additional Information:** SAN No. 4719; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/May/Day-15/a12180.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-AK56

**Title:** California Gasoline Technical Correction

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 80.81(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	07/00/2008	

**Additional Information:** SAN No. 4722;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AK69

**Title:** Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 80.91 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7414; 42 USC 7545; 42 USC 7601(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	04/00/2008	

**Additional Information:** SAN No. 4706;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK73**Title:** National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines--Petition To Delist**Abstract:** The Agency has received a petition to remove the Gas Turbines source category from the list of hazardous air pollutant sources under section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an explanation of the denial.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	04/07/2004	69 FR 18327
Other	04/07/2004	69 FR 18338
Other	08/18/2004	69 FR 51184
Final Action	06/00/2008	

**Additional Information:** SAN No. 4751; EPA publication information: NPRM-STAY - <http://www.epa.gov/fedrgstr/EPA-AIR/2004/April/Day-07/a7775.htm>;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 3336; 221112**Agency Contact:** Kelly Rimer Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AL75

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**Title:** Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting

**Abstract:** This project will revise rules governing the major new source review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA). The new regulations will clarify and codify our policy of when multiple activities at a single major stationary source must be considered together for the purposes of determining major NSR applicability ("aggregation"). Also, we are changing the way emissions from permitted emissions units upstream or downstream from those undergoing a physical change or change in the method of operation are considered when determining if a proposed project will result in a significant emissions increase ("debottlenecking"). Finally, we are clarifying how emissions decreases from a project may be included in the calculation to determine if a significant emissions increase will result from a project ("project netting"). When final, these rules will improve implementation of the program by articulating and codifying principles for determining major NSR applicability that we currently address through guidance only. These rule changes reflect the EPA's consideration of the EPA's 2002 Report to the President and its associated recommendations as well as discussions with various stakeholders including representatives of environmental groups, State and local governments, and industry.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** The current New Source Review program provides for emissions from multiple projects to be aggregated (aggregation) as one single project under certain circumstances. Similarly, when making a PSD applicability calculation, emissions from units whose effective capacity and potential to emit have been increased as a result of a modification to another unit (debottlenecked units), must be included in the initial PSD applicability calculations. Specific questions regarding the application of these two terms have been addressed on a case-by-case basis. By completing this rulemaking, regulated entities and regulatory agencies will be provided an additional level of certainty in addressing applicability issues.

**Legal Basis:** 42 USC 7411(a)(4)**Alternatives:** Alternatives will be developed as the rulemaking proceeds.

**Costs and Benefits:** We are not able to provide quantitative estimates of the costs and benefits of this rule because of our inability to specifically identify the quantity, types, and locations of sources that will utilize this rulemaking in the future, and the difficulty in specifically quantifying the difference in environmental outcomes that would result with and without the rule. Qualitatively, our analysis indicates that we do not expect this rule to add to the costs of the program, nor do we expect that the environmental benefits of the program would significantly change as a result of this rulemaking.

**Risks:** Risk information cannot be developed for this rule for the same reasons mentioned above regarding costs and benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/2006	71 FR 54235
Final Action	06/00/2008	

**Additional Information:** SAN No. 4793; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-14/a15248.htm>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Federal; State; Local

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-AL98

**Title:** Alternative Work Practice for Leak Detection and Repair

**Abstract:** This rule would amend existing regulations controlling emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP) under the Clean Air Act. These regulations are codified at 40 CFR part 60, 61, 63, and 65. These regulations require periodic leak detection and repair (LDAR) of pumps, valves, and connectors. The current work practice requires each pump, valve, and connector to be individually monitored for leaks. Facilities have had LDAR programs in place for over 20 years and view them as burdensome because they are labor intensive. Newer image based monitoring technology is being developed which will detect leaks at a reduced costs because of the ability to monitor multiple components at one time. This rule would amend the existing regulations to enable the plant operators to use the new technology.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60; 40 CFR 61; 40 CFR 63; 40 CFR 65 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7411

**Legal Deadline:**

Action	Source	Date
Other	Statutory	03/31/2007

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/2006	71 FR 17401
Other	06/07/2006	71 FR 32885
Final Action	11/00/2007	

**Additional Information:** SAN No. 4830;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM06

**Title:** Control of Emissions from New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder

**Abstract:** Locomotives and marine diesel engines are important contributors to our nation's air pollution today accounting for about 20 percent of mobile source nitrogen oxides (NOx) emissions and about 25 percent of mobile source fine diesel particulate matter (PM 2.5) emissions. EPA is proposing a comprehensive program to significantly reduce emissions from locomotives and marine diesel engines. It would apply new exhaust emission standards and idle reduction requirements to diesel locomotives of all types--line-haul, switch, and passenger. It would also set new exhaust emission standards for all types of marine diesel engines below 30 liters per cylinder displacement. These include marine propulsion engines used on vessels from recreational and small fishing boats to super-yachts, tugs and Great Lakes freighters, and marine auxiliary engines ranging from small gensets to large generators on ocean-going vessels. We estimate PM reductions of 90 percent and NOx reductions of 80 percent from engines meeting these standards, compared to engines meeting the current standards. EPA has already taken steps to bring emissions levels from light-duty and heavy-duty highway, and nonroad diesel vehicles and engines to very low levels over the next decade, while the emission levels for locomotive and marine diesel engines remain at much higher levels--comparable to the emissions for highway trucks in the early 1990s. The additional PM2.5 and NOx emission reductions resulting from the proposed standards would assist states in attaining and maintaining the Ozone and the PM2.5 National Air Quality Standards both near term and in the decades to come. The proposed program includes a set of near-term emission standards for newly-built engines. These would phase in starting in 2009. The near-term program also contains more stringent emissions standards for existing locomotives. These would apply when the locomotive is remanufactured and would take effect as soon as certified remanufacture systems are available (as early as 2008), but no later than 2010 (2013 for Tier 2 locomotives). We are requesting comment on an alternative under consideration that would apply a similar remanufacture requirement to existing marine diesel engines installed in vessels currently in the fleet. We are also proposing long-term emissions standards for newly-built locomotives and marine diesel engines based on the application of high-efficiency catalytic aftertreatment technology. These standards would phase in beginning in 2015 for locomotives and 2014 for marine diesel engines. Finally, we are proposing revised testing, certification, and compliance provisions to better ensure emissions control in use. Entities potentially regulated by this action are those which manufacture, remanufacture and/or import locomotives and/or locomotive engines; and those which own and operate locomotives. This proposed action would also affect companies and

persons that manufacture, sell, or import into the United States new marine compression-ignition engines, companies and persons that rebuild or maintain these engines, companies and persons that make vessels that use such engines, and the owners/operators of such vessels.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 92; 40 CFR 94 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7522 to 7621

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Locomotive and marine diesel engines generate significant emissions of fine particulate matter (PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>) that contribute to nonattainment of the National Ambient Air Quality Standards for PM<sub>2.5</sub> and ozone. NO<sub>x</sub> is a key precursor to ozone and secondary PM formation. These engines also emit hazardous air pollutants or air toxics, which are associated with serious adverse health effects. Emissions from locomotive and marine diesel engines also cause harm to public welfare, including contributing to visibility impairment and other harmful environmental impacts across the US. (The health and welfare impacts of these pollutants are described elsewhere in this Regulatory Agenda.) Emissions from locomotive and marine diesel engines account for substantial portions of the country's ambient PM<sub>2.5</sub> and NO<sub>x</sub> levels. Today these engines account for about 20 percent of mobile source NO<sub>x</sub> emissions and about 25 percent of mobile source diesel PM<sub>2.5</sub> emissions. Under the standards EPA has proposed, by 2030 annual NO<sub>x</sub> emissions from these diesel engines would be reduced by 765,000 tons and PM<sub>2.5</sub> emissions by 28,000 tons, and those reductions would continue to grow beyond 2030 as the fleet turnover to the clean engines is completed. State and local governments are working to protect the health of their citizens and comply with requirements of the Clean Air Act. As part of this effort they recognize the need to secure additional major reductions in both diesel PM<sub>2.5</sub> and NO<sub>x</sub> emissions by undertaking numerous state level actions, while also seeking Agency action, including the setting of stringent new locomotive and marine diesel engine standards. The emission reductions in this proposal will play a critical part in state efforts to attain and maintain the National Air Quality Standards both near term and through the next two decades.

**Legal Basis:** Authority for the actions in this proposed rule is granted to the Environmental Protection Agency (EPA) by sections 114, 203, 205, 206, 207, 208, 213, 216, and 301(a) of the Clean Air Act as amended in 1990. EPA is proposing emissions standards for new marine diesel engines pursuant to its authority under section 213(a)(3) and (4) of the Clean Air Act (CAA) and for new locomotives and new engines used in locomotives pursuant to its authority under section 213(a)(5) of the CAA. CAA section 213(a)(3) directs the Administrator to set NO<sub>x</sub>, VOCs, or carbon monoxide standards for classes or categories of engines that contribute to ozone or carbon monoxide concentrations in more than one nonattainment area, such as marine diesel engines. CAA section 213(a)(4), authorizes the Administrator to establish standards to control emissions of pollutants which may reasonably be anticipated to endanger public health and welfare, where the Administrator determines, as it has done for emissions of PM, that nonroad engines as a whole contribute significantly to such air pollution. Finally, section 213(a)(5) directs EPA to adopt emission standards for new locomotives and new engines used in locomotives that achieve the greatest degree of emissions reductions achievable through the use of technology that the Administrator determines will be available for such vehicles and engines, taking into account the cost of applying such technology within the available time period, the noise, energy, and safety factors associated with the applications of such technology.

**Alternatives:** We have developed emission inventory impacts, cost estimates and benefit estimates for two types of alternatives. The first type looks at the impacts of varying the timing and scope of our proposed standards. The second considers a programmatic alternative that would set emission standards for existing marine diesel engines. Alternative 1 examines the potential impacts of the locomotive remanufacturing program by excluding it from the analysis. Alternative 2 considers the possibility of pulling ahead the Tier 4 standards by one year for both the locomotive and marine programs, while leaving the rest of the proposed program unchanged. This alternative represents a more environmentally protective set of standards. However, our review of the technical challenges to introduce the Tier 4 program, especially considering the locomotive remanufacturing program and the Tier 3 standards which go before it, leads us to conclude that introducing Tier 4 a year earlier is not feasible. Alternative 3 most closely reflects the program we described in our Advanced Notice of Proposed Rulemaking, whereby we would set new aftertreatment based emission standards as soon as possible. In this case, alternative 3 eliminates our proposed Tier 3 standards and locomotive remanufacturing standards, while pulling the Tier 4 standards ahead to 2013 (3 months after the introduction of 15 ppm ULSD). As with alternative 2, we are concerned that it may not be feasible to introduce Tier 4 technologies on locomotive and marine diesel engines earlier than the proposal specifies. Alternative 4 would eliminate the Tier 4 standards and retain the Tier 3 and locomotive remanufacturing requirements. This

alternative allows us to consider the value of combining the Tier 3 and locomotive remanufacturing standards together as one program, and conversely, allows us to see the additional benefits gained when combining them with the Tier 4 standards. This alternative falls well short of the total benefits that our comprehensive program is expected to realize. Alternative 5 would establish a two-part marine engines remanufacturing program to reduce emissions from marine diesel engines above 800hp installed on commercial vessels. These engines remain in the fleet in excess of 20 years and can substantially contribute to air pollution. In part one, beginning as early as 2008, vessel owners and rebuilders (also called remanufacturers) would be required to use a certified kit when the engine is rebuilt (or remanufactured) if such a kit is available. In the second part, which could begin in 2013, the marine diesel engine identified by the EPA as a high-sales volume engine model would have to meet specified emission requirements when the engine is remanufactured. If no certified system were available, companies subject to these provisions would need to either retrofit an emission reduction technology for the engine that demonstrates at least a 25 percent reduction or repower (replace the engine with a new one). The second part of the program is contingent on EPA developing a list of high volume marine diesel engines for which a remanufacture certificate must be available by 2013. Finally, the second step of the program could be made subject to a technical review in 2011A summary of the five alternatives is contained in Tables VII-1 and VII-2 of the proposed rule. Table VII-1 includes the expected PM and NO<sub>x</sub> emission reductions, associated with each alternative through 2040 expressed as a net present value (NPV) using discounting rates of 3 percent and 7 percent. It also includes the estimated costs for each alternative through 2040 expressed at 3 percent NPV and 7 percent NPV. Table VI-2 shows the PM and NO<sub>x</sub> inventory reductions, costs, and benefits of each alternative estimated for the year 2030.

**Costs and Benefits:** The total monetized benefits of the proposed standards, when based on published scientific studies of the risk of PM-related premature mortality, these benefits are projected to be more than \$12 billion in 2030, assuming a 3 percent discount rate (or \$11 billion assuming a 7 percent discount rate). Our estimate of total monetized benefits based on the PM-related premature mortality expert elicitation is between \$4.6 billion and \$33 billion in 2030, assuming a 3 percent discount rate (or \$4.3 and \$30 billion assuming a 7 percent discount rate). The social costs of the proposed program are estimated to be approximately \$600 million in 2030. The estimated 2030 social welfare cost of 567.3 million is based on an earlier version of the engineering costs of the rule which estimated \$568.3 million engineering costs in 2030 (see table V-15). The current engineering cost estimate for 2030 is \$605 million. See section V.C.5 for an explanation of the difference. The estimated social costs of the program will be updated for the final rule. The impact of these costs on society are estimated to be minimal, with the prices of rail and marine transportation services estimated to increase by less about 0.4 percent for locomotive transportation services and about 0.6 percent for marine transportation services. Though there are a number of health and environmental effects associated with the proposed standards that we are unable to quantify or monetize, the benefits of the proposed standards far outweigh the projected costs.

**Risks:** The emissions of PM and ozone precursors from locomotive and marine diesel engines are associated with serious public health problems including premature mortality, aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, chronic bronchitis, and decreased lung function. In addition, emissions from locomotives and marine diesel engines are of particular concern, as diesel exhaust has been classified by EPA as a likely human carcinogen. Many people spend a large portion of time in or near areas of concentrated locomotive or marine diesel emissions, near rail yards, marine ports, railways, and waterways. Recent studies show that populations living near large diesel emission sources such as major roadways, rail yards and marine ports are likely to experience greater diesel exhaust exposure levels than the overall US population, putting them at a greater health risk. Scientific studies show ambient PM is associated with a series of adverse health effects. The locomotive and marine diesel engines, covered in this proposal contribute to both short-and long-term PM<sub>2.5</sub> exposures. Health effects associated with short-term exposures (hours to days) to ambient PM include premature mortality, increased hospital admissions, heart and lung diseases, increased cough, adverse lower-respiratory symptoms, decrements in lung function and changes in heart rate rhythm and other cardiac effects. Studies examining populations exposed to different levels of air pollution over a number of years show associations between long-term exposure to ambient PM<sub>2.5</sub> and both total and cardio respiratory mortality. Locomotive and marine diesel engines also result in significant emissions of NO<sub>x</sub> and VOC emissions which contribute to the formation of ground-level ozone pollution or smog. People in many areas across the U.S. continue to be exposed to unhealthy levels of ambient ozone. The health and welfare effects of ozone are well documented and are assessed in EPA's 2006 ozone Air Quality Criteria Document (ozone AQCD) and EPA staff papers. Ozone can irritate the respiratory system, causing coughing, throat irritation, and/or uncomfortable sensation in the chest. Ozone can reduce lung function and make it more difficult to breathe deeply, and breathing may become more rapid and shallow than normal, thereby limiting a person's activity. Ozone can also aggravate asthma, leading to more asthma attacks that require a doctor's attention and/or the use of additional medication. People who are more susceptible to effects associated with exposure to ozone include children, the elderly, and individuals with respiratory disease such as asthma. locomotive and marine diesel engine emissions include diesel exhaust (DE), a complex mixture comprised of carbon



dioxide, oxygen, nitrogen, water vapor, carbon monoxide, nitrogen compounds, sulfur compounds and numerous low-molecular-weight hydrocarbons. A number of these gaseous hydrocarbon components are individually known to be toxic including aldehydes, benzene and 1,3-butadiene. Locomotive and marine diesel engine exhaust emissions contribute to ambient levels of other air toxics known or suspected as human or animal carcinogens, or that have non-cancer health effects. These other compounds include benzene, 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, polycyclic organic matter (POM), and naphthalene. All of these compounds, except acetaldehyde, were identified as national or regional risk drivers in the 1999 National-Scale Air Toxics Assessment (NATA) and have significant inventory contributions from mobile sources. That is, for a significant portion of the population, these compounds pose a significant portion of the total cancer and non-cancer risk from breathing outdoor air toxics. The reductions in locomotive and marine diesel engine emissions proposed in this rulemaking would help reduce exposure to these harmful substances.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/29/2004	69 FR 39276
NPRM	04/03/2007	72 FR 15938
Final Action	03/00/2008	

**Additional Information:** SAN No. 4871;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-AM08

**Title:** NESHAP and NSPS for Municipal Solid Waste Landfills--Amendments

**Abstract:** This action will address issues concerning the National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, that was published on January 16, 2003. We will revise the startup, shutdown, and malfunction provisions promulgated in the rule in response to requests for more flexibility. We will clarify that the moisture balance calculations should be calculated on a wet weight basis as a response to requests about the intent of the promulgated rule. We will correct errors in the compliance dates for the rule. Another aspect of this action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR part 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it clarifies who is responsible for control of untreated landfill gas that is sold. This action is necessary to clarify our intent regarding the issues discussed above. It will improve implementation and compliance with this regulation.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63.1960; 40 CFR 63.1975; 40 CFR 63.1980 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7401 to 7601

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/2006	71 FR 53272
Final Action	01/00/2008	

**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.

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Local; Tribal

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**Related RINs:** Previously Reported as 2060-AH13; Previously Reported as 2060-AJ41

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM14

**Title:** NESHAP: Area Source Standards--Ethylene Oxide Hospital Sterilization

**Abstract:** On November 6, 2006, the Agency proposed two options to address the Clean Air Act requirements for hospital sterilizers. One option requires no action and the other action requires implementation of a work practice. The Clean Air Act requires that EPA list area source categories that contribute to the emissions of 30 listed urban HAPs, and that are, or will be, subject to standards under section 112 of the Act. Sterilization processes use ethylene oxide which is one of the 30 listed HAPs. Hospital sterilization, a listed area source category, is a major contributor of ethylene oxide emissions in urban areas.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7412

**Legal Deadline:**

Action	Source	Date
Other	Statutory	11/30/2000
NPRM	Judicial	10/31/2006
Other	Judicial	12/20/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/06/2006	71 FR 64907
Final Action	01/00/2008	

**Additional Information:** SAN No. 4859; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-06/a18644.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM34

**Title:** Control of Emissions From Nonroad Spark-Ignition Engines and Equipment

**Abstract:** We are setting emission standards for new nonroad spark-ignition engines that will substantially reduce emissions from these engines. The proposed exhaust emission standards would apply starting in 2009 for new marine spark-ignition engines, including first-time EPA standards for sterndrive and inboard engines. The proposed exhaust emission standards would apply starting in 2011 and 2012 for different sizes of new land-based, spark-ignition engines at or below 19 kilowatts (kW), which is equivalent to about 25 horsepower. These small engines are used primarily in lawn and garden applications. We are also proposing to adopt evaporative emission standards for vessels and equipment using any of these engines. Nationwide, these emission sources contribute to ozone, carbon monoxide (CO), and particulate matter (PM) nonattainment. We estimate that by 2030, this proposed rule would result in significantly reduced pollutant emissions from regulated engine and equipment sources, including estimated annual nationwide reductions of 631,000 tons of volatile organic hydrocarbon emissions, 98,200 tons of NOx emissions, and 6,300 tons of direct particulate matter (PM2.5) emissions. These reductions correspond to significant reductions in the formation of ground-level ozone. We would also expect to see annual reductions of 2,690,000 tons of carbon monoxide emissions, with the greatest reductions in areas where there have been problems with individual exposures. The requirements in this rule will substantially benefit public health and welfare and the environment. We estimate that by 2030, the proposal's emission reductions would annually prevent 450 PM-related premature deaths, approximately 500 hospitalizations, and 52,000 work days lost. The total estimated annual benefits of the proposed rule in 2030 would be \$3.4 billion. Estimated costs in 2030 would be many times less at \$240 million.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 90; 40 CFR 91 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 42 USC 7521 to 7601(a)

**Legal Deadline:**

Action	Source	Date
NPRM	Statutory	12/01/2004
Other	Statutory	12/31/2005

**Regulatory Plan:**

**Statement of Need:** Nationwide, emissions from Marine SI engines and Small SI engines contribute significantly to mobile source air pollution. By 2020 without this final rule these engines would account for about 27 percent (1,352,000 tons) of mobile source volatile organic hydrocarbon compounds (VOC) emissions, 31 percent (16,374,000 tons) of mobile source carbon monoxide (CO) emissions, 4 percent (202,000 tons) of mobile source oxides of nitrogen (NOx) emissions, and 16 percent (39,000 tons) of mobile source particulate matter (PM2.5) emissions. The new standards will reduce exposure to these emissions and help avoid a range of adverse health effects associated with ambient ozone, CO, and PM levels. In addition, the new standards will help reduce acute exposure to CO, air toxics, and PM for persons who operate or who work with or are otherwise active in close proximity to these engines. They will also help address other environmental problems associated with Marine SI engines and Small SI engines, such as visibility impairment in our national parks and other wilderness areas. These effects are described in more detail in subsequent sections of this Preamble.

**Legal Basis:** Clean Air Act section 213(a)(1) directs EPA to study emissions from nonroad engines and vehicles to determine, among other things, whether these emissions "cause, or significantly contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." Section 213(a)(2) further requires us to determine whether emissions of CO, VOC, and NOx from all nonroad engines significantly contribute to ozone or CO concentrations in more than one nonattainment area. If we determine that emissions from all nonroad engines do contribute significantly to these nonattainment areas, section 213(a) (3) then requires us to establish emission standards for classes or categories of new nonroad engines and vehicles that cause or contribute to such pollution. Specific statutory direction to set standards for nonroad spark-ignition engines comes from section 428(b) of the 2004 Consolidated Appropriations Act, which requires EPA to adopt regulations under the Clean Air Act "that shall contain standards to reduce emissions from new nonroad spark-ignition engines smaller than 50 horsepower."

**Alternatives:** For Small spark-ignition engines, we considered what is achievable with catalyst technology. Our technology assessment work indicated that the proposed emission standards are feasible in the context of provisions for establishing emission standards prescribed in section 213 of the Clean Air Act. We also considered what can be achieved with larger, more efficient catalysts and improved fuel induction systems. Based on this work we evaluated more stringent HC+NOx standards involving a 50 percent reduction for Class I engines and a 65-70 percent reduction for Class II engines. For Marine SI engines, we considered a more stringent exhaust emission standard for outboard and personal watercraft engines. This second tier of standards could apply starting in 2012 or later. Such a standard would be consistent with currently certified emission levels from a significant number of four-stroke outboard engines. We considered both more and less stringent evaporative emission control alternatives. For small equipment, we considered a less stringent alternative without running loss emission standards. However, we believe that controlling running loss and diffusion emissions from non-handheld equipment is feasible at a relatively low cost. For a more stringent alternative, we considered applying a diurnal emission standard for all small equipment. We believe that passively purging carbon canisters could reduce diurnal emissions by 50 to 60 percent from small equipment. For marine vessels, we considered a less stringent alternative, where there would be no diurnal emission standard for vessels with installed fuel tanks. For a more stringent scenario, we considered a standard that would require boat builders to use an actively purged carbon canister. This means that, when the engine is operating, it would draw air through the canister to purge the canister of stored hydrocarbons.

**Costs and Benefits:** The requirements in this proposed rule would substantially benefit public health and welfare and the environment. We estimate that by 2030, these proposed emission reductions would annually prevent 450 PM-related premature deaths, approximately 500 hospitalizations, and 52,000 work days lost. The total estimated annual benefits of this proposed rule in 2030 would be about \$3.4 billion. Estimated costs in 2030 would be many times less at \$240 million.

**Risks:** The health benefits associated with this proposed rule are expressed in terms of avoided premature mortalities and other endpoints, and have been estimated based on scaling of detailed modeling results from EPA's Clean Air Nonroad Diesel regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/2007	72 FR 28098
Final Action	06/00/2008	

**Additional Information:** SAN No. 4882;

**Regulatory Flexibility Analysis Required:** Business **Government Levels Affected:** No

**Federalism:** No**Energy Affected:** No**Agency Contact:** Glenn Passavant Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM46**Title:** Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels

**Abstract:** This rule will provide an exemption under the import petitioning requirements for used ozone-depleting substances. The petitioning requirements outline the information that importers must submit to the Administrator at least 40 working days before a shipment is to leave the foreign port of export. This rule will reduce the administrative burden of anyone petitioning to import aircraft fire extinguishing spherical pressure vessels containing halon-1301 ("halon bottles") for hydrostatic testing in the United States. The rule would require importers to adhere to all import petitioning requirements but would require one petition to be submitted annually for all shipments rather than submission of a petition for each individual shipment 40 working days prior to export. Halon bottles are individual bottles containing halon-1301 that are connected to a larger fire suppression system within an aircraft. The halon bottles are brought into the United States for hydrostatic testing in which the halon is removed, the bottles are tested to ensure durability and effectiveness, and the same amount or more of halon is replaced back in the bottles and exported once again. The halon bottles must be routinely tested under Federal Aviation Administration and United States Department of Transportation regulations. The exemption to minimize the import petitioning requirements is being initiated because the bottles are not being imported for the eventual use or resale of the halon contained in the bottles and because hydrostatic testing of the bottles is required under FAA and DOT regulations.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7671 to 7671q**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	04/11/2006	71 FR 18219
NPRM	04/11/2006	71 FR 18259
Other	06/07/2006	71 FR 32840
Final Action	11/00/2007	

**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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

**RIN:** 2060-AM54

**Title:** Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program

**Abstract:** This rulemaking will propose to list two new alternatives to ozone depleting substances in the motor vehicle air conditioning sector and outline the conditions necessary for their safe use. Our analysis indicates that these new alternatives have better energy efficiency and lower impacts on the environment than currently available systems. The automotive industry, if they chose to adopt these technologies, would be required to comply with the conditions necessary to deploy these systems in a safe manner.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82.180 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7671k

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/2006	71 FR 55140
Final Action	11/00/2007	

**Additional Information:** SAN No. 4918; EPA publication information: NPRM - NPRM: <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-21/a7967.htm>; ; EPA Docket information: EPA-OAR-2004-0488

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html](http://www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html)

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM74**Title:** NESHAP: Gasoline Distribution Area Source Standards

**Abstract:** The Clean Air Act (CAA) includes two provisions--sections 112(c)(3) and 112(k)(3)(B)(ii)--that instruct us to identify and list source categories that contribute to the emissions of the 30 "listed" (or area source) Hazardous Air Pollutants (HAP), and that are, or will be, subject to standards under section 112 of the CAA. EPA listed "Gasoline Distribution Stage I" as a new area source category in the Integrated Urban Strategy for National Air Toxics Program (Jul. 19, 1999, 40 FR 38706). Further, we agreed under a 2003 consent agreement to propose a rule for this area source category on or before October 31, 2006, and promulgate a final rule by December 20, 2007. No definitions are published for "Gasoline Distribution Area Sources." However, it is generally understood to include gasoline storage and transfer operations as gasoline is moved from the production refinery process units to and including the gasoline station storage tank. Vehicle refueling operations has been separated when this source category was listed since it is currently regulated under CAA sections 182(b)(3) and 202(a)(6). Area sources emit or have a potential to emit less than 10 tons per year of any single HAP or less than 25 tons per year of total HAP. The higher emitting sources (major sources) in this industry are already regulated (40 CFR 63, subpart R) under CAA section 112 national emission standards.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA sec 112**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	10/31/2006
Other	Judicial	12/20/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/09/2006	71 FR 66064
Other	01/08/2007	72 FR 726
Final Action	01/00/2008	

**Additional Information:** SAN No. 4907; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-09/a18656.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Stephen Shedd Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AM75

**Title:** NESHAP: General Provisions (Once In Always In)--Amendments

**Abstract:** The proposed amendments would revise and codify EPA's policy on when a major source can become an area source, and thus become not subject to national emission standards for hazardous air pollutants (NESHAP) for major sources. EPA is reconsidering the policy, established in a May 16, 1995 memorandum, which allows sources to attain area source status prior to the source's first substantive compliance date of an applicable NESHAP for major sources. No source would be subject to the requirements unless they voluntarily decided to implement them.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/03/2007	72 FR 69
Other	03/05/2007	72 FR 9718
Final Action	12/00/2007	

**Additional Information:** SAN No. 4908; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-03/a22283.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Rick Colyer Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AM81

**Title:** Standards of Performance for Stationary Spark-Ignited Internal Combustion Engines



**Abstract:** This project is to develop New Source Performance Standards (NSPS) for stationary reciprocating internal combustion spark ignited engines. This includes two stroke lean burn (2SLB) engines, four stroke lean burn (4SLB) engines, and four stroke rich burn (4SRB) engines. These standards are being developed under section 111 of the CAA to require the application of the best system of emission reduction taking into account the cost of achieving emission reductions and environmental and energy impacts. The pollutants that will be addressed in this rulemaking are PM, NOx, SO2, and CO. The project is on a litigated schedule to propose by May 2006 and to promulgate by December 2007. Information gathering began in early April 2004 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 111

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	05/23/2006
Other	Judicial	12/20/2007

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/2006	71 FR 33804
Final Action	12/00/2007	

**Additional Information:** SAN No. 4915; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AM85

**Title:** NESHAP: Iron and Steel Foundries; Amendments

**Abstract:** The EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for iron and steel foundries on April 22, 2004. EPA was subsequently petitioned by industry concerning several issues. EPA has engaged in negotiations with industry concerning these issues and is issuing these amendments to address the concerns. The amendments clarify several sections of the rule and provide clearer and more consistent directions on complying with the standards. The amendments are being promulgated in two groups, denoted by "1" and "2" in the schedule below.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	04/09/2007

**Timetable:**

Action	Date	FR Cite
Other	05/20/2005	70 FR 29400
Other	04/17/2007	72 FR 19150
Other	11/00/2007	

**Additional Information:** SAN No. 4927; EPA publication information: Final Action 1 - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-20/a9592.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** Undetermined

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN12

**Title:** Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport

**Abstract:** In this action, EPA is responding to a petition for reconsideration of a final rule we issued under section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NOx). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit SIP revisions that prohibit specified amounts of NOx emissions--one of the precursors to ozone (smog) pollution--for the purposes of reducing NOx and ozone transport across State boundaries in the eastern half of the United States. Subsequently, the Georgia Coalition for Sound Environmental Policy (GCSEP) filed a petition for reconsideration requesting that EPA reconsider the inclusion of the State of Georgia in the rule and also requested a stay of the applicability of the requirements as to the State of Georgia. In response to that petition, EPA proposed to stay the effectiveness of the 2004 rule on March 1, 2005 (70 FR 9897), and is undertaking the rulemaking described here to address the issues raised by the petitioners.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51; 40 CFR 78; 40 CFR 97 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA title I

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/2007	72 FR 31771
Final Action	06/00/2008	

**Additional Information:** SAN No. 4960; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-08/a11036.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN15

**Title:** Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada

**Abstract:** This action will amend the standards for Yucca Mountain, Nevada (40 CFR Part 197). These standards were issued in 2001 and were partially remanded by a Federal court in 2004. These amendments will address the remanded portion of the standards, viz., the compliance period. Yucca Mountain is the site of a potential geologic repository for spent nuclear fuel and high-level radioactive waste. It is about 100 miles northwest of Las Vegas, Nevada, and straddles the boundaries of the Nevada Test Site, Bureau of Land Management land, and an Air Force bombing range. The site is being developed by the Department of Energy (DOE). The DOE will submit a license application to the Nuclear Regulatory Commission (NRC). We (EPA) were given the authority to set Yucca Mountain-specific standards in the Energy Policy Act of 1992 (EnPA). The EnPA also requires NRC to adopt our standards in its licensing regulations and use them as a basis to judge compliance of the repository's performance. The Agency issued final Yucca Mountain standards in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame. The Court found that the 10,000-year compliance period violates our authorizing statute for Yucca Mountain regulation because it is not "based upon and consistent with" scientific recommendations required from the National Academy of Sciences under the legislation. To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 197 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** PL 102-486

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Congress selected Yucca Mountain as the Nation's only candidate site for a repository for nuclear spent fuel and high-level radioactive waste. The Energy Policy Act of 1992 requires EPA to set Yucca-Mountain-specific standards. Standards were promulgated in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame.

**Legal Basis:** The Energy Policy Act of 1992 requires EPA to set Yucca-Mountain-specific standards. Standards were promulgated in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame.

**Alternatives:** To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future. Alternatives addressing that recommendation will be developed as the rulemaking proceeds.

**Costs and Benefits:** An economic impact assessment (EIA) was performed for the proposed rulemaking. The EIA showed that many of the arguments and conclusions of the EIA for the original standards in 2001 are applicable to the proposed rule, which extends the compliance period from 10,000 years to as long as 1 million years. Specifically, the need to evaluate compliance with the individual protection standard is the same, the types of information needed to make those evaluations are the same, the performance assessment methodologies are the same, and the reasonable expectation approach to establishing the basis for the evaluations and compliance decisions is the same. Consequently, the proposed changes to the standards do not require additional efforts in site characterization, design, or assessment methodology development. Because DOE is not expected to make changes, undertake significant site characterization, or drastically revise its performance approach or models as a result of EPA's revisions to the 2001 rulemaking, there are no costs directly attributable to EPA's rulemaking.

**Risks:** As a result of the standards extending to as long as an unprecedented 1 million years, approaches for characterizing and expressing the risk are under consideration, and will be addressed in the final rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/2005	70 FR 49014
Final Action	01/00/2008	

**Additional Information:** SAN No. 4964; EPA publication information: NPRM - <http://www.epa.gov/fedrgrstr/EPA-AIR/2005/August/Day-22/a16193.htm>

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Ray Clark Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN16**Title:** Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program

**Abstract:** This rule would modify the existing requirements for sources affected by the Acid Rain Program, and the NOx Budget Trading Program. The Acid Rain Continuous Emission Monitoring (CEM) rule would be revised to improve implementation by making improvements to the monitoring and reporting process that will benefit both EPA and the facilities affected by the rule. These amendments will have no environmental impacts, and are expected to reduce the ongoing costs and burden associated with reporting emissions under the current rule by instituting a revised reporting procedure that will reduce the redundancy that currently exists with the existing procedures. Specifically, as part of its reengineering efforts, EPA is replacing the existing record type dependant reporting format to an XML data reporting format that takes advantage of technological advances in data management. This fundamental change is expected to reduce the costs of programming data collection systems at the affected facilities and should provide EPA with the flexibility to better adapt its systems to unique data configurations, which are not currently easily (or properly) adaptable by the current reporting structure. EPA expects to reduce the cost and burden associated with resubmittals of data reports due to errors identified after the submittals are made. This action also attempts to clarify, simplify, and enhance certain sections in the CEM rule to make it easier for sources to understand and comply with the regulation. Examples include: Providing a mechanism for a source to utilize the concept of long-term cold storage; clarifying that only one monitoring methodology should be specified at any time; and modifying the quality assurance timing requirements for ozone season only reporters. These amendments need to be finalized prior to the planned implementation date of January 1, 2007.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 75 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/22/2006	71 FR 49254
Final Action	11/00/2007	

**Additional Information:** SAN No. 4969; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-22/a6819.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN17

**Title:** Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments

**Abstract:** This rule would amend the final (Dec. 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. The amendments will not change the response (the types of emission controls that will be used) of the facilities to the rule, but will provide clarification and correction. Specifically, the amendments will include: (1) Fixing typographical errors created by the Office of the Federal Register; (2) approval of State operator training programs for MWC operators in the State of Minnesota (this was previously done for MWC operators in the States of Maryland and Connecticut); (3) addressing carbon monoxide (CO) emission limits during MWC malfunctions (this same provision was already added to large MWC standards in a previous rulemaking); (4) revising a CO limit for one type of MWC and a NOx limit for another type of MWC; and (5) removing one voluntary consensus standard, ASTM D-6522, which is not an appropriate test method for this industry.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60, subparts AAAA and BBBB; 40 CFR 62, subpart JJJ (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA secs 111 and 129

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 4970;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN20**Title:** Revisions to Air Emissions Reporting Requirements

**Abstract:** This action will combine and consolidate air emission reporting requirements from three regulations. The three regulations are the Clean Air Interstate Rule (CAIR), the Consolidated Emissions Reporting Rule (CERR), and the NOX SIP Call. Each of these regulations has associated emissions reporting requirements. The purpose of this action is to resolve differences in the reporting requirements in the three 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 will resolve these differences.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51, subpart A (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** CAA**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/03/2006	71 FR 69
Final Action	01/00/2008	

**Additional Information:** SAN No. 4951; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-03/a24614.htm>; EPA Docket information: OAR-2004-0489

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dennis Beauregard Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN24**Title:** Review of the National Ambient Air Quality Standards for Ozone

**Abstract:** The Clean Air Act Amendments of 1977 require EPA to review and, if necessary, revise national ambient air quality standards (NAAQS) periodically. On July 18, 1997, the EPA published a final rule revising the NAAQS for ozone. The primary and secondary NAAQS were strengthened to provide increased protection against both health and environmental effects of ozone. The EPA's work plan/schedule for the next review of the ozone Criteria Document was published on November 2002. The first external review draft Criteria Document, a rigorous assessment of relevant scientific information, was released on January 31, 2005. The EPA's Office of Air Quality Planning and Standards will prepare a Staff Paper for the Administrator, which will evaluate the policy implications of the key studies and scientific information contained in the Criteria Document and additional technical analyses, and identify critical elements that EPA staff believe should be considered in reviewing the standards. The Criteria Document was reviewed by CASAC and the public, changes were incorporated, and the final Criteria Document was released on March 21, 2006. The Staff Paper was released on January 31, 2007. As the ozone NAAQS review is completed, the Administrator's proposal to reaffirm or revise the ozone 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.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7408; 42 USC 7409**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	06/20/2007
Other	Judicial	03/12/2008

**Regulatory Plan:**

**Statement of Need:** As established in the Clean Air Act, the national ambient air quality standards for ozone are to be reviewed every five years.

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

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

**Costs and Benefits:** A regulatory impact analysis (RIA) has been prepared that presents the costs and benefits associated with the proposed revised ozone standards and two other alternative standards. This RIA was issued in late July, and the document is available at <http://www.epa.gov/ttn/ecas/ria.html>.

**Risks:** The current national ambient air quality standards for ozone are intended to protect against public health risks associated with morbidity and/or premature mortality and public welfare risks associated with adverse vegetation and



ecosystem effects. During the course of this review, risk assessments will be conducted to evaluate health and welfare risks associated with retention or revision of the ozone standards.

**Timetable:**

Action	Date	FR Cite
Notice	12/29/2005	70 FR 77155
NPRM	07/11/2007	72 FR 37818
Final Action	03/00/2008	

**Additional Information:** SAN No. 5008; EPA publication information: Notice - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-29/a24608.pdf>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State; Local; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** Undetermined

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-AN26

**Title:** Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification

**Abstract:** This rule was issued as a result of EPA's Reconsideration of the Phase 1 Rule to Implement the 8-Hour Ozone NAAQS as requested by Earthjustice. Specifically, this rule will address the Overwhelming Transport Classification. The Phase 1 Rule provided specific requirements for State and local air pollution control agencies and tribes to prepare State implementation plans (SIPs) and Tribal Implementation Plans (TIPs) under the 8-hour national ambient air quality standard (NAAQS) for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA related to implementation of a revised NAAQS, provided some direction to EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, the Phase 1 Rule addressed the requirements of the CAA and the Supreme Court's ruling.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51; 40 CFR 50; 40 CFR 81 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7408; 42 USC 7410; 42 USC 7501 to 7511f; 42 USC 7601(a)(1)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/27/2006	71 FR 15098
Final Action	08/00/2008	

**Additional Information:** SAN No. 4625.4; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-27/a2909.htm>; Split from RIN 2060-AJ99.

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Local; State; Tribal

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN28

**Title:** Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units

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

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51; 40 CFR 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** Clean Air Act, title I, parts C and D and Section 111(a)(4)

**Legal Deadline:** None

**Regulatory Plan:**

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

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

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

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

**Risks:** Risk information will be developed as appropriate as the rulemaking proceeds.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/2005	70 FR 61081
Supplemental NPRM	05/08/2007	72 FR 26202
Final Action	08/00/2008	

**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.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/nsr](http://www.epa.gov/nsr)

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN43

**Title:** Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004

**Abstract:** In this OSWI Federal plan rulemaking, EPA becomes an implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, this rulemaking would impose a Federal plan that applies to OSWI in any State, tribe, or locale that has not submitted an approvable plan within the time allotted. 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 62 (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA secs 129 and 111(d)

**Legal Deadline:**

Action	Source	Date
Other	Statutory	12/16/2007

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/2006	71 FR 75816
Final Action	12/00/2007	

**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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** Business; Governmental Jurisdictions

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
Air and Radiation ( AR )**

**RIN:** 2060-AN62

**Title:** NESHAP: Area Source Standards--Reciprocating Internal Combustion Engines

**Abstract:** We are under a consent decree to propose area-source emission standards for hazardous air pollutants (HAP) from stationary reciprocating internal combustion engines. This action will propose standards for stationary engines smaller than 500 horsepower located at major sources of HAP. In addition we intend to propose standards for stationary engines of all sizes located at area sources of HAP.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7401

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	10/31/2006
Other	Judicial	12/20/2007

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/2006	71 FR 33804
Final Action	12/00/2007	

**Additional Information:** SAN No. 5014; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN63

**Title:** 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

**Abstract:** Reformulated Gasoline (RFG) is gasoline blended to reduce emissions that cause ozone smog. The Clean Air Act (CAA) requires certain areas to use RFG, depending on how serious is the ozone problem--i.e., how far it is from attaining the National Ambient Air Quality Standards (NAAQS) for ozone. In some cases, areas that previously had a less-serious ozone problem subsequently experience worse air quality, and in such cases the Clean Air Act requires them to be "bumped up" to a higher category, thereby requiring RFG use. One complication is that the Agency is now implementing the transition from the previous ozone standard, based on the amount of pollution measured over a 1-hour period, to the new ozone standard, based on an 8-hour period. This rule would set regulations for such cases. EPA is inviting comment on two options for such cases. Under the first option, an area would be required to use RFG at least until it is redesignated to attainment for the 8-hour NAAQS. This option would rely on an anti-backsliding approach that emphasizes that the area is still an ozone nonattainment area notwithstanding its redesignation to attainment of the 1-hour NAAQS. EPA would interpret the Act as requiring continued use of RFG in the proposal areas due to their continued status as ozone nonattainment areas under the 8-hour NAAQS. An area would remain an RFG area at least until it is redesignated to attainment for the 8-hour NAAQS. Under the second option, EPA would interpret CAA section 211(k)(10)(D) such that an area would no longer be considered an RFG area after redesignation to attainment for the 1-hour NAAQS, if the State requests removal of RFG and demonstrates that removal would not result in loss of emission reductions relied upon in the State attainment plan. This option would allow for removal of the RFG program for proposal areas during transition to the 8-hour NAAQS, unlike the approach adopted for other bump-up areas. This option would implement an antibacksliding approach with a trigger date (date of revocation of the 1-hour NAAQS) that is different from that otherwise used. EPA recently redesignated Atlanta to attainment of the 1-hour NAAQS, prior to revocation of the 1-hour NAAQS. Thus, Atlanta is the only bump-up area that would fall within the scope of this proposal.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 80 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** Clean Air Act

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/23/2006	71 FR
Final Action	03/00/2008	

**Additional Information:** SAN No. 5022; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-23/a5620.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AN69

**Title:** National Volatile Organic Compound Emission Standards for Aerosol Coatings

**Abstract:** Under section 183(e) of the Clean Air Act, the EPA is required to list and schedule for regulation those categories of consumer or commercial products that account for at least 80 percent of volatile organic compound (VOC) emissions, on a reactivity adjusted basis, in areas that violate the National Ambient Air Quality Standard for ozone. This rule is intended to meet that requirement for the aerosol spray paint category listed on March 23, 1995. This national regulation will establish a uniform reactivity-based standard for aerosol spray paints modeled after the California Air Resource Board (CARB) Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions. EPA granted final approval of the revisions to the California State Implementation Plan containing this regulation on September 13, 2005. Although mass-based VOC reductions have been made in the aerosol coating category, this reactivity-based approach will achieve additional reductions in ozone formation where further mass-based reductions have proven to be technologically infeasible. This national rule is projected to better control a product's contribution to ozone formation by encouraging reductions of higher reactivity VOCs, rather than treating all VOCs in a product alike through a mass-based approach.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 59 subpart E (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7511b**Legal Deadline:**

Action	Source	Date
Other	Judicial	09/28/2007

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/2007	72 FR 38952
Final Action	11/00/2007	

**Additional Information:** SAN No. 5030; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/July/Day-16/a13108.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kaye Whitfield Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN71**Title:** New Source Performance Standards (NSPS): Equipment Leaks--Subparts VV & GGG

**Abstract:** Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and, if appropriate, revise the new source performance standards for equipment leaks (subparts VV and GGG in part 60). Equipment leaks are defined as leaks from valves, pumps, compressors, sampling connections, open-ended lines, and pressure relief valves at SO2 sources (subpart VV) and oil refineries (subpart GGG). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current NSPS standards should be revised.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	10/31/2006
Other	Judicial	10/31/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/07/2006	71 FR 65302
Other	01/08/2007	72 FR 724
Other	07/09/2007	72 FR 37157
Final Action	11/00/2007	

**Additional Information:** SAN No. 5035; EPA publication information: NPRM; extension of comment period - <http://epa.gov/EPA-AIR/2007/January/Day-08/a020.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Karen Rackley Environmental Protection Agency

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**Title:** Petroleum Refineries--New Source Performance Standards (NSPS)--Subpart J

**Abstract:** Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and, if appropriate, revise the new source performance standards for petroleum refineries (subpart J in part 60). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current standards should be revised.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	04/30/2007
Other	Judicial	04/30/2008

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/2007	72 FR 27178
Other	06/28/2007	72 FR 35375
Final Action	05/00/2008	

**Additional Information:** SAN No. 5036; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-14/a8547.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN75

**Title:** Revision to Definition of Volatile Organic Compounds--Exclusion of Two Compounds

**Abstract:** The EPA is proposing to add three compounds (benzotrifluoride, propylene carbonate, and dimethyl carbonate) to the list of negligibly reactive compounds in EPA's definition of VOC.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51.100 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/2007	72 FR 55717
NPRM Comment Period End	10/31/2007	
Final Action	08/00/2008	

**Additional Information:** SAN No. 5045;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN82

**Title:** Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)

**Abstract:** The transportation conformity rule ensures that transportation planning is consistent with a State's plan for achieving the air quality standards. These amendments to the rule are necessary as a result of the changes to the Clean Air Act's transportation conformity provisions as mandated by the recent transportation bill, SAFETEA-LU. SAFETEA-LU revised a number of aspects of the Clean Air Act's transportation conformity provisions including: 1) Providing an additional 6 months to re-determine conformity after new State implementation plan (SIP) motor vehicle emissions budgets are either found adequate, approved or promulgated; 2) changing the frequency requirements for transportation conformity determinations; 3) providing an option for reducing the time period covered by conformity determinations; 4) providing procedures for areas to use in substituting or adding transportation control measures (TCMs) to approved SIPs; 5) adding a one-year grace period for conformity lapses; and 6) streamlining requirements for conformity SIPs.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 93; 40 CFR 51.390 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7506

**Legal Deadline:**

Action	Source	Date
Other	Statutory	08/09/2007

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/2007	72 FR 24472
Final Action	01/00/2008	

**Additional Information:** SAN No. 5057; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-02/a7770.htm>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-AN86

**Title:** Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5

**Abstract:** This rulemaking action is the final rule which lays out the provisions and requirements for implementation of the NSR program for particulate matter less than 2.5 microns in diameter (PM2.5). This rule would apply to new and modified major stationary sources of PM2.5. In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, included requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. The proposed rule also included the New Source Review (NSR) provisions for implementing the PM2.5 program. In this final action, we have split the NSR provisions of the proposed rule as a separate package. This rule will address the applicability of NSR to precursors, Major Source Threshold and Significant Emissions Rate for PM2.5, preconstruction monitoring requirements, offset provisions and inter pollutant trading of offsets and finally the transition provisions.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7410; 42 USC 7501 et seq

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** This rule is needed to promulgate the federal requirements for implementing a PM2.5 NSR program. States and local agencies have until April 5, 2008 in preparing State implementation plans (SIPs) designed to address the NSR requirements for PM2.5.

**Legal Basis:** 42 USC 7410 and 42 USC 7501 et seq.

**Alternatives:** Alternatives will be explored as the final rule is developed.

**Costs and Benefits:** We are not able to provide quantitative estimates of the costs and benefits of this rule because of our inability to specifically identify the quantity, types, and locations of sources that will be subject to this rulemaking in the future, and the difficulty in specifically quantifying the difference in environmental outcomes that would result with and without the rule. Qualitatively, our analysis indicates that we do not expect this rule to add to the costs of the program, nor do we expect that the benefits of the program will significantly change.

**Risks:** Since the risks of PM2.5 emissions exposure have been addressed in the PM2.5 NAAQS rule, we do not anticipate any additional risk reduction as a result of implementing this rule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/2005	70 FR 65984
Final Action	11/00/2007	

**Additional Information:** SAN No. 4752.2; Split from RIN 2060-AK74.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN87

**Title:** Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries

**Abstract:** This action amends prior action by the Agency related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to US companies for Class I ozone-depleting substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action revises established Article 5 allowances independently of total production allowances based on new data.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/2006	71 FR 49395
Final Action	07/00/2008	

**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

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ozone/title6/phaseout/index.html](http://www.epa.gov/ozone/title6/phaseout/index.html)

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN88

**Title:** Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reasonable Possibility in Recordkeeping

**Abstract:** This rulemaking would clarify the "reasonable possibility" recordkeeping standard that we promulgated in the NSR Reform rule of 2002. In June 2005, the D.C. Circuit Court remanded the rule for EPA to provide such clarification. For tracking and reporting, certain records must be kept only if there is a "reasonable possibility" that a proposed project will result in a significant emissions increase. We are proposing one or more scenarios under which the recordkeeping standard is applicable.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51, app S; 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA title 1 parts C and D

**Legal Deadline:**

Action	Source	Date
Other	Judicial	09/30/2007

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/2007	72 FR 10445
Final Action	12/00/2007	

**Additional Information:** SAN No. 5076; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-08/a3897.htm>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN98

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**Title:** Clean Air Mercury Rule: Federal Plan

**Abstract:** This action is a Federal Plan to implement the requirements of the Clean Air Mercury Rule (CAMR) for States that do not have a timely, approved State Plan, as well as the two tribes affected by the rule. The Federal Plan implements the requirements of CAMR by requiring that electric generating units in these States and tribes participate in the EPA-administered CAMR cap-and-trade program. While this rule provides for Federal implementation of the cap and trade program, it makes no other substantive changes to the model cap and trade program already finalized as part of CAMR. During the CAMR rulemaking process, EPA conducted extensive analysis of the economic, environmental, and health impacts of CAMR. Because the requirements and major programmatic elements of CAMR remain the same under the Federal Plan, these analyses remain unchanged under this action, as do conclusions regarding consideration of Executive Orders. This rule also reflects any modifications based on the CAMR Final Action on Reconsideration. This action also makes minor revisions to the CAMR model cap and trade rule and the Acid Rain Program regulations.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** CAA sec 111

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	12/22/2006	71 FR 77099
Final Action	01/00/2008	

**Additional Information:** SAN No. 5094; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-22/a21573.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** Yes

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-AO02

**Title:** Refinement to Increment Modeling Procedures

**Abstract:** Part C of title I of the Clean Air Act (CAA) contains the requirements for a component of the major New Source Review (NSR) program known as the Prevention of Significant Deterioration (PSD) program. This program sets forth procedures for the preconstruction review and permitting of new and modified major stationary sources of air pollution locating in areas meeting the National Ambient Air Quality Standards (NAAQS), i.e., "attainment" areas, or in areas for which there is insufficient information to classify an area as either attainment or nonattainment, i.e., "unclassifiable" areas. The applicability of the PSD program to a particular source must be determined in advance of construction and is pollutant-specific. The PSD program also established increments, which are maximum increases in ambient air concentrations allowed in a PSD area over a baseline concentration. These increments follow the three-tiered area classification system established by Congress in section 163 of the CAA. Class I areas include certain national parks and wilderness areas that were designated by Congress as areas of special national concern, where the need to prevent air quality deterioration is the greatest. Class II areas are all areas not specifically designated in the CAA as Class I areas and Class III areas are the ones originally designated as Class II, where higher levels of industrial development (and emission growth) are desired. In this rulemaking, we propose to refine several aspects of the method that may be used to calculate an increase in concentration for increment purposes. These refinements are intended to clarify how States and regulated sources may calculate increases in concentration for purposes of determining compliance with the PSD increments.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA title I, part C

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/2007	72 FR 31372
NPRM Comment Period End	08/06/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 5100; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-06/a10459.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AO03

**Title:** National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations--Amendment

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

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
Other	Statutory	01/02/2007

**Timetable:**

Action	Date	FR Cite
Direct final Rule	12/29/2006	71 FR 78369
NPRM	12/29/2006	71 FR 78392
Other	02/27/2007	72 FR 8630
Final Action	11/00/2007	



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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-AO04

**Title:** Hospital/Medical/Infectious Waste Incineration Units--Response to Remand and 5-Year Technology Review

**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. The purpose of the first part of this project is to respond to this remand. The second part of this project pertains to Clean Air Act section 129(a)(5), which requires EPA to review and, if necessary, revise standards developed under section 129 every 5 years. This process, known as the 5-year technology review, involves assessing the current environmental performance of hospital/medical/infectious waste incineration units and revising the emission limits to reflect this actual performance. The purpose of the second part of this project is to review the performance of control technology and the associated emission reductions achieved by the promulgated HMIWI regulations to determine whether they should be revised to better reflect MACT. We note that implementation of these MACT standards has been highly effective, reducing emissions of the nine section 129 pollutants (particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium) by more than 95 percent, and has reduced dioxin/furan and mercury emissions by more than 99 percent since 1995. Additionally, the number of operational units has dropped significantly since promulgation in 1997 from 2,400 units to approximately 80 units today. The amendments resulting from this 5-year review will prevent backsliding of HMIWI unit performance.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	01/27/2007
Other	Judicial	01/27/2008

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/2007	72 FR 5510
Final Action	02/00/2008	

**Additional Information:** SAN No. 5071; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/February/Day-06/a1617.htm>; EPA Docket information: EPA-HQ-OAR-2006-0534

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html](http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html)

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-AO05

**Title:** Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact

**Abstract:** This rule finalizes the deferral of the effective date of nonattainment designations for the Denver Early Action Compact (EAC) area from September 14, 2007, until November 15 or December 15, 2007, date to be determined based on a settlement agreement being negotiated with the litigants. In a previous rulemaking (November 29, 2006), EPA deferred until April 15, 2008, the nonattainment designations for 13 other EAC areas which agreed to reduce ground-level ozone pollution earlier than the Clean Air Act requires and to attain the National Ambient Air Quality Standards (NAAQS) for ozone by December 31, 2007. This action must be finalized and published in the Federal Register by September 14, 2007, to defer the nonattainment designation.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 81 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7407; 42 USC 7501 to 7515; 42 USC 7601

**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	03/01/2007
Other	Judicial	06/01/2007

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/2007	72 FR 9285
Final Action	06/28/2007	72 FR 35356
Other	11/00/2007	

**Additional Information:** SAN No. 4839.6; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-01/a3584.htm>; Split from RIN 2060-AN90. Split from RIN 2060-AN04. Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-A018

**Title:** Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs)

**Abstract:** EPA originally adopted air emission standards for new and existing large municipal waste combustors (MWCs) in 1995. As required by section 129 of the CAA, EPA reviewed these standards and proposed revised standards. The proposal occurred on December 19, 2005, and final standards were published on May 10, 2006 (71 FR 27323). A number of individuals, including Earthjustice, filed litigation on various aspects of the standards. Earthjustice also filed a request for EPA to reconsider four items included in the final standards. Earthjustice did not believe the changes made to the four items following proposal were adequately explained in the final FR notice. EPA agreed to reconsider the items and, following reconsideration, would publish a FR notice explaining EPA's logic for the changes, take comment on the action, and publish a final action. In response to this commitment by EPA, the Court has "held" the litigation until the reconsideration action is complete. EPA has committed to the Court to complete the reconsideration (proposal and final FR action) within 9 months. The Court then issued an order for EPA to complete the reconsideration in 9 months. EPA filed its motion with the Court on October 16, 2006, and has therefore committed to complete the reconsideration by July 16, 2007 (9 months).

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA sec 129

**Legal Deadline:**

Action	Source	Date
Other	Judicial	07/16/2007

**Timetable:**

Action	Date	FR Cite
Other	03/20/2007	72 FR 13016
Final Action	11/00/2007	

**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>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AO26

**Title:** Change in Regulatory Deadline for Rulemaking To Address the Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder

**Abstract:** In a 2003 FRM promulgating new standards for these engines (68 FR 9746, Feb. 28, 2003), we established a regulatory deadline of April 27, 2007, to finalize a new tier of standards that would reflect both the state of technology that may permit deeper emission reductions and the status of international action for more stringent standards. Since that time, we have continued to engage the industry and other stakeholders and to assess emission control technology. In addition, we have worked through the International Maritime Organization to further the goal of more stringent exhaust emission standards for all ships used in international traffic. However, the international process has taken longer than anticipated. The purpose of this action is to put a new regulatory deadline in place recognizing the current situation. Because of the long lead times associated with ship designs and the role of the international process in addressing emissions from foreign flagged ships, we do not believe that this process extension will delay the achievement of further emission reductions from these marine engines.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 94 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	04/27/2007	72 FR 20948
NPRM	04/27/2007	72 FR 20977
Other	06/19/2007	72 FR 33694
Final Action	11/00/2007	

**Additional Information:** SAN No. 5130; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/April/Day-27/a8103.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO30

**Title:** Protection of the Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide

**Abstract:** EPA is proposing an exemption to the phaseout of methyl bromide to meet the needs of 2008 critical uses. Specifically, EPA is authorizing uses that will qualify for the 2008 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from inventory for those uses in 2008. 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 18th Meeting of the Parties.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7671c(d)(6)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	04/17/2007	72 FR 19197
NPRM	08/27/2007	72 FR 48956
NPRM Comment Period End	09/26/2007	
Final Action	12/00/2007	

**Additional Information:** SAN No. 5138; EPA publication information: Notice of Solicitation of Applications - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/April/Day-17/a7279.pdf>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-A031

**Title:** Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides, Subparts H and I

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 61.90(a); 40 CFR 61.101(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	12/00/2007	

**Additional Information:** SAN No. 5114;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State

**Small Entities Affected:** No

**Federalism:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO32**Title:** Protection of Stratospheric Ozone: Revision of Refrigerant Recycling and Recovery Equipment Standards**Abstract:** The existing regulations covering specifications for motor vehicle air conditioning refrigerant recovery/recycling machines reference outdated Society of Automotive Engineers (SAE) standards. This regulation will update existing regulations to match newly updated SAE standards.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 5065;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html](http://www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html)**Agency Contact:** Karen Thundiyl Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO36**Title:** Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections

**Abstract:** This action amends and corrects portions of the Environmental Protection Agency's (EPA) existing fuel economy regulations, located at 40 CFR part 600. There are two reasons for this action. First, some minor corrections and amendments are needed to correct portions of EPA's final rule for fuel economy labeling requirements for cars and light trucks (71 FR 77872, Dec. 27, 2006). Some typographical errors and errors of omission will be corrected. Second, the Department of Transportation finalized new average fuel economy standards for light trucks on April 6, 2006 (71 FR 77872). This rule amended the existing DOT regulations at 49 CFR 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, so that EPA can determine the new light truck average fuel economy targets. The new definitions include "medium duty passenger vehicle" and "footprint". Under the Energy Policy and Conservation Act (EPCA), EPA is required to calculate the average fuel economy of a manufacturer using methods it prescribes by regulation. (49 U.S.C. 32904(a)(1)(A)). EPA has conducted this activity for about 30 years and this rulemaking only updates the information the Agency will receive from the auto manufacturers. The changes adopted by DOT include a new requirement to determine the "footprint" for each model type of vehicle, so that target standards can be calculated. EPA must therefore collect "footprint" data from auto manufacturers, which includes measurements for front track width, rear track width, wheelbase and final sales of each model type. EPA's current regulations do not require manufacturers to submit this information, thus a minor amendment is needed to add this information collection. The DOT rule takes effect with 2008 model year trucks, which can begin to be produced as early as January 2, 2007, thus it is important that EPA begin collecting this new information as soon as possible. These changes do not change the existing EPA test procedures or calculation methods for average fuel economy.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 600 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 49 USC 32901 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	01/00/2008	

**Additional Information:** SAN No. 5124;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Title:** Nonroad Diesel Technical Amendments

**Abstract:** In this rulemaking, EPA is making certain technical corrections to the existing rules establishing emission standards for nonroad diesel engines (40 CFR parts 89 and 1039). We are amending those rules to provide nonroad diesel equipment manufacturers with production technical relief provisions that address minor technical compliance problems that were not foreseen when the original rule was promulgated.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 89; 40 CFR 1039 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** EO 12866; EO 13132; EO 13175; EO 13045; EO 13211

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 5125;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-AO39

**Title:** Recommended Test Methods for State Implementation Plans, Addition of Method 207, "Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources"

**Abstract:** Method 207 will produce more accurate measurement of the mass of volatile organic carbon (VOC) emissions from corn wet-milling operations than any other current method for measuring VOC. The method will allow the EPA to make a more accurate assessment of whether corn wet-milling plants are major sources under the Federal programs for New Source Review and Prevention of Significant Deterioration. This method was developed by the Corn Refiners Association specifically for corn wet-milling plants as an alternative to existing EPA methods for measuring VOC. The Corn Refiners Association requested that EPA promulgate these methods to make them more widely available and acceptable for use in meeting various environmental regulations.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51, app M (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA

**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
Direct final Rule	12/00/2007	

**Additional Information:** SAN No. 5140;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Gary McAlister Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO44**Title:** Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008

**Abstract:** EPA is seeking to allocate essential use allowances for import and production of class I stratospheric ozone depleting substances for calendar 2008. Essential use allowances enable a person to obtain newly produced or imported 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. Essential uses include the manufacture of important medical devices such as asthma inhalers.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7671 to 7671q; 42 USC 7414; 42 USC 7601**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	06/12/2007	72 FR 32269
Final Action	12/00/2007	

**Additional Information:** SAN No. 5157; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-12/a11299.pdf>;

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

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO45**Title:** Revisions to Consolidated Federal Air Rule

**Abstract:** This direct final rule will extend the time period required for source owners and operators to conduct performance tests during force majeure situations. A force majeure is an event caused by circumstances beyond the control of the affected facility that results in not meeting the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility. The EPA is publishing this rule without a prior proposed rule because we view this as a non-controversial action and anticipate no adverse comment. On May 16, 2007, we published a final rule that revised the General Provisions for Standards of Performance for New Stationary Sources, for National Emission Standards for Hazardous Air Pollutants, and for National Emission Standards for Hazardous Air Pollutants for Source Categories to allow extensions to the deadline imposed for source owners and operators to conduct performance tests due to force majeure circumstances. We recently realized that we should have also revised the Consolidated Federal Air Rule to allow extensions to the deadline imposed for source owners and operators to conduct performance tests in these circumstances.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 65 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 5165;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO51**Title:** Addition of Method 208, Protocol for the Source Testing, Analysis, and Reporting of VOC Emissions From Hot Mix Asphalt Plant Dryers**Abstract:** Method 208 will produce more accurate measurement of the mass of volatile organic carbon (VOC) emissions from asphalt paving operations than any other current method for measuring VOC. The method will allow the EPA to make a more accurate assessment of whether asphalt paving plants are major sources under the Federal programs for New Source Review and Prevention of Significant Deterioration. This method was developed by the National Asphalt Paving Association specifically for asphalt paving plants as an alternative to existing EPA methods for measuring VOC. The National Asphalt Paving Association requested that EPA promulgate these methods to make them more widely available and acceptable for use in meeting various environmental regulations.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	01/00/2008	

**Additional Information:** SAN No. 5146;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Gary McAlister Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A052**Title:** National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Corrections

**Abstract:** We are taking direct final action on amendments to the national perchloroethylene air emission standards for dry cleaning facilities promulgated on July 27, 2006 (FR 71 42724), under the authority of section 112(d) of the Clean Air Act (CAA). These amendments will add rule text to clarify that requirements for monitoring dry cleaning drums using a colorimetric detector was intended only for major sources (not for area sources) and that, when monitoring for condenser operation, either pressure or temperature monitoring methods are equally acceptable. Without these corrections, the rule erroneously "implies" that: 1) Area sources are required to perform colorimetric monitoring, and; 2) that dry cleaning machines with installed pressure gauges must use "only" the pressure method for monitoring the condenser operation, when the temperature test is equally acceptable.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63, subpart M (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 5150;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Warren Johnson Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A053**Title:** National Emission Standards for Hazardous Air Pollutants: Appendix A--Test Methods; Amendments to Method 301

**Abstract:** This action amends EPA's Method 301; Field Validation of Pollutant Measurement Methods from Various Waste Media. Method 301 can be found in appendix A of 40 CFR, part 63 (Test Methods). Method 301 was promulgated with 40 CFR, part 63, subpart D (Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants) (58 FR 27338, June 13, 1991) pursuant to section 112 of the Clean Air Act (as amended in 1990). This action finalizes amendments to Method 301 based on comments received on proposed changes to the Method published in the Federal Register on December 22, 2004 (69 FR 76642), and amends errors identified in the proposed amendments to the Method.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/22/2004	69 FR 76642
Final Action	01/00/2008	

**Additional Information:** SAN No. 5156;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Gary McAlister Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A055**Title:** Petroleum Refinery Residual Risk Standards

**Abstract:** Section 112(f) of the Clean Air Act requires EPA to assess residual risks that remain after implementation of technology-based standards for each category of major sources of air-toxic emissions. Section 112(f) also mandates EPA to develop additional emission standards for these sources, as necessary, to protect public health with an ample margin of safety or to prevent significant and widespread adverse environmental effects. The current rule covers emissions from certain process vents, storage vessels, wastewater streams, loading racks, marine tank vessel loading operations, and equipment leaks. Under this project, we will model the emissions to determine the residual risk associated with the current control technologies. Section 112(d)6 requires EPA to review and revise as necessary emissions standards taking into account developments in practices, processes, and control technologies. We will examine the refinery control technologies to see what improvements have been made in the 12 years since this rulemaking was promulgated. This rulemaking is under a consent decree to fulfill requirements of section 112(d)6 requiring proposal by August 21, 2007, and promulgation by August 21, 2008.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA sec 112(f)(2); CAA 112(d)(6)**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	08/21/2007
Other	Judicial	08/21/2008

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/2007	72 FR 50716
Final Action	08/00/2008	

**Additional Information:** SAN No. 5093.1; Split from RIN 2060-AN85.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-04/a17009.pdf](http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-04/a17009.pdf)

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-A059

**Title:** Interpretation of the National Ambient Air Quality Standards for PM2.5--Correcting and Simplifying Amendment

**Abstract:** EPA recently finalized changes to the data handling conventions and computations in 40 CFR part 50 necessary for determining when the annual and 24-hour primary national ambient air quality standards for fine particles (PM2.5) are met (appendix N). These changes were made in support of revisions to the Particulate Matter Ambient Air Quality Standards that were finalized in the same rulemaking. Following the publication of this rule, an omission was discovered in the rule text explaining the procedures for calculating the key statistic (98th percentile) involved with determining compliance with the 24-hour standard in situations when extra samples were taken above the intended sampling frequency. If the rule text error is left unchanged, the resulting statistic for calculating compliance with the 24-hour fine particle standard would be biased low at some samplers, leading to potentially incorrect decisions concerning the attainment or nonattainment of areas with respect to the 24-hour PM2.5 ambient standard. In this Direct Final Action, EPA will correct the error that leads to incorrectly calculated 24-hour fine particle 98th percentile statistics. The correction will involve the replacement of the currently-used statistical formulae and instructions with a simpler look-up table approach that will be easier for data users to employ while retaining numerical consistency with historical EPA practice.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](http://www.federalregister.gov) )

**Legal Authority:** Not Yet Determined

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 5167;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** Governmental Jurisdictions

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AO69

**Title:** In-Use Testing for Heavy-Duty Diesel Engines and Vehicles

**Abstract:** This rule will modify an existing rule (70 FR 34594, Jun. 14, 2005) that implemented EPA's in-use test program that is currently operational. This direct final rulemaking (DFR) will add new emission measurement accuracy margins for portable emission measurement systems used in that program. These new accuracy margins are the result of a joint research program by EPA, the California Air Resources Board, and the Engine Manufacturers Association. All parties concur with the new margins. The aforementioned existing rule that implemented the manufacturer-run, in-use test program described the joint research program referenced above and noted that the resultant accuracy margins would be added to the applicable regulation by a subsequent direct final rule.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 86 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 5149;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No



**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Rich Wilcox Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A071**Title:** Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel**Abstract:** This rule provides flexibility to refiners, importers, and distributors of diesel fuel by amending the ultra-low sulfur diesel (ULSD) regulations to allow a nationwide sampling and testing program to be used as an alternative means of meeting the sampling and testing defense elements under 40 CFR section 80.613. This alternative method would consist of a comprehensive program of quality assurance sampling and testing calculated to achieve the same objectives as the current regulatory quality assurance requirement; i.e. that the sulfur content in ULSD does not exceed regulatory limits. The program would be carried out by an independent association funded by an industry consortium, and would be conducted pursuant to a survey plan, approved by EPA.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 80 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA sec 211**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	08/00/2008	

**Additional Information:** SAN No. 5154;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Jaimee Dong Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A074**Title:** Performance Specification 16--Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources**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).**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7411**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/08/2005	70 FR 45608
Supplemental NPRM	11/01/2005	70 FR 65873
Final Action	01/00/2008	

**Additional Information:** SAN No. 4119. This rule was mistakenly listed as Completed in the Spring 2006 Regulatory Agenda under RIN 2060-AH84. NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-08/a15330.htm> Supplemental NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/November/Day-01/a21755.htm>**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 331111; 336112; 32411; 33241; 32211; 562213; 333611**Agency Contact:** Foston Curtis Environmental Protection Agency

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**Abstract:** Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate its lands as class I areas to provide enhanced protection for its 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.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51.166; 40 CFR 52.21 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7670 to 7479; CAA 160 to 169

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	
ANPRM	05/16/1997	62 FR 27158

**Additional Information:** SAN No. 3919;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AH23

**Title:** Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7411

**Legal Deadline:**

Action	Source	Date
Other	Statutory	06/15/2001

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/2001	66 FR 12780
Final Action	02/00/2009	

**Additional Information:** SAN No. 3958;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AH31

**Title:** Transportation Conformity Rule Amendment: Clarification of Trading Provisions

**Abstract:** The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air quality standards. The Open Market Trading Guidance provides guidance to States for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs) that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51; 40 CFR 93 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 42 USC 7401 to 7671 CAA 176(c)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2008	

**Additional Information:** SAN No. 3917;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AH47**Title:** NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins--Amendments

**Abstract:** During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060-AD56 and 2060-AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on November 25, 1996 (61 FR 59849), to explain the nature of changes planned. Subsequently, six litigants have petitioned for review of the elastomers and thermoplastics regulations. Four companies have petitioned EPA to reconsider specific provisions in the thermoplastics regulation. Revisions will be proposed to parallel HON changes and to resolve petitioners' issues.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63.480 to 63.506 (Revision); 40 CFR 63.1310 to 63.1335 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	11/25/1996	61 FR 59849
Other	03/09/1999	64 FR 11555
Other	03/09/1999	64 FR 11536
Other	05/07/1999	64 FR 24511
Other	06/08/1999	64 FR 30406
Other	06/08/1999	64 FR 30456
Other	06/08/1999	64 FR 30453
Other	06/30/1999	64 FR 35107
Other	06/30/1999	64 FR 35023
Other	08/29/2000	65 FR 52392
Other	08/29/2000	65 FR 52319
Other	10/26/2000	65 FR 64161
Other	02/26/2001	66 FR 1550
Other	02/26/2001	66 FR 11543
Other	02/23/2001	66 FR 11233
Other	07/16/2001	66 FR 36924
Other	08/06/2001	66 FR 40903
NPRM	12/00/2008	

**Additional Information:** SAN No. 3939; EPA publication information: ANPRM-Petitions for Jud. Rev-Dow, UCC, Exxon);**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 325211

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AI43**Title:** Review of the National Ambient Air Quality Standards for Carbon Monoxide

**Abstract:** Review of the national ambient air quality standards (NAAQS) for carbon monoxide (CO) every 5 years is mandated by the Clean Air Act. This review assesses the available scientific data about the health and environmental effects of CO and translates the science into terms that can be used in making recommendations about whether or how the standards should be changed. The last review of the CO NAAQS was completed in 1994 with a final decision that revisions were not appropriate at that time.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7409**Legal Deadline:**

Action	Source	Date
Other	Statutory	08/01/1999

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2012	
Final Action	12/00/2012	

**Additional Information:** SAN No. 4266;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dave Mckee Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A197**Title:** Inspection/Maintenance Program Requirements for Federal Facilities

**Abstract:** The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations which States would use in the development of their I/M State Implementation Plans (SIPs). Those rule requirements effectively gave States certain authorities over the Federal government. The Department of Justice has now ruled that Federal sovereign immunity was not fully waived under the CAA for those requirements and EPA should amend its rule to remove the requirement that States include those elements in their SIPs. EPA is proposing to: (1) Amend the Federal facilities I/M requirements by removing that section; (2) correct existing I/M SIP approval actions which include these elements; (3) establish new Federal facilities I/M program requirements which Federal facilities in I/M program areas must meet in order to comply with the Act; and (4) designate for each State which section of the Act Federal agencies must comply with based on how that State promulgated its I/M regulations. These changes will have minimal to no impact on the States as no new requirements are being created. The States are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51 (Revision); 40 CFR 93 (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 23 USC 101; 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	12/00/2008	

**Additional Information:** SAN No. 4348;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Buddy Polovick Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK41**Title:** Section 126 Rule Withdrawal Provision

**Abstract:** EPA is proposing to revise one narrow aspect of the section 126 Rule, which was promulgated January 18, 2000. That rule requires certain sources located in the eastern United States to reduce their NOx emissions for purposes of reducing ozone transport. EPA coordinated the section 126 Rule with a related ozone transport rule, known as the NOx State implementation plan call (NOx SIP Call), which also addresses ozone transport in the eastern United States. The EPA established the same compliance date for both rules, May 1, 2003. The EPA included a provision in the section 126 Rule which provided that where a State adopted, and EPA approved, a SIP controlling transport under the NOx SIP Call, and with a May 1, 2003 compliance date, EPA would withdraw the section 126 requirements for sources in that State. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the section 126 Rule and the NOx SIP Call have both been delayed until May 31, 2004. In addition, the NOx SIP Call has been divided into two phases. Therefore, it is necessary to revise the section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. This action also proposes to withdraw the section 126 Rule in States that meet the proposed revised criteria.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 52 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7426**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	04/04/2003	68 FR 16644

**Additional Information:** SAN No. 4689; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/April/Day-04/a8152.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Carla Oldham Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AL83**Title:** Section 126 Rule: Withdrawal of Findings for Sources in Michigan

**Abstract:** EPA coordinated the section 126 Rule with another rule known as the NOx State implementation plan (SIP) Call, because both rules addresses ozone transport in the eastern half of the United States. EPA established a mechanism in the section 126 Rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase 1 of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of section 126 sources to the same stringency as the section 126 Rule would before the section 126 Rule could be withdrawn. In this current action, EPA is proposing that the Michigan Phase I SIP meets the proposed revised section 126 Rule withdrawal criteria, and therefore, if EPA finalizes the withdrawal criteria as proposed, EPA would withdraw the section 126 Rule for sources in Michigan.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 52.34 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 4796;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Carla Oldham Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AL84**Title:** Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")**Abstract:** In the Nitrogen Oxides State Implementation Plan Call (NOx SIP Call)(63 FR 57356, Oct. 27, 1998), EPA found that emissions of NOx from 22 States and the District of Columbia (hereinafter referred to as '23 States') significantly contribute to downwind areas' nonattainment of the 1-hour ozone NAAQS. EPA also separately found that NOx emissions from the same 23 States significantly contribute to downwind nonattainment of the 8-hour ozone NAAQS. Subsequently, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded the 8-hour ozone NAAQS. [American Trucking Associations, Inc. v. EPA, 175 F.3d 1027 on rehearing 195 F.3d 4 (D.C. Cir. 1999).] EPA stayed the 8-hour basis of the NOx SIP Call rule on September 18, 2000 (65 FR 56245), based on the uncertainty created by the D.C. Circuit's decision. EPA has now completed the actions necessary to address the aforementioned remand, and therefore is now conducting rulemaking to lift the stay. EPA is proposing to lift the stay of our findings in the NOx SIP Call contained in 40 CFR 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 reinstates a requirement of the NOx SIP Call that had previously been stayed.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51.121 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 4797;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Jan King Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AL92

**Title:** Control of Emissions of Air Pollution From New Motor Vehicles: On-Board Diagnostic Requirments for Heavy-Duty Engines and Vehicles Above 14,000 Pounds & In-Use, Not-To-Exceed Emission Standard Testing

**Abstract:** EPA is proposing to establish On-Board Diagnostic (OBD) requirements for Heavy-Duty On-Highway and Non-Road vehicles and engines greater than 14,000 pounds gross vehicle weight. This action will also propose to require manufacturers of these vehicles and engines to make available emissions-related service information to after market service providers. OBD systems are intended to monitor the performance of emission controls on these vehicles and engines to ensure proper functionality and compliance with emissions standards. This notice also proposes a manufacturer run in-use testing program for heavy-duty engines and vehicles to assess compliance with the applicable not to exceed standards beginning in 2007. This portion of the notice has a court-ordered date for May 2004 and final May 2005 as a result of a settlement between EPA, ARB, and Engine Manufacturers.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 86 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7401 to 7671q

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/2007	72 FR 3200
Final Action	12/00/2009	

**Additional Information:** SAN No. 4809; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-24/a110a.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AL94

**Title:** Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide

**Abstract:** Under the Clean Air Act and the Montreal Protocol on Substances that Deplete the Ozone Layer, this rule will seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance, after the phase-out date of 2005. This exemption will be limited to no more than 20 metric tons per emergency event. This is a deregulatory action that will 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7671 to 7671q

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2009	

**Additional Information:** SAN No. 4819;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ozone/mbr](http://www.epa.gov/ozone/mbr)

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AM20

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**Title:** Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)

**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, and updated air dispersion modeling and an analysis of potential transformation products. Based on this new submission, the ACC requested that EPA reopen its review of the MIBK petition. EPA did reopen its review of the petition. However, since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program (NTP) has been completed. A draft report of this study was reviewed by the NTP Board of Scientific Counselors Technical Reports Review Subcommittee, which accepted unanimously the conclusions in the report that there is some evidence of carcinogenic activity of MIBK. EPA has notified the petitioner that further review of the petition will require that the petitioner submit information regarding the relevance of the NTP study and a risk characterization for the human risk of cancer from MIBK exposures, which would include the derivation of a cancer unit risk estimate. Given the significant time that will be necessary to prepare and submit this information, we are considering the MIBK petition review a long-term action.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7412

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Notice	07/19/2004	69 FR 42954
NPRM	12/00/2008	

**Additional Information:** SAN No. 4849;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM62

**Title:** Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments

**Abstract:** This rulemaking is a follow up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as "routine maintenance, repair, and replacement" (RMRR) under the Clean Air Act's New Source Review (NSR) Program (40 CFR parts 51 and 52). SAN 4676's final action--referred to as the "equipment replacement provision" (ERP)--was promulgated in the Federal Register on October 27, 2003, (68 FR 61248). The action summarized here, SAN 4676.3, when finalized, will establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR. We previously proposed options for this SAN in our RMRR proposal on December 31, 2002, (67 FR 80920). However, this action will propose and take comments on an additional approach.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166.; 40 CFR 52.21 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** Undetermined

**Energy Affected:** Undetermined

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AM87

**Title:** NESHAP: Taconite Iron Ore Processing; Amendments

**Abstract:** EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Taconite Iron Ore Processing on October 30, 2003 (68 FR 61867). EPA was subsequently petitioned by National Wildlife Federation (NWF) concerning several technical issues, including the alleged failure for EPA to establish emission standards for mercury and asbestos. EPA has decided to voluntarily remand both the mercury and asbestos sections of the rule. The motions for both remands were granted by the United States Court of Appeals.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 112

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2009	

**Additional Information:** SAN No. 4929;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN01

**Title:** Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks and Heavy Duty Vehicles

**Abstract:** On October 22, 2002, the United States Court of Appeals for the District of Columbia Circuit vacated durability provisions that automotive manufacturers used to demonstrate that the emissions of their vehicles would comply with emission standards for the useful lives of those vehicles. The Court also required EPA to issue new regulations. This action fulfills the mandate. The new durability regulations will include options that a manufacturer may choose from to age pre-production vehicles to determine the rate of emission deterioration over the vehicle's useful life. The options will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change the federal emission standards or the test procedures used to quantify emissions. Although there is no court-ordered deadline, this is a court-ordered action. During the comment period of the NPRM the Agency received a comment from the Afton Chemical Corporation (formally known as Ethyl Corporation) suggesting that EPA did not address the component durability portion of the new vehicle emission certification process and should establish a procedure for rulemaking requesting comment on whether our current component durability process is appropriate or if we should revise the process to include a limited amount of testing.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 86 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7521

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	01/17/2006	71 FR 2843
Final Action	01/00/2010	

**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.

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-AN39

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**Title:** Optional Chassis Certification for Diesel Vehicles

**Abstract:** Prior to the heavy-duty 2007 rulemaking (HD 2007), we have required that crankcase emissions be controlled only on naturally aspirated diesel engines. We made an exception for turbocharged heavy-duty diesel engines in the past because of concerns regarding fouling that could occur from diesel PM and engine oil, which are included in the crankcase emissions, when routing the crankcase blow-by into the turbocharger and aftercooler. However, this was an environmentally significant exception since most heavy-duty diesel trucks use turbocharged engines, and a single engine can emit over 100 pounds of NOx, NMHC, and PM from the crankcase over its lifetime. Therefore, given the availability of technologies to control crankcase emissions and the significant environmental benefit for eliminating those emissions, we are proposing new requirements for crankcase emissions in the HD 2007 rulemaking. Those provisions require that heavy-duty diesel engines either close the crankcase or account for any crankcase emissions within the total compliance limits of the tailpipe emissions standard. This requirement had the unintended consequence of confusing which crankcase provisions should apply to these heavy-duty diesel engines, those of subpart S or the newly defined diesel provisions of. It was our intention that these vehicles meet the newly defined requirements of closed crankcase provisions just as other heavy-duty diesel engines must. Therefore, we are finalizing a change to the HD 2007 that explicitly defines the crankcase provisions applicable for heavy-duty chassis certified diesel engines under 14,000 pounds as those provisions defined under CFR section 86.007-11. There are no environmental impacts. This represents a cost savings to the manufacturers of highway heavy duty diesel engines.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 86.1863-07 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 42 USC 7414; 42 USC 7601(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	12/00/2009	

**Additional Information:** SAN No. 4993;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No



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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN46**Title:** NESHAP: Area Source Standards--Chemical Preparations Industry**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical preparations industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA sec 112**Legal Deadline:**

Action	Source	Date
Other	Judicial	06/15/2009

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2009	

**Additional Information:** SAN No. 5015;**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Jeff Telander Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )**

RIN: 2060-AN47

**Title:** NESHAP: Area Source Standards--Paint and Allied Products

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

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA sec 112**Legal Deadline:**

Action	Source	Date
Other	Judicial	06/15/2009

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2008	

**Additional Information:** SAN No. 5016;**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Mohamed Serageldin Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN68**Title:** Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule

**Abstract:** It is the sense of Congress to encourage the purchase and use of hybrid and other fuel efficient vehicles, which have been proven to minimize air emissions and decrease consumption of fossil fuels. This regulation establishes the criteria for certifying a vehicle as low emitting and energy-efficient. State HOV programs will reference this regulation in their request to Federal Highway Administration for exceptions to the 2-person minimum occupancy HOV requirement. These regulations are optional for States to implement and will sunset in 2009.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 86 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 23 USC 1121**Legal Deadline:**

Action	Source	Date
Other	Statutory	02/06/2006

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/2007	72 FR 29102
Final Action	12/00/2008	

**Additional Information:** SAN No. 5029; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-24/a9821.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Mary Manners Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN73**Title:** Defect Reporting for On-Highway Motor Vehicles and Engines

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2010	

**Additional Information:** SAN No. 5043;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-A012

**Title:** Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines

**Abstract:** This action will propose EPA's response to the remand of the Commercial and Industrial Solid Waste Incineration (CISWI) New Source Performance Standards and Emission Guidelines under section 129 of the CAA. This action also will propose several amendments to the standards. We are considering covering the following types of units located at commercial or industrial facilities that currently are not covered under CISWI: Units with waste heat recovery, units that burn more than 30 percent municipal solid waste at commercial/industrial facilities, and cyclonic burn barrels. We also will clarify provisions regarding air curtain incinerators, the exemption for chemical recovery units, the exemption for spent sulfuric acid production, startup and shutdown, and the definition of clean wood waste. Finally, in response to the voluntary remand of the CISWI rules, we will examine and revise as appropriate the methodology for developing the MACT floors and emission limits.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60; 40 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2009	

**Additional Information:** SAN No. 5105;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-A019

**Title:** Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide

**Abstract:** The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) periodically. On October 11, 1995, the EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO<sub>2</sub>). 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 NO<sub>2</sub> were appropriate at that time. On December 9, 2005, the EPA/ORD initiated the current periodic review of NO<sub>2</sub> 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 NO<sub>2</sub> NAAQS. Review of the secondary NO<sub>2</sub> 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. A Policy Assessment will then be published as an Advance Notice of Proposed Rulemaking (ANPR) that reflects Agency views. This ANPR will also be reviewed by the public and by CASAC during a public comment period. Input received through these reviews will inform the development of a proposed rulemaking. The Administrator's proposal to retain or revise the NO<sub>2</sub> 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.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7408; 42 USC 7409

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/2009	
NPRM	10/00/2009	
Final Action	06/00/2010	

**Additional Information:** SAN No. 5111;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State; Local; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-AO47

**Title:** Review of the National Ambient Air Quality Standards for Particulate Matter

**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<sub>2.5</sub>), EPA revised the level of the 24-hour PM<sub>2.5</sub> standard to 35 micrograms per cubic meter (ug/m<sup>3</sup>) and retained the level of the annual PM<sub>2.5</sub> standard at 15 ug/m<sup>3</sup>. With regard to primary standards for particles generally less than or equal to 10 micrometers in diameter (PM<sub>10</sub>), EPA retained the 24-hour PM<sub>10</sub> standard and revoked the annual PM<sub>10</sub> standard. With regard to secondary PM standards, EPA made them identical in all respects to the primary PM standards, as revised. This review of the PM NAAQS is being conducted using a new NAAQS review process. The review will begin in July 2007 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. The workshop discussions will provide important input as OAR and ORD consider the appropriate design and scope of the major elements that will inform the Agency's policy assessment under the new NAAQS process: an integrated plan highlighting the key policy-relevant issues prepared by OAR and ORD, an Integrated Science Assessment prepared by ORD, and a Risk/Exposure Assessment prepared by OAR. The ANPRM prepared by OAR will evaluate the policy implications of key information contained in the Integrated Science Assessment and Risk/Exposure Assessment, as well as additional appropriate technical analyses. The ANPRM will reflect Agency views regarding options to retain or revise the PM NAAQS. EPA will solicit comments from the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public several times during the development of the critical documents identified above, including on the ANPRM. The Administrator will propose to retain or revise the PM NAAQS, as appropriate, taking into consideration CASAC and public comment on the ANPRM. Input received during the public comment period for the proposed decision will be considered in the

Administrator's final decision.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7408; 42 USC 7409

**Legal Deadline:**

Action	Source	Date
Other	Statutory	10/17/2011

**Timetable:**

Action	Date	FR Cite
ANPRM	05/00/2010	
NPRM	01/00/2011	
Final Action	10/00/2011	

**Additional Information:** SAN No. 5169;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State;  
Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AO48

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**Title:** Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide

**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 (SO<sub>2</sub>) 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 SO<sub>2</sub> would not be made at that time. In 2006, the EPA/ORD initiated the current periodic review of SO<sub>2</sub> 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 SO<sub>2</sub> NAAQS. Review of the secondary SO<sub>2</sub> NAAQS will be part of a separate regulatory action combined with review of the secondary nitrogen dioxide NAAQS.) The EPA's ORD and OAR will prepare a plan for the primary SO<sub>2</sub> NAAQS review, which will be an integrated plan for addressing policy-relevant scientific and technical issues and will include a schedule of the review. Subsequently, an Integrated Science Assessment (ISA) will be prepared by ORD. This document will be reviewed by the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public, and will reflect the input received through these reviews. Following completion of the ISA, OAR will prepare and publish an exposure/risk assessment, as appropriate, and an Advance Notice of Proposed Rulemaking (ANPRM), that will include a policy assessment reflecting the Agency's views, based on information in the ISA and the exposure/risk report. As the primary SO<sub>2</sub> NAAQS review is completed, the Administrator's proposal to retain or revise the SO<sub>2</sub> 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.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7408; 42 USC 7409

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/2009	
NPRM	12/00/2009	
Final Action	07/00/2010	

**Additional Information:** SAN No. 5163;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**
**RIN:** 2060-AO62**Title:** NESHAP: Aviation Gasoline Distribution MACT Standards

**Abstract:** Aviation Gasoline Distribution facilities were listed as a source of alkylated lead emissions under section 112(c)(6) of the Clean Air Act. Under this provision, EPA is required to subject these emission sources to standards under section 112(d)(2) or (d)(4). The scope of this rule has not been determined, but will likely include all stationary emission sources distributing aviation gasoline at the refinery to the end user, the aircraft fuel tank. Under court order, final standards are required by December 15, 2007.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA 112(c)(6)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2009	
Final Action	06/00/2010	

**Additional Information:** SAN No. 5175;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** Undetermined**Agency Contact:** Steve Shedd Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**
**RIN:** 2060-AO64**Title:** National Emissions Standards for Asbestos--Amendments

**Abstract:** The purpose of this action is to explore, through notice and comment rulemaking, the possible modification of the current standard for demolition found under the National Emission Standard for Asbestos (asbestos NESHAP) to include an alternative asbestos control method (AACM). The standards contained within the asbestos NESHAP cover various potential sources of asbestos emissions, including demolition activities involving "facilities" as that term is defined under the asbestos NESHAP. These standards were first promulgated in 1984 and later amended in 1990. As such, these standards were developed under the legal requirements of section 112 of the CAA prior to the effective date of the 1990 CAA amendments. Generally, the asbestos NESHAP demolition standard requires the removal of most "regulated asbestos-containing material" (RACM) prior to the actual demolition of a covered facility. In some cases, this significantly adds to the total cost of, and time required for, demolishing a covered facility. In contrast, the AACM allows most of the RACM to remain in the facility during demolition. (There are additional differences between the two methods, most notably in the wetting and disposal provisions associated with each). In April 2006, EPA undertook a research effort that compared the use of the current asbestos NESHAP demolition standard with the use of the AACM process on two architecturally-identical asbestos-containing buildings near Fort Smith, Arkansas. The buildings that were demolished contained significant quantities of asbestos-containing wall systems and vinyl asbestos floor tile. The results of this test, which have been published for public comment and currently are undergoing formal peer review, suggest that the AACM is as protective as the current demolition standard and less expensive to undertake, at least with respect to the test structures that were used and the types of asbestos-containing materials contained therein. A second test was completed in July 2007. The purpose of the second test is to evaluate the alternative demolition method on buildings with transite siding. A third test is planned on a facility with a popcorn ceiling if a suitable site can be found. As stated, the main objective of this action is to incorporate the AACM into the asbestos NESHAP demolition standard. However, as a result of a December 6, 2006, notice of intent to sue letter alleging, among other things, a failure on the part of EPA to conduct a technology review and a residual risk review pursuant to sections 112(d)(6) and 112(f)(2) of the CAA for the asbestos NESHAP, EPA currently is analyzing the full spectrum of legal requirements under section 112 of the CAA, as amended, to determine what impact such requirements may have on this planned action. The current analysis indicates that, as a minimum, we will have to perform a technology review on the portions of the current NESHAP that apply to building demolition.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 61.140 to 61.157 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7401 to 7601

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2008	

**Additional Information:** SAN No. 5181; EPA Docket information: TBD

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local

**Small Entities Affected:** Business; Governmental Jurisdictions

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/region6/6xa/asbestos.htm](http://www.epa.gov/region6/6xa/asbestos.htm)

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO66**Title:** Plywood and Composite Wood Products (PCWP) NESHAP--Amendments To Address "No Emission Reduction" MACT Floors**Abstract:** The Court (i.e., the U.S. Court of Appeals for the District of Columbia Circuit) ordered EPA to re-evaluate the MACT floor for certain PCWP process unit groups. These proposed amendments will make available for public review and comment EPA's evaluation and decisions regarding PCWP process unit groups that had "no emission reduction" MACT floors in the final rule. (See Table 1 to the preamble of the July 30, 2004 final rule (69 FR 45949) for a list that identifies those process unit groups.)**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA sec 112**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2008	
Final Action	10/00/2009	

**Additional Information:** SAN No. 5185;**Regulatory Flexibility Analysis****Government Levels Affected:** No**Required:** Undetermined**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Mary Kissell Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A072**Title:** Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur

**Abstract:** The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise air quality criteria, primary (health-based), and secondary (welfare-based) national ambient air quality standards (NAAQS) every five years. On October 11, 1995, the EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO<sub>2</sub>). That action provided the Administrator's final determination, after careful evaluation of comments, that revisions to neither the primary nor the secondary NAAQS for NO<sub>2</sub> were appropriate at that time. On May 22, 1996, the EPA published a final decision that revisions of the primary and secondary NAAQS for sulfur dioxide (SO<sub>2</sub>) 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 SO<sub>2</sub> would not be made at that time. On December 9, 2005, the EPA/ORD initiated the current periodic review of NO<sub>2</sub> air quality criteria with a call for information in the Federal Register. On May 3, 2006, the EPA/ORD initiated the current periodic review of SO<sub>2</sub> air quality criteria with a call for information in the Federal Register. The decision was made to review the secondary standards for NO<sub>2</sub> and SO<sub>2</sub> jointly while having separate reviews for the primary NO<sub>2</sub> (SAN 5111) and primary SO<sub>2</sub> (SAN 5163) standards. 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. EPA will publish an Advance Notice of Proposed Rulemaking (ANPR) that reflects the Agency's policy assessments and views regarding options to retain or revise the NO<sub>2</sub> and/or SO<sub>2</sub> secondary NAAQS. The Administrator will propose to retain or revise the NO<sub>2</sub> and/or SO<sub>2</sub> NAAQS, as appropriate, taking into consideration CASAC and public comment on the ANPR. Input received during the public comment period for the proposed decision will be considered in the Administrator's final decision.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 40 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7408; 42 USC 7409**Legal Deadline:**

Action	Source	Date
NPRM	Judicial	02/28/2010
Other	Judicial	11/30/2010

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2010	
Final Action	11/00/2010	

**Additional Information:** SAN No. 5170;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State; Local; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Anne Rea Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK02**Title:** Modification of Anti-Dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska, and the U.S. Territories

**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 action proposes to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands to petition EPA to modify their baselines to use the most appropriate seasonal baseline and Complex Model for purposes of compliance with the RFG program's anti-dumping requirements. Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti-dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti-dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain inconsistencies in the RFG program's anti-dumping provisions which may have significant unintended negative impacts on refiners and importers. Today's proposed actions would not compromise the environmental goals of the RFG program, or result in any environmental degradation. Today's proposed actions would not have any negative impact on small businesses or State/local/tribal governments.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 80 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7414; 42 USC 7545; 42 USC 7601(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/04/2005	70 FR 646
Final Action	10/25/2007	72 FR 60570

**Additional Information:** SAN No. 4632; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/January/Day-04/a043.htm>;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Marilyn Bennett Environmental Protection Agency

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**Environmental Protection Agency (EPA)**  
**Air and Radiation ( AR )**

RIN: 2060-AK22

**Title:** NESHAP: Halogenated Solvent Cleaning--Residual Risk Standards

**Abstract:** The Halogenated Solvent Cleaning NESHAP limits emissions of HAP from solvent cleaning machines that use any of the following halogenated solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1, - trichloroethane, carbon tetrachloride, chloroform, or any combination of these solvents in a total concentration greater than 5 percent by weight. Each individual solvent cleaning machine is an affected source. The Halogenated Solvent Cleaning NESHAP was projected to reduce nationwide emissions of hazardous air pollutants (HAP) from halogenated solvent cleaning machines by 85,300 tons per year, or 63 percent of the 1991 baseline emissions of 140,525 tons/year. On December 3, 1999, the rule was amended by adding compliance options for continuous web cleaning machines. Continuous web cleaning machines are considered a subset of in-line cleaning machines and are defined as: "a solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds typically in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent application area of the solvent cleaning machine, and then recoiled or cut." This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7412**Legal Deadline:**

Action	Source	Date
Other	Statutory	12/02/2002
Other	Judicial	04/16/2007

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/2006	71 FR 47670
Other	12/14/2006	71 FR 75182
Final Action	05/03/2007	72 FR 25138

**Additional Information:** SAN No. 4668; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-17/a6927.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Sectors Affected:** 335999; 332999; 336999; 337124; 332116; 339; 336**Agency Contact:** Lynn Dail Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK74**Title:** Clean Air Fine Particle Implementation Rule

**Abstract:** In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, includes requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. These SIP development activities include technical analyses to identify effective strategies for reducing emissions contributing to PM-2.5 levels, and the adoption of regulations as needed in order to attain the standards. Estimates show that compliance with the standards will prevent thousands of premature deaths from heart and lung disease, tens of thousands of hospital admissions and emergency room visits, and millions of absences from school and work every year.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7410; 42 USC 7501 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/01/2005	70 FR 65984
Final Action	04/25/2007	72 FR 20586

**Additional Information:** SAN No. 4752; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/November/Day-01/a20455.htm>;

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State; Local; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Rich Damberg Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AK81**Title:** Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon From DOE Facilities

**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. Under subparts H and I, regulated entities currently determine compliance with the emission standards by utilizing the approved computer models CAP88 and AIRDOS-PC or any other procedures for which EPA has granted prior approval. Since promulgation of Subparts H and I, EPA has developed an additional model, GENII-NESHAPS, which is suitable for regulated entities to use to determine compliance, in addition to the currently-approved models mentioned above. The model was developed to incorporate the internal dosimetry models recommended by the International Commission on Radiological Protection (ICRP) and the radiological risk estimating procedures of Federal Guidance Report 13 into updated versions of existing environmental pathway analysis models. The model was developed under the direction of OAR's Office of Radiation and Indoor Air, in consultation with OAR's Office of Air Quality Planning and Standards (OAQPS). Also, GENII-NESHAPS has undergone Science Advisory Board (SAB) review. In this direct final rule, EPA is updating subparts H and I to include GENII-NESHAPS as an approved compliance model.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** PL 95-95; CAAA 112(g) or (q)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Withdrawn	08/06/2007	

**Additional Information:** SAN No. 4768;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Behram Shroff Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AM70**Title:** Area Source NESHAP for Secondary Nonferrous Metals



**Abstract:** Section 112 of the Clean Air Act (CAA) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The secondary nonferrous metals source category includes establishments primarily engaged in recovering nonferrous metals and alloys from new and used scrap and dross or in producing alloys from purchased refined metals. The secondary nonferrous metals source category is listed to address emissions of lead from secondary brass and bronze, secondary zinc, and secondary magnesium furnace operations. The proposed rule does not address secondary nonferrous metals processing for secondary aluminum, lead, copper and mercury. Secondary aluminum and secondary lead are addressed under the NESHAP requirements for area sources; likewise, secondary copper is addressed under the secondary copper NESHAP area source standard; and the secondary mercury standard, a RCRA air rule, regulates secondary mercury operations. Therefore, these operations will not be included under this rule, mercury is not emitted by facilities that are subject to the secondary nonferrous metals processing proposed rule.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** CAA sec 112

**Legal Deadline:**

Action	Source	Date
Other	Statutory	11/30/2000
Other	Judicial	12/15/2008

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/07/2007	

**Additional Information:** SAN No. 4888; EPA Docket information: EPA-HQ-OAR-2006-0940

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN10

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**Title:** NESHAP: Surface Coating of Automobiles and Light-Duty Trucks; Amendments

**Abstract:** This amendment will clarify the interaction between this rule and the NESHAP for surface coating of plastic parts and products. This amendment also will improve the rule by clarifying specific provisions and correcting errors in the original printing of the final rule, and announce the availability of a revised version of the Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations. The original final rule was published in the Federal Register on April 26, 2004 (69 FR 22602). The rule affects the surface coating of automobile and light-duty truck bodies and body parts for use in new vehicles at facilities that are major sources of hazardous air pollutants.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63, subpart IV (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	12/22/2006	71 FR 76922
Other	04/24/2007	72 FR 20302

**Additional Information:** SAN No. 4958; EPA publication information: NPRM - <http://epa.gov/EPA-AIR/2006/December/Day-22/a21974.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN42

**Title:** Notice for Information on Determining the Emissions Reductions Achieved From Limiting the VOC Content of Architectural Coatings

**Abstract:** This action is a Proposed Rulemaking (PRM) to discuss and take comment on approaches for calculating emission reductions from the national architectural and Industrial maintenance (AIM) coating rule and other architectural rules. Review of the comments received could result in a rule or policy guidance on calculation methodology. Conference calls have been initiated in order that EPA proceed to move forward with drafting an NPRM due to interest from both States and the regulated community.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** CAAA sec 110

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	08/31/2005	70 FR 51694
ANPRM	10/13/2005	70 FR 59680
Commend Period Extended	12/20/2005	70 FR 75439
Merged with	03/02/2007	

**Additional Information:** SAN No. 5009; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-31/a17357.htm>; Merged with SAN 4309, RIN 2060-AI62

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN44

**Title:** NESHAP: Acrylic/Modacrylic Fibers, Chemical Manufacturing: Chromium Compounds, Flexible Foam Fabrication and Foam Production, Carbon Black Production, Lead Acid Battery Manufacturing, Wood Preserving

**Abstract:** Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting 6 of these area source categories by June 15, 2007. This action will satisfy the second date under this mandate by consolidating activities into one notice for the following 7 source categories: Acrylic Fibers/Modacrylic Fibers Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Fabrication Operations, Flexible Polyurethane Foam Production, Carbon Black Production, Lead Acid Battery Manufacturing, and Wood Preserving. These source categories have been selected because our information indicates that one of the following situations apply: 1) There are only 1-2 sources in the source category that are well-controlled and subject to existing regulations and/or permit conditions (Acrylic/Modacrylic Fibers, Chemical Manufacturing: Chromium Chemicals, Carbon Black Production); 2) the urban HAPs emitted from the source category have been eliminated as a result of other regulatory programs (e.g., OSHA) (Flexible Foam

Production, Flexible Foam Manufacturing, Wood Preserving); 3) all existing sources within the source category can meet current requirements (e.g., NSPS) that apply to new sources ( Lead Acid Battery Manufacturing).

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7412

**Legal Deadline:**

Action	Source	Date
Other	Judicial	06/15/2007

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/2007	72 FR 16635
Final Action	07/16/2007	72 FR 38864

**Additional Information:** SAN No. 5012;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN59

**Title:** Transition to New or Revised Particulate Matter (PM) (NAAQS)

**Abstract:** In 1997, EPA promulgated revised National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA will be proposing revised NAAQS for PM-2.5 and new standard PM10-2.5 on December 20, 2005. In order to provide insight for the public on what EPA is thinking in regards to implementing the revised standard for PM2.5 and the transition from a PM10 standard to a PM10-2.5 standard, EPA is providing this advance notice of proposed rulemaking. This ANPRM should also provide an opportunity for the public to provide input on the best way to implement these actions. Public comment period will be extended until July 10, 2006. A proposal will be developed after the PM NAAQS are finalized in Sept. 2006.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7410; 42 USC 7501 et seq

**Legal Deadline:**

Action	Source	Date
Other	Statutory	01/31/2006

**Timetable:**

Action	Date	FR Cite
ANPRM	02/09/2006	71 FR 6718
Withdrawn	05/14/2007	

**Additional Information:** SAN No. 4752.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-09/a1798.htm>; Split from RIN 2060-AK74.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Air and Radiation ( AR )**

**RIN:** 2060-AN76

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**Title:** Renewable Fuels Standard Rule

**Abstract:** The Energy Policy Act of 2005 (the "Act"), signed into law on August 8, 2005, requires EPA to promulgate regulations implementing the Renewable Fuels Standard (RFS) within one year of enactment. The RFS requires specific volumes of renewable fuel to be in gasoline sold in the U.S. starting with 4.0 billion gal/yr in 2006 up to 7.5 billion gal/yr in 2012. The Act provides that if EPA fails to promulgate regulations within one year, then a default value of 2.78 percent renewable fuel in gasoline will be in effect for 2006. We recently promulgated a rule ("Renewable Fuel Standards Requirements for 2006", 70 FR 77325, December 30, 2005) to implement the default standard. The Agency must complete its obligation under the Act by promulgating a rule that implements the RFS for years 2007 and beyond. Such rule must establish how the renewable fuel standard is defined and calculated, what parties are liable, and how compliance with the standard is to be determined. In addition, the rule must establish a system by which renewable fuel credits can be generated, and traded/sold between parties. This statutory provision is subject to multiple interpretations of key terms. The "Renewable Fuel Standard Requirements for 2006" that we promulgated on December 30, 2005 interprets the default provision so that it can be implemented with certainty in the event EPA fails to promulgate the RFS within 1 year of enactment. It provides for refiners, importers and blenders to meet the 2.78 percent requirement collectively, rather than on an individual basis. Since our projections show that this value is highly likely to be met in 2006 under planned practices of the refining industry, we do not anticipate any impacts on the industry in general, nor any on small businesses. It will have no effect on State, local or tribal governments.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 40 CFR 80.1101 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 109-58**Legal Deadline:**

Action	Source	Date
Other	Statutory	08/06/2006

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/2006	71 FR 55552
Final Action	05/01/2007	72 FR 23899

**Additional Information:** SAN No. 5048; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-22/a7887a.htm>;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** Yes**Agency Contact:** Barry Garelick Environmental Protection Agency

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**CFR Citation:** 40 CFR 51; 40 CFR 52; 40 CFR 70; 40 CFR 71 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA

**Legal Deadline:**

Action	Source	Date
Other	Judicial	03/29/2007

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/2006	71 FR 12240
Final Action	05/01/2007	72 FR 24060

**Additional Information:** SAN No. 5049; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-09/a2148.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN81

**Title:** Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007

**Abstract:** EPA is seeking to allocate essential use allowances for import and production of class I stratospheric ozone depleting substances for calendar 2007 essential allowances enable a person to obtain newly produced or imported controlled class I ozone-depleting substances under the essential exemption to the regulatory phaseout of these chemical, which became effective on January 1, 1996. Essential uses include the manufacture of important medical devices such as asthma inhalers.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/03/2006	71 FR 64668
Final Action	06/12/2007	72 FR 32212

**Additional Information:** SAN No. 5056; EPA publication information: NPRM - NPRM: <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-03/a18581.htm>; EPA Docket information: EPA-HQ-OAR-2006-0159

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/ozone/title6/phaseout/index.html](http://www.epa.gov/ozone/title6/phaseout/index.html)

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AN84

**Title:** Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Revisions to Initial Performance Test Provisions

**Abstract:** The final rule will extend the time period required for source owners and operators to conduct initial performance tests in response to force majeure. A force majeure is defined as an event caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that results in not meeting the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility. We recognize that there may be circumstances beyond a source owner's or operator's control that could cause a performance test deadline to be missed and that we must provide a mechanism for consideration of these circumstances and granting of extensions where warranted. Under current rules, a source owner or operator who is unable to comply with testing requirements within the allotted timeframe due to a force majeure is regarded as being in violation and subject to enforcement action. As a matter of policy, EPA has exercised enforcement discretion to avoid finding such sources in violation. However, because these failures result in circumstances beyond the control of the source owner or operator, we believe that a more reasonable approach is to provide an opportunity to such owners and operators to make good faith demonstrations and obtain extensions of the performance testing deadline in appropriate circumstances.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 60; 40 CFR 61; 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**



Action	Date	FR Cite
NPRM	08/09/2006	71 FR 45487
Final Action	05/16/2007	72 FR 27437

**Additional Information:** SAN No. 5061; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-09/a12966.htm>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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### Environmental Protection Agency (EPA)

#### Air and Radiation ( AR )

**RIN:** 2060-AN92

**Title:** Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Removal of Vacated Elements

**Abstract:** The purpose of this rulemaking is to remove regulatory language from our NSR rules that was vacated by the court after promulgation. Specific elements addressed by this rulemaking are the: (1) Clean Unit applicability test, and (2) exemption for Pollution Control Projects (PCP).

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA title 1 parts C and D

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	06/13/2007	72 FR 32526

**Additional Information:** SAN No. 5077; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-13/a11289.htm>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AN97**Title:** Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units**Abstract:** EPA is granting reconsideration on the recently finalized boiler NSPS amendments. Issues under reconsideration include the appropriate averaging time for facilities using particulate matter continuous emission monitoring systems (PM CEMS) and appropriate parametric monitoring requirements for facilities without PM CEMS. Minor recordkeeping requirements will also be under reconsideration.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA 111**Legal Deadline:**

Action	Source	Date
Other	Judicial	04/13/2007

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/2007	72 FR 6320
Other	03/06/2007	72 FR 9903
Final Action	06/13/2007	72 FR 32710

**Additional Information:** SAN No. 5089; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/February/Day-09/a1881.htm>;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Christian Fellner Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A000**Title:** Phase 2 of the Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard--Notice of Reconsideration

**Abstract:** In this notice, EPA would announce its decision to reconsider and take additional comment on three provisions in the final Phase 2 8-hour ozone implementation rule: (1) The determination that electric generating units (EGUs) that comply with rules implementing the Clean Air Interstate Rule (CAIR) and are located in States where all required CAIR emissions reductions are achieved from EGUs meet the 8-hour ozone State implementation plan (SIP) requirement for application of reasonably available control technology (RACT) for nitrogen oxide (NOx) emissions; (2) a new source review (NSR) requirement allowing sources to use certain emission reductions as offsets under certain circumstances; and (3) an NSR provision addressing when requirements for the lowest achievable emission rate (LAER) and emission offsets may be waived. These issues are also issues in a petition for judicial review; the court has granted EPA a stay of litigation on these 3 issues until 12/15/06, so the reconsideration action must be completed by then.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51; 40 CFR 81 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7401 et seq; 23 USC 101**Legal Deadline:**

Action	Source	Date
Other	Judicial	05/31/2007

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/2006	71 FR 75902
Other	01/12/2007	72 FR 1473
Final Action	06/08/2007	72 FR 31727

**Additional Information:** SAN No. 4625.6; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-19/a21379.htm>; Split from RIN 2060-AJ99.

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local; State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Split From 2060-AJ99**Agency Contact:** William L Johnson Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO01

**Title:** Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Amendments to Related Mercury Monitoring Provisions

**Abstract:** This action would add two optional test methods for mercury emissions as well as several related amendments to existing regulatory requirements for monitoring of mercury emissions. Either or both of these methods may then be used at the discretion of the emission source in place of the existing specified method as an alternative means of performing relative accuracy test audits of flue gas mercury continuous emission monitors. Either of these methods is considered to be equal in the quality of the results produced to the existing method. Use of either proposed method is not required, but either may be preferred over the existing method requirement because of decreased costs and more timely results. The amendments are designed to facilitate implementation of the existing mercury monitoring requirements and provide added regulatory flexibility to the affect sources. This action does not change any emission standards or add any additional recordkeeping requirements. This action is in regard to testing and monitoring requirements for mercury specified in the Federal Register on May 18, 2005 (70FR 28606). Since that time EPA has received numerous comments concerning the desirability of allowing use of these optional methods, as they may produce equally acceptable measures of the relative accuracy achieved by mercury monitoring systems. An instrumental test method for mercury and a sorbent trap test method for mercury are being proposed for addition to appendix A of 40 CFR part 63. Their intended use is for the performance of relative accuracy test audits on installed mercury continuous emission monitors. These methods are being proposed so they may be cited as optional alternatives to the current method requirement as noted above. Use of either optional method may be found to be less costly and more timely than the current method requirement, which may still be used.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63, app A (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** CAA**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	09/07/2007	72 FR 51494

**Additional Information:** SAN No. 5112;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** William Grimley Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO06**Title:** Ambient Air Monitoring Regulations: Correcting and Other Amendments

**Abstract:** EPA recently finalized changes to the ambient air monitoring regulations in 40 CFR parts 50, 53, and 58 in support of revisions to the PM National Ambient Air Quality Standards that were finalized in a concurrent rulemaking. Additional changes were made in monitoring regulations to implement portions of the National Ambient Air Monitoring Strategy, to take advantage of new continuous particulate matter monitoring technological developments, to update quality assurance procedures, and to more accurately reflect the roles of EPA and other control authorities in designing, reviewing, and modifying ambient air networks. Following the publication of the final monitoring rule, several passages containing potentially ambiguously worded rule and/or preamble text were discovered. Additionally, several text blocks pertaining to PM10 monitoring network design were found to be missing, having been inadvertently omitted from the final rule draft. In this Direct Final action, EPA will clarify the specific instances of ambiguous rule wording, restore omitted text, and document Federal Register printing errors in tables and equations that occurred when the final rule was published on October 17, 2006.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 50 (Revision); 40 CFR 53 (Revision); 40 CFR 58 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	06/12/2007	72 FR 32193

**Additional Information:** SAN No. 4421.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-12/a2237.htm>; Split from RIN 2060-AJ25.

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State; Local; Tribal**Small Entities Affected:** Governmental Jurisdictions**Federalism:** No**Energy Affected:** No**Agency Contact:** Lewis Weinstock Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO09**Title:** Update of Continuous Instrumental Test Methods: Technical Amendments

**Abstract:** This direct final action amends a rulemaking entitled "Update of Continuous Instrumental Test Methods" that was promulgated on May 15, 2006. This rulemaking updated, harmonized, and simplified Methods 3A, 6C, 7E, 10, and 20 which measure oxygen, carbon dioxide, sulfur dioxide, nitrogen oxides, and carbon monoxide emissions from stationary sources. As published, the final rule contains inadvertent errors and created minor unanticipated test situations that need to be clearly addressed. This direct final corrects the errors and clearly explains how the unanticipated situations are handled. These amendments do not make significant changes or add new provisions to the rule nor raise issues that have not been addressed in the public comment period to the updated rule. We are simply correcting errors and clarifying portions to reflect the intent of the rule and make them more understandable by applicable parties.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 7411**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	09/07/2007	72 FR 51365

**Additional Information:** SAN No. 4161.1; Split from RIN 2060-AK61.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Foston Curtis Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO10**Title:** Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances–N-Propyl Bromide in Solvent Cleaning

**Abstract:** This rule would list whether n-propyl bromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning. This could provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. Any use conditions would be for the purpose of ensuring that nPB is used in a manner that is safe and environmentally protective.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/03/2003	68 FR 33283
Final Action	05/30/2007	72 FR 30142

**Additional Information:** SAN No. 4599.2; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/June/Day-03/a13254.pdf>; Split from RIN 2060-AK26. Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.; EPA Docket information: EPA-HQ-OAR-2002-0064

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)**Agency Contact:** Margaret Sheppard Environmental Protection Agency

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**Title:** Consumer and Commercial Products, Group III: Control Techniques Guidelines in Lieu of Regulations for Paper, Film and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings

**Abstract:** This action announces the Administrator's determination under section 183(e) for 3 categories of consumer and commercial products that control techniques guidelines (CTG) are substantially as effective in reducing VOC emissions in ozone nonattainment areas as would national rules for these categories. The proposal will solicit comments on the proposed determinations and will announce draft control technique recommendations for each of the product categories. The final notice will finalize the determination and will announce availability of CTGs covering these categories. There is a court-ordered deadline of September 30, 2007 for the final determination and issuance of CTGs.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 59 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA**Legal Deadline:**

Action	Source	Date
Other	Judicial	09/28/2007

**Timetable:**

Action	Date	FR Cite
NPRM	07/10/2007	72 FR 37582
NPRM Comment Period End	08/09/2007	
Final Action	10/09/2007	72 FR 57215

**Additional Information:** SAN No. 5132; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/July/Day-10/a13104.htm>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

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**Environmental Protection Agency (EPA)**
**Air and Radiation ( AR )**
**RIN:** 2060-AO33

**Title:** Revisions to Cogeneration Unit Definition Under CAIR and CAMR and Corrections to CAIR and Acid Rain Program Rules

**Abstract:** EPA is taking action to revise the thermal efficiency standard which is part of the cogeneration unit definition under the Clean Air Interstate Rule (CAIR), Federal Implementation Plan for CAIR, Clean Air Mercury Rule (CAMR), and Proposed Federal Plan for CAMR. Units meeting the cogeneration unit definition may be exempt from these rules. Specifically, EPA is revising the thermal efficiency standard in the cogeneration unit definition so that the standard would apply only to the fossil fuel portion of a unit's energy input. This change to the CAIR, CAIR FIP, CAMR, and proposed CAMR Federal Plan would likely result in exempting some additional cogeneration units from these rules.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 51, 72, et al; 40 CFR 60, 72, 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 111; 42 USC 7401 et seq

**Legal Deadline:** None

**Timetable:**



Action	Date	FR Cite
NPRM	04/25/2007	72 FR 20465
Final Action	10/19/2007	72 FR 59190

**Additional Information:** SAN No. 5109; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/April/Day-25/a7536.pdf>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

RIN: 2060-AO34

**Title:** Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area

**Abstract:** Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA shall require the sale of reformulated gasoline (RFG) in ozone nonattainment areas upon the application of the Governor of the state in which the nonattainment area is located. EPA received an application July 10, 2006, from the Honorable Rod R. Blagojevich, Governor of the State of Illinois, for the East St. Louis moderate ozone nonattainment area to be included in the reformulated gasoline program. This notice proposes to extend the Act's prohibition against the sale of conventional (i.e., non-reformulated) gasoline in RFG areas to the East St. Louis, Illinois moderate ozone nonattainment area.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 80.70 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** CAA sec 211(k)(6)

**Legal Deadline:**

Action	Source	Date
Other	Statutory	01/28/2007
Other	Judicial	03/28/2007

**Timetable:**

Action	Date	FR Cite
Direct final Rule	12/27/2006	71 FR 77615
NPRM	12/27/2006	71 FR 77690
NPRM Comment Period End	01/26/2007	
Other	03/29/2007	72 FR 14681
Final Action	04/24/2007	72 FR 20237

**Additional Information:** SAN No. 5104; EPA publication information: Direct Final Action - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-27/a22162.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

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## Environmental Protection Agency (EPA)

### Air and Radiation ( AR )

**RIN:** 2060-AO35

**Title:** Update of Test Procedure Schedule for All Terrain Vehicles

**Abstract:** In the FRM for new emission standards for recreational vehicles, we stated our intent to revisit and potentially develop a new exhaust emission test procedure for all terrain vehicles (ATVs). In the interim, an optional steady-state test procedure was allowed through the 2008 model year. In this action, we will extend the period in which the optional test procedure may be used. We will also discuss the current state of the evaluation of a potential new ATV test procedure.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 1051 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** CAA

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct final Rule	04/26/2007	72 FR 20730

**Additional Information:** SAN No. 5107; EPA publication information: Direct Final Action - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/April/Day-24/a7777.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO40**Title:** Response to Reconsideration Regarding NESHAP Startup, Shutdown, and Malfunction Amendments**Abstract:** On June 19, 2006, EarthJustice on behalf of the Coalition for a Safe Environment petitioned the Administrator to reconsider a final action taken on startup, shutdown, and malfunction provisions in the part 63 General Provisions. This action will announce EPA's response to that petition.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** CAA**Legal Deadline:**

Action	Source	Date
Other	Judicial	04/12/2007

**Timetable:**

Action	Date	FR Cite
Other	04/18/2007	72 FR 19385

**Additional Information:** SAN No. 5141; EPA publication information: Final Action-Denial of Reconsideration - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/April/Day-18/a7362.htm>;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Rick Colyer Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-AO46**Title:** NESHAP: Primary Copper Smelting and Secondary Copper Smelting--Amendments

**Abstract:** The final for BIN 1 Area Source rules (NESHAP for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, Primary Nonferrous Metals (Zinc, Cadmium, and Beryllium)) were published January 23, 2007. We are preparing direct final amendments, with a parallel proposal, to the NESHAP for Primary Copper Smelting and Secondary Copper Smelting. The amendments to the primary copper smelting NESHAP clarify the operating conditions when the plant must control process off gases from a smelting vessel and add wet scrubbers to the list of air pollution control devices that can be used. The other amendments for the secondary copper smelting correct cross referencing and numbering errors.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 42 USC 7412**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	07/03/2007	72 FR 36363
NPRM	07/03/2007	72 FR36415

**Additional Information:** SAN No. 5013.1; EPA publication information: Direct Final Action - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/July/Day-03/a12847.htm>; Split from RIN 2060-AN45.

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Sharon Nizich Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A054**Title:** Clean Air Interstate Rule (CAIR) and CAIR Federal Implementation Plans; Corrections**Abstract:** This rule corrects minor, inadvertent, and nonsubstantive errors in the Clean Air Interstate Rule (CAIR) and the CAIR Federal Implementation Plans (FIPs). This rule restores a phrase of CAIR regulatory text related to State annual emissions reporting requirements that was inadvertently deleted when the rule was revised in 2006, corrects typographical errors in the spellings of 3 States in the CAIR regulatory text, and corrects a typographical error in a section citation in the CAIR FIPs regulatory text. It does not change any of the CAIR or CAIR FIPs rule requirements.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 51, 97 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 7401 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	10/01/2007	72 FR 55657

**Additional Information:** SAN No. 5179;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Carla Oldham Environmental Protection Agency

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E-Mail: [jones.rhea@epa.gov](mailto:jones.rhea@epa.gov)**Environmental Protection Agency (EPA)****Air and Radiation ( AR )****RIN:** 2060-A065**Title:** Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products**Abstract:** This final PCWP rule announces: (1) The change in the compliance date from October 1, 2008, to October 1, 2007, and (2) the deletion of the low-risk provisions. This action is necessary to conform to a court order remanding and vacating the promulgated rule's provisions on these issues.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 63 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** CAA**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	10/29/2007	72 FR 61060

**Additional Information:** SAN No. 5184;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**
**RIN:** 2070-AB94

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**Title:** Future Testing for Existing Chemicals (Overview Entry)

**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 needed 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 and allow EPA to 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 needed 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** PreRule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	08/00/2008	

**Additional Information:** SAN No. 3493; EPA publication information: ANPRM-Placeholder for potential new action in next 6 months.;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** www.epa.gov/oppt/chemtest

**Sectors Affected:** 325; 32411

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### Environmental Protection Agency (EPA)

#### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

**RIN:** 2070-AD61

**Title:** Endocrine Disruptor Screening Program (EDSP); Implementing the Screening and Testing Phase

**Abstract:** Section 408(p) of the Federal Food, Drug, and Cosmetic Act, as amended by the 1996 Food Quality Protection Act, directs EPA to establish and implement a program whereby industry will be required to screen and test all pesticide chemicals to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate. The requirements of Section 408(p) were implemented through the creation of the Endocrine Disruptor Screening Program (EDSP) in 1998. The EDSP has the following three components that are proceeding simultaneously: 1) developing and validating assays; 2) setting chemical testing priorities; and 3) establishing 408(p) testing orders and related data procedures. A Federal Advisory Committee Act committee has provided advice to the EDSP on assay development and validation. For chemical testing priorities, the approach to selecting the first 50-100 chemicals was finalized in September 2005 (70 FR 56449) and EPA implemented that approach. EPA published a draft list of 73 pesticide active ingredients and high production volume (HPV) pesticide inert chemicals for initial screening in June 2007 (72 FR 33486). EPA intends to commence Tier 1 screening of the first group of pesticide chemicals by issuing test orders under FFDCa section 408(p) to chemical companies identified as the manufacturer or processor of the identified chemicals, including the pesticide registrant. EPA is developing a draft implementation policy that will describe the procedures that EPA will use to issue orders, the procedures that order recipients would use to respond to the order, how data protection and compensation will be addressed in the test orders, and other related procedures or policies.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** PreRule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2603 "TSCA"; 21 USC 346(a) "FFDCA"; 42 USC 300(a)(17) "SDWA"; 7 USC 136 "FIFRA"

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The Endocrine Disruptor Screening Program Implementation of the Screening and Testing Phase fulfills the statutory direction and authority to screen pesticide chemicals and drinking water contaminants for their potential to disrupt the endocrine system and adversely affect human health and wildlife.

**Legal Basis:** The screening and testing phase of the Endocrine Disruptor Screening Program (EDSP) potentially will encompass a broad range of types of chemicals, including pesticide chemicals, TSCA chemicals, chemicals that may be found in sources of drinking water, chemicals that may have an effect that is cumulative to the effect of a pesticide chemical, chemicals that are both pesticide chemicals and TSCA chemicals, and other chemicals that are combinations of these types of chemicals. As discussed in the Proposed Statement of Policy, EPA has a number of authorities at its disposal to require testing of these types of chemicals. The Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(p) provides EPA authority to require testing of all pesticide chemicals and any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if EPA determines that a substantial population may be exposed to the substance. 21 U.S.C. 346a(p). Likewise, the Safe Drinking Water Act (SDWA) provides EPA with authority to require testing of any substance that may be found in sources of drinking water if EPA determines that a substantial population may be exposed to the substance. 42 USC sec 300j-17. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides EPA with authority to require testing of pesticides if EPA determines that additional data are required to maintain in effect an existing registration. 7 USC sec 136a(c) (2)(B). The Toxic Substances Control Act (TSCA) provides authority for EPA to require testing of TSCA chemicals, provided that it makes certain hazard and/or exposure findings. 15 USC sec 2603. In addition, EPA has authority to issue consent orders to require testing when interested parties agree on an acceptable testing program. 51 FR 23706 (June 30, 1986).

**Alternatives:** A federal role is mandated under cited authority. There is no alternative to the role of the Federal government on this issue to ensure that pesticides, commercial chemicals and contaminants are screened and tested for endocrine disruption potential. A limited amount of testing may be conducted voluntarily but this will fall far short of the systematic screening which is necessary to protect public health and the environment and ensure the public that all important substances have been adequately evaluated.

**Costs and Benefits:** It is too early to project the costs and benefits of this program accurately. However, a preliminary rough estimate by industry indicated a cost of \$200,000 per chemical. It is also too early to quantify the benefits of this program quantitatively. The goal of the program is to reduce the risks identified below.

**Risks:** Evidence is continuing to mount that wildlife and humans may be at risk from exposure to chemicals operating through an endocrine mediated pathway. Epidemiological studies on the associations between chemical exposures and adverse endocrine changes continue to evaluate this problem in humans. Wildlife effects have been more thoroughly documented. Abnormalities in birds, marine mammals, fish, amphibians, alligators, and shellfish have been documented in the U.S., Europe, Japan, Canada, and Australia which have been linked to specific chemical exposures. Evidence is sufficient for the U.S. to proceed on a two track strategy: Research on the basic science regarding endocrine disruption and screening with validated assays to identify which chemicals are capable of interacting with the endocrine system. The combination of research and test data submitted in this program will enable EPA to take action to reduce risks.

**Timetable:**

Action	Date	FR Cite
Other	11/00/2007	

**Additional Information:** SAN No. 4728; EPA publication information: Notice; Split from RIN 2070-AD26. In August 2000, the Agency submitted the required Status Report to Congress. In March 2002, the Agency submitted the requested status report to Congress on the Endocrine Disruptor Methods Validation subcommittee under the National Advisory Council on Environmental Policy and Technology.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** <http://www.epa.gov/scipoly/oscpendo/index.htm>



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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ30

**Title:** Nanoscale Materials Under TSCA

**Abstract:** Nanoscale materials are chemical substances containing structures on the scale of approximately 1 to 100 nanometers, and may have different molecular organizations and properties than the same chemical substances on a larger scale. Because such materials may have novel properties and present novel issues, evaluating and managing health and environmental risks of nanoscale materials poses a new challenge. Under the Toxic Substances Control Act, EPA has the authority to require the development of data necessary for the assessment of chemical substances and mixtures from persons that manufacture or process them when statutory findings concerning (1) production volume and exposure/entry into the environment or (2) potential hazard can be made, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Pollution Prevention and Toxics (OPPT) is establishing a voluntary program to assemble existing data and information from manufacturers and processors of certain nanoscale materials. With this assembled material, EPA will take appropriate steps to protect human health and the environment from unreasonable risk from these substances. In October 2006 EPA announced a collaborative process to design a nanoscale material stewardship program inviting 500 organizations and agencies to participate. On July 12, 2007, the Agency published a document that describes specific elements regarding a voluntary stewardship program for nanoscale materials, a proposed information collection request, and a paper that describes determining the TSCA inventory status of nanoscale materials. In addition, EPA conducted a public meeting on August 2 to receive oral comments on the stewardship program and the published documents. A notice announcing the stewardship program including final versions of any documents is scheduled to be published in February, 2008.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** PreRule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2601et seq

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** There is evolving understanding of a new technology with regard to health and safety implications from exposure to nanoscale materials. This is also true in the areas of environmental fate, efficacy of exposure mitigation practices, etc. Therefore, at present the lack of information leads to challenges in the assessment of and decision-making on nanoscale materials.

**Legal Basis:** Under TSCA, EPA has the authority to require the development of data adequate for the assessment of chemical substances and mixtures from persons that manufacture or process them, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures.

**Alternatives:** The stewardship program is an effective yet flexible alternative to traditional regulatory approaches.

**Costs and Benefits:** To be determined.

**Risks:** EPA will use information from the stewardship program to inform appropriate steps and future framework to protect human health and the environment from unreasonable risk.

**Timetable:**

Action	Date	FR Cite
Other	07/12/2007	72 FR 38083
Other	02/00/2008	

**Additional Information:** SAN No. 5058; EPA publication information: Notice: TSCA Inventory Status - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/July/Day-12/t13558.htm>; EPA Docket information: EPA-HQ-OPPT-2004-0122

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** Federal; State

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ34

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**Title:** Test Rule; Nonylphenol (NP) and Its Ethoxylates (NPE)

**Abstract:** In June 2007, EPA received a petition under section 21 of the Toxic Substances Control Act (TSCA) requesting that EPA require manufacturers and importers of nonylphenol (NP) and nonylphenol ethoxylates (NPEs) to conduct certain health and safety studies under TSCA section 4. Based on its review of the information submitted in support of the petition, additional information obtained by EPA, and public comments, EPA granted the request to initiate a proceeding to require chronic aquatic toxicity testing. In order to develop a properly tailored test requirement that would provide EPA with sufficient data to make a reasoned evaluation of the environmental effects of NPEs, EPA will commence the proceeding by issuing an ANPRM that solicits public comment on several testing issues prior to the issuance of a proposed rule. In that ANPRM, EPA also intends to request public comment on potential additional testing related to certain of the other section 4 requests for NP and NPEs raised in the petition.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** PreRule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2603 TSCA 4

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	08/00/2008	

**Additional Information:** SAN No. 5187;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD16

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**Title:** Test Rule; Testing of Certain High Production Volume (HPV) Chemicals

**Abstract:** EPA is issuing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis) that have not been sponsored under the voluntary HPV Challenge Program. Although varied based on specific data needs for the particular chemical, the data generally collected under these rules may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity, mutagenicity, ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. When finalized on March 16, 2006, the number of chemicals included in the first final rule was reduced to 17 based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. Subsequent test rules, including a proposed rule scheduled to be published in spring of 2008 are expected to require similar screening level testing for additional unsponsored HPV Challenge Program chemicals.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2603

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Prior to inception of the HPV Challenge Program, in 1998, EPA found that, of those non-polymeric organic substances produced or imported in amounts equal to or greater than 1 million pounds per year based on 1990 reporting for EPA's Inventory Update Rule (IUR), only 7 percent had a full set of publicly available internationally recognized basic health and environmental fate/effects screening test data. Of the over 2,800 HPV chemicals based on 1990 data, 43% had no publicly available basic hazard data. For the remaining chemicals, limited amounts of the data were available. This lack of available hazard data compromised the ability of EPA and others to determine whether these HPV chemicals pose potential risks to human health or the environment, as well as the public's right-to-know about the hazards of chemicals that are found in their environment, their homes, their workplaces, and the products that they buy. On April 21, 1998, a national initiative, known as the Chemical Right-To-Know (ChemRTK) Initiative, was announced by EPA. This initiative is designed to collect and, where needed, develop the basic screening level toxicity and fate data that are necessary to provide the information needed to assess the potential hazards/risks that may be posed by exposure to HPV chemicals. A primary component of the ChemRTK Initiative is the voluntary HPV Challenge Program, which was created in cooperation with industry, environmental groups, and other interested parties, and is designed to assemble basic screening level test data on the potential hazards and fate of HPV chemicals. Since the inception of the HPV Challenge Program in 1998, industry chemical manufacturers and importers have participated in the Challenge Program by sponsoring 2,250 chemicals with sponsorship by more than 350 companies and 100 consortia. EPA is in the process of developing hazard characterizations based on the data received to date under the Challenge Program. Data needs which remain unmet in either the voluntary HPV Challenge Program or through complementary international efforts (i.e., the OECD SIDS HPV Program and the International Council of Chemical Associations) may be addressed through rulemaking under TSCA section 4.

**Legal Basis:** These test rules would be issued under section 4(a)(1)(B) of TSCA. Section 2(b)(1) of TSCA states that it is the policy of the United States that "adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture [which is defined by statute to include import] and those who process such chemical substances and mixtures[.]" To implement this policy, TSCA section 4(a) mandates that EPA require by rule that manufacturers and processors of chemical substances and mixtures conduct testing if the Administrator finds that: (1)(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment, (ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and (iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or (B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture, (ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and (iii) testing of such substance or mixture with respect to such effects is necessary to develop such data.

**Alternatives:** The strategy and overall approach that EPA is using to address data collection needs for U.S. HPV chemicals includes a voluntary component (the HPV Challenge Program), certain international efforts, and these rulemakings under TSCA. The issuance of a rulemaking is often the Agency's final mechanism for obtaining this important information.

**Costs and Benefits:** The potential benefits of these test rules are substantial. For those chemical substances included in these rules, EPA believes that there are insufficient data to reasonably determine or predict their effects on health or the environment. EPA believes that the internationally recognized basic health and environmental fate/effects screening testing that would be required in these rules would provide critical information needed to conduct screening level characterizations of the health and environmental hazards of these substances. This information, when combined with information about exposure and uses, will allow the Agency and others to evaluate the potential health and environmental risks of these substances and to take appropriate follow up action. The cost of the baseline screening testing laboratory costs that would be imposed is estimated to be about \$300,000 per chemical for a full set of tests. It is unlikely, however, for a chemical to need a full set of tests, which would only occur if none of the data in question already exists.

**Risks:** Data collected and/or developed under these test rules, when combined with information about exposure and uses, will allow the Agency and others to evaluate and prioritize potential health and environmental effects and take appropriate follow up action.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/2000	65 FR 81658
Final Action	03/16/2006	71 FR 13709
Other	12/08/2006	71 FR 71058
Other	03/00/2008	

**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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/opptintr/chemtest](http://www.epa.gov/opptintr/chemtest)

**Sectors Affected:** 325; 32411

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD30

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**Title:** Pesticides; Data Requirements for Antimicrobials

**Abstract:** EPA will update and revise its pesticide data requirements for antimicrobial pesticide products. The revisions will revise its existing data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for antimicrobial pesticides, including product chemistry and residue chemistry, toxicology, and environmental fate and effects.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 158 and 161 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 7 USC 136 to 136y

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The Agency is in the process of updating its data requirements for pesticides. Since the current data requirements were first published in 1984, the information needed to support the registration of a pesticide has evolved along with the expanding knowledge base of pesticide chemical technology. Over the years, revisions and updates to the data requirements have been applied on a case-by-case basis. In 2007, the Agency promulgated data requirements for conventional, and biochemical and microbial pesticide chemicals. As part of this action, the 1984 data requirements were transferred intact to part 161 to provide continued regulatory coverage for antimicrobial pesticides until the Agency can promulgate a final regulation. This rule will update and revise the existing data requirements for antimicrobial pesticide products. These revisions build upon those previously proposed for conventional chemicals, but are tailored to the specific data needs of antimicrobial pesticides. The revisions will provide stakeholders with greater transparency and clarity to determine the data needed for an antimicrobial pesticide product without having extensive consultations with the Agency, more focused use patterns that reflect current practice, and a more efficient registration process. When the Agency promulgates the revised data requirements in part 158 subpart W, the current data requirements in part 161 will be removed.

**Legal Basis:** 7 U.S.C. 136 to 136y

**Alternatives:** The Agency is required by its various statutory mandates to establish data requirements that support its regulatory decisions. The Agency re-evaluates those data requirements in light of scientific advances, analytical improvements, and new technology, to provide a sound scientific basis for those decisions. On a case by case basis, the Agency considers whether alternative regulatory methods, such as restrictions on use, would obviate the need for data, and explores means of introducing flexibility and clarity to reduce burdens on the regulated community. For this rule, EPA will analyze keeping the current data requirements as specified in part 161, using the data requirements promulgated for conventional chemicals, and promulgating new data requirements specifically for antimicrobials.

**Costs and Benefits:** The Agency is conducting an economic analysis to support the rule. Anticipated benefits include less uncertainty and clearer understanding of the actual risk, increased clarity and transparency to the regulated community, improved scientific basis for pesticide regulatory decisions, and enhanced international harmonization with less duplication of data. The increased costs of the rule are estimated as greater than \$3 million /year for the 72 companies that hold registrations or have applied for a registration for an antimicrobial product.

**Risks:** The revisions to the data requirements to be proposed, like the existing requirements in part 158, would require an applicant for pesticide registration to supply the Agency with information on the pesticide: composition, toxicity, potential human exposure, environmental properties and ecological effects, and, in certain cases, efficacy. This information is used to assess the human health and environmental risks associated with the product. The data that will be required by this regulation are the foundation of EPA's risk assessment for antimicrobial pesticides, and provide a sound scientific basis for any licensing decisions that impose requirements that mitigate or reduce risks. Under FIFRA, the applicant for registration must demonstrate to the Agency's satisfaction that the pesticide product will not cause "unreasonable adverse effects" to humans or to the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	

**Additional Information:** SAN No. 4173

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** <http://www.epa.gov/pesticides/regulating/data.htm>**Sectors Affected:** 32519; 32551; 32532; 32561**Agency Contact:** Kathryn Boyle Environmental Protection Agency

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E-Mail: [Frane.Jean@epa.gov](mailto:Frane.Jean@epa.gov)**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AD48**Title:** Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture**Abstract:** In support of the residential upholstered furniture (RUF) flammability standards under consideration by the Consumer Product Safety Commission (CPSC), EPA would propose a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals that may be used in RUF to meet the RUF Flammability Standard. The SNUR would require companies intending to import, manufacture, or process these chemicals for use as a flame retardant in RUF to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The required notice will provide EPA with the opportunity to evaluate their use as flame retardant chemicals in RUF, and if necessary to prohibit or limit such activity before it occurs to prevent any unreasonable risk of injury to human health or the environment.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 15 USC 2604 TSCA 5**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	

**Additional Information:** SAN No. 4512; ; EPA Docket information: EPA-HQ-OPPT-2002-0074**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

**Sectors Affected:** 325; 313; 337121

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD52

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**Title:** Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues

**Abstract:** This proposed regulation will clarify and expand on implementation issues that have arisen as a result of the publication of the 1998 PCB Disposal Amendments (63 FR 35384). Topics will include but not be limited to, Use Authorizations, Public Participation Process, Appeals Process, Natural Gas Pipelines, Testing and Analysis, Manifesting of PCB Waste, Publication Process for Validated Alternate Decontamination Solvents, and PCB Analytical Methods and Storage of Dedicated PCB Equipment. The action to authorize certain non-liquid PCB applications is also included in this action. The administrative rule "Polychlorinated Biphenyls (PCBs); Transfer of Cleanup and Disposal Program from OPPTS to OSWER" (SAN 5178) is scheduled to be completed in October, 2007, at which time the internal EPA lead for this action will be transferred to OSWER.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 761 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 15 USC 2605(e) TSCA 6

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/2008	

**Additional Information:** SAN No. 4597;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pcb](http://www.epa.gov/pcb)

**Sectors Affected:** 31-33; 81; 54; 92; 53; 48-49; 22; 562



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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

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**RIN:** 2070-AJ04

**Title:** TSCA Inventory Nomenclature for Enzymes and Proteins

**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). 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 720.45 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 15 USC 2607

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	11/15/2004	69 FR 65565
NPRM	05/00/2008	

**Additional Information:** SAN No. 4878; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2004/November/Day-15/t25307.htm>; ; EPA Docket information: EPA-HQ-OPPT-2003-0058

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ15

**Title:** Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA

**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. Either prior to or after commencing the manufacture of the chemical substance, the company may want to transfer the right to manufacture the chemical substance to a new company as part of a merger, corporate reorganization or other business transaction. The Act can be interpreted as requiring the transferee of a right to manufacture to submit a new premanufacture notice to the Agency, because the transferee is a new person. However, 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 formal guidance concerning the procedure for transferring rights to manufacture, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not clear if a transferee of a right to manufacture is liable under the Act to the same extent as the transferor. Therefore, to clarify these issues, EPA proposes to adopt a rule to accomplish several purposes: (1) To provide a clear procedural mechanism to facilitate the transfer of rights to manufacture to new persons; (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 of a right to manufacture, thereby allowing the Agency to engage in more meaningful compliance monitoring.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 720 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2604

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2008	

**Additional Information:** SAN No. 4975;

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ20

**Title:** Pesticides; Competency Standards for Occupational Users

**Abstract:** The EPA is proposing change to federal regulations guiding the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations to better protect pesticide applicators and the public and the environment from harm due to pesticide exposure. Changes may include having certain occupational users of pesticides demonstrate competency by meeting minimum competency requirements. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 171; 40 CFR 156; 40 CFR 152 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The regulations governing the Federal and State certification of pesticide applicators, 40 CFR part 171, were originally promulgated in 1974. Since that time State certification programs have gone beyond the Federal regulations in a number of areas. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation. Stakeholders identified the need for a minimum standard of competency for all occupational users of pesticides as well as the establishment of standards for determination of applicator competency and continued competency.

**Legal Basis:** 7 U.S.C. 136w

**Alternatives:** EPA is considering various alternatives to regulation change based upon stakeholder input. The Agency is in the formative stages of this regulatory effort, and alternatives have not yet been fully identified and evaluated.

**Costs and Benefits:** EPA will develop an economic analysis to support this rule.

**Risks:** The proposed regulation would require that certain occupational users of pesticides meet minimum competency standards and require additional competency determinations of those who use the most toxic pesticides in a manner that could result in significant exposure to the public. These changes would strengthen the regulations that protect pesticide applicators and the public from potential harm due to pesticide exposure.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2008	

**Additional Information:** SAN No. 5007

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal; State; Tribal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

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**RIN:** 2070-AJ21

**Title:** Clarification on TSCA Inventory Status of Activated Phosphors

**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 sec. 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 intends to seek public comment on draft interpretation in this area to ensure that the necessary clarity is provided.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 720 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2604

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Notice	11/00/2007	

**Additional Information:** SAN No. 4984;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

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**RIN:** 2070-AJ22

**Title:** Pesticides; Agricultural Worker Protection Standard Revisions

**Abstract:** The EPA is developing a proposal to revise the federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to improve agricultural workers' ability to protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training, with improved worker safety the intended outcome. The need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 156; 40 CFR 170 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The regulations governing the protection of agricultural workers, 40 CFR part 170, were promulgated in 1992. Since that time, stakeholders provided input on areas to improve the regulation, particularly to better protect agricultural field workers and handlers from pesticide risks. The need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations. Stakeholders identified the need for a minimum standard of competency for all occupational users of pesticides as well as the establishment of standards for determination of applicator competency and continued competency.

**Legal Basis:** 7 U.S.C. 136w

**Alternatives:** EPA is considering various alternatives to regulation change based upon stakeholder input. The Agency is in the formative stages of this regulatory effort, and alternatives have not been fully identified and evaluated.

**Costs and Benefits:** EPA will develop an economic analysis to support this rule.

**Risks:** This proposal would reduce the risks to agricultural workers from potential exposure to pesticides and pesticide exposure.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2008	

**Additional Information:** SAN No. 5006

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Business**Energy Affected:** No**Agency Contact:** Kathy Davis Environmental Protection Agency

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**Government Levels Affected:** Federal; State**Federalism:** No

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ27**Title:** Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)

**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.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 158 and 174 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 7 USC 136a; 7 USC 136w**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** There are currently no separate data requirements for plant-incorporated protectants (PIPs), a new type of pesticide first registered in the mid-1990s. Instead, the Agency has relied on the microbial pesticide data requirements tailored on a case-by-case basis. The information needed to support the registration of a PIP has evolved along with the expanding knowledge base of pesticide chemical technology. When established, these data requirements will reflect current scientific knowledge and understanding. Establishing these data requirements will provide stakeholders with greater transparency and clarity to determine the data needed for PIP pesticide product without having extensive consultations with the Agency and a more efficient registration process. Further, establishing these data requirements will improve the Agency's ability to make regulatory decisions about human health and environmental effects of PIP pesticides to better protect wildlife, the environment and people.

**Legal Basis:** The final rule will describe data and information needed to support multiple pesticide mandates under two statutes: the registration, reregistration, registration review, and experimental use permit programs under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and the tolerance-setting and reassessment program under the Federal Food, Drug and Cosmetic Act (FFDCA). These programs are authorized under FIFRA sections 3, 4, and 5 and FFDCA sec 408.

**Alternatives:** The Agency is required by its various statutory mandates to establish data requirements that support its

regulatory decisions. On a case-by-case basis, the Agency considers whether alternative regulatory methods would obviate the need for data and explores the means of introducing flexibility and clarity to reduce burdens on the regulated community. For this rule, EPA will analyze several scenarios including establishing data requirements tailored specifically to PIP pesticides, not establishing any data requirements, and remaining status quo with relying on the microbial pesticide data requirements tailored on a case-by-case basis.

**Costs and Benefits:** The Agency is conducting an economic analysis to support this rule. Anticipated benefits include greater certainty and clearer understanding of the actual risk, increased clarity and transparency to the regulated community, improved scientific basis for pesticide regulatory decisions, and enhanced international harmonization with less duplication of data. However, since this rulemaking is currently under Agency workgroup discussion, the specific costs and benefits of the action have not yet been determined. The Agency expects this rule to result in decreased illness and death resulting from pesticide exposure.

**Risks:** The proposed revisions to the data requirements, like the existing requirements in part 158, would require an applicant for pesticide registration to supply the Agency with information on the pesticide: Composition, toxicity, potential human exposure, environmental properties, and ecological effects. This information is used to assess the human health and environmental risks associated with the product. The data that will be required by this regulation form the foundation of EPA's risk assessment for pesticides, and provide a sound scientific basis for any licensing decisions that impose requirements that mitigate or reduce risks, and that ensure that pesticide residues in food meet the "reasonable certainty of no harm" risk standard of the Federal Food Drug and Cosmetic Act (FFDCA).

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2008	

**Additional Information:** SAN No. 5005

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ32

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**Title:** Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)

**Abstract:** Plant-Incorporated Protectants (PIPs) are pesticidal substances intended to be produced and used in living plants and the genetic material needed for their production. EPA has been regulating PIPs under FIFRA, including issuing experimental use permits and commercial registrations, for over ten years, with the first commercial registration of a PIP under FIFRA issued in 1995. On July 19, 2001, EPA published rules establishing much of the current regulatory structure for PIPs. This rulemaking effort is intended to address the issues that were not addressed in 2001, including defining the nature of regulated production of PIPs and associated issues such as reporting, product labeling and recordkeeping. The rule will affect those persons who produce PIPs and is expected to clarify the legal requirements of their products at various production phases, improving their ability to conduct business. It is expected to also improve the ability of the EPA to identify and respond to instances where there are potentially significant violations. EPA also intends to address activities that the Agency does not believe warrant regulation and will consider exempting those activities, as appropriate, from FIFRA in whole or in part.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 174; 40 CFR 152; 40 CFR 156; 40 CFR 167; 40 CFR 168; 40 CFR 169; 40 CFR 172 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 7 USC 136 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	04/04/2007	72 FR 16312
Other	04/11/2007	72 FR 18191
Other	05/23/2007	72 FR 28911
NPRM	09/00/2008	

**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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pesticides/biopesticides/pips/proposals/comments\\_pip\\_requirements.htm](http://www.epa.gov/pesticides/biopesticides/pips/proposals/comments_pip_requirements.htm)

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ33

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**Title:** Plant-Incorporated Protectant--Fusion Proteins (PIP-FPs)



**Abstract:** The Agency is determining the regulatory status of a specific type of protein that may arise as a result of inserting genetic material into a plant to produce a plant-incorporated protectant (PIP), e.g., (1) transgene/plant-fusion protein--a protein produced from a fusion of PIP genetic material with plant genetic material; and (2) transgene/transgene-fusion protein - a protein produced from an internal rearrangement within the PIP genetic material. This type of protein called a Plant-Incorporated Protectant--Fusion Protein (PIP-FP), and the genetic material necessary to produce it, should be considered part of the PIP and thus regulated by EPA under FIFRA and FFDC section 408. PIP-FPs can occur during the insertional event when a genetic construct becomes integrated into the genome in such a way that some regulatory control regions are lost or genetic information fused.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 174.3 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 7 USC 136

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/2008	

**Additional Information:** SAN No. 5101;

**Regulatory Flexibility Analysis**

**Government Levels Affected:** No

**Required:** Undetermined

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

**RIN:** 2070-AA59

**Title:** Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. In instances where no such determination is made and no consent order is issued under section 5(e) of TSCA, EPA may issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

**Priority:** Routine and Frequent**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 721 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 15 USC 2604 TSCA 5**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	06/11/1986	51 FR 21199
Other	12/08/1987	52 FR 46496
Other	06/11/1993	58 FR 32628
Other	12/00/2007	
Other	12/00/2009	
Other	12/00/2009	

**Additional Information:** SAN No. 1976; EPA publication information: NPRM: 84-1056-Alkyl & Sulfonic Acid & Ammonium Salt (84-1056);**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/opptintr/newchems/cnosnurs.htm](http://www.epa.gov/opptintr/newchems/cnosnurs.htm)**Sectors Affected:** 325; 324**Agency Contact:** Karen Chu Environmental Protection Agency  
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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AB08**Title:** TSCA Section 8(a) Preliminary Assessment Information Rules**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances.**Priority:** Routine and Frequent**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 712 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2607(a) TSCA 8(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	06/11/2003	68 FR 34832
Other	12/07/2004	69 FR 70552
Other	08/16/2006	71 FR 47122
Other	06/00/2008	

**Additional Information:** SAN No. 2178; EPA publication information: Final 51st ITC List-51st ITC List;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** Business      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Sectors Affected:** 325; 32411

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## Environmental Protection Agency (EPA)

### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

RIN: 2070-AB11

**Title:** TSCA Section 8(d) Health and Safety Data Reporting Rules

**Abstract:** These rules require chemical manufacturers, importers, and processors to submit unpublished health and safety data on chemicals added to the Toxic Substances Control Act (TSCA) section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee (ITC). The Regulatory Agenda identifies the most recent rules and any anticipated rules.

**Priority:** Routine and Frequent

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 716 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2607(d) TSCA 8(d)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	05/04/2004	69 FR 24517
Other	08/16/2006	71 FR 47130
Other	11/00/2007	
Other	06/00/2008	

**Additional Information:** SAN No. 1139; EPA publication information: Final: 55th and 56th ITC Lists - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/August/Day-16/t13489.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Sectors Affected:** 325; 32411

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## Environmental Protection Agency (EPA)

### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

**RIN:** 2070-AB27

**Title:** Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders

**Abstract:** When the Agency determines that uncontrolled manufacture, import, processing, distribution, use, or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to full notice and comment procedures and are listed below.

**Priority:** Routine and Frequent

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 721 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2604

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	06/06/1994	59 FR 29255
Other	12/19/1994	59 FR 65289
Other	06/26/1997	62 FR 34421
Other	10/06/2006	71 FR 59066
Other	03/29/2007	72 FR 14681
Other	09/19/2007	72 FR 53470
Other	03/00/2008	
Other	12/00/2009	
Other	12/00/2009	
Other	12/00/2009	
Other	12/00/2009	

**Additional Information:** SAN No. 3495; EPA publication information: Direct Final Action: SNUR Revocation - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/October/Day-06/t16574.htm>;

**Regulatory Flexibility Analysis Required:** No      **Government Levels Affected:** No

**Small Entities Affected:** Business      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/opptintr/newchems/cnosnurs.htm](http://www.epa.gov/opptintr/newchems/cnosnurs.htm)

**Sectors Affected:** 325; 324

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AB79

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**Title:** Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances

**Abstract:** EPA is developing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of four chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 U.S.C. 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA including, determining risks remaining after the application of technology based standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPS.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2603 TSCA 4

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/2006	71 FR 61926
Other	12/18/2006	71 FR 75704
Final Action	10/00/2008	

**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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Sectors Affected:** 325; 32411

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AC21**Title:** Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban

**Abstract:** On October 20, 1992, the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA), to initiate rulemaking proceedings under section 6 of TSCA to require that the sale of lead fishing sinkers be accompanied by an appropriate label or notice warning that such products are toxic to wildlife. EPA granted the petition; however, the Agency believes that a labeling provision would not adequately address the risk of injury to waterfowl and other birds (waterbirds), from ingestion of lead fishing sinkers. In addition, EPA also believes that zinc fishing sinkers adversely affect waterbirds, and can cause mortality. Therefore, EPA has proposed a rule under section 6(a) of TSCA to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass. EPA intends to publish a notice withdrawing the proposal.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 745 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 15 USC 2605 TSCA 6**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	05/13/1991	56 FR 22096
NPRM	03/09/1994	59 FR 11122
Other	12/00/2007	

**Additional Information:** SAN No. 3252; EPA publication information: NPRM-Proposed Ban of Fishing Sinkers;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/oppt/lead/](http://www.epa.gov/oppt/lead/)**Agency Contact:** Doreen Cantor Environmental Protection Agency

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**Abstract:** EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals including Refractory Ceramic Fibers (RCFs). RCFs are amorphous synthetic fibers that part of larger group called synthetic vitreous fibers (SVFs). RCFs are made by either "spinning" or "blowing" and are used primarily for high temperature industrial insulation purposes (e.g., furnaces, heaters, kilns) in addition to automotive applications, aerospace uses, and in certain other industrial applications. As chemicals of potential concern are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers and/or processors of these chemicals.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 704; 40 CFR 721 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2604 TSCA 5; 15 USC 2605 TSCA 6

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/1994	59 FR 13294
Final Action	09/00/2008	

**Additional Information:** SAN No. 3528;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 327999

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AC46

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**Title:** Groundwater and Pesticide Management Plan Rule



**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 152.170 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 7 USC 136(a) FIFRA sec 3; 7 USC 136(w)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/1996	61 FR 33259
Other	02/23/2000	65 FR 8925
Supplemental NPRM	03/24/2000	65 FR 15885
Other	11/00/2007	

**Additional Information:** SAN No. 3222;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State; Tribal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 9241

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AC83

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**Title:** Lead-Based Paint; Amendments for Renovation, Repair and Painting

**Abstract:** In 2008, EPA will continue its work towards the Administration goal of eliminating childhood lead poisoning as a national health concern by 2010 by implementing a comprehensive program to address lead-based paint hazards associated with renovation, repair and painting activities. The program will be comprised of a combination of approaches including regulations, and an extensive education and outreach campaign that will include elements specifically designed for industry and consumers. Industry outreach will include dissemination of information regarding the regulation, lead-safe work practices, and training opportunities. Consumer outreach will be designed to expand consumer awareness, and create demand for the use of lead-safe work practices. EPA plans to finalize and begin implementation of the Renovation, Repair and Painting Program regulations in 2008. EPA proposed these regulations on January 10, 2006 and amended that proposal on June 5, 2007 to include child occupied facilities within the scope of the rule. The regulation should minimize the introduction of lead hazards resulting from the disturbance of lead-based paint during renovation, repair, and painting activities. The regulations would require contractors conducting renovation, repair and painting activities in most target housing and child occupied facilities to be trained, certified, and to follow work practice standards designed to minimize the creation of lead hazards.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** Yes

**Unfunded Mandates:** Private Sector

**CFR Citation:** 40 CFR 745 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2682 "TSCA section 402"; 15 USC 2684 "TSCA section 404"

**Legal Deadline:**

Action	Source	Date
Other	Statutory	10/28/1996
NPRM	Statutory	12/30/2005

### Regulatory Plan:

**Statement of Need:** Childhood lead poisoning is a pervasive problem in the United States, with almost a million young children having more than 10 ug/dl of lead in their blood (Center for Disease Control's level of concern). Although there have been dramatic declines in blood-lead levels due to reductions of lead in paint, gasoline, and food sources, remaining paint in older houses continues to be a significant source of childhood lead poisoning. These rules will help insure that individuals and firms conducting renovation, repairs and painting activities will do so in a way that safeguards the environment and protects the health of building occupants, especially children under 6 years old.

**Legal Basis:** This regulation is mandated by TSCA section 402(c). TSCA Section 402(c) directs EPA to address renovation and remodeling activities by first conducting a study of the extent to which persons engaged in various types of renovation and remodeling activities are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard on a regular basis. Section 402(c) further directs the Agency to revise the lead-based paint activities regulations (40 CFR part 745 subpart L) to apply to renovation, remodeling or painting activities that create lead-based paint hazards.

**Alternatives:** EPA is considering alternatives including on the job training for renovation workers, the use of test kits to determine the presence of lead paint, and the use of a cleaning verification protocol to determine if a job site is sufficiently clean. TSCA Section 402(c) states that should the Administrator determine that any category of contractors engaged in renovation or remodeling does not require certification; the Administrator may publish an explanation of the basis for that determination.

**Costs and Benefits:** EPA's economic analysis provides quantitative cost estimates for the training, certification, and work practices required by the rule. The economic analysis provides quantitative benefits estimates for avoided incidence of IQ loss due to reduced lead exposures to children under the age of 6, and a qualitative discussion of other avoided adverse health effects in children and adults. The economic analysis of the final rule will incorporate new information characterizing lead levels in dust and soil after renovation, repair, and painting activities, and a new modeling approach to estimate the resultant blood lead and IQ loss in children under the age of 6.

**Risks:** This rule is aimed at reducing the prevalence and severity of lead poisoning, particularly in children. The Agency has concluded that many R&R work activities can produce or release large quantities of lead. These activities include, but are not limited to: sanding, cutting, window replacement, and demolition. Lead exposure to R&R workers appears to be less of a problem than to building occupants (especially young children). Some workers (and homeowners) are occasionally exposed to high levels of lead. Any work activity that produces dust and debris may create a lead exposure problem.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/2006	71 FR 1588
Other	03/08/2006	71 FR 11570
Other	03/02/2006	71 FR 10628
Other	03/16/2006	71 FR 13561
Other	04/06/2006	71 FR 17409
Other	03/16/2007	72 FR 12582
Supplemental NPRM	06/05/2007	72 FR 31022
Final Action	03/00/2008	

**Additional Information:** SAN No. 3557; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/January/Day-10/t071.htm>; EPA Docket information: EPA-HQ-OPPT-2005-0049; Individual Document id in the EPA docket: [www.regulations.gov](http://www.regulations.gov)

**Regulatory Flexibility Analysis**

**Required:** Business; Governmental Jurisdictions; Organizations

**Government Levels Affected:** Federal; Local; State; Tribal

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** <http://www.epa.gov/oppt/lead/pubs/renovation.htm>

**Sectors Affected:** 23599; 23551; 53111; 23322; 23521; 531311; 23321; 54138

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD25

**Title:** Voluntary High Production Volume (HPV) Chemical Challenge Program

**Abstract:** One of the key components of the Chemical Right-to-Know (ChemRTK) Initiative is the HPV Challenge Program. The goal of this program is to ensure that a baseline set of health and environmental effects data on approximately 2,800 high production volume (HPV) chemicals is made available to EPA and the public. U.S. HPV chemicals are industrial chemicals that are manufactured or imported into the United States in volumes of 1 million pounds or more per year. U.S. Manufacturers and importers of HPV chemicals were invited to voluntarily sponsor chemicals in the HPV Challenge Program. Sponsorship entails the identification and initial assessment of the adequacy of existing information, the conduct of new testing only if adequate information does not exist, and making the new and existing test results available to the public. The Agency is considering specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for rules under section 4 and 8 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 15 USC 2601 et seq (TSCA)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Notice	12/26/2000	65 FR 81686
Other	06/00/2008	

**Additional Information:** SAN No. 4176; EPA publication information: Notice-Data Collection and Development on HPV Chemicals; See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business; Governmental Jurisdictions

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/chemrtk/volchall.htm](http://www.epa.gov/chemrtk/volchall.htm)

**Sectors Affected:** 325; 32411

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD58

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**Title:** Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers

**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 CF<sub>3</sub>- or longer chain length. This proposed exclusion includes polymers that contain any one or more of the following: Perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to either a carbon or sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule. If finalized as proposed, any person who intends to manufacture (or import) any of these polymers not already on the TSCA Inventory would have to complete the TSCA premanufacture review process prior to commencing the manufacture or import of such polymers. EPA believes this proposed change to the current regulation is necessary because, based on recent information, EPA can no longer conclude that these polymers "will not present an unreasonable risk to human health or the environment," which is the determination necessary to support an exemption under TSCA, such as the Polymer Exemption Rule.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 723 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2604

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/2006	71 FR 11485
Final Action	04/00/2008	

**Additional Information:** SAN No. 4635; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/March/Day-07/t2152.pdf>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**Sectors Affected:** 325; 327; 326

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ06

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**Title:** Testing Agreement for Perfluorooctanoic Acid (PFOA)

**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 would be set in place preferably as publicly negotiated enforceable consent agreements (ECAs) under section 4 of the Toxic Substances Control Act (TSCA) among EPA, industry, and interested parties under section 4 of TSCA, but may also be established as negotiated memoranda of understanding (MOUs) where circumstances preclude moving forward under ECAs. The goal of the PFOA ECA process is to better understand the sources and exposure pathways leading to the presence of PFOA in humans and the environment.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2603 TSCA 4

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	07/08/2005	70 FR 39630
Other	07/08/2005	70 FR 39624
Other	08/00/2008	
Other	10/00/2009	

**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>; EPA Docket information: OPPT-2003-0012

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/pfoa/index.htm](http://www.epa.gov/oppt/pfoa/index.htm)

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ09

**Title:** Testing Agreement for Diethanolamine

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed 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 and allow EPA to 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 needed testing. EPA proposed health effects testing under TSCA section 4 (a) for a number of hazardous air pollutants ("HAPs"), including diethanolamine (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996, for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted three update letters, one in April 1999, one in May of 2003 and one in January of 2005. Under this action, EPA will continue negotiations to develop an ECA that will provide health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2603 TSCA 4

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	06/00/2008	

**Additional Information:** SAN No. 3493.4;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ10

**Title:** Testing Agreement for Hydrogen Fluoride

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed 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 and allow EPA to 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 needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 15 USC 2603 TSCA 4**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	06/00/2008	

**Additional Information:** SAN No. 3493.5;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Greg Schweer Environmental Protection Agency

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E-Mail: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ11



**Title:** Testing Agreement for Phthalic Anhydride

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed 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 and allow EPA to 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 needed testing. EPA proposed health effects testing under TSCA section 4 (a) for a number of hazardous air pollutants ("HAPs"), including phthalic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Phthalic Anhydride (PA) Panel submitted a proposal for alternative testing involving PK studies for PA on November 22, 1996. EPA responded to this proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 15 USC 2603 TSCA 4**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	06/00/2008	

**Additional Information:** SAN No. 3493.7;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Greg Schweer Environmental Protection Agency

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E-Mail: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ13

**Title:** Testing Agreement for Maleic Anhydride

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed 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 and allow EPA to 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 needed testing. EPA proposed health effects testing under TSCA section 4 (a) for a number of hazardous air pollutants ("HAPs"), including maleic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to the Panel's proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 15 USC 2603 TSCA 4**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	06/00/2008	

**Additional Information:** SAN No. 3493.6;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Greg Schweer Environmental Protection Agency

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E-Mail: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ28

**Title:** Pesticides; Expansion of Crop Grouping Program

**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. This proposal is the first one in a series of proposals for revisions to crop grouping regulations.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 180 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 21 USC 346a

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	05/23/2007	72 FR 28920
Final Action	12/00/2007	

**Additional Information:** SAN No. 5031; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/2007/May/Day-23/p9595.htm>; ; EPA Docket information: EPA-HQ-OPP-2006-0766

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ31

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**Title:** Significant New Use Rule for Chloranil

**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 is considering the options of reproposing the rule, and proceeding directly to developing a final rule.

**Priority:** Routine and Frequent

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2604 TSCA 5; 15 USC 2607 TSCA 8

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/1993	58 FR 28000
Other	01/30/2007	72 FR 4224
Final Action	01/00/2008	

**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.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AA58**Title:** Follow-Up Rules on Existing Chemicals

**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 on at least the chemicals listed below.

**Priority:** Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2604 TSCA 5; 15 USC 2607 TSCA 8**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	09/27/1989	54 FR 39548
Other	01/15/2002	67 FR 1937
Other	12/00/2008	
Other	12/00/2008	

**Additional Information:** SAN No. 1923;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State**Small Entities Affected:** Business; Governmental Jurisdictions**Federalism:** No**Energy Affected:** No**Sectors Affected:** 325; 32411**Agency Contact:** Diane Sheridan Environmental Protection AgencyOffice of Prevention, Pesticides and Toxic Substances  
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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AC27**Title:** Voluntary Children's Chemical Evaluation Program (VCCEP)

**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 in the pilot. A workshop was held in December 2001 to provide sponsors with additional guidance on the scope and content of the exposure assessments they will prepare. 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. Information on VCCEP and the chemical assessments submitted to date are available to the public at [www.epa.gov/chemrtk/vccep/index.htm](http://www.epa.gov/chemrtk/vccep/index.htm). 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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2601 et seq (TSCA)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Notice	00/00/0000	
Other	08/26/1999	64 FR 46673
Other	03/29/2000	65 FR 16590
Other	12/26/2000	65 FR 81700
Other	11/20/2006	71 FR 67121

**Additional Information:** SAN No. 4876;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/chemrtk/vccep](http://www.epa.gov/chemrtk/vccep)

**Sectors Affected:** 325; 32411

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AC51

**Title:** Asbestos Model Accreditation Plan Revisions

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 763 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2646 TSCA 206

**Legal Deadline:**

Action	Source	Date
Other	Statutory	11/28/1992

**Timetable:**

Action	Date	FR Cite
Other	05/13/1992	57 FR 20438
Interim Final Rule	02/03/1994	59 FR 5236
Final Action	05/00/2009	

**Additional Information:** SAN No. 3148;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** Business; Governmental Jurisdictions

**Federalism:** Undetermined

**Energy Affected:** No

**RIN Information URL:** <http://www.epa.gov/asbestos/>

**Sectors Affected:** 611519

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**Environmental Protection Agency (EPA)  
Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AC64

**Title:** Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule

**Abstract:** The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for LBP activities in target housing and child occupied facilities as well as training and certification of training programs for LBP activities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 40 CFR 745 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2682; 15 USC 2684; PL 102-550 sec 402; PL 102-550 sec 404

**Legal Deadline:**

Action	Source	Date
Other	Statutory	04/28/1994

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2010	

**Additional Information:** SAN No. 4376;

**Regulatory Flexibility Analysis**

**Government Levels Affected:** Federal; Local; State; Tribal

**Required:** Undetermined

**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/lead/](http://www.epa.gov/oppt/lead/)

**Sectors Affected:** 23411; 611519

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AC76

**Title:** Test Rule; Hazardous Air Pollutants (HAPs)



**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2603 TSCA 4

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/1996	61 FR 33178
Supplemental NPRM	12/24/1997	62 FR 67466
Other	04/21/1998	63 FR 19694
Other	12/00/2009	

**Additional Information:** SAN No. 3487;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Sectors Affected:** 325; 32411

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD10

**Title:** Test Rule; Certain Metals

**Abstract:** EPA is coordinating an evaluation of the data needs for assessing potential adverse effects that exposures to metals pose for health and the environment with the Agency's efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(l) and the Clean Air Act (CAA) section 112. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 3882;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Sectors Affected:** 325; 32411

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD14

**Title:** Pesticides; Registration Requirements for Antimicrobial Pesticide Products

**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 152 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:**

Action	Source	Date
Other	Statutory	09/15/2000

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
NPRM	09/17/1999	64 FR 50671
Notice	11/16/1999	64 FR 62145
Other	12/14/2001	66 FR 64759

**Additional Information:** SAN No. 3892; EPA publication information: Final Action 1 - [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001\\_register&docid=fr14de01-9.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr14de01-9.pdf);

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/oppad001/regpolicy.htm](http://www.epa.gov/oppad001/regpolicy.htm)

**Sectors Affected:** 32519; 32551; 32532; 32561

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AD28

**Title:** Testing Agreement for Certain Oxygenated Fuel Additives

**Abstract:** EPA's Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA or other testing action is proposed.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
Other	00/00/0000	

**Additional Information:** SAN No. 4174; EPA publication information: Notice Soliciting Participation-Solicit Interested Parties;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** Undetermined

**RIN Information URL:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Sectors Affected:** 325; 32411

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## Environmental Protection Agency (EPA)

### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

**RIN:** 2070-AD44

**Title:** Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 790 to 799; 40 CFR 704 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
Other	03/04/1991	56 FR 9092

**Additional Information:** SAN No. 4395;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.epa.gov/oppt/chemtest**Sectors Affected:** 325; 32411**Agency Contact:** Catherine Roman Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AD49**Title:** Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes

**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 a 2001 Supplemental Proposal (66 FR 37855).

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 174 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	11/23/1994	59 FR 60496
Other	07/22/1996	61 FR 37891
Other	05/16/1997	62 FR 27132
Other	04/23/1999	64 FR 19958
Other	07/19/2001	66 FR 37855
Other	04/18/2007	72 FR 19589

**Additional Information:** SAN No. 4602; 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.

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

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pesticides/biopesticides/pips/index.htm](http://www.epa.gov/pesticides/biopesticides/pips/index.htm)

**Sectors Affected:** 111; 32532; 54171

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### Environmental Protection Agency (EPA)

#### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

RIN: 2070-AD53

**Title:** TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)

**Abstract:** As a follow-up to the final Biotechnology Rule under the Toxic Substances Control Act (TSCA) EPA intends to address TSCA oversight of transgenic plants and other organisms. Recent information indicates that transgenic plants and other organisms are being developed for uses which appear to be subject to TSCA 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.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 720 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2604

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

**Additional Information:** SAN No. 4598;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** Business; Organizations

**Federalism:** No

**Energy Affected:** No

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### Environmental Protection Agency (EPA)

#### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

**RIN:** 2070-AD55

**Title:** Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants

**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.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 174 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
NPRM	11/23/1994	59 FR 60496
Other	07/22/1996	61 FR 37891
Other	05/16/1997	62 FR 27132
Other	04/23/1999	64 FR 19958
Other	07/19/2001	66 FR 37855
Other	08/20/2001	66 FR 43552

**Additional Information:** SAN No. 4611; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pesticides/biopesticides/pips/index.htm](http://www.epa.gov/pesticides/biopesticides/pips/index.htm)

**Sectors Affected:** 111; 32532; 54171

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AD56

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**Title:** Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant

**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 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.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 174 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

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

**Legal Deadline:** None

**Timetable:**



Action	Date	FR Cite
Other	00/00/0000	
Other	11/23/1994	59 FR 60496
Supplemental NPRM	07/22/1996	61 FR 37891
Other	05/16/1997	62 FR 27132
Other	04/23/1999	64 FR 19958
Other	07/19/2001	66 FR 37855

**Additional Information:** SAN No. 4612; EPA publication information: NPRM Original-FIFRA Exemption; 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.

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

**Small Entities Affected:** No      **Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pesticides/biopesticides/pips/index.htm](http://www.epa.gov/pesticides/biopesticides/pips/index.htm)

**Sectors Affected:** 111; 32532; 54171

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## Environmental Protection Agency (EPA)

### Office of Prevention, Pesticides and Toxic Substances ( OPPTS )

**RIN:** 2070-AD64

**Title:** Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing

**Abstract:** EPA intends to amend existing requirements to clarify to which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and State/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new revised requirements that apply to these transactions. Overall burden is not expected to increase significantly.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**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 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 42 USC 4852d

**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	03/00/2009	

**Additional Information:** SAN No. 4777;**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Business; Organizations**Energy Affected:** No**RIN Information URL:** www.epa.gov/oppt/lead/**Sectors Affected:** 92511; 53111; 53121; 522292; 531311**Agency Contact:** John Wilkins Environmental Protection Agency

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**Government Levels Affected:** Federal; Local; State; Tribal**Federalism:** No**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ07**Title:** Testing Agreement for Aryl Phosphates (ITC List 2)

**Abstract:** On January, 17, 1922 (57 FR 2138), EPA published a proposed TSCA Section 4 test rule covering a number of aryl phosphate base stocks. On March 30, 1993, EPA announced initiation of negotiations with the Aryl Phosphates Panel of the Chemical Manufacturers Association (now the American Chemistry Council or ACC) to develop a TSCA section 4 Enforceable Consent Agreement (ECA) for aryl phosphate base stocks as an alternative approach to testing under the proposed rule (58 FR 16669). On October 9, 1998, EPA sent letters to the Chief Executive Officers of companies, including those who were participating in the development of this ECA, to announce EPA's High Production Volume (HPV) Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages U.S. 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 requirements 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 overlap testing requirements. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject AP base stocks under an ECA.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 15 USC 2603 TSCA 4**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	
ANPRM	12/29/1983	48 FR 57452
NPRM	01/17/1992	57 FR 2138

**Additional Information:** SAN No. 3493.2;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.epa.gov/oppt/chemtest**Agency Contact:** Greg Schweer Environmental Protection Agency

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**Environmental Protection Agency (EPA)  
Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**
**RIN:** 2070-AJ08**Title:** Test Rule; Brominated Flame Retardants (BFRs)

**Abstract:** On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA section 4 Test Rule for health and environmental effects and chemical fate testing of 5 brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary US HPV Challenge Program, and/or EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 790 to 799 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 15 USC 2603 TSCA 4**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	06/25/1991	56 FR 29140

**Additional Information:** SAN No. 3493.3;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.epa.gov/oppt/chemtest

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ23

**Title:** Pesticides; Tolerance Processing Fees

**Abstract:** Section 408(m) of the Federal Food, Drug, and Cosmetic Act requires EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. EPA developed a final rule that would have adjusted the fee structure and fee amounts for tolerance actions. A final rule completed OMB review on December 31, 2003, but has not been issued because the Consolidated Appropriations Act of 2004, signed on January 23, 2004, prohibits EPA from collecting any 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.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 180; 40 CFR 178 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 21 USC 346(a)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	06/09/1999	64 FR 31039
Supplemental NPRM	07/24/2000	65 FR 45569
Other	08/31/2000	65 FR 52979

**Additional Information:** SAN No. 4027; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/1999/June/Day-09/p14477.htm>;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pesticides/regulating/fees/index.htm](http://www.epa.gov/pesticides/regulating/fees/index.htm)

**Sectors Affected:** 32532

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

RIN: 2070-AJ26

**Title:** Pesticides; Determination of Status of Prions as Pests**Abstract:** In 2004, the Agency stated that it considered prions (proteinaceous infectious particles) to be a "pest" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Agency intends to issue a Notice of Proposed Rulemaking that will propose to incorporate prions into the definition of "pests" at 40 CFR 152.5.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 152 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 7 USC 136; 7 USC 136w**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2009	

**Additional Information:** SAN No. 4985;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Carlton Kempter Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

RIN: 2070-AJ29

**Title:** Pesticide Agricultural Container Recycling Program**Abstract:** EPA is currently considering the future course for developing rulemaking in the area of pesticide container recycling. This effort is in response to the pesticide industry's request for EPA to develop a rulemaking that would continue the operation of an existing but endangered nationwide infrastructure for voluntary recycling of plastic pesticide containers. EPA was asked to consider requiring that manufacturers of agricultural and professional specialty pesticides support (either by managing and operating, or contracting with another organization) a container recycling program that meets the standards of the American National Standards Institute (ANSI). FIFRA sections 19(e) and (f) mandate container design requirements and procedures and standards for the safe removal of pesticides from containers before disposal. This rule would facilitate safe recycling as a part of safe disposal or reuse.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 7 USC 136 to 136y**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	

**Additional Information:** SAN No. 5050;

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)**

**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AB20

**Title:** Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption

**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.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 761 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2605 TSCA 6(e)(3)(B)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Other	04/30/2007	72 FR 21190
Other	09/18/2007	72 FR 53152

**Additional Information:** SAN No. 2150; EPA publication information: NPRM: New DOD Petition - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/April/Day-30/t8182.htm>; ; EPA Docket information: EPAHQ-OPPT-2005-0042; FRL-8143-4

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pcb](http://www.epa.gov/pcb)

**Sectors Affected:** 2211; 31-33; 5133

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**Environmental Protection Agency (EPA)  
Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AC12**Title:** Pesticides; Data Requirements for Conventional Chemicals

**Abstract:** EPA is revising its data requirements for the registration of conventional pesticide products. In this action, the Agency is revising data requirements that pertain to product chemistry, toxicology, residue chemistry, applicator exposure, post-application exposure, nontarget terrestrial and aquatic organisms, nontarget plant protection, and environmental fate. When promulgated, the data requirements will reflect current scientific knowledge and understanding. These revisions will improve the Agency's ability to make regulatory decisions about the human health and environmental effects of pesticide products to better protect wildlife, the environment, and people, including sensitive subpopulations. Coupled with revision of data requirements, EPA is reformatting the requirements and revising its general procedures and policies associated with data submission. By codifying existing data requirements which are currently applied on a case-by-case basis, the pesticide industry, along with other partners in the regulated community, would attain a better understanding and could better prepare for the pesticide registration process.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 158 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 7 USC 136 to 136y**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/11/2005	70 FR 12277
Other	04/01/2005	70 FR 16785
Other	06/08/2005	70 FR 33414
Final Action	10/26/2007	72 FR 60933

**Additional Information:** SAN No. 2687; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/2005/March/Day-11/p4466.htm>; EPA Docket information: EPA-HQ-OPP-2004-0387; Individual Document id in the EPA docket: <http://www.epa.gov/edocket>

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.epa.gov/pesticides/regulating/data.htm](http://www.epa.gov/pesticides/regulating/data.htm)**Sectors Affected:** 32532

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

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**RIN:** 2070-AD51

**Title:** Pesticides; Data Requirements for Biochemical and Microbial Products

**Abstract:** EPA will issue a final rule that updates the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including product chemistry and residue chemistry, toxicology, and environmental fate and effects. The revision will not include plant incorporated protectants.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 158 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 7 USC 136 to 136y

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/2006	71 FR 12071
Final Action	10/26/2007	72 FR 60988

**Additional Information:** SAN No. 4596; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/2006/March/Day-08/p2185.htm>; EPA Docket information: EPA-HQ-OPP-2004-0415

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pesticides/regulating/data.htm](http://www.epa.gov/pesticides/regulating/data.htm)

**Sectors Affected:** 32532

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**Environmental Protection Agency (EPA)**  
**Office of Prevention, Pesticides and Toxic Substances ( OPPTS )**

**RIN:** 2070-AJ05

**Title:** Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD)

**Abstract:** The U.S. Maritime Administration (MARAD) is responsible for disposing of surplus Navy non-combatant ships; many of these ships contain polychlorinated biphenyls (PCBs) in electrical equipment, and are contaminated with > 50 ppm PCBs in paint, gaskets and cable that cannot be easily removed. In 2003, MARAD exported 4 surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional 9 ships had been prevented by a temporary restraining order issued by the U.S. District Court for DC. Although EPA issued a letter of enforcement discretion in May 2003, on July 29, 2004, MARAD submitted a partial petition for an export ban exemption under TSCA 6(e)(3) (B). A complete petition was never filed. In May 2007, MARAD announced it had renegotiated its contract with Able UK and dropped plans to export further vessels to the UK. As such, this rulemaking entry is no longer needed.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 761 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 15 USC 2605 TSCA 6(e)(3)(B)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Withdrawn	10/12/2007	

**Additional Information:** SAN No. 2150.1; Split from RIN 2070-AB20.; EPA Docket information: EPA-HQ-OPPT-2004-0107

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.epa.gov/pcb/](http://www.epa.gov/pcb/)

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ18**Title:** Significant New Use Rule, Perfluoroalkyl Sulfonates (PFAS)

**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." EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). A significant new use rule (SNUR) requires manufacturers, including importers, to notify EPA at least 90 days before commencing the manufacture or import of the named chemical substance for the significant new uses described in the SNUR. For this action, EPA is amending the existing SNUR for certain perfluoroalkyl sulfonates (PFAS) substances at 40 CFR 721.9582 to add a new Table 3 containing all PFAS chemicals currently on the TSCA Inventory but not already subject to the PFAS SNUR. EPA is also applying the existing 4 exclusions to these new chemicals and is adding two new exclusions: 1) Use of 10 chemicals as a component of an etchant, including a surfactant or fume suppressant, used in the plating process to produce electronic devices; and 2) manufacture or import of tetraethylammonium perfluorooctane sulfonate (CAS No. 56773-42-3) for use as a fume/mist suppressant in metal finishing and plating baths. EPA believes that this action is necessary because the PFAS component of these chemical substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those activities.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 721.9582 (Amended) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 15 USC 2604; 15 USC 2607; 15 USC 2625**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/10/2006	71 FR 12311
Final Action	10/09/2007	72 FR 57222

**Additional Information:** SAN No. 4974; EPA publication information: NPRM - <http://www.epa.gov/EPA-TOX/2006/March/Day-10/t3444.htm>; EPA Docket information: EPA-HQ-OPPT-2005-0015

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

**RIN Information URL:** [www.epa.gov/opptintr/newchems/cnosnurs.htm](http://www.epa.gov/opptintr/newchems/cnosnurs.htm)

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**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ19**Title:** Significant New Use Rule (SNUR); Elemental Mercury in Certain Motor Vehicle Switches

**Abstract:** EPA proposed a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for mercury used in convenience light switches, anti-lock braking system (ABS) sensors, and active ride control sensors in motor vehicles. This action would require persons who intend to manufacture, import, or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify EPA at least 90 days before commencing such activity. The required notice would provide EPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.

**Priority:** Routine and Frequent**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 721 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 15 USC 2604**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/11/2006	71 FR 39035
Final Action	10/05/2007	72 FR 52903

**Additional Information:** SAN No. 4983;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Sectors Affected:** 335931; 3363**Agency Contact:** Thomas Groeneveld Environmental Protection Agency

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E-Mail: [wilson.nancy@epa.gov](mailto:wilson.nancy@epa.gov)**Environmental Protection Agency (EPA)****Office of Prevention, Pesticides and Toxic Substances ( OPPTS )****RIN:** 2070-AJ35**Title:** Polychlorinated Biphenyls (PCBs); Transfer of Cleanup and Disposal Program From OPPTS to OSWER

**Abstract:** In an effort to improve program and administrative efficiencies, EPA is transferring management of the PCB cleanup and disposal program to the Office of Solid Waste and Emergency Response (OSWER), with an expected effective date of October 1, 2007. EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) currently manages the PCB program under the requirements of the Toxic Substances Control Act and its regulations. OPPTS will continue to oversee PCB issues relating to use and manufacturing. OSWER is the office within EPA that manages most cleanup and disposal activities. Moving the PCB cleanup and disposal activities to OSWER is a natural fit, since it will group together similar activities in one office. OSWER provides policy guidance and direction for safely managing waste; preparing for and preventing chemical and oil spills, responding to accidents and emergencies; and cleaning up and reusing contaminated property. The management of PCB cleanup and disposal under TSCA will continue to be a federally implemented program and will not be delegated to the States. The transfer will also enable the Agency to more efficiently use its resources, while safeguarding human health and the environment.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 761 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

**Legal Authority:** 15 USC 2605(e)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	10/09/2007	72 FR 57235

**Additional Information:** SAN No. 5178

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Environmental Protection Agency (EPA)  
Office of Research and Development ( RD )**

**RIN:** 2080-AA12

**Title:** A Revision to the Budget Period Limitation for Research Grants and Cooperative Agreements

**Abstract:** The proposed change to the existing regulation applies to the Environmental Protection Agency's (EPA) authority to award grants and cooperative agreements for research projects. Currently there are limits to the budget period for research grants and cooperative agreements to no more than 2 years. This change will remove the restriction on the budgetary timeframe. The change would allow for project periods of up to 5 years. The change will not adversely affect any current or future grants or cooperative agreements for research projects. Additionally, the proposed action does not constitute a significant policy change for EPA assistance awards, nor does it address any major cross-Agency or cross-media policy implications or precedents.

**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 40.125-1(a) (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct final Rule	11/00/2007	

**Additional Information:** SAN No. 5067;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** John Nanartowicz Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Office of the Administrator ( AdmO )****RIN:** 2090-AA37**Title:** Age Discrimination Regulations--EPA-Assisted Programs--Age Discrimination Act of 1975

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

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 7.10 to 7.180 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 6101 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	

**Additional Information:** SAN No. 5121;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Office of the Administrator ( AdmO )

**RIN:** 2090-AA38

**Title:** Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements

**Abstract:** The regulation will codify revisions to the Agency's program for the utilization of Small, Minority, and Women's Business Enterprises in procurements under assistance agreements (i.e., grants and cooperative agreements awarded by EPA as well as grants and cooperative agreements awarded by other agencies under interagency agreements with EPA). The revisions are necessary to ensure consistency with the Supreme Court's decision in *Adarand Constructors, Inc. v. Peña*, 115 S. Ct. 2097 (1995), and were identified as part of the Clinton Administration's review of affirmative action programs. They include: (1) Placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting proposed fair share procurement objectives for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) based on the availability of qualified MBEs and WBEs in the relevant geographic market; (2) authorizing or requiring recipients and their prime contractors to take reasonable race/gender-conscious measures (e.g., bidding credits) in the event that race/gender-neutral efforts prove inadequate to meet fair share objectives; and (3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative agreements based on the availability standard.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 33 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** PL 101-507; PL 102-389; PL 101-549; 42 USC 9605(f); PL 100-590; EO 12432; EO 12138; EO 11625

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/2003	68 FR 43824
Final Action	11/00/2007	

**Additional Information:** SAN No. 4056; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2003/July/Day-24/g18002.pdf>; Previously listed as RIN 2090-AA39.

**Regulatory Flexibility Analysis Required:** No **Government Levels Affected:** Federal; Local; State; Tribal

**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations **Federalism:** No

**Energy Affected:** No

**Related RINs:** Previously Reported as 2020-AA39

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**Environmental Protection Agency (EPA)  
Office of the Administrator ( AdmO )**

**RIN:** 2090-AA34

**Title:** RCRA Incentives for Performance Track Members

**Abstract:** The National Environmental Performance Track program was designed and endorsed across the Agency with support and collaboration among EPA, States, and environmental nongovernmental organizations. Launched in 2000 and supported by each succeeding Administrator, Performance Track recognizes and drives environmental excellence by encouraging facilities with strong environmental records to go above and beyond their legal requirements. To become a member, a facility must meet four criteria: Have in place for at least 1 year a well-functioning environmental management system, have maintained a record of sustained regulatory compliance, make a commitment to community outreach and annual public reporting, and make a commitment to continuous environmental improvement. With respect to the last criterion, members set and make good faith efforts to achieve typically four public and measurable goals to improve the quality of our Nation's air, water, and land. The 497 Performance Track members include major corporations, small businesses, and public facilities from 49 states that are steering a course toward environmental excellence. Through more than 1,500 commitments to continuous improvement, Performance Track members have collectively reduced their water use by 3.5 billion gallons, greenhouse gas emissions by 88,000 metric tons of carbon dioxide equivalent, hazardous waste generation by 130,000 tons, non-hazardous waste generation by 600,000 tons, emissions of sulfur oxides by 17,000 tons, and conserved more than 14,000 acres of habitat. EPA provides incentives for Performance Track members in recognition of their strong compliance records, sound environmental management systems, and transparency in setting and reporting on public goals. In this action, EPA plans to propose: A streamlined process for permit modifications; performance based standards for tanks; and new capabilities for standardized permits. EPA will also take comment on two topics: (1) Alternative requirements for small quantity generators that experience episodic generation events that would otherwise cause a shift in generator status for the facility; and (2) reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. None of the proposed provisions in this action will involve any reduction in environmental protection.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** Not Yet Determined

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	00/00/0000	

**Additional Information:** SAN No. 4828;

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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## Environmental Protection Agency (EPA)

### Office of the Administrator ( AdmO )

**RIN:** 2090-AA27

**Title:** Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I-II)

**Abstract:** The U.S. Environmental Protection Agency (EPA) has entered into an XL (eXcellence and Leadership) Final Project Agreement (FPA) with the National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF) in Las Cruces, NM to implement a project that would modify reporting requirements under the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), Clean Water Act (CWA), and the Clean Air Act (CAA). The purpose of this NASA WSTF Electronic Reporting site-specific rule is to enable the NASA WSTF to electronically submit compliance reports and permit information to the New Mexico Environment Department (NMED) in lieu of submitting paper reports. The rule will set forth guidelines to ensure that the information submitted by NASA WSTF to NMED is accurate by outlining procedures for data authentication, use of electronic signature, and encryption processes. This rule will address Phases I and II of the project covering reporting requirements under RCRA and the SDWA. A second and subsequent rule will address Phases III-VI of the project covering additional reporting requirements under the CWA and CAA.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** Safe Drinking Water Act; 42 USC 300f to 300J-26; Solid Waste Disposal Act; 42 USC 6901 to 6992k



**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	10/31/2001	66 FR 55050
Withdrawn	08/07/2007	

**Additional Information:** SAN No. 4536;**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kristina Heinemann Environmental Protection Agency

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**Environmental Protection Agency (EPA)****Office of the Administrator ( AdmO )****RIN:** 2090-AA29**Title:** Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York

**Abstract:** This rulemaking provides a site-specific exclusion from the regulatory definition of solid waste for certain wastewater treatment sludges (otherwise designated as Hazardous Waste No. F006) when they are used as ingredients in the production of cement. Without this exclusion, the sludges being legitimately recycled as substitutes for raw materials would remain subject to hazardous waste regulatory requirements, including the need for a storage permit by the cement manufacturer, which is a major disincentive to recycling the sludges in this manner. This XL project tests the presumption that these sludges can be safely recycled without regulatory oversight.

**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 40 CFR 261.4(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938**Legal Deadline: None****Timetable:**

Action	Date	FR Cite
NPRM	06/06/2001	66 FR 30349
Supplemental NPRM	04/14/2003	68 FR 18042
Withdrawn	08/07/2007	

**Additional Information:** SAN No. 4565; EPA publication information: NPRM - [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001\\_register&docid=fr06jn01-30.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr06jn01-30.pdf); Project Sponsor has notified Agency of desire to withdraw project and therefore the Agency will withdraw the proposal.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal; State

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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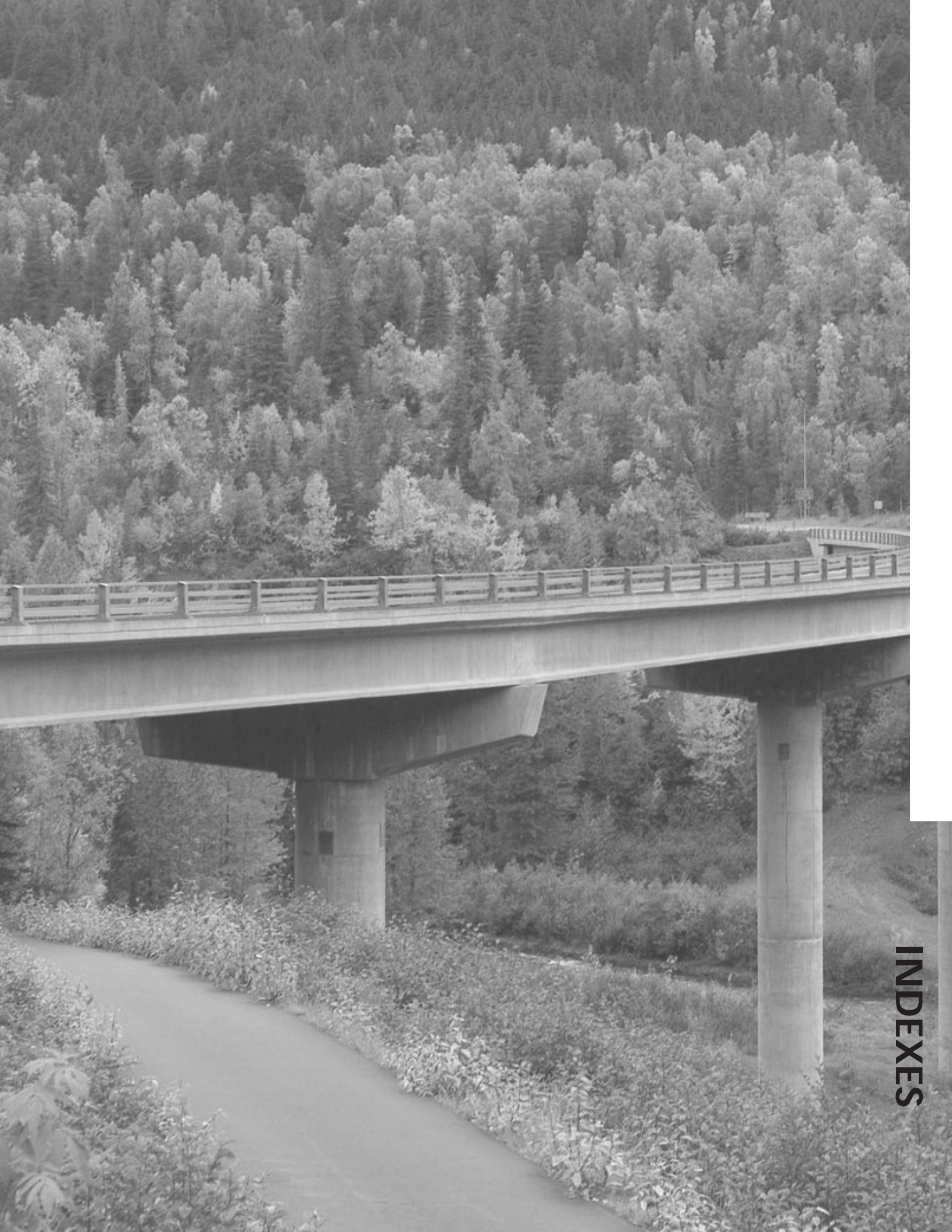
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**INDEXES**

## REGULATORY FLEXIBILITY AGENDA: INDEXES A and B

### 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. EPA has no Section 610 reviews underway at this time.

### 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. The Regulatory Identifier Number (RIN) of the entry identifies the location of the entry in this edition.

#### Businesses:

2040-AA94 National Primary Drinking Water Regulations: Radon

2040-AD94 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues

2060-AM34 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment

2070-AC83 Lead-Based Paint; Amendments for Renovation, Repair and Painting

#### Governmental Jurisdictions:

2040-AA94 National Primary Drinking Water Regulations: Radon

2040-AD94 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues

2070-AC83 Lead-Based Paint; Amendments for Renovation, Repair and Painting

#### Organizations:

2070-AC83 Lead-Based Paint; Amendments for Renovation, Repair and Painting

## 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. The Regulatory Identifier Number (RIN) of the entry identifies the location of the entry in this edition.

### Businesses

2008-AA01 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO<sub>2</sub>) Area  
2025-AA19 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals  
2025-AA02 Public Information and Confidentiality Regulations  
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  
2040-AB85 Shore Protection Act, Section 4103(b) Regulations  
2040-AC13 National Primary Drinking Water Regulations: Aldicarb  
2040-AE82 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process  
2050-AG29 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis)  
2050-AE51 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes  
2050-AG35 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)  
2050-AE87 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements  
2060-AO29 Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers  
2060-AO38 Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder  
2060-AI62 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments  
2060-AM36 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries  
2060-AM37 NESHAP: Area Source Standards--Plating and Polishing  
2060-AM44 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial,

Commercial, and Institutional Boilers  
2060-AM55 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act  
2060-AM71 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing--Area Source  
2060-AN00 Implementing Periodic Monitoring in Federal and State Operating Permit Programs  
2060-AN21 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations--Area Sources (Includes Autobody, Paint Stripping, and Miscellaneous Coating Plastic Parts)  
2060-AO15 NESHAP: Portland Cement Notice of Reconsideration  
2060-AO16 Risk and Technology Review for Group 1: Polymers & Resins I; Polymers & Resins II, Acetal Resins, and Hydrogen Fluoride  
2060-AO27 NESHAP--Area Source Standards--Nine Metal Fabrication and Finishing Source Categories (12 SIC's, 25 NAICS Codes)  
2060-AO42 Review of New Source Performance Standards--Portland Cement  
2060-AE94 Stage NSPS: SO<sub>2</sub>MI--Wastewater Amendment  
2060-AH37 Review of New Sources and Modifications in Indian Country  
2060-AK26 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide  
2060-AM06 Control of Emissions from New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder  
2060-AM14 NESHAP: Area Source Standards--Ethylene Oxide Hospital Sterilization  
2060-AN43 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004  
2060-AN62 NESHAP: Area Source Standards--Reciprocating Internal Combustion Engines  
2060-AN71 New Source Performance Standards (NSPS): Equipment Leaks--Subparts VV & GGG  
2060-AO12 Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines  
2060-AO64 National Emissions Standards for Asbestos--Amendments  
2060-AO66 Plywood and Composite Wood Products (PCWP) NESHAP--Amendments To Address "No Emission Reduction" MACT Floors  
2070-AB94 Future Testing for Existing Chemicals (Overview Entry)

2070-AD61 Endocrine Disruptor Screening Program (EDSP); Implementing the Screening and Testing Phase  
2070-AJ30 Nanoscale Materials Under TSCA  
2070-AD16 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals  
2070-AD30 Pesticides; Data Requirements for Antimicrobials  
2070-AD52 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2070-AJ04 TSCA Inventory Nomenclature for Enzymes and Proteins  
2070-AJ20 Pesticides; Competency Standards for Occupational Users  
2070-AJ22 Pesticides; Agricultural Worker Protection Standard Revisions  
2070-AJ32 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)  
2070-AB08 TSCA Section 8(a) Preliminary Assessment Information Rules  
2070-AB11 TSCA Section 8(d) Health and Safety Data Reporting Rules  
2070-AB27 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders  
2070-AB79 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances  
2070-AC21 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban  
2070-AC37 TSCA; Refractory Ceramic Fibers (RCFs)  
2070-AD25 Voluntary High Production Volume (HPV) Chemical Challenge Program  
2070-AD58 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers  
2070-AJ06 Testing Agreement for Perfluorooctanoic Acid (PFOA)  
2070-AJ09 Testing Agreement for Diethanolamine  
2070-AJ10 Testing Agreement for Hydrogen Fluoride  
2070-AJ11 Testing Agreement for Phthalic Anhydride  
2070-AJ13 Testing Agreement for Maleic Anhydride  
2070-AA58 Follow-Up Rules on Existing Chemicals  
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-AC76 Test Rule; Hazardous Air Pollutants (HAPs)  
2070-AD10 Test Rule; Certain Metals  
2070-AD14 Pesticides; Registration Requirements for Antimicrobial Pesticide Products  
2070-AD28 Testing Agreement for Certain Oxygenated Fuel Additives  
2070-AD44 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity  
2070-AD53 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)  
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-AJ07 Testing Agreement for Aryl Phosphates (ITC List 2)  
2070-AJ08 Test Rule; Brominated Flame Retardants (BFRs)  
2070-AJ26 Pesticides; Determination of Status of Prions as Pests  
2070-AJ29 Pesticide Agricultural Container Recycling Program  
2090-AA38 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements

## Governmental Jurisdictions

2040-AB85 Shore Protection Act, Section 4103(b) Regulations  
2040-AC13 National Primary Drinking Water Regulations: Aldicarb  
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  
2060-AM44 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers  
2060-AN21 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations--Area Sources (Includes Autobody, Paint Stripping, and Miscellaneous Coating Plastic Parts)  
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  
2060-AO59 Interpretation of the National Ambient Air Quality Standards for PM2.5--Correcting and Simplifying Amendment  
2060-AO64 National Emissions Standards for Asbestos--Amendments  
2070-AD52 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2070-AD25 Voluntary High Production Volume (HPV) Chemical Challenge Program  
2070-AA58 Follow-Up Rules on Existing Chemicals  
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  
2090-AA38 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements

## Organizations

2040-AC13 National Primary Drinking Water Regulations: Aldicarb  
2060-AM44 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers  
2070-AD52 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2070-AC64 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule  
2070-AD53 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)  
2070-AD64 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing  
2090-AA38 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements



## 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

2025-AA19 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals  
2025-AA16 TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory  
2025-AA17 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals  
2040-AD39 Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II  
2040-AE94 Supplemental Notice for CAFO Rule Regarding Terms of the Nutrient Management Plan  
2040-AD87 NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy  
2040-AE80 Concentrated Animal Feeding Operation Rule  
2040-AE86 Water Transfers Rule  
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-AC84 NPDES Applications Revisions  
2040-AC93 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures  
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-AD09 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act  
2040-AD40 Underground Injection Control: Update of State Programs  
2040-AD94 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues  
2040-AE61 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines  
2040-AE77 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters  
2040-AE88 Availability of and Procedures for Removal Credits  
2050-AD75 National Priorities List for Uncontrolled Hazardous Waste Sites  
2050-AG16 Revisions to the Spill Prevention, Control, and

### Countermeasure (SPCC) Rule

2050-AG29 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis)  
2050-AG34 Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts  
2050-AG37 CERCLA/EPCRA Notification Requirements and the Agricultural Sector  
2050-AG39 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals  
2050-AE17 Emergency Planning and Community Right-to-Know Act: Amendments to Parts 355 and 370  
2050-AE51 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes  
2050-AE78 Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas  
2050-AG15 Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)  
2050-AG24 Expanding the Comparable Fuels Exclusion Under RCRA  
2050-AG31 Definition of Solid Wastes Revisions  
2050-AG35 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)  
2050-AE23 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials  
2050-AE81 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers  
2050-AE87 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements  
2050-AF01 RCRA Smarter Waste Reporting  
2050-AG20 Hazardous Waste Manifest Revisions--Standards and Procedures for Electronic Manifests  
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  
2060-AH93 General Conformity Regulations; Revisions  
2060-AI62 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments  
2060-AM36 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries  
2060-AM45 Flexible Air Permit Rule  
2060-AM91 Prevention of Significant Deterioration (PSD)

and Non-Attainment New Source Review (NSR):  
Reconsideration of Inclusion of Fugitive Emissions  
2060-AN00 Implementing Periodic Monitoring in Federal and State Operating Permit Programs  
2060-AN21 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations--Area Sources (Includes Autobody, Paint Stripping, and Miscellaneous Coating Plastic Parts)  
2060-AN33 NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments  
2060-AN65 Revisions to the Definition of Potential to Emit (PTE)  
2060-AN93 Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval  
2060-AO11 Air Quality Index Reporting and Significant Harm Level for PM2.5  
2060-AO13 NESHAP: Ferroalloys Production--Area Source Standards  
2060-AO23 Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)  
2060-AO49 Public Notification of Upcoming Revisions to State Implementation Plans  
2060-AO58 Amend Methods 201a and 202 To Improve Measurement of Fine PM  
2060-AK54 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements  
2060-AL75 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting  
2060-AM75 NESHAP: General Provisions (Once In Always In)--Amendments  
2060-AM81 Standards of Performance for Stationary Spark-Ignited Internal Combustion Engines  
2060-AN12 Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport  
2060-AN17 Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments  
2060-AN20 Revisions to Air Emissions Reporting Requirements  
2060-AN24 Review of the National Ambient Air Quality Standards for Ozone  
2060-AN26 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification  
2060-AN28 Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units  
2060-AN43 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004  
2060-AN75 Revision to Definition of Volatile Organic Compounds--Exclusion of Two Compounds  
2060-AN82 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)  
2060-AN86 Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5  
2060-AN98 Clean Air Mercury Rule: Federal Plan  
2060-AO02 Refinement to Increment Modeling Procedures  
2060-AO05 Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact  
2060-AO31 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides, Subparts H and I

2060-AO45 Revisions to Consolidated Federal Air Rule  
2060-AO59 Interpretation of the National Ambient Air Quality Standards for PM2.5--Correcting and Simplifying Amendment  
2060-AO74 Performance Specification 16--Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources  
2060-AH01 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas  
2060-AI97 Inspection/Maintenance Program Requirements for Federal Facilities  
2060-AL84 Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")  
2060-AM62 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments  
2060-AM87 NESHAP: Taconite Iron Ore Processing; Amendments  
2060-AN68 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule  
2060-AO19 Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide  
2060-AO47 Review of the National Ambient Air Quality Standards for Particulate Matter  
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  
2070-AJ30 Nanoscale Materials Under TSCA  
2070-AD52 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2070-AJ20 Pesticides; Competency Standards for Occupational Users  
2070-AJ22 Pesticides; Agricultural Worker Protection Standard Revisions  
2070-AJ32 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)  
2070-AC46 Groundwater and Pesticide Management Plan Rule  
2070-AC83 Lead-Based Paint; Amendments for Renovation, Repair and Painting  
2070-AA58 Follow-Up Rules on Existing Chemicals  
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-AJ26 Pesticides; Determination of Status of Prions as Pests  
2090-AA38 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements  
2090-AA34 RCRA Incentives for Performance Track Members

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2040-AD39 Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II  
2040-AE74 Effluent Limitations Guidelines and Standards for



Drinking Water Supply and Treatment  
 2040-AD87 NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy  
 2040-AA94 National Primary Drinking Water Regulations: Radon  
 2040-AB85 Shore Protection Act, Section 4103(b) Regulations  
 2040-AC13 National Primary Drinking Water Regulations: Aldicarb  
 2040-AC84 NPDES Applications Revisions  
 2040-AC93 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures  
 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-AD09 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act  
 2040-AD94 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues  
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 2050-AG22 National Contingency Plan Revisions To Align With the National Response Plan  
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 2060-AI62 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments  
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 2060-AM91 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions  
 2060-AN00 Implementing Periodic Monitoring in Federal and State Operating Permit Programs  
 2060-AN21 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations--Area Sources (Includes Autobody, Paint Stripping, and Miscellaneous Coating Plastic Parts)  
 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-AO11 Air Quality Index Reporting and Significant Harm Level for PM2.5  
 2060-AO23 Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)  
 2060-AO49 Public Notification of Upcoming Revisions to State Implementation Plans  
 2060-AO58 Amend Methods 201a and 202 To Improve Measurement of Fine PM  
 2060-AO63 Federal Plan Requirements for Large Municipal Waste Combustors Constructed On or Before September 20, 1994  
 2060-AK54 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements  
 2060-AL75 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting  
 2060-AM08 NESHAP and NSPS for Municipal Solid Waste Landfills--Amendments  
 2060-AM75 NESHAP: General Provisions (Once In Always In)--Amendments  
 2060-AM81 Standards of Performance for Stationary Spark-Ignited Internal Combustion Engines  
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 2060-AN43 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004  
 2060-AN82 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)  
 2060-AN86 Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5  
 2060-AN98 Clean Air Mercury Rule: Federal Plan  
 2060-AO05 Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact  
 2060-AO31 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides, Subparts H and I  
 2060-AO59 Interpretation of the National Ambient Air Quality Standards for PM2.5--Correcting and Simplifying Amendment  
 2060-AL83 Section 126 Rule: Withdrawal of Findings for Sources in Michigan  
 2060-AL84 Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")  
 2060-AM62 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments  
 2060-AO19 Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide  
 2060-AO47 Review of the National Ambient Air Quality Standards for Particulate Matter  
 2060-AO48 Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide  
 2060-AO64 National Emissions Standards for Asbestos—

## Amendments

2060-AO72 Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur  
2070-AD52 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2070-AC83 Lead-Based Paint; Amendments for Renovation, Repair and Painting  
2070-AA58 Follow-Up Rules on Existing Chemicals  
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  
2090-AA38 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements

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2009-AA00 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation  
2040-AD39 Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II  
2040-AD87 NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy  
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-AC84 NPDES Applications Revisions  
2040-AC93 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures  
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-AD09 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act  
2040-AD94 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues  
2040-AE77 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters  
2050-AG16 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule  
2050-AG29 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis)  
2050-AE17 Emergency Planning and Community Right-to-Know Act: Amendments to Parts 355 and 370  
2050-AG35 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)  
2050-AE81 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers  
2050-AF01 RCRA Smarter Waste Reporting  
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  
2060-AH93 General Conformity Regulations; Revisions  
2060-AI62 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments  
2060-AM45 Flexible Air Permit Rule  
2060-AM91 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions  
2060-AN00 Implementing Periodic Monitoring in Federal and State Operating Permit Programs  
2060-AN65 Revisions to the Definition of Potential to Emit (PTE)  
2060-AN93 Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval  
2060-AO11 Air Quality Index Reporting and Significant Harm Level for PM2.5  
2060-AO15 NESHAP: Portland Cement Notice of Reconsideration  
2060-AO23 Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)  
2060-AH37 Review of New Sources and Modifications in Indian Country  
2060-AK54 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements  
2060-AM08 NESHAP and NSPS for Municipal Solid Waste Landfills--Amendments  
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2060-AN26 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification  
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2060-AN43 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004  
2060-AN86 Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5  
2060-AN98 Clean Air Mercury Rule: Federal Plan  
2060-AO02 Refinement to Increment Modeling Procedures  
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2060-AH01 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas  
2060-AM62 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments  
2060-AO19 Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide  
2060-AO47 Review of the National Ambient Air Quality Standards for Particulate Matter  
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  
2070-AD52 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2070-AJ20 Pesticides; Competency Standards for Occupational Users  
2070-AC46 Groundwater and Pesticide Management Plan

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2070-AC83 Lead-Based Paint; Amendments for Renovation, Repair and Painting  
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  
2090-AA38 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements

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2025-AA19 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals  
2025-AA02 Public Information and Confidentiality Regulations  
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  
2030-AA88 Security Requirements for Toxic Substances Control Act: Confidential Business Information Access for Contractors  
2040-AD39 Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II  
2040-AE94 Supplemental Notice for CAFO Rule Regarding Terms of the Nutrient Management Plan  
2040-AE80 Concentrated Animal Feeding Operation Rule  
2040-AA94 National Primary Drinking Water Regulations: Radon  
2040-AB85 Shore Protection Act, Section 4103(b) Regulations  
2040-AC13 National Primary Drinking Water Regulations: Aldicarb  
2040-AC84 NPDES Applications Revisions  
2040-AC93 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures  
2040-AD09 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act  
2040-AD40 Underground Injection Control: Update of State Programs  
2040-AD94 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues  
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2050-AE51 Modifications to RCRA Rules Associated With

Solvent-Contaminated Industrial Wipes  
2050-AG24 Final Rule Stage Expanding the Comparable Fuels Exclusion Under RCRA  
2050-AG31 Final Rule Stage Definition of Solid Wastes Revisions  
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2050-AE23 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials  
2050-AE81 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers  
2050-AE87 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements  
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-AF01 RCRA Smarter Waste Reporting  
2050-AG20 Hazardous Waste Manifest Revisions--Standards and Procedures for Electronic Manifests  
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  
2060-AO38 Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder  
2060-AH63 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste  
2060-AH90 Technical Change to Dose Methodology  
2060-AH93 General Conformity Regulations; Revisions  
2060-AI62 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments  
2060-AM09 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations  
2060-AM45 Flexible Air Permit Rule  
2060-AM84 NESHAP: Defense Land Systems and Miscellaneous Equipment  
2060-AM91 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions  
2060-AN00 Implementing Periodic Monitoring in Federal and State Operating Permit Programs  
2060-AN21 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations--Area Sources (Includes Autobody, Paint Stripping, and Miscellaneous Coating Plastic Parts)  
2060-AN33 NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments  
2060-AN48 Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.  
2060-AN65 Revisions to the Definition of Potential to Emit (PTE)  
2060-AN93 Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval  
2060-AO11 Air Quality Index Reporting and Significant Harm Level for PM2.5  
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2060-AH37 Review of New Sources and Modifications in Indian Country  
2060-AK54 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements

2060-AL75 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting  
2060-AM06 Control of Emissions from New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder  
2060-AM14 NESHAP: Area Source Standards--Ethylene Oxide Hospital Sterilization  
2060-AM46 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels  
2060-AM75 NESHAP: General Provisions (Once In Always In)--Amendments  
2060-AN15 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada  
2060-AN17 Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments  
2060-AN24 Review of the National Ambient Air Quality Standards for Ozone  
2060-AN28 Prevention of Significant Deterioration and Nonattainment New Source Review: Emission Increases for Electric Generating Units  
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2060-AO59 Interpretation of the National Ambient Air Quality Standards for PM2.5--Correcting and Simplifying Amendment  
2060-AO71 Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel  
2060-AI97 Inspection/Maintenance Program Requirements for Federal Facilities  
2060-AL83 Section 126 Rule: Withdrawal of Findings for Sources in Michigan  
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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  
2070-AB94 Future Testing for Existing Chemicals (Overview Entry)  
2070-AD61 Endocrine Disruptor Screening Program (EDSP); Implementing the Screening and Testing Phase  
2070-AJ30 Nanoscale Materials Under TSCA

2070-AD16 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals  
2070-AD30 Pesticides; Data Requirements for Antimicrobials  
2070-AD52 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2070-AJ20 Pesticides; Competency Standards for Occupational Users  
2070-AJ22 Pesticides; Agricultural Worker Protection Standard Revisions  
2070-AJ27 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)  
2070-AJ32 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)  
2070-AB79 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances  
2070-AC21 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban  
2070-AC46 Groundwater and Pesticide Management Plan Rule  
2070-AC83 Lead-Based Paint; Amendments for Renovation, Repair and Painting  
2070-AD25 Voluntary High Production Volume (HPV) Chemical Challenge Program  
2070-AJ06 Testing Agreement for Perfluorooctanoic Acid (PFOA)  
2070-AJ09 Testing Agreement for Diethanolamine  
2070-AJ10 Testing Agreement for Hydrogen Fluoride  
2070-AJ11 Testing Agreement for Phthalic Anhydride  
2070-AJ13 Testing Agreement for Maleic Anhydride  
2070-AA58 Follow-Up Rules on Existing Chemicals  
2070-AC27 Voluntary Children's Chemical Evaluation Program (VCCEP)  
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-AC76 Test Rule; Hazardous Air Pollutants (HAPs)  
2070-AD10 Test Rule; Certain Metals  
2070-AD14 Pesticides; Registration Requirements for Antimicrobial Pesticide Products  
2070-AD44 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity  
2070-AD49 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes  
2070-AD53 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)  
2070-AD55 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants  
2070-AD56 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant  
2070-AD64 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing  
2070-AJ07 Testing Agreement for Aryl Phosphates (ITC List 2)  
2070-AJ08 Test Rule; Brominated Flame Retardants (BFRs)  
2070-AJ23 Pesticides; Tolerance Processing Fees  
2070-AJ26 Pesticides; Determination of Status of Prions as Pests  
2090-AA38 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements  
2090-AA34 RCRA Incentives for Performance Track Members

## **E. INDEX TO ENTRIES THAT MAY HAVE FEDERALISM IMPLICATIONS**

Executive Order 13132 entitled “Federalism,” signed August 4, 1999 (64 FR 43255) directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have “federalism implications.” This term refers to actions “that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” The following index lists the regulatory actions in this publication that may have federalism implications. The Regulatory Identifier Number (RIN) of the entry identifies the location of the entry in this edition.

2040-AD39 Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II  
2040-AA94 National Primary Drinking Water Regulations: Radon