



December 2009 Action Initiation List (as of 12/16/2009)

U.S. Environmental Protection Agency (EPA)

The following actions were initiated by EPA this month. Explanations of which EPA actions are included on this list and of each element of the table can be found at the end of this document.

The two most recent Action Initiation Lists (AILs) can always be found at: <http://www.epa.gov/lawsregs/search/ail.html>. But, they will not provide updates on the actions listed herein. Updates on the progress of these actions will be made available in EPA's upcoming *Semiannual Regulatory Agenda*, which is accessible from these Web sites:

- EPA's Laws, Regulations, Guidance and Dockets (<http://www.epa.gov/lawsregs/search/regagenda.html>)
- RegInfo.gov (<http://www.reginfo.gov/public/do/eAgendaMain>)
- Regulations.gov (<http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda&agency=EPA&pubperiod=200710>)

To assist you in tracking actions' progress, the RINs in the table below are also displayed in the *Semiannual Regulatory Agenda*.

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2040-AF14	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	NPRM	Ronald Jordan 202-566-1003 Jordan.Ronald@epa.gov	EPA establishes national technology-based regulations, called effluent guidelines, to reduce discharges of pollutants from industries to waters of the U.S. and publicly owned treatment works. These requirements are incorporated into National Pollutant Discharge Elimination System (NPDES) discharge permits issued by EPA and states. The steam electric effluent guidelines apply to steam electric power plants using nuclear or fossil fuels, such as coal, oil and natural gas. There are about 1,200 nuclear- and fossil-fueled steam electric power plants nationwide; approximately 500 of these power plants are coal-fired. In a study completed in 2009, EPA found that the current regulations, which were last updated in 1982, do not adequately address the pollutants being discharged and have not kept pace with changes that have occurred in the electric power industry over the last three decades. The rulemaking will address discharges from ash ponds and flue gas desulfurization (FGD) air pollution controls, as well as other power plant waste streams. Power plant discharges can have major impacts on water quality, including reduced organism abundance and species diversity, contamination of drinking water sources, and other effects. Pollutants of concern include metals (e.g., mercury, arsenic and selenium), nutrients, and total dissolved solids.	More than 12 months
2040-AF15	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions – Proposed Rule	NPRM	Jeffrey Kempic 202-564-4880 Kempic.Jeffrey@epa.gov	EPA promulgated a set of short-term regulatory revisions and clarifications on October 10, 2007, to strengthen implementation of the existing Lead and Copper Rule. In developing the short-term revisions, EPA identified several regulatory changes to be considered as part of identifying more comprehensive changes to the rule. These considerations are longer-term in nature as they require additional data collection, research, analysis, and stakeholder involvement to support decisions. This action addresses the remaining regulatory revisions to be completed in the 2013 timeframe. Regulatory changes to be addressed may include changes to flushing guidance and sample collection following a partial lead service line replacement; lead service line replacement programs; potential changes to the sample site selection criteria for lead and copper sites; guidance on new corrosion control treatments; tap sampling issues including pre-stagnation flushing, aerator removal, and maximum stagnation times; and consecutive water systems.	More than 12 months

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2040-AF16	Water Quality Standards Regulatory Clarifications	Direct Final	Grace Robiou 202-566-2975 Robiou.Grace@epa.gov	EPA is proposing a few targeted clarifications to the water quality standards regulation to improve its effectiveness in helping restore and maintain the Nation's waters. The new regulatory interpretations in the rulemaking are urgently needed to help reduce the rate of new water quality impairments and increase the rate of water quality improvements. The clarifications will also help streamline operations and improve public participation in standards processes. Investing in these regulatory revisions now will produce benefits almost immediately, but will also better position Clean Water Act programs to address environmental issues in the future such as climate change. The core requirements of the current regulation have been in place since 1983. These requirements have served well to provide the foundation for all water quality-based controls that have been put in place since then, including effective TMDL and NPDES permit programs. EPA does not believe it is necessary to overhaul the current regulation or associated guidance and policy. Rather, the intent of the proposal is to provide clarity and regulatory tools to address the issues described above.	12 months or less
2050-AG59	SPCC Compliance Date Extension	NPRM	Vanessa Principe 202 564-7913 principe.vanessa@epa.gov	On November 13, 2009, EPA amended the Spill Prevention Control, and Countermeasures (SPCC) rule. The amendments completed the SPCC action proposed on October 15, 2007 (72 FR 58378), finalized on December 5, 2008 (73 FR 74236), and for which the Agency considered public comments again in February 2009 (74 FR 5900, February 3, 2009). However, EPA recognizes that because of the changes in this action, and specifically provisions that have been removed from the December 2008 Amendments, facilities may need additional time to comply with the SPCC amendments. Because of the uncertainty surrounding the final amendments to the December 5, 2008 rule and the delay of the effective date, the Agency will propose to extend the compliance date.	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2060-AQ09	Revisions to Motor Vehicle Fuel Economy Label	NPRM	Lucie Audette 734-214-4850 Audette.Lucie@epa.gov	EPA is responsible for developing the fuel economy labels that are posted on window stickers of all new light duty cars and trucks sold in the U.S. and, beginning with the 2011 model year, on all new medium-duty passenger vehicles (a category that includes large sport-utility vehicles and passenger vans). In 2006 EPA updated how the city and highway fuel economy values are calculated, to better reflect typical real-world driving patterns and provide more realistic fuel economy estimates. Since then, increasing market penetration of advanced technology vehicles, in particular plug-in hybrid electric vehicles and electric vehicles, will require new metrics to effectively convey information to consumers. This action will amend the way in which fuel economy estimates are calculated and/or displayed. The changes in this action will not impact the Corporate Average Fuel Economy requirements.	12 months or less
2060-AQ10	Review of New Source Performance Standards for Nitric Acid Plants - Subpart G	NPRM	Bill Neuffer 919-541-5435 Neuffer.Bill@epamail.epa.gov	Section 111(b)(1)(B) of the Clean Air act mandates that EPA review and if appropriate revise existing New Source Performance Standards (NSPS) at least every 8 years. This NSPS was initially promulgated in 1971. This NSPS was reviewed in 1979 and 1984. On October 2009, EPA entered into a consent decree with several environmental groups. The decree requires proposed revisions to be made by November 2010 and final revisions to be made by November 2011.	12 months or less
2060-AQ11	Risk and Technology Review for Ferroalloys Production	NPRM	Conrad Chin 919-541-1512 Chin.Conrad@epa.gov	Under the "technology review" provision of Clean Air Act (CAA) section 112, EPA is required to review maximum achievable control technology (MACT) standards and to revise them "as necessary (taking into account developments in practices, processes and control technologies)" no less frequently than every 8 years. Under the "residual risk" provision of the CAA section 112, EPA must evaluate the MACT standards within 8 years after promulgation and promulgate standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. EPA has combined the two review activities into the "risk and technology" (RTR) reviews for the Ferroalloys Production source category. This source category was originally part of the Group 3 previously listed in SAN 5196 (RIN 2060-AO97).	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2070-AJ65	General Exemptions from Reporting Requirements for Microorganisms; Revisions of Recipient Organisms Eligible for Tier I and Tier II Exemptions	NPRM	Miriam Wigginslewis 202-564-9373 Wigginslewis.Miriam@epa.gov	<p>In 1997, EPA promulgated a final rule under section 5 of the Toxic Substance Control Act (TSCA) to establish the notification procedures for review of certain new microorganisms before they are introduced into commerce. "New" microorganisms are those formed by deliberate combinations of genetic material from organisms classified in different taxonomic genera. This review process is designed to prevent unreasonable risk of injury to human health and the environment without imposing unnecessary regulatory burdens on the biotechnology industry. The rule also established TSCA section 5(h)(4) exemptions from full reporting when 10 specific microorganisms are used as the recipient microorganisms for the introduced genetic material and placed requirements on these recipient microorganism, the introduced genetic material, and the physical containment (40 CFR 725, Subpart G). The rule also established a mechanism (40 CFR 725.67) for the public to petition the Agency to propose additional recipient microorganisms for such exemptions. These regulations describe the appropriate supporting information that must be submitted with the petition to provide EPA with a starting point for determining whether the recipient should be listed as a candidate for the tiered exemption. EPA has received petitions to add two additional microorganisms to the eligible recipient microorganisms listed in 40 CFR 725.420 (<i>Trichoderma reesei</i> and <i>Bacillus amyloliquefaciens</i>). EPA is evaluating the information provided in these petitions. If, as result of this evaluation, EPA makes a preliminary determination that one or both of the two microorganisms will not present an unreasonable risk of injury to health or the environment, then EPA will propose a rule to grant the exemption petition for that microorganism(s).</p>	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2070-AJ66	Testing of Certain High Production Volume Chemicals and Existing Chemicals Significant New Use Rule: Fourth Group of Chemicals	NPRM	Paul Campanella 202-564-8091 Campanella.Paul@epa.gov	This entry covers the fourth group of chemicals for which EPA is developing a test rule under section 4(a) of the Toxic Substance Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis. EPA is also developing a significant new use rule (SNUR) under section 5(a)(2) of TSCA for the fourth group of chemicals. The fourth group of chemicals includes 36 chemicals which were sponsored under the HPV Challenge Program but for which no data has been received. Sixteen (16) chemicals, according to the 2006 IUR, were produced at 1 million pounds or more per year, but there is no reported HPV data for them and the amount of exposure to them is unclear. The data generally collected with the test rule, based on specific data needs for the particular chemical, may include acute toxicity, repeat dose toxicity, mutagenicity, ecotoxicity, and environmental fate. The SNUR would require persons who intend to manufacture, import, or process these chemical substances for an activity that is designated as a significant new use by this proposed rule to notify EPA at least 90 days before commencing that activity. This required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those uses or activities.	More than 12 months
2070-AJ67	Significant New Use Rule for Nanoscale Materials	NPRM	Jim Alwood 202-564-8974 Alwood.Jim@epa.gov	EPA is developing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for nanoscale materials. This action would require persons who intend to manufacture, import, or process this/these chemical substance(s) for an activity that is designated as a significant new use by this proposed rule to notify EPA at least 90 days before commencing that activity. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs to prevent unreasonable risk to human health or the environment.	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2070-AJ68	TSCA Inventory; Clarification for Chemical Identification Describing Statutory Mixtures, Including Ceramic Materials, Cements, and Frits for TSCA Inventory Purposes	NPRM	David Schutz 202-564-9262 Schutz.David@epa.gov	EPA is clarifying the guidance on chemical identification of certain statutory mixtures for purposes of the TSCA Chemical Substance Act Inventory (TSCA Inventory). For the initial reporting period that established the TSCA Inventory, EPA developed broad listing criteria ("category listings") for the complex reaction products known as statutory mixtures. These include ceramics, cements and frits. Since that time, there has been inconsistent guidance for manufacturers of such substances with regard to whether new chemical notification under Section 5 of TSCA was required for such new substances. Under this action, EPA will clarify which chemical substances comprise complex reaction products that fall under the "category listings" and which chemical substances (not currently on the TSCA Inventory) would be considered to be "new" chemical substances under TSCA and thus be subject to new chemical notification under TSCA Section 5.	12 months or less

What EPA Actions Appear on the AILs?

Generally, AILs include those actions that 1) will appear in upcoming *Semiannual Regulatory Agenda* and 2) have been approved for commencement by EPA's Regulatory Policy Officer. In rare instances, an action will not appear on an AIL before it appears in the *Agenda*. Also, keep in mind that AILs will not post immediately. You can access a given month's list roughly 15 days after the close of the month (e.g., the April 2008 AIL will post sometime around May 15th).

What Does Each Column in the AIL Mean?

RIN

RIN stands for "Regulation Identifier Number." A RIN is assigned by the [Regulatory Information Service Center](#), a component of the U.S. General Services Administration, to identify each regulatory action listed in our *Semiannual Regulatory Agenda* and *Annual Regulatory Plans*. Also, RINs are included in the headings of our rules when they are published in the Federal Register to make it easier for you to track our actions. An example of an EPA RIN is 2050-AG37. It is composed of two parts. The first part (i.e., 2050) identifies which office within EPA is in charge of the action. In this case, it is the Office of Solid Waste and Emergency Response. The second part (e.g., AG37) is an alpha-numeric code automatically generated as rules are assigned a RIN.

Title

Self-explanatory.

Stage

The stage of an action describes where we are in the rule writing process, from the very beginning when a rule (or other action) is just an idea to the end when it is published as a final rule (or other action) in the Federal Register. For example, the Notice of Proposed Rulemaking (NPRM) stage announces a proposed rule or proposed modification to an existing rule. In the AILs, the following acronyms are used:

- ANPRM - Advance Notice of Proposed Rulemaking
- Direct Final - Direct Final Action
- NPRM - Notice of Proposed Rulemaking
- Supplemental - Supplemental NPRM

Contact

Self-explanatory.

Abstract

A brief summary of the action and its purpose.

Projected Publication Date

Since many variables affect how long it takes to write a rule or other action, it is impossible to predict a firm publication date when we have just started working on an action. Therefore, we insert one of two options in the "Projected Publication Date" column: 1) "12 months or less" and 2) "more than 12 months." These options give you some idea of how quickly we expect to complete an action. You may consult our *Semiannual Regulatory Agenda* every six months for updates to our estimates.