

U.S. Environmental Protection Agency
EPA Semiannual Regulatory Agenda - Spring 2007
Publication No. EPA-230-Z-07-001

Part Three - Emergency Planning and Community Right-to-Know Actions thru Shore Protection Act
Actions, plus Indexes (116 - 159 of 159 pages)
You may access the full document at <http://www.epa.gov/lawsregs/search/regagenda.html>

**Environmental Protection Agency (EPA)
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Proposed Rule Stage

2963. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION
Priority: Other Significant**Legal Authority:** 42 USC 11001**CFR Citation:** 40 CFR 355**Legal Deadline:** None

Abstract: EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on the assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule that would revise the TPQ for solids in solution and seek comment on an

alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). If the TPQ for solids in solution is raised, it would result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/08 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4753;

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RIN: 2050-AF08
**Environmental Protection Agency (EPA)
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Final Rule Stage

2964. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS TO PARTS 355 AND 370
Priority: Other Significant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022**CFR Citation:** 40 CFR 355; 40 CFR 370**Legal Deadline:** None

Abstract: 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/08/98 | 63 FR 31268 |
| Final Action | 12/00/07 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 3215;

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RIN: 2050-AE17
2965. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313
Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

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

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Final Rule Stage

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 that 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/07/05 | 70 FR 10919 |
| Final Action | 05/00/07 | |

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

Additional Information: SAN No. 4692; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/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. sec. 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).

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RIN: 2025-AA12

Environmental Protection Agency (EPA)

Long-Term Actions

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

2966. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION

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

Legal Authority: 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

Abstract: The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores cannot be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This

action will not affect the coal extraction activities exemption.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 12/00/09 | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4616;

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RIN: 2025-AA11**2967. TRI; RESPONSE TO PETITION TO DELETE CHROMIUM, ANTIMONY, AND TITANATE FROM THE METAL COMPOUND CATEGORIES LISTED ON THE TOXICS RELEASE INVENTORY**

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

Legal Authority: 42 USC 11013 "EPCRA 313"**CFR Citation:** 40 CFR 372**Legal Deadline:** None

Abstract: This action will respond to a petition received by EPA to delete chromium, antimony, and 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, and titanate is reportable under the chromium and antimony compound categories; the deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

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Long-Term Actions

Timetable:

| Action | Date | FR Cite |
|----------|-------|------------|
| Response | To Be | Determined |

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

Additional Information: SAN No. 2425.4; EPA publication information: Response-Chromium, Antimony, and Titanate (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).

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RIN: 2025-AA16**2968. TRI; RESPONSE TO PETITION TO ADD DIISONONYL PHTHALATE TO THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS**

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

Legal Authority: 42 USC 11013 "EPCRA 313"

CFR Citation: 40 CFR 372**Legal Deadline:** None

Abstract: This action will respond to a petition received by EPA to add diisononyl phthalate to the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition, a notice of proposed rulemaking will be published in the Federal Register; if EPA denies the petition, a notice of petition denial will be published. The addition of this chemical would make it subject to all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 09/05/00 | 65 FR 53681 |
| Notice of Data Availability | 06/14/05 | 70 FR 34437 |
| Final Action | 02/00/09 | |

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

Additional Information: SAN No. 2425.1; EPA publication information: Notice of Data Availability - <http://www.epa.gov/fedrgstr/EPA-WASTE/2005/June/Day-14/f11664.htm>; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and Solvent Recovery Services (SIC code 7389).

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RIN: 2025-AA17**2969. TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS**

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

Legal Authority: 42 USC 11013 "EPCRA 313"

CFR Citation: 40 CFR 372**Legal Deadline:** None

Abstract: This action will respond to a petition received by EPA to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition, a notice of proposed rulemaking will be published in the Federal Register; if EPA denies the petition, a notice of petition denial will be published. The deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

| Action | Date | FR Cite |
|----------|----------|---------|
| Response | 05/00/08 | |

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

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:

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Long-Term Actions

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).

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RIN: 2025-AA19

2970. • EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS AND STREAMLINING RULE

Priority: Other Significant

Legal Authority: 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022

CFR Citation: 40 CFR 370

Legal Deadline: None

Abstract: This supplemental proposal will address reporting thresholds for rock salt, sand, gravel and other chemicals those pose minimal risk. The proposed rule was published on June 8, 1998 (63 FR 31268). This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under sections 311 and 312 of the Emergency Planning and Community Right-To-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities' awareness of chemical hazards; to facilitate the development of State and local emergency response

plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, State and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

Timetable:

| Action | Date | FR Cite |
|-------------------|-------|------------|
| Supplemental NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3215.1; Split from RIN 2050-AE17.

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RIN: 2050-AG40

Environmental Protection Agency (EPA)

Completed Actions

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

2971. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE

Priority: Other Significant

CFR Citation: 40 CFR 372

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/04/05 | 70 FR 57822 |
| Final Action | 12/22/06 | 71 FR 76932 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2025-AA14

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

Prerule Stage

2972. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6907(a)(3); 42 USC 6944(a)

CFR Citation: 40 CFR 257

Legal Deadline: None

Abstract: This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (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 (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.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NODA | 05/00/07 | |
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

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.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

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RIN: 2050-AE81

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

Proposed Rule Stage

2973. 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.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/07 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4977;

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RIN: 2050-AG24

EPA—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

2974. DEFINITION OF SOLID WASTES REVISIONS

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

Legal Authority: 42 USC 6903 “RCRA sec 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 has issued a supplemental proposal to exclude from being a solid waste certain hazardous secondary materials that are reclaimed. We are also taking comment on revisions being considered to the legitimacy criteria, as well as taking comment on a variance process regarding hazardous secondary materials that are recycled.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 10/28/03 | 68 FR 61558 |
| Supplemental NPRM | 03/26/07 | 72 FR 14172 |
| Supplemental NPRM Comment Period End | 05/25/07 | |
| Final Action | 08/00/08 | |

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.

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RIN: 2050-AG31

2975. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279

Legal Deadline: None

Abstract: The National Environmental Performance Track program was designed and endorsed across the Agency with support and collaboration among EPA, States, and environmental non-governmental organizations. Launched in 2000 and supported by each succeeding Administrator, Performance Track recognizes and drives environmental excellence by encouraging facilities with strong environmental programs 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 470 Performance Track members include major corporations, small businesses, and public facilities from 46 States that are steering a course toward environmental excellence. Through more than 1,500 commitments to continuous improvement, Performance Track members have collectively reduced their water use by 3.5 billion gallons, greenhouse gas emissions by 88,000 metric tons of carbon dioxide equivalent, hazardous waste generation by 130,000 tons, non-hazardous waste generation by 600,000 tons, emissions of sulfur oxides by 17,000 tons, and conserved more than 14,000 acres of habitat.

EPA provides incentives for Performance Track members in recognition of their strong compliance records, sound environmental management systems, and transparency in setting and reporting on public goals. In this action, EPA plans to propose: A streamlined process for permit modifications; performance-based standards for tanks and new capabilities for standardized permits. EPA will also take comment on two topics: (1) Alternative requirements for small-quantity generators that experience episodic generation events that would otherwise cause a shift in generator status for the facility and (2) reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. None of the proposed provisions in this action will involve any reduction in environmental protection.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/07 | |
| Final Action | 11/00/08 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4828;

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EPA—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

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

Final Rule Stage

**2976. REVISIONS TO THE
COMPREHENSIVE GUIDELINE FOR
PROCUREMENT OF PRODUCTS
CONTAINING RECOVERED
MATERIALS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6912(a)

CFR Citation: 40 CFR 247

Legal Deadline: None

Abstract: RCRA section 6002 and E.O. 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. The E.O. requires EPA to update the CPG every 2 years. EPA has proposed one new and one revised item designation in CPG5. In addition CPG Nylon Carpet was originally proposed with CPG 4 but was 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 CPG 4 and 5.

Timetable:

| Action | Date | FR Cite |
|------------|----------|-------------|
| NPRM-CPG1 | 04/20/94 | 59 FR 18892 |
| Final CPG1 | 05/01/95 | 60 FR 21370 |
| NPRM CPG2 | 11/07/96 | 61 FR 57748 |
| Final CPG2 | 11/13/97 | 62 FR 60962 |

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM-CPG3 | 08/26/98 | 63 FR 45558 |
| Final-CPG3-RMAN3 | 01/19/00 | 65 FR 3069 |
| NPRM CPG4 | 08/28/01 | 66 FR 45256 |
| NODA on Nylon Carpet | 07/16/03 | 68 FR 42040 |
| NPRM-CPG5 | 12/10/03 | 68 FR 68813 |
| Final-CPG4-RMAN4 | 04/30/04 | 69 FR 24028 |
| Final CPG 5 | 09/00/07 | |
| Final CPG for Nylon Carpet | To Be | Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3545; EPA publication information: NPRM-CPG3-(CPG3 and RMAN 3); Marlene Reddoor is the contact for the nylon carpet rule; EPA Docket information: For CPG V rule; EPA-HQ-RCRA-2003-0005

Sectors Affected: 92119 All Other General Government; 92111 Executive Offices

URL For More Information:

www.epa.gov/cpg

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RIN: 2050-AE23

2977. CRITERIA FOR SAFE AND ENVIRONMENTALLY PROTECTIVE USE OF GRANULAR MINE TAILINGS

Priority: Other Significant

Legal Authority: PL 109-59

CFR Citation: 40 CFR 278

Legal Deadline: Final, Statutory, February 6, 2006, The 2005 Transportation Equity Act requires the Agency to establish criteria within 180 days of enactment.

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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/04/06 | 71 FR 16729 |
| Final Action | 06/00/07 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

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RIN: 2050-AG27

2978. ● WASTE MANAGEMENT SYSTEM; TESTING AND MONITORING ACTIVITIES; METHODS INNOVATION RULE; CORRECTION

Priority: Info./Admin./Other

Legal Authority: 33 USC 1345(d); 33 USC 1345 (e); 42 USC 6902(a); 42 USC 6907; 42 USC 6912(1); 42 USC 6944; 42 USC 6945(c); 42 USC 6949(c)

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: This rule is necessary because it amends and corrects 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 being corrected by these amendments inadvertently occurred as a result of

publication of the final MIR on June 14, 2006 (70 FR 34538). The first chemical entry being removed 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-Dichlorethylene; 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 being deleted are: “alpha, alpha-Dimethylphenethylamine,” and “2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin.” These

chemical entries are being removed because those chemicals did not appear in the table prior to publication of the MIR and were inadvertently added during development and publication of the MIR.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 07/00/07 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5128

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RIN: 2050-AG38

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

Long-Term Actions

2979. MANAGEMENT OF CEMENT KILN DUST (CKD)

Priority: Other Significant

Legal Authority: 42 USC 6912(a) “RCRA 2002(a)”; 42 USC 6921(a) “RCRA 3001(a)”

CFR Citation: 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

Legal Deadline: None

Abstract: In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366; February 7, 1995). 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 is now considering 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 3 to 5 years. Based on this assessment, EPA will 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. EPA will be promoting pollution prevention, recycling, and safer disposal of CKD by considering finalization of protective management standards for this waste. The Agency believes that these management standards are a creative, affordable, and common sense approach that can protect human health and the environment without imposing unnecessary regulatory burdens on the cement industry. These standards provide a new, tailored framework that safeguards ground water and limits risk from releases of dust to air. A Notice of Data Availability is being developed to seek comment on new data regarding the management of cement kiln dust.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Regulatory Determination | 02/07/95 | 60 FR 7366 |
| NPRM | 08/20/99 | 64 FR 45632 |
| Notice—Extend Comment Period | 10/28/99 | 64 FR 58022 |
| NoDA 1 | 07/25/02 | 67 FR 48648 |
| Notice—Extend Comment Period | 11/08/02 | 67 FR 68130 |
| Notice of Data Availability | 05/00/08 | |
| Final Action | 04/00/09 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3856; EPA publication information: Regulatory Determination- Regulatory Determination;

Sectors Affected: 32731 Cement Manufacturing

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EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

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RIN: 2050-AE34

2980. 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 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.

Timetable:

| Action | Date | FR Cite |
|--------------|------------------|-------------|
| NPRM | 03/25/02 | 67 FR 13684 |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4411; This is an extension of a previous notice that contained the following RIN: 2050-AD88.

Sectors Affected: 32411 Petroleum Refineries

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RIN: 2050-AE78

2981. RCRA SMARTER WASTE REPORTING

Priority: Other Significant

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

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

Legal Deadline: None

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.

Timetable:

| Action | Date | FR Cite |
|--------|------------------|---------|
| NPRM | To Be Determined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4735;

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RIN: 2050-AF01

2982. E-CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 261.4(a)(24); 40 CFR 261.40

Legal Deadline: None

Abstract: This project is 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. By using this innovative approach to have a regional e-Cycling Pilot Project, EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information about encouraging recycling activities for electronic materials that are collected and dismantled for recovery of useful elements. However, the usefulness of this rule as a pilot project will likely be overtaken upon promulgation of EPA's national proposed cathode ray tube (CRT) exclusion from the definition of solid waste (e.g., CRTs are the video display components of televisions and computer monitors). The national rule is currently being reviewed within the Agency.

Timetable:

| Action | Date | FR Cite |
|------------------------|------------------|-------------|
| NPRM | 12/26/02 | 67 FR 78761 |
| Direct Final | 12/26/02 | 67 FR 78718 |
| Direct Final Withdrawn | 02/24/03 | 68 FR 8553 |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: No

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4701; EPA publication information: NPRM - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr26de02-26.pdf;

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RIN: 2003-AA00

2983. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED INDUSTRIAL WIPES

Priority: Other Significant

Legal Authority: 42 USC 6921

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: 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. Industrial 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.

If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) Disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste. The regulation, if finalized, is estimated to

result in \$34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------------------|-------------|
| NPRM Final Action | 11/20/03 06/00/08 | 68 FR 65586 |
| Notice of Data Availability | To Be Determined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4091; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-20/f28652.htm>; EPA Docket information: EPA-HQ-RCRA-2003-0004

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 441 Motor Vehicle and Parts Dealers; 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 811 Repair and Maintenance; 336 Transportation Equipment Manufacturing

URL For More Information:

www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm

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RIN: 2050-AE51

2984. REVISIONS TO THE EXPORT REQUIREMENTS FOR WASTES DESTINED FOR THE OECD COUNTRIES AND FOR SPENT LEAD ACID BATTERIES

Priority: Other Significant

Legal Authority: 42 USC 6901 et seq

CFR Citation: 40 CFR 262, subpart H (Revision); 40 CFR 262.58; 40 CFR 264.12(a)(2); 40 CFR 265.12(a)(2)

Legal Deadline: None

Abstract: The Agency is considering amending the existing regulation under the Resource Conservation and Recovery Act (RCRA) regarding the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), as specified in 40 CFR 262 subpart H. Proposed regulatory changes under consideration include, but are not limited to, reducing the number of control levels, exempting qualifying shipments sent for laboratory analysis from certain paperwork requirements, requiring recovery facilities to submit a certificate of recovery, and adding provisions for the return or re-export of wastes subject to Amber control procedures under the OECD framework. These amendments would implement revisions that the OECD made to both its framework for hazardous waste transboundary movements between member countries and to its waste lists. The revisions were adopted by the OECD to create a more streamlined, uniform system for exports and imports, resulting in a more efficient international recycling market and increased recycling among the member countries. Since the United States supported the 2001 Decision and is a party to the OECD, the United States is legally obligated to implement these changes within its domestic regulations. Besides addressing the amendments adopted by the OECD in 2001 and 2004, the Agency may also seek to clarify certain existing provisions in subpart H that were identified as potentially ambiguous to the regulated community. In addition to the OECD amendments, the Agency is considering amending the regulations under RCRA regarding the transboundary movements of spent lead-acid batteries being reclaimed, as specified in 40 CFR part 266 subpart G. Currently, spent lead-acid batteries destined for export/reclamation are not subject to the export notification and consent requirements specified in 40 CFR part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely-accepted international practices. These proposed amendments would require appropriate notice and consent for those batteries intended for export/reclamation. EPA is considering amending the current regulations in the interest of harmonizing them with both the amendments adopted by the OECD

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

in 2001 and EPA's existing export requirements for RCRA Universal Waste.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4606; EPA Docket information: EPA-HQ-RCRA-2005-0018; Merged with RIN 2050-AF06

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RIN: 2050-AE93

2985. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6924; 42 USC 6925; 42 USC 6926

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

Legal Deadline: None

Abstract: EPA's regulations require companies to provide financial assurance for environmental obligations, and allow companies that meet certain requirements to self insure their environmental obligations for closure, post-closure care, and third-party liability. EPA proposed a revised financial test that the Agency believed would be better at predicting which firms will enter bankruptcy and be unable to cover their financial assurance obligations at hazardous waste treatment, storage, and disposal facilities. The proposal considered several alternative financial tests, and the analysis supporting the original proposal found that the savings from the proposed alternative would be \$19 million in public and private costs. If

EPA promulgates a revised financial test, it may affect companies that treat, store or dispose, of hazardous waste. EPA recently asked the Environmental Financial Advisory Board (a Federal advisory committee) to evaluate the financial test that was proposed in 1991. Specifically, EPA has asked the Board whether EPA should adopt the financial test proposed in 1991 or whether advancements in financial analysis have provided better potential tests in the meantime. In January of 2006, the Board communicated its initial findings.

In an October 20, 2006, response to a recommendation from the Office of Inspector General, the Agency committed to making a decision by the second quarter of FY 2007 on whether to proceed with a rulemaking to revise the corporate financial test. The Agency will consider the Environmental Financial Advisory Board recommendation, and other information, in making that decision. If the Agency decides to proceed with a rulemaking, it will issue a new proposed rule.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| NPRM Original | 07/01/91 | 56 FR 30201 |
| NPRM | 10/12/94 | 59 FR 51523 |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2647;

Sectors Affected: 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471 Gasoline Stations; 811111 General

Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

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RIN: 2050-AC71

2986. HAZARDOUS WASTE MANAGEMENT SYSTEM: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (F019 LISTING AMENDMENT IN WASTEWATER TREATMENT SLUDGES FROM ZINC PHOSPHATING PROCESSES IN AUTOMOTIVE ASSEMBLY PLANTS)

Priority: Other Significant

Legal Authority: 42 USC 3001

CFR Citation: 40 CFR 261.31; 40 CFR 302.4

Legal Deadline: None

Abstract: Automobile manufacturers are adding aluminum or aluminized components to automobiles to reduce the weight of vehicles 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. EPA intends to reduce burden on the regulated community by revising the current RCRA regulations that apply to the wastewater treatment sludges from the chemical conversion coating (zinc phosphating) of aluminum.

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/18/07 | 72 FR 2219 |
| Final Action | 06/00/08 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

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

URL For More Information:

<http://www.epa.gov/epaoswer/hazwaste/id/f019/f019.htm>

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RIN: 2050-AG15

2987. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES

Priority: Other Significant

Legal Authority: 42 USC 6922

CFR Citation: 40 CFR 262

Legal Deadline: None

Abstract: The College and University Laboratory rulemaking is focusing on the ways to make the Resource Conservation and Recovery Act a better 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.

Timetable:

| Action | Date | FR Cite |
|--------------|------------------|-------------|
| NPRM | 05/23/06 | 71 FR 29712 |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4920; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/May/Day-23/f4654.htm>; No legal deadline; EPA Docket information: EPA-HQ-RCRA-2003-0012

Sectors Affected: 6113 Colleges, Universities and Professional Schools; 6112 Junior Colleges

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RIN: 2050-AG18

2988. HAZARDOUS WASTE MANIFEST REVISIONS—STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6926; PL 105-277

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

Legal Deadline: None

Abstract: This action is aimed at continuing 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. 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 was 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. Subsequently in May 2004, a stakeholder meeting collected additional stakeholder views on the future direction of the electronic manifest. Based on the record developed for the proposed standards and the additional views from stakeholders at the May 2004 meeting, EPA is considering final action on the proposed standards. However, since the publication of the proposed rule in 2001, EPA has found that there is a fairly broad consensus in favor of the development of a national e-manifest system by EPA. EPA is now considering the option of developing a national system, but EPA's ability to pursue this option will depend on new funding being authorized or on new authority for EPA to collect user fees.

Timetable:

| Action | Date | FR Cite |
|--------------------------|------------------|-------------|
| NPRM | 05/22/01 | 66 FR 28240 |
| Notice of Public Meeting | 04/01/04 | 69 FR 17145 |
| NODA | 04/18/06 | 71 FR 19842 |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

Sectors Affected: 325 Chemical Manufacturing; 2211 Electric Power Generation, Transmission and

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

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

URL For More Information:

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

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RIN: 2050-AG20

2989. 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 286.40

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.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/08 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 5070;

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RIN: 2050-AG34

2990. • AMENDMENT TO THE UNIVERSAL WASTE RULE: ADDITION OF PHARMACEUTICALS AND CONSUMER PRODUCTS IN CONSUMER PRODUCT PACKAGING

Priority: Other Significant

Legal Authority: 42 USC 3007; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926; 42 USC 6927; 42 USC 6938

CFR Citation: 40 CFR 273

Legal Deadline: None

Abstract: This action will propose adding hazardous pharmaceutical and consumer product (in the consumer product packaging) 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. This proposed action will streamline the current regulations governing these wastes, ensuring that hazardous pharmaceutical and consumer product wastes are properly managed.

Expansion of the universal waste system to include hazardous pharmaceutical wastes will allow all pharmaceuticals, waste-like or product-like, to be sent to reverse distribution centers, which have expertise in making hazardous waste determinations and in managing hazardous waste. In addition, the inclusion of hazardous pharmaceutical wastes in the universal waste rule will also encourage health care facilities to manage all their 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 the collection of personal medications from the public at various health care facilities so that they can be properly managed.

The incorporation of hazardous consumer product wastes into the universal waste rule will facilitate the recycling of these products and therefore, reduce their illegal disposal into municipal solid waste landfills and combustors. In addition, consumer products, similar to pharmaceuticals, are often returned by retailers for manufacturer credit. Under the rule, consumer product, regardless of the reason for their return or recall, will not be considered waste until deemed so by the redistribution center. Deferring the waste determination will simplify the compliance requirements for retail stores and will ensure the proper management of these wastes by transferring the function to those who have the expertise in waste determination and management: The manufacturers.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 12/00/08 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

Government Levels Affected: Local, State

Additional Information: SAN No. 5127;

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RIN: 2050-AG39

2991. PROJECT XL SITE-SPECIFIC RULEMAKING FOR THE IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK

Priority: Info./Admin./Other

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

CFR Citation: 40 CFR 261.4(a)

Legal Deadline: None

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.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| NPRM | 06/06/01 | 66 FR 30349 |
| Supplemental NPRM | 04/14/03 | 68 FR 18042 |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4565; Project Sponsor has notified Agency of desire to withdraw project and therefore the Agency will withdraw the proposal.

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RIN: 2090-AA29

Environmental Protection Agency (EPA)

Completed Actions

Resource Conservation and Recovery Act (RCRA)

2992. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES—NON-POWER PRODUCERS AND MINEFILLING

Priority: Economically Significant

Legal Authority: 42 USC 6907(a)(3); 42 USC 6944

CFR Citation: 40 CFR 257

Legal Deadline: None

Abstract: This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), in which the Agency concluded that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. As described in the regulatory determination, there is sufficient evidence that adequate controls may not be in place. 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 National Research Council (NRC) established the Committee on Mine Placement of Coal Combustion Wastes in September 2004. The NRC published the committee's findings on March 1, 2006, in a report entitled "Managing Coal Combustion Residues in Mines. The NRC stated that there are three primary regulatory mechanisms that could be used to develop enforceable standards: (1) Changes to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) regulations to address coal combustion residues (CCRs, also known as coal combustion byproducts (CCBs) and coal combustion wastes); (2) Joint Department of Interior's Office of Surface Mining (OSM) and EPA rules pursuant to the authority of SMCRA and RCRA (the Resource Conservation and Recovery Act); or (3) RCRA-D rules that are enforceable through a SMCRA permit. Regardless of the regulatory mechanism selected, the NRC recommended that coordination

between OSM and EPA efforts is needed and would foster regulatory consistency with EPA's intended rule-making proposal for CCR disposal in landfills and impoundments.

As such OSM plans to revise their regulations so that they will expressly provide for the placement of CCBs as part of surface coal mining and reclamation operations permitted under title V of SMCRA and in the reclamation of abandoned mine lands under an abandoned mine lands (AML) reclamation program approved under section 405 of the Act. OSM intends for these regulations to minimize the possibility that the placement of CCB could cause adverse impacts on public health and the environment.

With respect to CCB placement in mines with SMCRA permits, OSM is considering the adoption of regulations that would specifically identify the permit application requirements and performance standards in the existing regulations in 30 CFR Chapter VII that

EPA—Resource Conservation and Recovery Act (RCRA)

Completed Actions

apply to the use and disposal of CCBs in mines.

OSM is considering modifying 30 CFR 774.13(b) to specify that permit revision applications proposing the placement of CCBs must be processed as significant revisions, which means that they would be subject to all the notice and public participation requirements that apply to applications for new permits.

Another possible revision is to 30 CFR part 874 that would include minimum requirements applying to any AML reclamation project funded or otherwise conducted under an AML reclamation plan and program approved under section 405 of SMCRA. These requirements would apply to any reclamation project funded under the grants awarded pursuant to section 405(h) and to AML reclamation projects conducted under the provisions of 30 CFR 874.17. The requirements would not apply to other types of AML reclamation projects, as those projects would be outside the scope of SMCRA. However, OSM believes that any requirements that are developed could serve as a template for states to impose comparable requirements for the use and disposal of CCBs on other abandoned mine lands under other provisions of law.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/16/07 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4469; This rule may also impact Federal, State, local or tribal governments that own/operate coal-burning facilities (excluding facilities that primarily generate electric power for sale) or coal mines that accept coal combustion wastes.

Sectors Affected: 325 Chemical Manufacturing; 2121 Coal Mining; 22112 Electric Power Transmission, Control and Distribution; 311 Food Manufacturing; 337 Furniture and Related Product Manufacturing; 62 Health Care and Social Assistance; 322 Paper Manufacturing; 331 Primary Metal Manufacturing; 313 Textile Mills; 336 Transportation Equipment Manufacturing

URL For More Information:

<http://www.epa.gov/epaoswer/other/fossil/index.htm>

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RIN: 2050-AE83

2993. REVISIONS OF THE LEAD-ACID BATTERY EXPORT NOTIFICATION AND CONSENT REQUIREMENTS

Priority: Other Significant

CFR Citation: 40 CFR subpart G 266.80 (a)

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Withdrawn—Merged Into RIN 2050-AE93 | 04/12/07 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 2050-AF06

2994. LAND DISPOSAL RESTRICTIONS: MODIFYING THE LAND DISPOSAL TREATMENT STANDARD FOR RADIOACTIVE LEAD SOLIDS AND HAZARDOUS DEBRIS; DEFINITION OF MACROENCAPSULATION

Priority: Other Significant

CFR Citation: 40 CFR 268.42

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 02/22/07 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2050-AF12

Environmental Protection Agency (EPA) Oil Pollution Act (OPA)**Final Rule Stage****2995. ● OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—EXTENSION OF COMPLIANCE DATES**

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: The Environmental Protection Agency plans to extend the dates by which facilities must prepare or amend Spill Prevention, Control, and Countermeasure Plans (SPCC Plans), and implement those Plans. This action would allow 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.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/26/06 | 71 FR 77357 |
| NPRM Comment Period End | 01/25/07 | |
| Final Action | 05/00/07 | |

EPA—Oil Pollution Act (OPA)

Final Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 2634.5; EPA publication information:NODA re certain facilities - <http://www.epa.gov/fedrgstr/EPA-WATER/2004/September/Day-20/w21065.htm>; Split from RIN 2050-AG23. Split from RIN 2050-AG16.**Agency Contact:** Vanessa Rodriguez, Environmental Protection Agency,

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Environmental Protection Agency (EPA)

Completed Actions

Oil Pollution Act (OPA)

2996. OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—AMENDMENTS**Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 112**Completed:**

| Reason | Date | FR Cite |
|--|----------|-------------|
| NODA re Certain Facilities | 09/20/04 | 69 FR 56184 |
| NODA re Oil-Filled and Process Equipment | 09/20/04 | 69 FR 56182 |
| NPRM | 12/12/05 | 70 FR 73543 |
| Final Action | 12/26/06 | 71 FR 77266 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Vanessa Rodriguez

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Environmental Protection Agency (EPA)

Proposed Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

2997. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 9605**CFR Citation:** 40 CFR 300.425**Legal Deadline:** None

Abstract: This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Final 20 | 03/06/98 | 63 FR 11332 |
| NPRM 24 | 03/06/98 | 63 FR 11340 |
| Final 21 | 07/28/98 | 63 FR 40182 |
| NPRM 25 | 07/28/98 | 63 FR 40247 |
| Final Tex-Tin | 09/18/98 | 63 FR 49855 |
| Final 22 | 09/29/98 | 63 FR 51848 |
| NPRM 26 | 09/29/98 | 63 FR 51882 |
| Final 23 | 01/19/99 | 64 FR 2942 |
| NPRM 27 | 01/19/99 | 64 FR 2950 |
| NPRM Midnight Mine | 02/16/99 | 64 FR 7564 |

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM 28 | 04/23/99 | 64 FR 19968 |
| Final 24 | 05/10/99 | 64 FR 24949 |
| NPRM Almeda | 05/10/99 | 64 FR 24990 |
| Final 25 | 07/22/99 | 64 FR 39878 |
| NPRM 29 | 07/22/99 | 64 FR 39886 |
| Final Pools Prairie | 09/17/99 | 64 FR 50459 |
| NPRM 30 | 10/22/99 | 64 FR 56992 |
| Final Action | 10/22/99 | 64 FR 56966 |
| Final 26 | 02/04/00 | 65 FR 5435 |
| NPRM 31 | 02/04/00 | 65 FR 5468 |
| Final 28 | 05/11/00 | 65 FR 30482 |
| NPRM 32 | 05/11/00 | 65 FR 30489 |
| Final 29 | 07/27/00 | 65 FR 46096 |
| NPRM 33 | 07/27/00 | 65 FR 46131 |
| NPRM Alabama/Malone | 08/24/00 | 65 FR 51567 |
| Final 30 | 12/01/00 | 65 FR 75179 |
| NPRM 34 | 12/01/00 | 65 FR 75215 |
| NPRM 35 | 01/11/01 | 66 FR 2380 |
| Final 31 | 06/14/01 | 66 FR 32235 |
| NPRM 36 | 06/14/01 | 66 FR 32287 |
| Final 32 | 09/13/01 | 66 FR 47583 |
| NPRM 37 | 09/13/01 | 66 FR 47612 |
| NPRM Libby/Omaha | 02/26/02 | 67 FR 8836 |
| Final adds 19 sites | 09/05/02 | 67 FR 56757 |
| NPRM 38 | 09/05/02 | 67 FR 56794 |
| Final Action | 10/24/02 | 67 FR 65315 |
| Final Action | 04/30/03 | 68 FR 23077 |
| NPRM 1 | 04/30/03 | 68 FR 23094 |
| Final 35 (adds 12 sites) | 09/29/03 | 68 FR 55875 |
| NPRM 40 | 03/08/04 | 69 FR 10646 |

| Action | Date | FR Cite |
|---------------|----------|-------------|
| Final 36 | 07/23/04 | 69 FR 43755 |
| NPRM Vieques | 08/13/04 | 69 FR 50115 |
| Final 37 | 09/23/04 | 69 FR 56949 |
| NPRM 41 | 09/23/04 | 69 FR 56970 |
| Final Vieques | 02/11/05 | 70 FR 7184 |
| Final 38 | 04/27/05 | 70 FR 21644 |
| NPRM 42 | 04/27/05 | 70 FR 21718 |
| Final 39 | 09/14/05 | 70 FR 54286 |
| NPRM 43 | 09/14/05 | 70 FR 54327 |
| Final 40 | 04/19/06 | 71 FR 20016 |
| NPRM 44 | 04/19/06 | 71 FR 20052 |
| NPRM 45 | 09/27/06 | 71 FR 56433 |
| Final 41 | 05/00/07 | |
| Final 42 | 05/00/07 | |
| NPRM 46 | 05/00/07 | |
| Final 43 | 09/00/07 | |
| NPRM 47 | 09/00/07 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal, Local, State

Additional Information: SAN No. 3439; EPA publication information: NPRM 24-24; EPA Docket information: www.regulations.gov EPA-HQ-SFUND-2006-XXXX

URL For More Information:www.epa.gov/superfund

EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage

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RIN: 2050-AD75

**2998. • CERCLA NOTIFICATION
REQUIREMENTS AND THE
AGRICULTURAL SECTOR**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9603; 42 USC
11004

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: In an effort to reduce future release notification reports to the National Response Center from the animal agricultural industry, the Agency is considering a rulemaking proposing to exempt from CERCLA notification requirements air releases of hazardous substances, ammonia, and hydrogen sulfide from animal waste from all agricultural species. As part of this evaluation, EPA does not anticipate exempting releases of hazardous substances to water from agricultural operations, 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.

Because the EPCRA emergency notification requirements to State and local emergency planning committees

are linked by statute to the CERCLA notification requirements, this rulemaking will also address those EPCRA emergency notification requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/07 | |

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
Local, State

Additional Information: SAN No. 5117;

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RIN: 2050-AG37

Environmental Protection Agency (EPA)

Final Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

**2999. COOPERATIVE AGREEMENTS
AND SUPERFUND STATE
CONTRACTS FOR SUPERFUND
RESPONSE ACTIONS**

Priority: Other Significant

Legal Authority: 42 USC 9604(a) to (j)

CFR Citation: 40 CFR 35 subpart O

Legal Deadline: None

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) to (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 planned revisions to subpart O are expected to make it possible to use the process innovations tested in the pilot projects without having to obtain deviations. The planned revisions are also expected to update cross-references to other regulations that have changed, and eliminate references to obsolete forms and regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 05/00/07 | |

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
Local, State, Tribal

Additional Information: SAN No. 4177;

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RIN: 2050-AE62

Environmental Protection Agency (EPA)

Long-Term Actions

Comprehensive Environmental Response, Compensation and Liability Act

3000. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES**Priority:** Other Significant**Legal Authority:** 42 USC 9602 to 9603**CFR Citation:** 40 CFR 302 (Revision)**Legal Deadline:** None

Abstract: The Agency is considering a proposal for corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F- and K- waste streams and entries in Appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4737;

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RIN: 2050-AF03**3001. NATIONAL CONTINGENCY PLAN REVISIONS TO ALIGN WITH THE NATIONAL RESPONSE PLAN****Priority:** Other Significant**Legal Authority:** 42 USC 9601 et seq**CFR Citation:** 40 CFR 300**Legal Deadline:** None

Abstract: The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response 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. (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; and 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.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4971;

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RIN: 2050-AG22

Environmental Protection Agency (EPA)

Proposed Rule Stage

Clean Water Act (CWA)

3002. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1322; 33 USC 1361**CFR Citation:** 40 CFR 1700**Legal Deadline:** Final, Statutory, May 10, 2001.

Abstract: This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996

the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design, and build environmentally sound vessels; to encourage innovative pollution control technology; and to improve operational flexibility. EPA and DOD jointly

promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as hull coating leachate); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish

EPA—Clean Water Act (CWA)

Proposed Rule Stage

performance standards for control devices for these 25 discharges. The Phase II performance standards will be promulgated in five “batches.” Each batch will address several performance standards. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards and will not be subject to discharge standards established by States.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/07 | |
| Final Action | 01/00/09 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 4357;

URL For More Information:

www.epa.gov/owow/oceans/regulatory/unds/index.html

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RIN: 2040-AD39

3003. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

Priority: Substantive, Nonsignificant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the

Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/07 | |
| Final Action | 12/00/08 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Sectors Affected: 483114 Coastal and Great Lakes Passenger Transportation; 483112 Deep Sea Passenger Transportation

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RIN: 2040-AD89

3004. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR CHLORINE AND CHLORINATED HYDROCARBON MANUFACTURING PROCESS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 1311 et seq

CFR Citation: 40 CFR 414 (Revision); 40 CFR 415 (Revision)

Legal Deadline: None

Abstract: EPA is considering revising the existing effluent guidelines and standards for the manufacture of

chlorinated hydrocarbons and elemental chlorine. We refer to this industrial segment as chlorine and chlorinated hydrocarbons manufacturing, or CCH. Currently, wastewater discharges from chlorinated hydrocarbons manufacturing are subject to the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Point Source Category (40 CFR part 414). The wastewater discharges from chlorine manufacturing through the chlor-alkali manufacturing process are subject to the Inorganic Chemicals Point Source Category (40 CFR part 415). Based on a preliminary study, discharges from vinyl chloride and chlor-alkali manufacturing might contain significant quantities of toxic pollutants, including dioxin, 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/08 | |
| Final Action | 03/00/11 | |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

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

URL For More Information:

www.epa.gov/waterscience/guide/cch/

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EPA—Clean Water Act (CWA)

Proposed Rule Stage

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RIN: 2040-AE82

3005. 2008 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant

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)

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, December 21, 2008, Final 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.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|---------|
| Proposed Plan | 10/00/07 | |
| Final Plan | 12/00/08 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5064;

URL For More Information:

www.epa.gov/guide/plan.html

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RIN: 2040-AE89

3006. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE

Priority: Other Significant

Unfunded Mandates: Undetermined

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 include a variety of issues associated with the July 2002 SPCC final rule.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Notice Clarifying Certain Issues | 05/25/04 | 69 FR 29728 |
| NPRM 1-yr Compliance Extension | 06/17/04 | 69 FR 34014 |
| 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 | 09/00/07 | |

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.

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RIN: 2050-AG16

Environmental Protection Agency (EPA)

Final Rule Stage

Clean Water Act (CWA)

3007. NPDES PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM PUBLICLY OWNED TREATMENT WORKS 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

EPA—Clean Water Act (CWA)

Final Rule Stage

finalize the policy as proposed in November 2003. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

Timetable:

| Action | Date | FR Cite |
|------------------|----------|-------------|
| 1st Draft Policy | 11/07/03 | 68 FR 63042 |
| 2nd Draft Policy | 12/22/05 | 70 FR 76013 |
| Final Policy | 04/00/07 | |

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

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RIN: 2040-AD87

3008. CONCENTRATED ANIMAL FEEDING OPERATION RULE

Priority: Other Significant

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

CFR Citation: 40 CFR 122; 40 CFR 412

Legal Deadline: None

Abstract: This rulemaking is in response to the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance v. 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 onsite. This proposed 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 are designed, constructed, maintained, or operated such that a discharge will occur. The proposed 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/30/06 | 71 FR 37744 |
| Final Action | 06/00/07 | |

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

3009. 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/07/06 | 71 FR 32887 |
| Final Action | 12/00/07 | |

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

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RIN: 2040-AE86

3010. 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

EPA—Clean Water Act (CWA)

Final Rule Stage

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 related to adoption and revision of standards, monitoring, waterbody assessment, TMDL development, and NPDES permitting. Also, EPA published a national advisory for fish consumption due to mercury in March 2003; the implementation guidance will clarify

the relationship between this advisory and the recommended criterion. Since atmospheric deposition is considered to be a major source of mercury for many waterbodies, implementing this criterion involves coordination across many media and program areas.

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

Environmental Protection Agency (EPA)
Clean Water Act (CWA)

Long-Term Actions

3011. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; SUBPART J PRODUCT SCHEDULE LISTING REQUIREMENTS

Priority: Other Significant

Legal Authority: 33 USC 1321(d)(2); CWA 311(d)(2)

CFR Citation: 40 CFR 300

Legal Deadline: None

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.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4526;

Sectors Affected: 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

URL For More Information:

www.epa.gov/oilspill

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RIN: 2050-AE87

3012. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY, DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES (PHASE III)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361

CFR Citation: 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48

Legal Deadline: None

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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/17/93 | 58 FR 66078 |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4370;

Sectors Affected: 3221 Pulp, Paper, and Paperboard Mills

URL For More Information:

EPA—Clean Water Act (CWA)

Long-Term Actions

<http://www.epa.gov/waterscience/pulppaper/reg.html>

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RIN: 2040-AD49

3013. TEST PROCEDURES: PERFORMANCE-BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

Priority: Substantive, Nonsignificant
Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: None

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

Timetable:

| Action | Date | FR Cite |
|-------------------|-------------------|---------------------------|
| NPRM Final Action | 03/28/97 To Be | 62 FR 14975 Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 3713; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-WATER/1997/March/Day-28/w7221.htm>;

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RIN: 2040-AC93

3014. TEST PROCEDURES FOR THE ANALYSIS OF CO-PLANAR AND MONO-ORTHO-SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 136

Legal Deadline: None

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

Timetable:

| Action | Date | FR Cite |
|-------------------|----------------|--------------------------|
| NPRM Final Action | To Be To Be | Determined Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4049;

URL For More Information:

<http://www.epa.gov/waterscience/methods>

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RIN: 2040-AD09

3015. NPDES APPLICATIONS REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311 "CWA 301"; 33 USC 1312 "CWA 302"; 33 USC 1314 "CWA 304"; 33 USC 1316 "CWA 306"; 33 USC 1318 "CWA 308"; 33 USC 1342 "CWA 402"; 33 USC 1361 "CWA 501"

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Legal Deadline: None

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

Timetable:

| Action | Date | FR Cite |
|-------------------|----------------------|---------|
| NPRM Final Action | 04/00/08 04/00/09 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

EPA—Clean Water Act (CWA)

Long-Term Actions

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RIN: 2040-AC84

3016. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1311“CWA 301”; 33 USC 1314“CWA 304”; 33 USC 1318“CWA 308”; 33 USC 1342“CWA 402”; 33 USC 1361“CWA 501(a)”

CFR Citation: 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

Legal Deadline: None

Abstract: EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The 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, and operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

Timetable:

| Action | Date | FR Cite |
|--------------|------------------|---------|
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3999; 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.”

Sectors Affected: 22132 Sewage Treatment Facilities

URL For More Information: www.epa.gov/npdes

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RIN: 2040-AD02

3017. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES

Priority: Info./Admin./Other

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

CFR Citation: 40 CFR 401; 40 CFR 419

Legal Deadline: None

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 (60 FR 33926, June 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 that 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.

Timetable:

| Action | Date | FR Cite |
|--------------|------------------|---------|
| NPRM | To Be Determined | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4822;

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RIN: 2040-AE61

3018. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In EPA’s 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface

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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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/08 | |
| Final Action | 12/00/09 | |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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

URL For More Information:

www.epa.gov/waterscience/guide/airport

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RIN: 2040-AE69

3019. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR DRINKING WATER SUPPLY AND TREATMENT

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/00/08 | |
| Final Action | 12/00/09 | |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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

URL For More Information:

<http://www.epa.gov/waterscience/guide/dw/index.htm>

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RIN: 2040-AE74

3020. NEW/REVISED AMBIENT WATER QUALITY CRITERIA (AWQC) FOR RECREATIONAL WATERS

Priority: Substantive, Nonsignificant

Legal Authority: CWA 304(a)(9)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, October 5, 2005.

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.

Timetable:

| Action | Date | FR Cite |
|----------------|------------------|---------|
| Draft Guidance | To Be Determined | |
| Final Guidance | To Be Determined | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 4967;

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RIN: 2040-AE77

3021. AVAILABILITY OF AND PROCEDURES FOR REMOVAL CREDITS

Priority: Other Significant

Legal Authority: 33 USC 1251 "CWA 101"; 33 USC 1288 "CWA 208"; 33 USC 1311 "CWA 301"; 33 USC 1314 "CWA 304"; 33 USC 1317 "CWA 307"; 33 USC 1318 "CWA 308"; 33 USC 1319 "CWA 309"; 33 USC 1342 "CWA 402"; 33 USC 1345 "CWA 405"; 33 USC 1361 "CWA 501"

CFR Citation: 40 CFR 403

Legal Deadline: None

Abstract: This action is an update to the removal credits regulation found at 40 CFR 403.7. Specifically, EPA will propose to amend the list of pollutants eligible for removal credits in 40 CFR 403.7, Appendix G, Table II, to add 16 pollutants that EPA has determined would not need to be regulated under the sewage sludge regulations. These 16 pollutants have gone through the same assessment as the pollutants currently identified as eligible for removal credits in Table II; the assessment included public notice and comment in conjunction with a related Office of Water action.

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Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 10/14/05 | 70 FR 60199 |
| NPRM | 01/00/10 | |
| Final Action | 01/00/11 | |

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

Additional Information: SAN No. 3663.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2005/October/Day-14/w20000.htm>; Split from RIN 2040-AC58.

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RIN: 2040-AE88

3022. • EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined
Legal Authority: CWA 301; CWA 304; CWA 306; CWA 501**CFR Citation:** Not Yet Determined**Legal Deadline:** NPRM, Judicial, December 1, 2008.

Final, Judicial, December 1, 2009.

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.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 5119;

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RIN: 2040-AE91

Environmental Protection Agency (EPA)
Clean Water Act (CWA)

Completed Actions

3023. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136**Completed:**

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/07/07 | |

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

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RIN: 2040-AC75

3024. TEST PROCEDURES: INCREASED METHOD FLEXIBILITY FOR TEST PROCEDURES APPROVED FOR CLEAN WATER ACT COMPLIANCE MONITORING**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136**Completed:**

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/19/07 | |

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

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RIN: 2040-AC92

3025. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 122; 40 CFR 136; 40 CFR 141**Completed:**

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 03/12/07 | 72 FR 11199 |

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

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EPA—Clean Water Act (CWA)

Completed Actions

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RIN: 2040-AD71

3026. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI, ENTEROCOCCI, FECAL COLIFORMS, AND SALMONELLA UNDER THE CLEAN WATER ACT**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR sec 136 and 503**Completed:**

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 03/26/07 | 72 FR 14219 |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robin Oshiro

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RIN: 2040-AE68

3027. 2006 EFFLUENT GUIDELINES PROGRAM PLAN**Priority:** Substantive, Nonsignificant**CFR Citation:** None**Completed:**

| Reason | Date | FR Cite |
|------------|----------|-------------|
| NPRM | 08/29/05 | 70 FR 51042 |
| Final Plan | 12/21/06 | 71 FR 76644 |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Carey Johnston

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RIN: 2040-AE76

3028. RULEMAKING ON DIRECT APPLICATION OF PESTICIDES TO WATERS OF THE UNITED STATES IN COMPLIANCE WITH FIFRA**Priority:** Other Significant**CFR Citation:** 40 CFR 122.3**Completed:**

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 02/01/05 | 70 FR 5093 |
| Final Action | 11/27/06 | 71 FR 68483 |

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

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RIN: 2040-AE79

Environmental Protection Agency (EPA)

Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3029. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE SECOND DRINKING WATER CONTAMINANT CANDIDATE LIST**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 300g-1(b)**CFR Citation:** None**Legal Deadline:** Final, Statutory, August 6, 2006, SDWA requires regulatory determinations every 5 years. Last round was made in August 2003.**Abstract:** The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every 5 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.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Preliminary Notice | 04/00/07 | |
| Final Notice | 04/00/08 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4821;**URL For More Information:**www.epa.gov/safewater/ccl/index.html**Agency Contact:** Wynne Miller, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
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RIN: 2040-AE60

EPA—Safe Drinking Water Act (SDWA)

Proposed Rule Stage

3030. DRINKING WATER REGULATIONS FOR AIRCRAFT PUBLIC WATER SYSTEM

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

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: The action is to tailor drinking water rule requirements to the unique characteristics of aircraft to ensure that the water passengers drink while on an airplane is safe. This action is necessary because aircraft public water systems are very different from traditional public water systems. Aircraft fly to multiple destinations throughout the course of any given day and may board water from different sources along the way. Depending on the quality of the water that is boarded

from these multiple sources and the care used to board the water, contamination could be introduced. This increases the vulnerability of the aircraft's water system to contamination when compared to a typical public water system. In the United States water loaded aboard passenger aircraft comes from public water systems. The water provided by public water systems that are regulated by State and Federal authorities is among the safest in the world; however, a significant percentage of passenger aircraft travel includes international destinations. These aircraft may board water from foreign sources which are not subject to EPA drinking water standards. Therefore, this action also will address the boarding of foreign water by U.S. aircraft.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/07 | |
| Final Action | 01/00/09 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: SAN No. 4966;

URL For More Information:

<http://www.epa.gov/safewater/airlinewater/index2.html>

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RIN: 2040-AE84

Environmental Protection Agency (EPA)

Final Rule Stage

Safe Drinking Water Act (SDWA)

3031. DRINKING WATER CONTAMINANT CANDIDATE LIST 3

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: Final, Statutory, February 24, 2010, SDWA requires EPA to publish a list of candidate contaminants every 5 years. CCL2 published 02/24/2005.

Abstract: The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every 5 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, as applicable, use the NRC approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs. If we identify additional contaminants early in the evaluation process, we may consider those contaminants in the regulatory determinations for 2007.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Preliminary Final Rule | 02/00/08 | |
| Final Action | 08/00/09 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4745;

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RIN: 2040-AD99

3032. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR LEAD AND COPPER: SHORT-TERM REGULATORY REVISIONS AND CLARIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: SDWA; 42 USC sec 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

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,

EPA—Safe Drinking Water Act (SDWA)

Final Rule Stage

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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/18/06 | 71 FR 40828 |
| Final Action | 09/00/07 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 4981; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/July/Day-18/w6250.htm>;

URL For More Information:

<http://www.epa.gov/safewater/lcmr/implement.html>

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RIN: 2040-AE83

Environmental Protection Agency (EPA)

Long-Term Actions

Safe Drinking Water Act (SDWA)

3033. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 42 USC 300f, et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

Abstract: In 1999, EPA proposed regulations for radon that provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| ANPRM | 09/30/86 | 51 FR 34836 |
| NPRM Original Notice99 | 07/18/91 | 56 FR 33050 |
| NPRM | 02/26/99 | 64 FR 9560 |
| Final Action | 11/02/99 | 64 FR 59246 |
| | 05/00/09 | |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

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

Sectors Affected: 22131 Water Supply and Irrigation Systems

URL For More Information:

<http://www.epa.gov/ogwdw/radon.html>

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RIN: 2040-AA94

3034. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

Timetable:

| Action | Date | FR Cite |
|--------------|------------------|---------|
| NPRM | To Be Determined | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3238;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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EPA—Safe Drinking Water Act (SDWA)

Long-Term Actions

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RIN: 2040-AC13

3035. NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWR): METHYL TERTIARY BUTYL ETHER (MTBE) AND TECHNICAL CORRECTIONS TO THE NSDWR

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 143 (Revision)

Legal Deadline: None

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

Timetable:

| Action | Date | FR Cite |
|--------------|------------------|---------|
| NPRM | To Be Determined | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4404;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040-AD54

3036. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND ADDITIONAL DISTRIBUTION SYSTEM REQUIREMENTS

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

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA is revising the Total Coliform Rule (TCR), which was published in 1989. On July 18, 2003, EPA published a Federal Register (68 FR 42907) Notice of Intent to revise the TCR. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, "initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks. "The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends to strengthen the TCR by adding distribution system requirements. 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/10 | |
| Final Action | 12/00/12 | |

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4775;

URL For More Information:

www.epa.gov/safewater/tcr/tcr.html

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RIN: 2040-AD94

3037. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS

Priority: Info./Admin./Other

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

CFR Citation: 40 CFR 147 (Revision)

Legal Deadline: None

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

EPA—Safe Drinking Water Act (SDWA)

Long-Term Actions

Timetable:

| Action | Date | FR Cite |
|-------------------|------------------|---------|
| Direct Final Rule | To Be Determined | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4236;

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RIN: 2040-AD40**3038. SECOND 6-YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 300f et seq**CFR Citation:** 40 CFR 141; 40 CFR 142**Legal Deadline:** Final, Statutory, August 6, 2008, Complete review for

contaminants with NPDWRs promulgated prior to August 2002.

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to review and revise, if appropriate, all National Primary Drinking Water Regulations (NPDWRs) no less frequently than once every 6 years. According to SDWA, any revisions of drinking water regulations must maintain, or increase, the level of public health protection provided; however, EPA may identify regulatory changes that will streamline or reduce existing requirements without lessening the level of public health protection. As part of this action, the Office of Water (OW) will implement the existing protocol for conducting each 6-year review (developed under the first 6-year review cycle) to review critical elements for regulated chemical contaminants (e.g., health risks, occurrence, analytical methods, treatment technologies). No new requirements will be imposed by this action. The purpose of the review is to determine whether new data, technology, or other factors exist that justify revisions to existing NPDWRs. The outcome of the review will be a Federal Register notice making available the results of the Agency's review and recommendations for any regulations the Agency may consider revising.

Because this action does not change or add to existing requirements, OW will

not be performing a formal economic analysis or consulting with small businesses, governments, or tribal officials. OW does not plan to generate new data as part of this action; the review will be based on recent compliance data from public water systems and existing data on health effects (such as completed IRIS and OPPTS health risk assessments) and analytical methods.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Preliminary Notice | 03/00/09 | |
| Final Notice | 07/00/10 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** SAN No. 5066;

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RIN: 2040-AE90

Environmental Protection Agency (EPA)

Completed Actions

Safe Drinking Water Act (SDWA)

3039. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 141.40**Completed:**

| Reason | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 08/22/05 | 70 FR 4903 |
| Final Action | 01/04/07 | 72 FR 368 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Dave Munch

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RIN: 2040-AD93

Environmental Protection Agency (EPA)
Shore Protection Act (SPA)
Long-Term Actions
**3040. SHORE PROTECTION ACT,
SECTION 4103(B) REGULATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2601 "Shore Protection Act of 1988"; PL 100-688 "4103(b)"

CFR Citation: 40 CFR 237

Legal Deadline: None

Abstract: This rule 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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/30/94 | 59 FR 44798 |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local

Additional Information: SAN No. 2820;

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RIN: 2040-AB85

[FR Doc. 07-01422 Filed 04-27-07; 8:45 am]

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INDEXES



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. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

There currently are no Section 610 reviews underway.

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 Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

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3170 Lead-Based Paint Activities; 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 Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

Businesses

- 2710 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements
- 2711 Public Information and Confidentiality Regulations
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- 2714 Protection of Stratospheric Ozone: Restricting Access to Pre-2005 Stocks of Methyl Bromide
- 2715 Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder
- 2719 National VOC emission Standards for Consumer Products and Architectural and Industrial Maintenance Coating Amendments
- 2720 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide
- 2725 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder
- 2726 NESHAP: Area source Standards—Glass Manufacturing Industry and Clay Ceramics Industry
- 2728 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries
- 2729 NESHAP: Area Source Standards—Plating and Polishing
- 2730 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers
- 2733 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing—Area Source
- 2738 Implementing Periodic Monitoring in Federal and State Operating Permit Programs
- 2741 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations—Area Sources
- 2766 Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines
- 2768 NESHAP: Portland Cement Notice of Reconsideration
- 2780 Review of New Sources and Modifications in Indian Country
- 2782 NSPS: SOCM1—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60
- 2784 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards
- 2787 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO₂) Area
- 2797 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization
- 2802 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act
- 2811 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or Before December 9, 2004
- 2812 NESHAP: Area Source Standards—Reciprocating Internal Combustion Engines
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- 2850 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration of the Particulate Matter Standard)
- 2851 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)
- 2867 NESHAP—Area Source Standards—Nine Metal Fabrication and Finishing Source Categories (12 SIC's, 25 NAICS Codes)
- 2869 Review of New Source Performance Standards—Portland Cement
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- 2873 NESHAP: Group II Polymers and Resins—Residual Risk Standards
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- 2907 Pesticides; Agricultural Worker Protection Standard Revisions
- 2908 Pesticides: Data Requirements for Plant-Incorporated Protectants (PIPs)
- 2910 Pesticides; Agricultural Container Recycling Program
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2930 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban
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2945 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
2947 Polychlorinated Biphenyls (PCBs): Disposal of PCBs; Implementation Issues
2948 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances
2949 Future Testing for Existing Chemicals (Overview Entry)
2951 Test Rule; Hazardous Air Pollutants (HAPs)
2952 Test Rule; Certain Metals
2953 Testing Agreement for Certain Oxygenated Fuel Additives
2954 Test Rule; Multiple Substance Rule for the Testing of Development and Reproductive Toxicity
2955 Follow-Up Rules on Existing Chemicals
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2957 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)
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2960 Testing Agreement for Aryl Phosphates (ITC List 2)
2961 Test Rule; Brominated Flame Retardants (BFRs)
2965 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-Like Compounds Category Under EPCRA, Section 313
2966 Clarify TRI Reporting Obligations Under EPCRA Section 323 for the Metal Mining Activities of Extraction and Beneficiation
2967 TRI; Response to Petition To Delete Chromium, antimony, and Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory
2968 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release inventory List of Toxic Chemicals
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2730 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers
2926 Lead-Based Paint; Amendments to Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
2945 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
2947 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues
2957 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)
2992 Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling
3034 National Primary Drinking Water Regulations: Aldicarb

D. INDEX TO ENTRIES THAT MAY AFFECT GOVERNMENT LEVELS

Executive Order 12866 entitled “Regulatory Planning and Review,” signed September 30, 1993 (58 FR51735) 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 Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

State

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2709 Project XL Site Specific rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I-II)
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2752 Transition to New or Revised Particulate Matter (PM) NAAQS
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2788 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule
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2804 Standards of Performance for Stationary spark Ignited Internal Combustion Engines
2808 Revisions to Air emissions Reporting Requirements
2811 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2817 Prevention of Significant Deterioration, Nonattainment New Source Review and Title V: Treatment of Corn Milling Facilities Under the “Major Emitting Facility: Definition
2820 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)
2822 Final rule for Implementation of the New Source Review (NSR) Program for PM2.5
2827 Clean Air Mercury Rule; Federal Plan
2828 Phase 2 of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard-Notice of Reconsideration
2831 Ambient Air Monitoring Regulations: Correcting and Other Amendments
2835 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides, subparts H and I
2845 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas
2850 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration of the Particulate Matter Standard)
2851 National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)
2854 Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and rulemaking for Purposes of Reducing Interstate Ozone Transport (“NOx SIP

Call")
2856 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (PMRR); Maintenance and Repair Amendments
2858 NESHAP: Taconite Iron Ore Processing; Amendments
2859 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification
2862 Rule Interpreting the Scope of Title V Operating Permit Modifications Where EPA Has Approved Alternative Monitoring and Testing Provisions
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2881 Nonattainment Major New Source Review (NSR)
2886 Treatment of Data Influenced by Exceptional Events
2890 Interpretive Rulemaking To Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs
2891 Final Extension of the Deferred Effective Date of Non-Attainment Designations for 8-Hour Ozone NAAQS for Early Action Compact Areas
2895 Notice of Status of Submission of Clean Air Mercury Rule (CAMR) State Plans for New and Existing Stationary Sources: Electric Utility Steam Generating Units
2897 Implementation of the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) Phase II Correction Notice
2906 Pesticides; Competency Standards for Occupational Users
2908 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)
2912 Pesticides; Data Requirements for Biochemical and Microbial Products
2915 Groundwater and Pesticide Management Plan Rule
2922 Nanoscale Materials Under TSCA
2925 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture
2926 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
2944 Asbestos Model Accreditation Plan Revisions
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3025 Test Procedures: New and Updated Test Procedures for the Analysis of Pollutants Under the Clean Water Act and Safe Drinking Water Act
3028 Rulemaking on Direct Application of Pesticides to Waters of the United States in Compliance with FIFRA
3030 Drinking Water Regulations for Aircraft Public Water System
3022 National Primary Drinking Water Regulations: Radon
3034 National Primary Drinking Water Regulations: Aldicarb
3036 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements
3037 Underground Injection Control: Update of State Programs
3039 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions
3040 Shore Protection Act, Section 4103(b) Regulations

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 Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

3002 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II
3033 National Primary Drinking Water Regulations: Radon